



IPA 2010 program Europske unije za Hrvatsku / The European Union's IPA 2010 Programme for Croatia

**Poboljšanje sustava ovrhe
u Republici Hrvatskoj**

**Improvement of the Enforcement system
in the Republic of Croatia**



Improvement of the Enforcement system in the Republic of Croatia
 Contract Number: 2010-01-23-010101
 Twinning Number: HR/10/IB/JH/04



THE EUROPEAN UNION's 2010 PROGRAMME
 Twinning Ref. Number HR/10/IB/JH/04
 Consortium: Spanish Ministry of Justice/Hungarian Ministry of Justice /Croatian Ministry of Justice/FIIAPP

MISSION REPORT

Activity 1.2.2

Strengthening institutional and administrative capacities of stakeholder institutions in regard to the monitoring of the enforcement system

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1. -EXECUTIVE SUMMARY

DEBRIEFING REPORT - EXECUTIVE SUMMARY	
Experts	Ms María Nieves Uranga Mutuberría Mr Ignacio Pando Echevarría
Mission	Activity 1.2.2. <i>“Preparing training programme and training materials which will be distributed during trainings conducted under activity 1.2.3”</i>
Dates	September 21-25
Place	Zagreb
Objectives	<p>In the framework of this project “Improvement of the Enforcement system in the Republic of Croatia”, component 1 is devoted to strength institutional and administrative capacities of stakeholder institutions in regard to the enforcement monitoring system. The main objective of this mission is to prepare training programme and training materials which will be distributed in trainings to be conducted under activity 1.2.3.</p> <p>As specific objectives this activity pursues:</p> <ol style="list-style-type: none"> 1. To organize the groups that will participate in each in-service training. 2. To define the specific topics that the trainings will deal with. 3. To prepare training materials for them.
Methodology	<p>The Group of experts has performed these steps:</p> <ul style="list-style-type: none"> • Studying the “Enforcement Act”, “Courts Act ” and “Act on the State Judiciary Council” • Meeting with Croatian experts to define distribution of



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	<p>participants, deciding about the topics and distributing them among experts.</p> <ul style="list-style-type: none"> • Development of the materials. • Coordination meeting with the Croatian experts for final draft of the materials.
Outcomes	<p>The MG has accomplished all of the results required by the TOR:</p> <ul style="list-style-type: none"> • To develop the training programme for a course on monitoring the enforcement system. • To prepare the training materials to implement the training programme.
Conclusions	<p>Cooperation with the Croatian experts has been fruitful, and their participation in the training activity will strength the quality and sustainability of the next activities.</p> <p>The designed activity aims to sustainability, since the results of the training activity should be useful to solve common problems relating to enforcement monitoring.</p>
Recommendations	<ul style="list-style-type: none"> ❖ Participation of Croatian experts, together with MS Experts in upcoming training activities. ❖ Dissemination of the results of the training activity among the different monitoring enforcement agents.

2. – INTRODUCTION

Activity 1.2.2 is an instrumental activity, in the sense that it develops the training needs assessment defined in activity 1.2.1, designing the training course that will implement the training needs of the identified stakeholders.

In order to achieve this activity, we have taken as starting point the above said TNA, as established in the work plan definition of the activity. In that activity, 1.2.1 the target groups were defined, and also the training topics. These were divided in two groups: the common topics for all groups and the specific training topics for each group individually. We have to consider that the defined monitoring agents are heterogeneous in relation to their training background, including highly specialized law practitioners, as judges or public notaries, or members with a financial background, as inspectors from Ministry of Finance, or representatives of FINA.



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The objectives of activity 1.2.3, that is, the trainings itself, is essential to define the work of this activity 1.2.2; and it introduces a problem in order to select the training topics. It is foreseen that the 4 in-service trainings will be organized for at least 15 trainees, 10 of them will be employees from the Ministry of Justice, plus two county court judges, one representative of the Chamber of Public Notaries, one representative of FINA and another one from the Ministry of Finance.

Besides, employees from MoJ are not completely identified. Four of them will be the inspectors of the Courts Inspection Service, and another three will be the employees of the Public Notaries Inspection. We do not know yet the position or qualification of the rest of employees from the Ministry of Justice.

With this number of participants it is not possible to organize the foreseen trainings in number of four, for different trainees, due to their small number. For this reason the working group decided to organize a common training activity. It implies that training topics will insist essentially in the common topics identified in the TNA, since all of them are of interest for the target groups.

In the other hand, this common trainings gives and added value to the training activity, this is the possibility to interact among the different groups in charge of monitoring enforcement. Along the TNA it was stated that one of the identified gaps was the lack of contact among different bodies for enforcement monitoring. These trainings will give the opportunity to share their concerns and working together to reach common conclusions about the best practices in monitoring.

Certainly, the MG knows that the number of future participants in the courses, stated in the work plan, is a minimum number, that it can be increased. Even more, the MG considers that it could be beneficial to allow participation of some more participants, to take a maximum profit of the designed activities.

3.- AGENDA

Mon, 21 Sept

9:15 h. *Meeting with RTA in order to discuss the preliminary work and the best way to implement the activity.
Moj room 139.*

10:00 h. *Meeting with Ms Marija Karadžole and Ms Marina Nikolić, Judges from Municipal Court, Zagreb
Moj room 139.*

11:30 – 17:00 h. *Preparation of training materials.*

Tue, 22 Sept



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09:00 – 17:00 h. *Preparation of training materials.*

Wed, 23 Sept

09:00 – 17:00 h. *Preparation of training materials.*

Thu, 24 Sept

10:00 h. *Meeting with Ms Marija Karadžole and Ms Marina Nikolić, Judges from Municipal Court, Zagreb*

Moj room 139.

12:00 – 17:00 h. *Preparation of training materials.*

Fri, 25 Sept

9:00 – 17:00 h. *Preparation of training materials.*

Final date for delivering of materials to the Twinning Office will be 5th October, as stated in the Terms of Reference of the activity.

4.- DEFINITION OF GROUPS

The first decision adopted by the working group was the distribution of the future participants in the course. We decided the following distribution, notwithstanding that in case the participants will increase they could be included in some of the group where they keep a closer affinity:

- GROUP 1: 4 inspectors from the Courts' Inspection Service
- GROUP 2: 2 County Court judges, 1 representative from Ministry of Finance, 1 representative from FINA
- GROUP 3: 3 employees from the Public Notaries Inspection Service, 1 representative from the Chamber of Public Notaries
- GROUP 4: 3 employees from the Ministry of Justice.

5.- TRAINING ACTIVITIES

After discussion with the Croatian experts, it was decided to include in the activity the following training activities:



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- European Standards on Enforcement
- Ethical principles in enforcement
- Recent legislative amendments relating to civil enforcement: Enforcement Act, enforcement over monetary assets
- E-enforcement
- European Union Instruments in Civil enforcement: European Enforcement Order (Regulation 805/2004)
- Comparative monitoring enforcement systems in the EU
- Workshop: Problems and solutions to monitoring of the civil enforcement in Croatia.

The lecture on recent legislative amendments will include three practical cases to be analysed by participants to get acquainted with the reforms. After presentation of cases, participants will work in groups, and finally they will discuss the possible solutions together.

The final workshop will introduce a common activity among all monitoring agents, analysis of the main problems arising when civil enforcement is monitored. Though problems will not be necessarily the same among the different bodies in charge of these activities, we consider that many problems identified by one group, could have been already solved by another body, so that a common debate can be very useful.

For the success of this activity, participants must adopt an active role. Participants will prepare in advance a set of questions, gathering the main problems they have in the monitoring activity. Since the participants of some of the bodies are few, they should be advised to consult their colleagues, in order to prepare as comprehensive list of the monitoring problems as possible.

Once this document or list is prepared, it will be sent to the Twinning Office which will send it to the trainers, who will coordinate the different lists in order to homogenize the discussion topics. At the beginning of the workshop, the trainers will present the topics, and an open discussion among participants will start, under the moderation of the trainers. Once the discussion is finished, participants and trainers will redact the draft of questions and answers. The output of the activity will be a kind of guidelines, in the form of a FAQ document; which will be delivered to the Ministry of Justice in order to be disseminated among the different agents in charge of monitoring civil enforcement.

6.- PROGRAMME

As a result of previous sections, this is the programme for the in-service trainings:

PROGRAMME.

First day:

9:15. Arrival of participants. Signatures.

9:45. Introduction to the course.



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10:00. European Standards on Enforcement.

11:00. Coffee break

11:15. Ethical principles in enforcement

12:00. Recent legislative amendments relating to civil enforcement: Enforcement Act, enforcement over monetary assets. E-enforcement.

12:45 Lunch break

13:45. European Union Instruments in Civil enforcement: European Enforcement Order (Regulation 805/2004).

14:30. Practical exercises about morning topics. Working in groups.

15:45. Questions and doubts

16:00. End of session.

Second day:

9:30. Comparative analysis of the enforcement monitoring systems in the EU..

10:00. Workshop: Problems and solutions to monitoring of civil enforcement in Croatia: Presentation

10:30. Working in groups

13:00 Lunch break

13:30 Draft of guidelines with solutions

15:30. Presentation of guidelines

15:45. Evaluation questionnaires and delivery of diplomas.

16:00. End of the activity.

7.- MATERIALS

Materials are enclosed to the Annex 1, since they include a set of documents in different formats.

Zagreb, 25 September 2015