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**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

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Mission Report

Strengthening Institutional and Administrative Capacities of the Stakeholder Institutions with regard to the Enforcement Monitoring System

MISSION REPORT

Activity 2.1.5

Component 2:

STRENGTHENING INTER-INSTITUTIONAL COOPERATION OF STAKEHOLDERS PARTICIPATING IN THE ENFORCEMENT SYSTEM

Establishing working group (consisted of participants of relevant institutions) and preparing general information flow protocol (business processes for exchange of information between stakeholders within the enforcement system).

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Mission Report

Establishing working group (consisted of participants of relevant institutions) and preparing general information flow protocol (business processes for exchange of information between stakeholders within the enforcement system).



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1. EXECUTIVE SUMMARY

EXECUTIVE SUMMARY	
EU Experts	Mrs Vanessa Untiedt Lecuona Mr Javier Luis Parra García
Croatian Working Group	Judge Ana Lovrinov Mr Hrvoje Matić Mr Tin Težak Ms Tea Janjiš Šabić Ms Nikolina Milardović Mr Stjepan Tršinski Mr Alen Lešić Mr Juraj Biondić, Mr Danijel Čajkovac Mr Dalibor Ružić
Mission	Activity 2.1.5: Establishing working group (consisted of participants of relevant institutions) and preparing general information flow protocol (business processes for exchange of information between stakeholders within the enforcement system).
Dates	May 18 – 29, 2015
Places	Zagreb
Objectives	<p>Main objective: MS STE and Croatian experts from relevant institutions involved in civil enforcement will establish a working group to prepare general information flow protocol. This protocol will comprehend the general principles of information exchange, paying attention to the legal framework about data protection, and it will define the practical aspects of coordination and cooperation between the stakeholders in order to improve the efficiency of the enforcement system.</p> <p>As specific objectives this activity pursues:</p> <ol style="list-style-type: none"> 1. To establish a working group with the representatives of the abovementioned institutions appointed by the BC. 2. To work over a number of sessions, in close cooperation with



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	<p>Croatian representatives, in order to agree on the general information flow protocol.</p> <ol style="list-style-type: none"> 3. To study all the information, conclusions and common opinions gathered in the working group and prepare the general information flow protocol. 4. To draft a first information flow protocol that will be sent to the participants in the working group for comments. 5. To revise the information flow protocol according to their comments, if any. 6. To deliver final information flow protocol and descriptive report of the technical assistance.
Methodology	<ul style="list-style-type: none"> ■ Classification, analysing and processing inputs from previous reports. ■ Meetings with Croatian experts of the Working Group <ul style="list-style-type: none"> ✓ First general meeting with all the WG was held at the premises of the MoJ, on 20 May. Attendants to the meeting agreed to send “needs template” to the STE with comments before 21st of May (15 pm). ✓ Comments from FINA, MoI, Court, Lawyers, Notaries (although they did not attend the meeting) and Ministry of Finance were sent and analysed. ✓ A second meeting took place on 25 May with all the WG at the premises of the MoJ. Attendants to the meeting agreed to send their comments to the protocol draft (if any) before 12 am, 27 May. Comments from the lawyer, and Ministry of the Interior were received on time. Comments from FINA were received the 29th at 8.30 and in Croatian. Although protocol was almost finished, comments were added when it was deemed appropriate. ■ Interviews of verification with prominent stakeholders, such as Ministry of Justice, judge and lawyer were held during the two weeks. Information exchange by email was very useful for the protocol. ■ Revising the information flow protocol according to comments and suggestions. ■ Final meeting with representatives of the Ministry of Justice in



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	order to validate the final draft.
Recommendations	<ul style="list-style-type: none"> • To undertake actions to consolidate and strengthen the role of Protocol Working Groups. • To arrange first meetings during 2015: the Protocol Monitoring Group (see section 10.1 of the Protocol) and Contact Points meeting (see section 4.4.2 of the Protocol). • To draft other action Protocols in order to improve the coordination between the different institutions involved in the enforcement (see Rec. 4.1 of Activity 2.1.4.) • To work on a full interoperability among the different enforcement entities, agents and courts (see Rec. 4.2 - 5 of Activity 2.1.4.). • To centralize in one single entity all the information about debtor's property (see Rec. 4.2 - 3 of Activity 2.1.4.).
Outcomes	<ul style="list-style-type: none"> - Working Group set up - Information flow Protocol drafted (see annex)



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2. ANNEX: INFORMATION FLOW PROTOCOL

INFORMATION FLOW PROTOCOL

ACTIVITY 2.1.5

Establishing working group (consisted of participants of relevant institutions) and preparing general information flow protocol (business processes for exchange of information between stakeholders within the enforcement system).

Project:	<p>“Improvement of the Enforcement system in the Republic of Croatia”</p> <p>Contract Number: 2010-01-23-010101</p> <p>Twinning Number: HR/10/IB/JH/04</p>	Location: Croatia
WG	<p>Institutions</p> <p>Courts Bar Association FINA Ministry of the Interior Ministry of Finance Ministry of Justice</p>	<p>Representatives:</p> <p>Judge Ana Lovrinov Hrvoje Matić, Tin Težak, Nikolina Milardović, Tea Janjiš Šabić Stjepan Tršinski, Alen Lešić Juraj Biondić, Danijel Čajkovac Dalibor Ružić</p>
Experts	Twinning Number: HR/10/IB/JH/04	<p>Vanessa Untiedt Lecuona Javier L. Parra García</p>



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1. Introduction

This protocol is the preliminary outcome of the work of a Working Group set up in the framework of the EU Project “Improvement of the Enforcement system in the Republic of Croatia” (Twinning Number: HR/10/IB/JH/04).

The Ministry of Justice of the Republic of Croatia (*Ministarstvo pravosuđa*) is in charge of the administration of institutions falling within the scope of the judiciary system. They arrange meetings with stakeholders in order to solve encountered problems. Within this context, this WG was promoted by the Croatian Ministry of Justice. It consists of stakeholders from the main Croatian entities and legal practitioners involved in the enforcement process. In detail, representatives from Courts, FINA, Ministry of Interior, Ministry of Finance and Bar Association have participated in the WG. Although the Notaries Chamber was not included in this particular activity, they were invited to the meetings of the WG.

Municipal Courts. The Municipal Courts are the competent bodies with jurisdiction in enforcement cases. They tackle on a daily basis the enforcement proceedings and they are interrelated with all enforcement stakeholders. They are in charge of the proceedings from the beginning to the end. Some Municipal Courts, such as the one in Zagreb, have a specific enforcement department.

FINA. Financial Agency (FINA) is the leading Croatian institution in the field of financial mediation and the application of information technologies, which meet the user requirements. FINA covers the entire territory of Croatia following the logic and the intensity of economic activities, while the information systems used to connect the branches enable FINA to meet even the most demanding client demands in a very short period of time. There are two protocols that regulate the information flow with the Ministry of Finance. They provide bank account information when requested, during enforcement proceedings.

Ministry of Interior. Croatian Police Administration is a public service of the Ministry of the Interior. They have a close relationship with Bailiffs. According to Article 48 of the Enforcement Act, Bailiffs can ask for the presence of the police whenever the resistance is reasonably expected during the enforcement execution. According to Article 18.1 of the Enforcement Act the Ministry of the Interior shall provide information on whether a person is registered in the Records of Registered and Marked/Labelled Vehicles.

Ministry of Finance. The Tax Administration operates under the name: Ministry of Finance, Tax Administration. Compiles and processes data on taxes and compulsory insurance contributions, suggests changes in tax policy, tax and other regulations, prepares and draws up draft legislative acts and other draft



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regulations in order to improve the tax system and to collect, more efficiently, taxes and compulsory insurance contributions. They provide tax data when requested, during the enforcement proceedings. As mentioned above, the MoF is the supervisory body of FINA.

Bar Association. The Croatian Bar Association is a law-based institution. All attorneys in Croatia shall be members of the Croatian Bar Association as well as members of local bar associations (mandatory membership). They represent creditors or debtors during the enforcement proceedings.

Taking into account the Courts' powers and duties in relation to the enforcement, the **main objective** of this protocol is to assure the best information flow by promoting the use of good practices and quality standards between the key institutions. To this end the best practices, guidelines and standardized lines of action included in this document should represent a further step to what it is already provided by procedural laws.

Therefore, this Protocol may be considered as an "unpublished rule", good practices, or lines of action to be promoted and/or followed by the public Administrations and legal practitioners if the Ministry of Justice decide so following the corresponding negotiation process with the rest of the institutions. The aim of this document is to optimize the information flow related to enforcement process.

2. Communication general principles

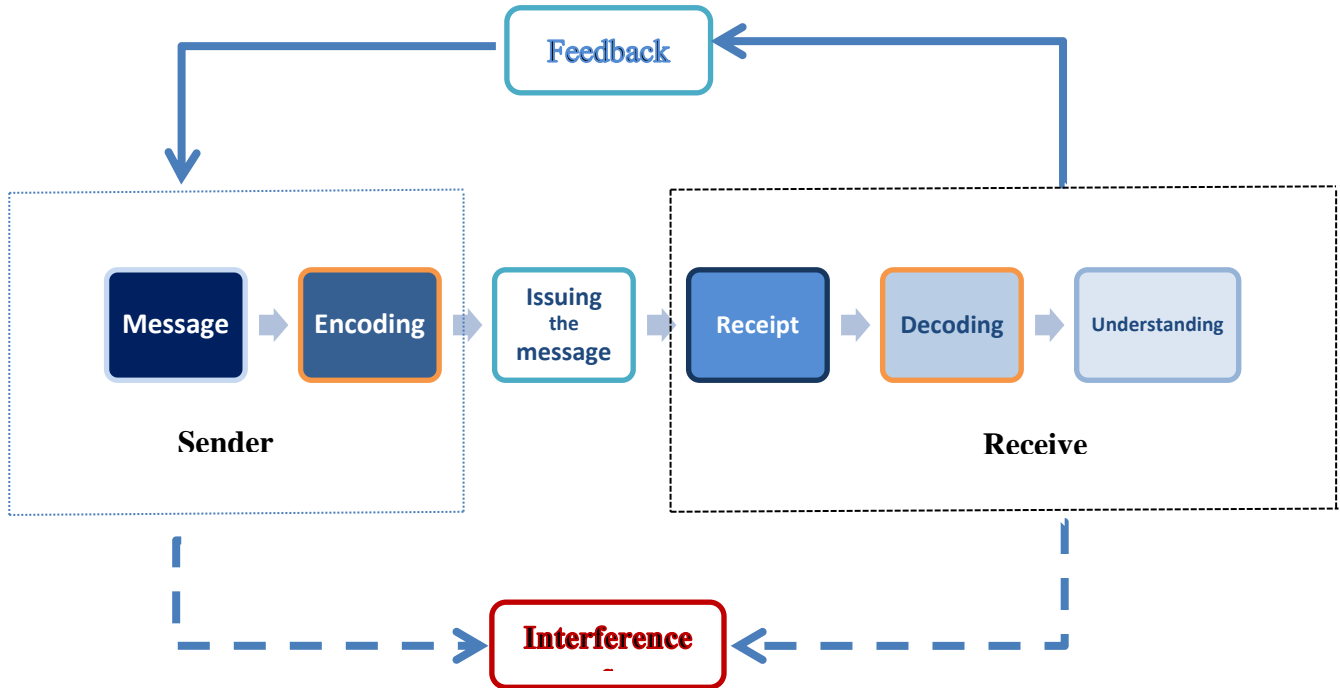
The communication process in any organization implies the transmission of ideas, concepts and information from one person (within an organization) to another (within another or the same organization). Therefore, it is important to clarify the type of relationship and the flow of information.



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The **sender** is the person or the institution issuing the information, data or documents to a receiver (organization). The raft of ideas and information expressed by the sender willing to be transmitted integrate the **message** which allows the exchange of information.

In order to permit the message to arrive to the receiver as foreseen by the sender, **encoding** the message should be applied. This will be done according to the set of rules or foreseen practices in order to assure that the message is going to be understood by the receiver.

The transmission of the message envisages the stage of the communication process which implies the use of an information carrier or medium. The **receiver** is the person or organization which receives the message. This receipt depends on several factors and conditions. The **decoding** is the course of decrypting or processing the received information. This step will have different outcomes depending on the knowledge, capacities and the existence of previous lines of action (protocol). This will be essential for the **understanding**.

The **feedback** is the answer given by the receiver to the sender. The **interferences** are faults, defects or shortcomings which may hinder the comprehension of the message.

When the flow of information must be produced between different organizations, institutions, agents and players, the existence of a manual of good practices or protocol of standardized lines of action may become crucial in order to get an



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optimum flow of information in accordance with the powers, responsibilities and commitments of each entity.

3. Legal basis for the enforcement related to information and communication in Croatia

Legal framework related to civil enforcement - FINA:

The Enforcement Act (Official Gazette, 112/12, 25/13, and 93/2014)

Article 8.4: where shall the delivery be made
Article 132.b: public announcements
Article 209.5: obligation of delivering request for direct collection to enforcement debtors

Act on Enforcement over the monetary assets (Consolidated text, Official Gazette 91/10 and 112/12):

Article 5: Delivery of the Basis for Payment.
Article 6: Register of Order of Basis for Payment
Article 9.9: Issuing of certificates when it is impossible to implement settlement upon request.
Article 9.10: technical conditions for mutual order and data exchange.
Article 19: Data provided by the Agency on the basis of a written request.
Article 21.3: Fee for providing data, copy or certification referred to in Article 19
Article 22: Unified register of accounts.
Article 23: *data provided by the Agency*

Legal framework related to civil enforcement - Ministry of Interior:

There is an agreement signed between the Ministry of Justice, the Ministry of Internal Affairs and the Croatian's Notary Chamber: "Agreement on the use of Database of Permanent and Temporary Residence, Record of the ID cards and Record of the passports".

The Enforcement Act (Official Gazette, 112/12, 25/13, and 93/2014)

Article 8.4 of the Enforcement Act: where shall the delivery be made
Article 18.1 of the Enforcement Act: *information provided by the Ministry of Interior*
Article 48 of the Enforcement Act: court bailiff action during enforcement
Article 165 of the Enforcement Act: data from vehicles

Rules on the method of receipt of the statement about the address in order to perform all the deliveries in judicial proceedings (OG 55/09)

Article 4: data on permanent and temporary residence of a certain person

Legal framework related to civil enforcement - Ministry of Finance:

The Enforcement Act (Official Gazette, 112/12, 25/13 and 93/2014)

Article 18: Information related to identity of citizens provided by Tax Administration



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Article 217.2: certification of the calculation for the tax, surtax and payment contribution, given by the tax authority

General Tax Act (Official Gazette, No. 147/08, 18/11, 78/12, 136/12, 73/13)

Article 146, related to the seizure of Movable Property.

Article 147: sets the movables that shall not be subject of seizure.

Article 148: related to the right of third parties.

Article 149: related to the **Minutes of the Inventory and Assessment of Movable Properties.**

Article 150, 151, 152: related to the Public Sale of Movables.

Article 153: related to the seizure of Property Rights.

Article 154: related to the effect of seizure.

Article 156: related to the conduct of enforcement over immovable properties.

Legal framework related to civil enforcement and to the Lawyers:

Legal Profession Act (Zakon o odvjetništvu, Official Gazette No. 9/94, dated January 27, 1994 and No. 117 dated October 13, 2008)

Article 14: exchange necessary data for the execution.

Article 24: delivery in writing to an attorney in connection with judicial, administrative and other proceedings.

The Lawyers' Code of Conduct. Official Gazette No. 64 of 20 June 2007. The amendments to the Code of Conduct were adopted by the CBA General Meeting held on 14 June 2008 (NN 72/2008).

The Lawyers' Fee Schedule. Official Gazette No. 142 of 19 December 2012.

The Bye-Laws of the Croatian Bar Association (Official Gazette NN 74/2009, 90/2010, 64/2011, 101/2011).

Civil Procedure Act, "Official Gazette" No. 117/2003.

Legal framework related to civil enforcement - Courts:

Courts Act (Official Gazette 150/05, last amendments 28/13 and 33/15)

Article 18: enforcement cases handled by the Municipal Court.

The Enforcement Act (Official Gazette, 112/12, 25/13, and 93/2014)

Article 43: decision on all issues and request for compensation of procedural costs.

Rules of Procedure of the Court

Article 89: revealed data on the total number of cases to the Ministry of Justice

There are several IT tools for information exchange. Among others, electronic exchange of information between courts, enforcement agents and citizens. The right of access to information includes the user's right to seek and receive information and the obligation of public authorities to provide access to the requested information. This right is performed in accordance with the Freedom of Information Act ("Official Gazette" N° 25/2013). Anyone who has demonstrated a legitimate interest can access in the Courts premises the procedures handled in



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the Courts or tribunals. The Municipal Court of Zagreb offers on its web site an order form to request the access to information. This information can be sent by fax or by e-mail.

(<http://sudovi.pravosudje.hr/ogszg/index.php?linkID=14>)

E-predmet: (<http://e-predmet.pravosudje.hr>) has been developed and introduced to the public recently. This allows parties involved in cases, attorneys, and other interested parties involved in cases free of charge and public access to basic information about court cases. Searching by court and case file number, the visitor of the web site can be informed about the course and dynamics of the case resolution. As the system is updated once a day, the parties involved in the case can see almost immediately the status of their case.

E-Bulletin Board: the web page e-bulletin board of the courts (Article 8.6) is stipulated by the provisions of the Enforcement Act, as a method of delivery and communication: "When the repeated delivery fails, the delivery shall be made by displaying the document that should be delivered on the web page e-bulletin board of the courts".

4. Common Framework Information Protocol in relation to the enforcement in Croatia

This section contains good practices and communication standards to be followed by all entities involved in the enforcement process in order to optimize the exchange of information.

4.1. Mutual trust

4.1.1. Mutual trust. The principle of mutual trust is the cornerstone of any solid institutional relationship seeking for a better information flow scheme. Although substantial progress can be made in this area by regulations and protocols, nothing tangible can be achieved without strengthening the mutual trust between members of different institutions involved in enforcement matters.

4.2. Communication Channels

4.2.1. Channels. All the entities are committed to undertake the best channels of communication in order to assure a proper flow of information between different institutions. At the stage of the enforcement of decisions, according to the law,



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swift communication (such as e-mail for informal information exchange) between the court, the enforcement agents and the parties should be possible.

4.2.2. Information carriers. Although paper environment will last down through the years, all the players and entities agree on the convenience of promoting the most efficient mediums of information. In this sense the use of digital or electronic means for the exchange of information and documentation, as sole or as complementary medium is highly recommended.

4.2.3. Interoperability. All the entities agree to promote, to the greatest possible extent, the new technological environment in relation to mutual communications. When possible, the exchange of information should be based on the Judicial Interoperability and Security Framework (JISF).

4.3. Efficiency

4.3.1. Contact Point (CP). For the purpose of this protocol, all the entities shall designate a person within their institution in order to act as a contact point for assuring and facilitating a better flow of information.

In the case of the Courts, the Presidents of the Courts will appoint a CP for the sake of the operational functioning of this Protocol and seeking solutions for practical problems.

4.3.2. Time limits. Taking into account the need for setting forth clear and precise criteria regarding the reasonable nature of the duration of the enforcement, which could vary according to the nature of the case and the type of action requested, all the entities agree on the necessity to set reasonable and standardized limits to the requests of information and assistance between the institutions involved in this Protocol.

4.3.3. Good practices in relation to parties' residence. Bearing in mind the practical problems which usually arise in relation to the delivery of judicial documents to the debtors, institutions agree to exchange the appropriate data in order to assure the most accurate and correct information in relation to the parties' address, avoiding undue delivery of court documents. When necessary, if delivery at official residence address is unsuccessful, courts and judicial key players may apply the provisions of the Civil Procedure Act which permits delivery by posting documents to the Court's bulletin board.



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4.4. Quality

4.4.1. Quality standards. All the entities are strongly encouraged to draw up together European quality standards regarding the information that needs to be provided to the parties and to the general public with respect to enforcement procedures.

4.4.2. Protocol standards monitoring meetings. Bearing in mind the wish to improve quality standards and the need to strength the information flow, all the CP from the institutions involved in this Protocol are committed to undertake regular follow-up meetings and workshops. At least one meeting will be take place every six months hosted by the Ministry of Justice.

4.5. Transparency

4.5.1. Interinstitutional exchange of operational information. Seeking to improve their respective services, all the entities agree on the convenience to implement mutual exchange of statistical or other similar information related to enforcement among them in order to implement better their respective commitments.

4.5.2. Public information. In view of the importance of being able to foresee the length of enforcement proceedings from the point of view of legal certainty, institutions should consider the possibility to establish publicly accessible statistical databases enabling the rest of institutions, legal practitioners, parties and citizens to calculate the likely duration of different enforcement measures possible in domestic legislation (i.e. attachment of salary, attachment of bank assets, and attachment of vehicle). Databases may be compiled in collaboration with enforcement professionals and should be made as broadly available as possible, with the aim of providing persons in other member states the access to each country's structure of duration so comparisons can be made.

4.5.3. Enforcement costs. Where enforcement costs are likely to fall to the parties, the competent body should ensure that the latter are informed as fully as possible about the enforcement costs (enforcement fees and the performance fees due upon successful completion). This information should be made available to the parties not only by the enforcement agent but also by the courts, consumer organisations, procedural codes or via the official Internet sites of the judicial and professional authorities.



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4.5.4. European level. In recognition of the growing mobility of persons and services in Europe, there is an increasing need for international enforcement of court decisions. The transparency of enforcement costs should therefore go beyond mere domestic level: entities involved in this Protocol agree to set up the grounds for facilitating to the legal practitioners access to due information related to the enforcement, with the aim of giving persons in other member states minimum standards of operational predictability and legal certainty.

5. Specific lines of action in relation to FINA

5.1. FINA Contact Point (CP). As a complement to the existing FINA's information users system, FINA will appoint a specific CP for the purpose of this Protocol. The appointment of a CP does not necessarily imply that all queries shall be concentrated to that person. This CP should have sufficient authority to direct the queries to individual persons within the organization and to monitor the implementation of the protocol. For the purpose of this protocol, the CP will be at the disposal of the local judicial authorities for facilitating the flow of information and queries.

In particular, the contact point might:

- (a) supply other contact points or judicial authorities with all the information needed for exchange of information, in order to assist them in preparing operable requests and queries and in establishing the most appropriate direct contacts;
- (b) seek solutions to practical or legal difficulties arising on the occasion of a request of information;
- (c) facilitate coordination of the processing of the queries, in particular where several requests from the judicial authorities need to be executed;
- (d) collaborate in the organisation of and participate in the meetings for the purpose of this Protocol.

5.2. Requests of assistance. Courts services should send their queries of information in due form containing all necessary data for identification of the petition, such as case file number, identification of the person concerned by the enforcement (OIB number as primary identification), and other relevant information which may assure a proper execution. The original of the enforcement title will not represent a mandatory requirement for the assistance.



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According to the law, powers of attorney which were submitted to courts in the litigation proceedings should be accepted by FINA. This consideration shall not be applied for the out of the court enforcements.

5.3. Good practices in relation to law interpretation. In case of any doubt in the interpretation of applicable law and in order to harmonize practices, FINA services are committed to contact the CP from the courts for complementary information or clarification.

FINA will collect all the clarifications of law interpretation in order to avoid repetitions and to elaborate a central database where members from FINA can consult their doubts related to interpretation.

5.4. Time of response. In general terms and in order to harmonize information flow practices, replies to the requests of assistance shall be transmitted immediately by FINA to the courts and in any event within a period not exceeding three working days from the date the request was received. In case it is not possible due to the complexity of the case, FINA will send an immediate feedback informing Court about the expected response time.

For those complex cases where clarification to law interpretation is needed, information shall be transmitted by court to FINA by an electronic communication system immediately and in any event within a period not exceeding ten working days from the date the request was received.

6. Specific lines of action in relation to the Ministry of the Interior

6.1. Role of the Contact Point. For the purpose of this protocol, the Police Administration shall be the contact point that centralizes all the police assistance required by the courts and bailiffs. Courts shall designate a CP that communicates with the police for general issues dealing with this Protocol, but for specific cases the Police will contact directly judges, bailiffs or court advisers assigned to the case. Communication exchanges shall be done through these contact points.

In particular, the contact point might:

- (a) seek solutions to practical difficulties arising on the occasion of a request of assistance;



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(b) collaborate in the organisation of and participate in the meetings for the purpose of this Protocol.

6.2. Requests of assistance. According to the Police Powers and Duties Act (Art. 7), courts and bailiffs should send their queries of information in due form containing all necessary data for the assistance. Among others, the following data shall be included:

- ✓ Case file number;
- ✓ Date of the assistance;
- ✓ Information on the identity of the person concerned by the enforcement and the address where the eviction/action is going to take place;
- ✓ Purpose for which the assistance is requested;
- ✓ Name of the bailiff in charge of the case;
- ✓ Facts justifying that it is reasonable to expect some resistance and information about previous unsuccessful attempts to implement the activity;
- ✓ Possible threats in form of resistance organized by certain persons;
- ✓ Supporting services provided by the court or enforcement creditor for the implementation of the activity (locksmiths, transport workers, transport vehicles, ambulances, social workers, employees of the gas company, electrical, etc.).

6.3. Time of response. Replies to the request referred above shall be transmitted by the contact person of the Police Administration to the contact person of the court immediately and in any event within a period not exceeding three working days from the date the request was received.

6.4. Complex evictions and family cases. Court services and Police Administration shall exchange immediately any information which may require police assistance. This exchange of sensitive information will be made by means of their respective contact points.

7. Specific lines of action in relation to Ministry of Finance

7.1. Role of the Contact Point (CP). For the purpose of this protocol, Tax Administration shall designate a contact person that centralizes all the information requested by the courts. The contact person would be at the disposal of the local judicial authorities for facilitating the flow of information and queries. The appointment of a CP does not necessarily imply that the queries shall be concentrated to that person.

In particular, the contact point might:



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- (a) supply other contact points or judicial authorities with all the information needed for exchange of information, in order to assist them in preparing operable requests and queries and in establishing the most appropriate direct contacts;
- (b) facilitate coordination of the processing of the queries, in particular where several requests from the judicial authorities need to be executed;
- (d) collaborate in the organisation of and participate in the meetings for the purpose of this Protocol.

7.2. Requests of assistance. Courts services should send their queries of information in due form containing all necessary data for identification of the petition, such as case file number, identification of the person concerned by the enforcement (OIB number as primary identification), and other relevant information which may assure a proper execution.

7.3. Time of response. Replies to the request of assistance shall be transmitted by Tax Administration to the courts immediately and in any event within a period not exceeding three working days from the date the request was received. In case of any delay, Tax Administration shall send immediate acknowledge of receipt specifying the expected response time.

8. Legal practitioners and the exchange of information

8.1. Role of the Contact Point (CP). For the purpose of this protocol, the role of the CP in both organisations (Courts and Bar Association) shall be to facilitate the flow of information and queries.

In particular, the contact point might:

- (a) supply other contact points or judicial authorities with all the information needed for exchange of information;
- (b) seek solutions to general issues related to practical or legal difficulties arising on the occasion of a request of information;
- (c) facilitate coordination of the processing of the queries;
- (d) collaborate in the organisation of, and participate in, the meetings for the purpose of this Protocol.



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8.2. Regular meetings. For the purpose of this Protocol, when problems arise in organization of work at court which affects the lawyers, a regular meeting shall be organized with the representatives of court and Bar Association (BA). Before the meeting the BA will collect the queries from the lawyers and law firms and select the most relevant ones to be discussed during this meeting. After the meeting the BA should assure a proper dissemination of outcomes and conclusions among the legal practitioners.

When a meeting is suggested, the BA or court which is called for the meeting have to confirm the meeting immediately and in any event within a period not exceeding three working days from the day the meeting was suggested.

8.3. Electronic means. The BA assumes the commitment to promote among practitioners the most extended use of electronic means of communication in the interests of efficiency and speediness of proceedings.

9. Common guidelines for Data Protection

9.1 General principles. Personal data provided for the purposes of enforcement proceedings may be used by the requesting stakeholders only for the purposes of the enforcement proceedings for which it was requested. Personal data should not be processed except when certain conditions are met: transparency, legitimate purpose and proportionality,

9.2 Legitimate purpose. The requesting stakeholders may use personal data provided for the purposes of enforcement proceedings for which it was requested and may not be processed further in a way incompatible with those purposes.

9.3 Transparency. The data subject has the right to be informed when his personal data is being processed. The controller must provide his name and address, the purpose of processing, the recipients of the data and all other information required to ensure the fair processing.

9.4. Proportionality. Personal data may be processed only insofar as it is adequate, relevant and not excessive in relation to the purpose for which they are collected. The data must be accurate and, where necessary kept up to date; every reasonable step must be taken to ensure that data which are inaccurate or incomplete, having regard to the purposes for which they were collected or for which they are further processed, are erased or rectified. The data shall not be kept in a form, which permits identification of data subjects for longer than it is



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necessary for the purposes for which the data were collected or for which they are further processed.

10. Protocol Monitoring Committee (PMC)

10.1. Protocol implementation and evaluation. The bodies involved agree to create specific mechanisms to measure compliance with the various protocol commitments, and include the participation of CP in the follow-up of the daily implementation. To this end, representatives appointed by the institutions shall integrate a specific steering group which shall be committed to undertake regular follow-up meetings.

This PMC shall develop two main functions. On one hand, it shall address general issues dealing with the implementation of this protocol, acknowledging and correcting possible errors. On the other hand, the PMC shall promote the innovation targeted at ongoing improvement in processes, information and services, correcting or enlarging the protocol if necessary.

At least one PMC meeting shall take place once a year hosted by the Ministry of Justice.