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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

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

MISSION REPORT

Activity 1.1.2

Analyzing the technical execution (the overall process of involuntary collection of claims and problems which occur during the procedure) of different types of enforcement procedures known by the Croatian enforcement legislation and preparing report containing analysis results.

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GLOSSARY¹

For the purposes of this report, the following terms should be understood as follows:

Bailiff: Croatian enforcement agent authorised by the State to carry out the enforcement process according to Recommendation Rec (2003) 17 of the Committee of Ministers to member states on enforcement.

Sudski ovršitelj: ovrhovoditelj u Hrvatskoj ovlašten od strane države za provođenje ovršnog postupka prema *Preporuci Odbora ministara državama članicama Rec (2003) 17 o ovrsi*.

Enforcement: the putting into effect of court decisions, and also other judicial or non-judicial enforceable titles in compliance with the law which compels the defendant to do, to refrain from doing or to pay what has been adjudged (source: Recommendation Rec(2003) 17 of the Committee of Ministers to member states on enforcement).

Ovrha: stupanje na snagu sudske odluke, ali i drugih sudskih ili izvansudskih izvršnih rješenja sukladno odredbama zakona koje obvezuje tuženika da čini, da se uzdrži od činjenja ili da plati sukladno onome što je presuđeno (izvor: *Preporuka Odbora ministara državama članicama Rec (2003) 17 o ovrsi*).

Case Management System: Specific software for processing and handling pleadings, decisions and other judicial documents. The Croatian electronic system in process of implementation is called e-SPIS.

Sustav upravljanja sudskim predmetima: poseban softver za obradu i rukovanje podnescima, odlukama i drugim sudskim predmetima. Hrvatski elektronički sustav čija implementacija je u toku naziva se e-SPIS.

Claimant: A party seeking enforcement. In civil cases, the claimant is usually a creditor, but the two terms are not synonymous as the claimant may equally well seek the enforcement of an "obligation to do" or "to refrain from doing".

Tužitelj, podnosilac tužbe: strana koja zahtjeva provođenje ovrhe. U građanskim predmetima, tužitelj je obično vjerovnik, ali ta dva pojma nisu sinonimi budući da tužitelj može isto tako tražiti izvršenje "obveze činjenja" ili "uzdržavanje od činjenja".

Clarity of enforcement fees: Enforcement fees should be set out simply, clearly and concisely. Clarity of enforcement fees is an indicator of the transparency of enforcement costs (q.v).

Jasnoća ovršnih naknada: ovršna naknada treba biti navedene na jednostavan, jasan i sažet način. Jasnoća ovršnih naknada je pokazatelj transparentnosti ovršnih troškova.

Clearance rate: is the ratio of the number of resolved cases over the number of incoming cases.

Stopa rješavanja: predstavlja omjer riješenih i primljenih predmeta.

Control of activities: Control of activities means control of the lawfulness of the actions carried out by the enforcement agents. It may be carried out a priori (before the enforcement agents act) or a posteriori (after the enforcement agent acts) by a "disciplinary" authority (See supervision of activities).

Kontrola aktivnosti: kontrola aktivnosti podrazumijeva kontrolu zakonitosti akcija koje provode ovrhovoditelji. Može je provoditi "disciplinsko" tijelo (vidi: Nadzor aktivnosti) a priori (prije djelovanja ovršitelja) ili a posteriori (nakon djelovanja ovršitelja).

¹ This glossary is for the only purpose of this Project and has been drawn up taking into consideration the GLOSSARY attached to the CEPEJ (2009) 11REV *Guidelines for a better implementation of the existing Council of Europe's recommendation on enforcement* adopted by the CEPEJ at its 14th plenary meeting.



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Court Service: Specialized Court's based units implementing procedural and/or administrative tasks for several Judges.

Služba Suda: specijalizirane jedinice u okviru Suda koje provode postupovne i/ili administrativne poslove za nekoliko sudaca.

Defendant: A party against whom enforcement is sought. In civil cases, the defendant is usually a debtor, but for the Recommendation Rec (2003) 17 of the Committee of Ministers to member states on enforcement the two terms are not synonymous (see Claimant).

Optuženik: stranka protiv koje se zahtjeva provođenje ovrhe. U građanskim predmetima, okrivljenik je obično dužnik, ali prema *Preporuci Odbora ministara zemljama članicama Rec (2003) 17 o ovrši* ta dva pojma nisu sinonimi (vidi: Tužitelj, podnosilac tužbe).

Enforced case: In order to be enforced, the case must have been the subject of an action that has fully satisfied the claimant.

Ovršeni slučaj: kako bi se slučaj ovršio/proveo, mora biti predmet akcije koja je u potpunosti zadovoljila tužitelja.

Enforcement costs: Enforcement costs consist of the enforcement expenses (= enforcement fees) and any performance bonus (= performance fees) paid by the claimant to the private enforcement agent in the form of fees (See enforcement fees and performance fees).

Troškovi ovrhe: troškovi ovrhe se sastoje od izdataka za ovrhu (= pristojba za provedbu ovrhe) i dodataka za izvršenje (= pristojba za izvršenje) koje tužitelj plaća privatnom ovrhovoditelju u obliku pristojbe (vidi: Pristojba za provedbu ovrhe i Pristojbe za izvršenje).

Enforcement Fees: The expenses of the process itself, in other words, the total of the amounts for each action undertaken by the enforcement agent in the course of a single case (see Enforcement costs).

Pristojba za provedbu ovrhe: troškovi samog procesa, odnosno, zbroj pojedinačnih iznosa svih radnji koje poduzima ovrhovoditelj u okviru jednog predmeta (vidi: Troškovi ovrhe).

Enforcement services: All the professions or entities performing the task of enforcement.

Službe nadležne za provedbu ovrhe: sve djelatnosti ili osobe koje vrše ovrhu.

Enforcement timeframe: In theory, the period of action or waiting between the beginning and the completion of the enforcement process. In practice, it is the sum of the periods necessary for the completion of all the actions carried out by the enforcement agent.

Rok za provedbu ovrhe: teoretski, razdoblje djelovanja ili čekanja između početka i završetka ovršnog postupka. U praksi, to je zbroj perioda potrebnih za dovršenje svih radnji koje provode ovrhovoditelji.

Enforcement Procedure: Execution proceeding of involuntary collection and securing of a debtor's property ordered by a Court or other public body (notaries public) at the request of a claimant against a defendant.

Ovršni postupak: izvršni postupak prisilne naplate i osiguranja dužnikove imovine po nalogu suda ili drugog javnog tijela (javni bilježnici) na zahtjev podnositelja tužbe protiv tuženika.

FINA: Financial Agency (FINA <http://www.fina.hr/>) is a Croatian company with nationwide coverage in the field of financial mediation and the application of information technologies which meet the Court's requirements in relation to assets investigation during the enforcement proceedings.

FINA: Financijska agencija (FINA <http://www.fina.hr/>) je hrvatska tvrtka sa širokom nacionalnom pokrivenošću na području financijskog posredovanja i primjene informatičke tehnologije koja zadovoljava zahtjeve sudova u svezi sa istragom imovine tijekom ovršnog postupka.

Flexibility of enforcement: The nature of a system of an enforcement procedural regulation that allows an effective and transparent procedure minimizing cumbersome steps and delays while ensuring the rights of the parties. Flexibility of enforcement is related to the autonomy of the enforcement agent.



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Fleksibilnost ovrhe: priroda sustava postupovnih propisa za ovrhu koja, jamčeći za prava stranaka, omogućuje učinkovit i transparentan postupak umanjujući nezgrapne korake i kašnjenje. Fleksibilnost ovrhe je povezan sa neovisnošću ovrhovoditelja.

Foreseeable time limits: In theory, the time within which the user is informed that the enforcement process should be completed. In practice, this time is often limited to the time necessary for the completion of the next enforcement measure.

Predviđen rok: u teoriji, rok u kojem je korisnik obaviješten da je ovršni postupak trebao biti dovršen. U praksi, ovo vrijeme je često ograničeno na vrijeme potrebno za dovršenje sljedeće ovršne mjere.

Court Advisor: Court's counsellor who has completed a graduate degree in law and passed the Bar exam. Court Advisors are authorized to conduct the procedure, evaluate the evidence and determine the facts and propose a decision to their Judges (mentors).

Sudski savjetnik: sudski savjetnik koji ima završen diplomski studij prava i položen pravosudni ispit. Pravni savjetnici su ovlašteni provoditi postupak, vrednovati dokaze, utvrđivati činjenice i predlagati odluku sudcima (mentorima).

Number of pending cases: express the number of cases that still have to be treated at the start of a period.

Broj neriješenih predmeta: izražava broj predmeta čija je obrada još uvijek u toku na početku promatranog razdoblja.

Number of received cases: express the number of cases received in a period of time.

Broj primljenih predmeta: izražava broj predmeta koji su zaprimljeni u promatranom razdoblju.

Number of solved cases: express the number of cases solved in a period of time.

Broj riješenih predmeta: izražava broj predmeta koji su riješeni u promatranom razdoblju.

Performance fees: The sum payable by the claimant to the enforcement agent in the event of satisfaction. Under the legislation of different countries fees may be negotiated, set in advance or prohibited (See Enforcement costs).

Pristojba za izvršenje: iznos koji tužitelj plaća ovrhovoditelju u slučaju zadovoljenja. Prema propisima različitih zemalja o pristojbama se može pregovarati, mogu se unaprijed definirati ili zabraniti (vidi: Troškovi ovrhe).

Predictability of enforcement costs : In theory, expenses of which the user is informed by the enforcement agent, usually corresponding to the expenses of the whole enforcement process. In practice, predictability is often limited to the expense necessary for the completion of the next enforcement measure. Predictability of expenses should not be confused with transparency (q.v.).

Predvidljivost troškova ovrhe: u teoriji, troškovi o kojima je korisnik obaviješten od strane ovrhovoditelja, obično odgovara troškovima cijelog ovršnog postupka. U praksi, predvidljivost je često ograničena na trošak potreban za završetak sljedeće ovršne mjere. Predvidljivost troškova ne treba miješati s transparentnošću (ranije navedeno).

Quality (norms of or standards of): Quantitative or qualitative criteria making it possible to identify and/or supervise compliance with the minimum requirement of satisfactory enforcement.

Kvaliteta (norme ili standardi): kvantitativni ili kvalitativni kriteriji koji omogućuju identificiranje i/ili nadzor poštivanja minimuma zahtjeva za zadovoljavajuću ovrhu.

"Referada": the field of responsibility and type of cases dealt with by judges and Court Advisors.

Referada: područje odgovornosti i vrsta predmeta u nadležnosti sudca i pravnih savjetnika.



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Relevance of taking action: Relevance of taking action is the assessment of the appropriateness of starting an enforcement process. It is assessed differently by the claimant and the enforcement agent. It is an indicator of the predictability of enforcement costs (q.v.).

Relevantnost poduzimanja akcije: relevantnost poduzimanja akcije je procjena prikladnosti pokretanja ovršnog postupka. Ona je različito ocijenjena od strane tužitelja i od strane ovrhovoditelja. To je pokazatelj predvidljivosti troškova ovrhe (ranije navedeno).

Stakeholders: persons indirectly involved in the enforcement procedure.

Zaintereserane strane, dionici: osobe koje su posredno uključene u ovršni postupak.

Smooth enforcement: Enforcement within a reasonable time with no administrative obstacles or unjustified periods of inactivity; this concept is based not only on the promptness of performance of actions, but also on promptness between the various actions. Flexibility of action (q.v.) is therefore a factor in smooth enforcement.

Glatka ovrha: ovrha u razumnom vremenskom roku, bez administrativnih prepreka ili razdoblja neopravdane neaktivnosti; ovaj koncept se ne temelji samo na ažurnosti obavljanja radnji, nego i na ažurnosti između različitih akcija. Fleksibilnost akcije (ranije navedeno) je stoga čimbenik glatke ovrhe.

Statistics: is the study of the collection, organization, analysis, interpretation and presentation of data.

Statistika: predstavlja proučavanje, prikupljanje, organiziranje, analizu, tumačenje i predstavljanje podataka.

Supervision of activities: Supervision of activities means the process whereby an authority makes observations to the enforcement agent on his or her working methods (scheduling problems, lack of courtesy, etc.); it is a sort of simplified control that does not involve actual examination of a complaint, but the aim of which is to guarantee fair administration of justice (see Control of activities).

Nadzor nad aktivnostima: nadzor nad aktivnostima označava proces kojim tijelo iznosi opažanje ovrhovoditelju o njegovim ili njenim metodama rada (problemi rasporeda, nedostatak pristojnosti, itd.); to je vrsta pojednostavljene kontrole koja ne uključuje stvarno razmatranje pritužbe, ali ima za cilj da jamči za poštenu provedbu zakona (vidi: Kontrola aktivnosti).

Third party: Neither claimant, nor defendant in the procedure.

Treća strana: strana koja nije ni tužitelj, ni tuženik u postupku.

Transparency of enforcement costs: Information about enforcement costs should be easily accessible. Transparency is an indicator of the relevance of taking action (q.v.) and should not be confused with predictability (q.v.).

Transparentnost troškova ovrhe: informacije o troškovima ovrhe trebale bi biti lako dostupne. Transparentnost je pokazatelj relevantnosti poduzimanja akcije i ne treba ga miješati s predvidljivošću.



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ABBREVIATIONS

ADR	Alternative Dispute Resolution
Apostille Convention	Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents
BC	Beneficiary Country
CEPEJ	European Commission for the efficiency of justice
CETS	Council of Europe Treaty Series
CNB	Croatian National Bank
CoE	Council of Europe
EC	European Commission
ECHR	European Convention of Human Rights
ECtHR	European Court of Human Rights
EJNCC	European Judicial Network in Civil and Commercial Matters
EU	European Union
FIIAPP	International Foundation of Administration and Public Policies
FINA	Croatian Financial Agency
HCCH	Hague Conference on Private International Law
IT	Information Technology
LexNET	Spanish System for Telematics Notifications
MG	Mission Group of Experts
MS	Member State
MoJ	Ministry of Justice
MUP	The Republic of Croatia Ministry of the Interior.
PNJ	Spanish Neutral Judicial Point
Rec (2003) 17	Recommendation Rec (2003) 17 of the Committee of Ministers to member states on enforcement
RTA	Resident Twinning Adviser
STE	Short Term Expert
ToR	Terms of Reference



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1. EXECUTIVE SUMMARY

DEBRIEFING REPORT EXECUTIVE SUMMARY	
Experts	Ms. María Rosario Palacios González, Mr. Javier Luis Parra García , Mr. Peter Tanacs, Ms. Vanessa Untiedt, Mr. Rák Viktor (from Tuesday August, 27),
Mission	Activity 1.1.2. <i>“Analyzing the technical execution (the overall process of involuntary collection of claims and problems which occur during the procedure) of different types of enforcement procedures known by the Croatian enforcement legislation and preparing report containing analysis result.”</i>
Dates	August 25 – September 5, 2014
Places	Zagreb
Objectives	<p>Main objective: to analyse different types of the enforcement systems from a strictly practical, not legislative, point of view, taking into account the daily work, organization of the courts, division of labour between civil servants, statistical data, the way the citizens and others involved in the process perceive things and the suggestions that they can make.</p> <p>As specific objectives this activity pursues:</p> <ol style="list-style-type: none"> 1. To prepare technical report on the mentioned practical execution, to highlight both strengths and weaknesses observed during the daily work of the analysed institution (in this case Municipal Court) and those that are transferable to other institutions with jurisdiction in civil enforcement matter. 2. To present a short assessment on the practical implementation of various procedures of enforcement, taking into account the organization of the municipal court, the number of new cases and case backlogs, monitoring of the procedures, distribution of work, human resources and materials, working conditions and relationship with lawyers



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	<p>and other participants in the process.</p> <p>3. To draft a report containing results of the analysis of the practical situation, as regards the different types of civil execution procedure</p>
Methodology	<p>The Group of experts has performed the following steps²:</p> <ol style="list-style-type: none"> i. Designing and drawing up a perception questionnaire (July 2014 by the Spanish experts); ii. Distribution of the questionnaire among relevant stakeholders such as Municipal Court employees, lawyers and others involved in the process and consumers associations (July and August 2014 by means RTA); iii. Collection of statistical information (July and August 2014 by means RTA); iv. Study and processing of information (statistical data provided by MoJ, FINA and Notary Chamber and replies to the questionnaires); v. Implementation of interviews at the Municipal Court of Zagreb specialized on enforcement cases; vi. Cross-checking the information (statistical data and replies to questionnaires) by means of interviews in the MoJ and de Municipal Court of Zagreb; vii. Analysis of real cases of the different type of enforcement procedures on monetary claims; <p>The Mission Group of experts (MG) has followed a triple methodology:</p> <ul style="list-style-type: none"> ■ Quantitative approach by means of processing the statistical information in relation to filed, cleared and pending enforcement cases during 2011, 2012 and 2013³. ■ Qualitative approach trough the analysis of replies to questionnaire in relation to the stakeholders´ perception to the enforcement system (efficiency, timeframes, needs of modernization...). Besides this approach was supplemented trough the interviews and examination of specific cases. ■ Functional approach (in the form of a case Study). Finally, a functional approach was carried out in connection to the practical implementation of various

² The MG would like to thank Daniela Josipović Trusić, Lana Stojšavljević as well as RTA for their valuable contribution in gathering information for this Report.

³ Although this approach has been implemented on a yearly basis, the first semester of 2014 has been included purely for the purpose of statistical projection.



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	<p>procedures of enforcement, taking into account the organization of the municipal court, the number of new cases and case backlogs, monitoring of the procedures, distribution of work, human resources and materials, working conditions and relationship with lawyers and other participants in the process within the Municipal Court of Zagreb (enforcement services).</p>
<p>Outcomes</p>	<p>The MG has accomplished all of the results required by the ToRs and additionally has obtained complementary achievement to be taken into account for further project activities:</p> <ol style="list-style-type: none"> 1. Drafting and distribution of Questionnaire among employees of the Municipal Court (Judges, Legal Advisers, Bailiffs and enforcement’s civil servants), Bar Association, relevant Law firms and lawyers as well as to citizens (by means of consumers associations). 2. It has been carried out a short analysis of the practical aspects in which would be appropriate to introduce legislative, functional and structural changes of the system. 3. It has been specific proposals for effective implementation of those changes. 4. A presentation of the technical assistance to Croatian experts has been implemented on September, 5. 5. It has been drafted a final report with conclusions and recommendations. 6. As an added value, it has been attached as annex a procedural outlines of the Enforcement Act as a practical guide for further missions.
<p>Main findings</p>	<p>QUANTITATIVE APPROACH: inputs from the statistical information</p> <ol style="list-style-type: none"> 1. Efficiency. There is a duplication of efforts. Statistical data that are not introduced in the case management system (e-SPIS) must be registered manually into an excel file, and sent, by email, to the Ministry of justice. 2. Reliable information. Statistical information cannot be considered totally reliable. The registration rules imply counting the same enforcement proceeding more than once.



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3. Type of enforcement procedures. A comparative analysis in relation to the type of proceedings reveals that Monetary Claims represents more than 75% of the incoming enforcement cases.

4. Enforcement of real states and movables. Due to the complexity of the enforcement procedures, legal barriers and court practices, the rate of pendency of movable and real state represents an extremely high percentage in comparison of monetary claims.

5. Increasing of pendency. The rate of pendency of enforcement cases is rising dangerously in the first half of 2014 in Municipal Court of Zagreb.

QUALITATIVE APPROACH: analysis of replies to questionnaires from stakeholders

6. Response timeframe. Most of the stakeholders consider that overall time efficiency of enforcement is low or very slow. There are not significantly differences between judicial and non judicial decisions in this respect. The main complaint of users concerning the enforcement system concerns to the excessive length and excessive cost of the procedure.

7. Legal obstacles. The lack of supervision of deadlines is perceived as obstacle in order to reduce the backlog. More than half of respondents identify that the most important legal obstacles to the enforcement of judicial decisions are linked to the excessive number of legal remedies, the hearings to the parties and the dispersion and duality of competent authorities.

8. Practical obstacles. The main practical and operational obstacles in the enforcement procedure are integrated by the slowness of procedure, the excessive backlog and the lack of uniform criteria and effectiveness.

9. Central Register. A great group of legal practitioners identify the lack of a central register of movable and immovable property as a crucial weakness of the enforcement system.

10. Specialized Court Service. The absence of a



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centralized and specialized judicial unit (or service responsible for all enforcements) is considered as challenge in order to improve the enforcement system.

11. Outsourcing. The privatization or outsourcing enforcement services is not considered as an appropriate measure in order to improve the enforcement system.

FUNCTIONAL APPROACH: Zagreb Municipal Case Study

12. Procedural deadlines. There is a need to provide on mandatory deadlines applicable only in cases which start after the amendment of the Enforcement Act, otherwise it would establish an unsolvable problem for the Municipal Civil Court of Zagreb which is already suffering from a 4-5000 case backlog per “referada” from which a significant number is from the ‘80s and ‘90s. The enactment of procedural deadlines could secure finishing at least the new cases in a reasonable time combined with temporary measures dealing with the backlog.

13. Backlogs. There is a pressing need to reduce backlogs. This could not be achieved without increasing the staff of the Municipal Civil Court at least temporary.

14. Judges and Court staff. Mission reveals that there is room for empowering Court Advisors in order to allow them to manage cases on their own. Based on the education that is required to become a Court Advisor and their personal qualities and experience that MG could observe throughout the interviews, they are suited to manage enforcement cases on their own. The current status of internal organization in Zagreb (Judges + assistant; Court Advisors + assistant and administrative services under one coordinator) and the workflow between the different units may entail inefficiencies. Since the number of Court Advisors far exceeds the rate of Judges specialised on enforcement cases, Court Advisors account for the lion's share of tasks: preliminary advises, proposals for Judges’ decisions and signing on their own some procedural decisions.

15. Time of the procedure. Linked to the former MF, the timeframe of delivering judicial decisions is too large.



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Especially, between the time when the Court Advisor prepare the decision and the time the decision is signed by the Judge usually there are 1-2 weeks.

16. Serving of judicial documents to citizens and parties.

All legal practitioners agreed on one key point and all highlighted the need to give more efficiency to the notification systems. From both approaches, from the citizen perspective (in relation to the debtors), and from the legal practitioners' position (absence of a secure electronic system of notification to the lawyers). This implies a waste of time and budget for the Court. In the examined cases MG found that one of the most significant causes of delays is that the debtors cannot be found at their registered address or that they simply do not take the documents delivered to them by post.

17. Dispositive principle.

MG recognizes that certain measures are unnecessarily depending on the motion of the parties. The Court is too dependent on the dispositive principle not allowing space for court measures without the initiative of the parties, ex officio.

18. Unnecessary changing of the objects of enforcement.

The procedure of changing the object of enforcement and thus starting the process again seems rather burdensome and contributes to prolonging the procedure.

19. Lack of standardized forms.

The absence of uniform forms (mainly for the motion) does not contribute to a faster processing of cases. Using forms would make it easier for judges and Court Advisors to check whether the motion is correct and founded. Besides, a centralized secure IT system could be developed for processing the cases and also for serving documents electronically.

20. Legal barriers to execution.

Zagreb Municipal Court Case Study confirmed that some legal provisions on interruptions of enforcement and procedural requirements are considered as unnecessary obstacles to execution (see Section 2 of Report of Activity 1.1.1. of this Project):

- Excessive use of legal remedies even in cases not allowed by the Law;



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	<ul style="list-style-type: none"> - Additional litigation proceedings (i.e. Articles 55 and 60 of the Enforcement Act); - Excessive hearings to the parties; - Duality of competent enforcement agents depending on the type of property (i.e. monetary assets, movable and immovable property); - Dispersion of competent authorities for a single enforcement case depending on the territorial location of the debtor's property; <p>21. Legal remedies. Beside of the excessive use of legal remedies MG had the impression that the legal remedies mainly cause delays because the second instance court can't consider them in a reasonable time.</p> <p>22. Mediation mechanisms and enforcement procedure. Despite the positive efforts made with the <i>Mirenje</i> program, mediation or other ADR system within the framework of enforcement procedures remains as unknown alternative for the enforcement phase among the vast majority of legal practitioners.</p> <p>23. Information technology and enforcement procedure. Although there is a specific software in process of full implementation, an electronic case management system (e-File, in Croatian e-SPIS), the mission revealed the lack of interoperability standards (between court services and other entities) may provoke results in inefficient workflow between parties, enforcement agents and competent agencies (for instance, FINA).</p> <p>24. Administrative services. Within the so called "Kancel" (a sort of administrative Court department of the Municipal Court of Zagreb) there are several units of administrative staff in support of Judges and Court Advisors. The mission revealed that there is room for introducing greater rationalisation. There is a need to modernize the way the Organization carries out its day-to-day work, by streamlining and simplifying processes.</p>
<p>Key conclusions</p>	<p>■ 1. Reliable information. Any modern organization operating within the Information Society needs to rely on reliable statistical data. There is room for improvements in relation to the registration system within the Municipal</p>



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Court. The rules imply counting the same enforcement proceeding more than once.

- **2. Barriers to enforcement.** Statistical data confirm the need to lower administrative barriers. For instance, changing of the objects of enforcement and obliging a new motion and registration seems rather burdensome and contributes to prolonging the procedure. Due to the complexity of the enforcement procedures, legal provisions and court practices, the rate of pendency of movable and real state represents an extremely high percentage in comparison of monetary claims.
- **3. Increasing of pendency.** The dangerously rising the rate of pendency of enforcement cases during the last years requires to adopt new measures.
- **4. Complexity and length of proceedings.** The length and complexity of enforcement cases are due to the misuse of legal remedies, excessive hearings to the parties and additional litigation proceedings by debtors. This extends unnecessarily the proceedings as well as a progressive increase of uncertainty and unpredictability. This entire situation provokes a high dissatisfaction among legal practitioners and citizens as well as inefficiency since the high cost for the MoJ.
- **5. Judges and Court Advisers.** Although Court Advisers account for the lion's share of enforcement tasks, still is possible to provide more efficiency to the enforcement system if the internal organization is re-shaped by means of given more substantive role to the Court Advisers. In this manner the Judge's role could be focused on the very jurisdictional issues, such as appeals against decisions adopted by Court Advisers. Likewise, some enforcement judges could be appointed (relocated internally) in other areas of the Municipal Court.
- **6. Administrative services and Legal Advisers.** There is room for giving more important role to the enforcement court department, the "Kansel" (the administrative office for processing and handling the proceedings as well as serving of documents). This



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could be implemented by means of appointing the current court advisers (one of them acting as coordinator) to that service. In the same sense, it would be desirable to extend the Court Advisors' remits, (apart of doing motions for resolutions to their mentors) and extending their powers for signing own decisions. On the other hand, it is necessary to professionalize the supervision of the *Kansel*. In this manner, it could be reduced significantly the ongoing transfer of cases, judicial records and files from court's rooms to the office; likewise much of the administrative work done by the judges and Court Advisors' assistants could be implemented within this expanded office.

- **7. Information Technologies and Courts Services.** It is necessary to improve the interoperability standards. Besides, a centralized IT secure system could be developed for processing the cases. Also a national centralized Register of movable and immovable property is needed. This should contribute to minimize the delays in workflow between parties, enforcement agents and competent agencies. The progressive digitalization of all incoming pleadings and documents should be evaluated.
- **8. Delivering of judicial documents to the parties.** There is a need for more innovation in order to reduce lead time of judicial documents to the parties. When possible from the legal point of view the paper environment should be shifted to an electronic way of operation in relation to notifications and serving of documents. In the case of lawyers who have appeared in the proceedings the delivering of judicial documents may be implemented by means of a secure telecommunication system from the Courts.
- **9. Procedural deadlines.** Interviews reveal the need of providing and keeping mandatory deadlines applicable only in cases which start after the amendment of the Enforcement Act.
- **10. Dispositive principle.** MG understands that certain measures are unnecessarily depending on the motion of the parties. The Court is too dependent on the



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	dispositive principle not allowing space for court measures without the initiative of the parties, ex officio.
<p>Recommendations</p> 	<p>1  It is advisable to check the current statistical court cases system in order to revamp the registration of enforcement cases according to the conclusions.</p> <p>2  It is convenient to remove some legal provisions which are considered as legal barriers for an effective execution such as interruptions of enforcement and procedural requirements which deemed to be viewed as unnecessary obstacles to execution.</p> <p>3  To carry out processes re-engineering in relation to the Municipal Court Departments as a search for alternatives of greater effectiveness, efficacy and efficiency, on the basis of the rationality of the solutions. The establishing of a specific Enforcement Procedural Court Service monitored by qualified professionals and relying on a Quality Strategic Plan might be an option. Besides, MG recommends to empower Court Advisors to act on their own throughout the whole enforcement procedure.</p> <p>4  IT improvements. Steps should be taken to provide Courts, enforcement agents and competent bodies with the minimum following facilities⁴:</p> <ul style="list-style-type: none"> ▪ Centralized electronic auctions national Website⁵;

⁴ Some initiatives in this area are foreseen in the Multiannual European e-Justice Action Plan 2014-2018 (EJUSTICE 18, JUSTCIV 42, COPEN 55JAI 92).

⁵ Important legislative developments have recently taken place on this matter. In fact, Article 45 of the new Amendment of the Enforcement Act (entered into force on 1st of September 2014) modifies art 97 of the Enforcement Act and provides for electronic auction: “...(1) *The sale of the real estate shall be performed by an electronic public auction. The electronic public auction shall start with publishing an invitation for the participation in the electronic public auction.*

(2) *The invitation to participate in the electronic public auction shall contain the following: the terms and conditions of sale, date and time of the beginning and ending of the public auction, time when those interested in buying real estate can view the real estate, and other necessary information.*



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	<ul style="list-style-type: none"> ▪ Secure electronic delivering of documents to the lawyers; ▪ On line full and direct access to judicial bank accounts from the Court Services; ▪ Electronic access to multiple-source information on debtor’s property. <p>5  To embark on a process of reflection in order to revise the predominance of the dispositive principle giving more room for ex officio measures during the enforcement phase. Besides, it seems appropriate to reform the rules of delivery and to consider the wider use of the presumption of service possible.</p> <p>6  MG recommends the use of standardized forms, mainly for the motion of enforcement it would greatly contribute to the faster processing of cases.</p> <p>7  Emergency measures. As an extraordinary measure for facing the dangerously increasing of backlog, policy makers should consider the possibility of growing the number of legal advisers (for a definite time or on a temporary basis).</p>
Annexes	<ol style="list-style-type: none"> 1. Statistical data 2. Questionnaires 3. Enforcement Act: Procedural Outlines 4. Mission Group activities

(3) The invitation for the participation in the public auction and the documents referred to in Article 95 paragraph 2 of this Act shall be published on the Agency’s website... ”.



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2. PRACTICAL IMPLEMENTATION OF THE FORCED ENFORCEMENT PROCEDURES IN THE REPUBLIC OF CROATIA

2.1. Quantitative analysis

2.1.1. INTRODUCTION: OBJECTIVES OF THIS APPROACH



As part of its transparency policy, European Countries compile statistical data that can be seen by citizens on the internet as real data regarding the duration of the proceedings, the clearance rate and the number of pending cases.

Data collection and setting-up of a national statistic system is a must, but always taking into account, if possible, the European Commission for the Efficiency of Justice (hereinafter referred to as “CEPEJ”) Evaluation Scheme and key data of justice defined by CEPEJ.

The court activities should be monitored through a comprehensive and publicly available system of information collection, and evaluated on a regular basis. The monitoring systems include the publication of an annual activity report and the measurement of the number of incoming cases, decisions delivered, postponed cases and the duration of proceedings¹

In the Republic of Croatia, the Ministry of Justice is the main responsible for collecting statistical data regarding the functioning of the courts and judiciary system. All data are centralized in the Ministry of Justice and the person in charge of collecting these data elaborates a yearly report. There are data statistics published on the internet since 2010.

Taken into account that the project’s aim is the “Improvement of the enforcement system in The Republic of Croatia” and that it should be highlighted both, strengths and weaknesses observed, a deep study of statistical data it is necessary.

Statistical data are published on the internet and can be consulted by all citizens in the following Web pages:

¹“The EU Justice Scoreboard: A tool to promote effective justice and growth. Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions. COM (2013) 160 final”



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- <http://www.mprh.hr/uprava-za-organizaciju-pravosudja-statisticka-istr>,
- <http://sudovi.pravosudje.hr/ogszq/index.php?linkID=9>

The first one contains the official statistical data elaborated by the Ministry of Justice. In the Republic of Croatia, the Ministry of Justice is the centralized institution responsible for collecting data regarding the functioning of the courts and judiciary system.

The second one refers just to the pending enforcement cases.

According to the aim of this Twinning all data collected in this report are referred to enforcement in civil matters, expressly excluding criminal, administrative or other affairs that are also published. Not personal data are referred to in this compilation, just percentages of cases per year.

2.1.2. RESULTS AND TECHNICAL FICHE

Statistical data from FINA, Notary Chamber and Municipal Court of Zagreb have been collected and compared in this Section.

Data have been required directly to those entities, but there is also an official internet website for court statistical data, annually published. These data from The Republic of Croatia's court are in Croatian except for a brief introduction that is in English. Enforcement data are not separated by type of enforcement in their annual standard reports.

Internal statistical data collected by the court departments and introduced in the case management system (e-SPIS) are not public, as citizens have not access to them.

Since interviews with relevant authorities, such as Judge Ana Lorinov and Jugde Nikola Ramuscak, were arranged in Activity 1.1.1 and they said they were not experts in how statistical data were processed, no interviews with judicial players have been considered necessary for statistical data processed in this Section.

Additionally, an additional data cross-checking was made in order to assure more accurate results. Therefore, meetings have been held in the MoJ and the Municipal Court of Zagreb with competent officers in this matter⁶.

As another added value, statistical data from Notary Chamber and FINA have been included; but according to the work plan designed and the terms of reference (ToR), as the activity should be focused on Municipal Court, no interviews with FINA or Notary Chamber have been arranged for statistical data. Statistical data have been required and

⁶ Martina Vrdoljak, in charge of the statistical data collection at the Ministry of Justice, and Anda Turkovic, in charge of the statistical data collection at Municipal Court.



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delivered by email.

- **Financial Agency (hereinafter referred to as “FINA”)**

Data are pretty recent as since the new Enforcement Act entered into force in 2012, direct execution of legal titles, court settlements or arbitral awards, through attachment of bank accounts are made by FINA. Therefore, statistical data obtained from FINA are from 2013 to the first semester of 2014. Data obtained indicates: proceeding received, proceeding solved and proceeding pending, but data of length of the proceedings or complaints could not be obtained in this work.

An analysis has been conducted taking into account all the data collected. Two graphs showing data from 2013 and the first semester of 2014 have been made and analyzed.

An excel file has been done and incorporated to this Report as Annex 4.1.

- **NOTARIES**

Their Website is on construction now, so statistical data are not available on the Internet. Data from 2011, 2012, 2013 and from three months of 2014 have been delivered. Data from 2012 and 2013 have been analyzed. Data obtained indicates: proceeding received, proceeding solved and proceeding pending. Complaints data have been also delivered.

An analysis has been conducted taking into account all the data collected. Received, solved and pending are considered the most relevant data to be shown in a graph. Complaint data are not shown in the graphs displayed.

An excel fiche has been done and incorporated to this work as Annex 4.1.

- **COURTS**

Since the case study of this Report is focused on the Municipal Court of Zagreb, the only data analyzed in this are referred to that Court.

Dealing with the processing methodology, the study separates immobilities, monetary claims, movables and other in 2013 and first semester of 2014. Data from 2011 to 2012 have been obtained too less detailed. A thorough explanation of the method of data collection and different problems that are faced in order to verify the accuracy of the information obtained, have been obtained in the meetings arranged.

There are two IT management system (e-Spis) used in order to collect these data. One is just used by the Municipal Court of Zagreb and the other by the rest of the Republic of Croatia courts. That does not mean a problem for the Ministry of Justice as data can be added and collected in the same yearly report all together.



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Since the new Court Case Management (e-SPIS) is not fully implemented, the automatization process of collecting data must be complemented manually (in Excel format) for those statistical data related to old proceedings that are not registered in that management system (eSpis).

A broad-based analysis has been conducted taking into account all the data collected. Furthermore, graphs showing data from 2011, 2012, 2013 and the first half of 2014 have been made. Graphing data to visually display results allows for a more in depth analysis.

An excel fiche has been done and incorporated to this Report as Annex 4.1.

2.1.3. STATISTICAL DATA FROM COURTS

The Constitution of the Republic of Croatia is based on the principle of separation of powers into legislative, executive and judicial branches.

Judicial power is exercised by the courts. The judiciary is to be autonomous and independent. The courts administer justice according to the Constitution and the law, as well as the international agreements and treaties, which make an integral part of the legal system of the Republic of Croatia.

In the Republic of Croatia the administration of justice is carried out by misdemeanour courts, municipal courts, county courts, commercial courts, administrative courts, the High Misdemeanour Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia, the High Administrative Court of the Republic of Croatia and the Supreme Court of the Republic of Croatia.

On 31 December 2009 there were a total of 1.924 judges. In addition, 588 advisers of the court and expert associates were also employed at the courts along with 75 graduated lawyers with the status of judicial apprentices and 6.251 court officers and servants.

In 2011 the Croatian courts adjudicated a total of 2.439,201 different cases. Out of that number 1.653,640 cases were brought before the court for the first time. The courts decided a total number of 1.613,477 cases whereas 827,102 cases remained unresolved. Statistics from 1997 to present date indicate a tendency of constant increase of the number of cases filed.

The organisation chart of the Municipal Court of Zagreb includes the Department for Statistics in the Office of the President of the Court within the Secretariat of the Court, Human Resources Department, Department for Foreign Affairs and Special Records, Department for E-file (e-Spis), IT Department and Court Administration Office.



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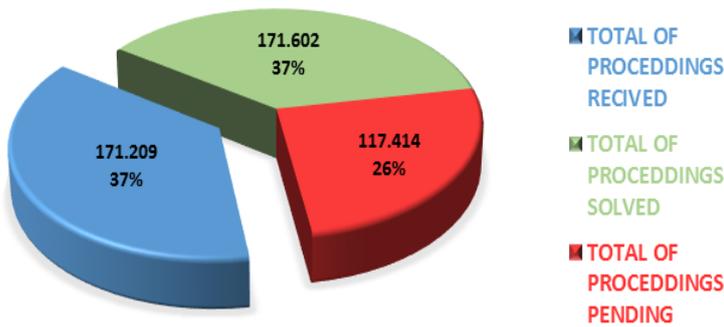
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There are some rules for Statistical data procedure at the Municipal Court of Zagreb: "[Rules of procedure of the court](#)" ("*Sudski poslovnik*"). Its articles 88 and 89⁷ are directly related to statistical data, and these are published on the Internet.

Graphs are essential to good statistical analysis. The graphs drawn show statistical data from 2011, 2012, 2013 and half of 2014, but without analyzing different types of civil enforcement proceeding. Data from Municipal Court are not as accurate as data from the Ministry of Justice, as the IT management system (eSPIS) does not register statistical data for old enforcement cases and these data must be manually collected in an excel fiche.

In 2011 the average of total of proceedings received was equal to the average of total of proceedings solved.

MUNICIPAL COURT - ENFORCEMENT CASES - 2011



Proceedings pending represent 26% on average of the total number of data reviewed.

Although the average of the global solved proceedings is less than 30%, data from 2011 are not quite good in terms of pendency.

⁷ HEAD XII. Court statistics

Article 88.

All activities, related to the processing of statistical data in the court, are generally conducted by the Department or the Section for IT support and processing of statistical data, under the direct supervision of President of the court and / or the Director of court administration.

Article 89.

(1) Misdemeanour Courts, the High Misdemeanour Court of the Republic of Croatia, administrative courts, the High Administrative Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia, and Croatian Supreme Court are obliged to submit data on the total number of received and resolved cases in the previous quarter, and the total number of unresolved cases, information on the total number of cases received in the court before 3 years or more, as well as information on the individual work of the judges in the previous quarter, to the Ministry of Justice, electronically, within 15 days after the end of each quarter.

(2) The courts responsible for dealing with cases within the jurisdiction of USKOK (Bureau for Combating Corruption and Organized Crime) and war crime cases, are obliged to submit data on the number of received, solved and unsolved cases, from the jurisdiction of USKOK and war crime cases, to Croatian Supreme Court and Ministry of Justice, electronically once a month for the previous month.

(3) The courts are required, in accordance with specific regulations or when asked, to submit also other statistical information about their work, to the higher authorities of court administration and the Ministry of Justice.

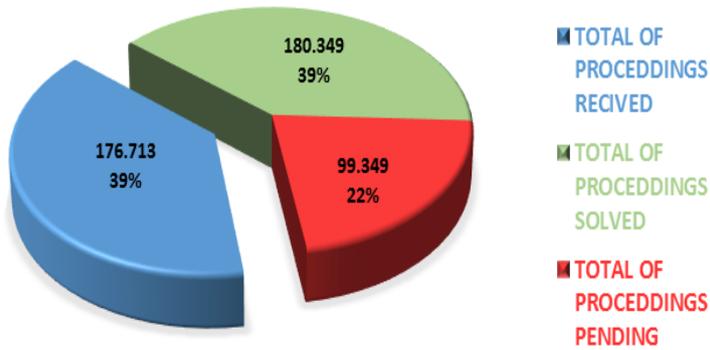


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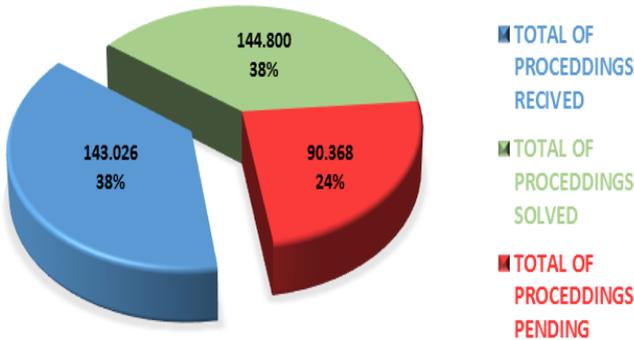
MUNICIPAL COURT - ENFORCEMENT CASES - 2012



Compared to 2011, the pendency has decreased four points, which does not solve the real problem of civil enforcement proceedings in Municipal Court of Zagreb.

Total cases received and pending have increased a 2%, which is totally irrelevant in comparison to the previous year analyzed.

MUNICIPAL COURT - ENFORCEMENT CASES - 2013



There are not significant changes between these last three years.

Same proceedings rate received and solved, and a pendency that did not decreased, is the conclusion we come to after having analyzed the three graphs from 2011, 2012 and 2013.



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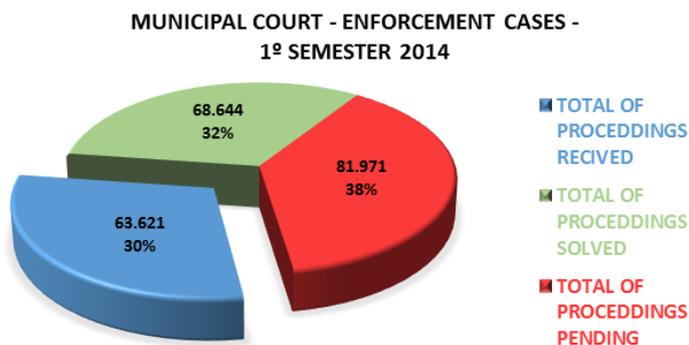
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Although data from 2014 are referred to the first half of the year, MG have considered convenient to analyze them, as data of “total of proceeding pending” are conspicuous.

For the first time in over four years data of “total of proceedings pending” is higher than those received and solved.

Bearing in mind the progressive increase of pending cases, these data reveal that the civil enforcement proceeding is in danger in terms of efficiency and effectiveness.

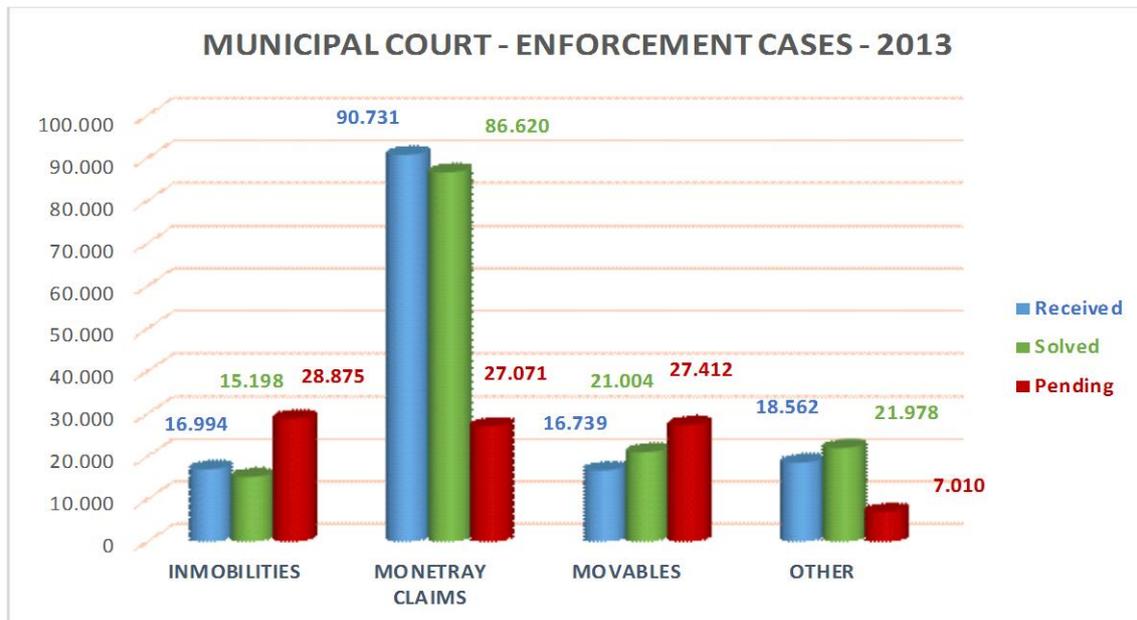




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Information from specific enforcement proceedings such as immobilities, monetary claims, movables and other from 2013 and the first half of 2014 have been provided by the Ministry of Justice.

Although Monetary Claims is the proceeding with the highest incoming rate, pendency of immobilities and movables is 1 to 2% higher. As lawyer, judges and other legal players interviewed confirm, public auction are not very efficient. Too high prizes for immobilities, reduced information of public auction and some other facts, make it quite difficult to have these immobilities proceeding solved.

Movables data are not better that monetary or immobility in terms of pendency. Pendency rate is too high, similar to monetary claims and Immobilities proceedings, which is rather striking, taken into account that received movable and immovable proceedings are nearly four times less than monetary claims.

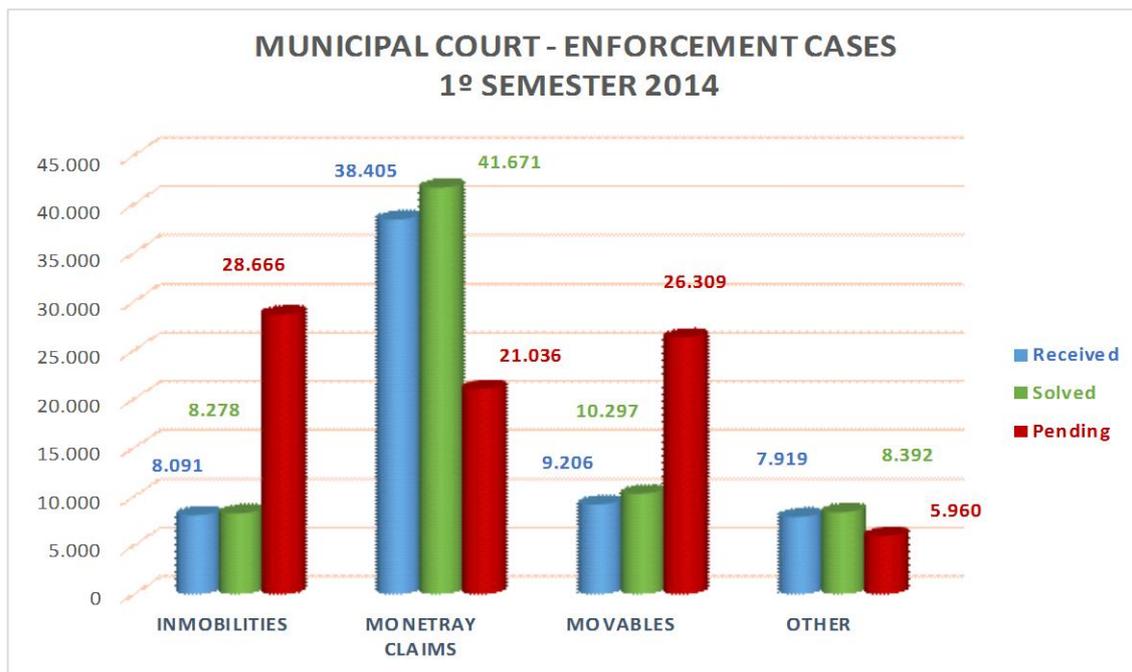
Solved cases rate is lower than incoming enforcement proceedings in monetary claims and immobilities. This worrying development in enforcement proceeding at Municipal Court changes in the first half of 2014, as shown in the following graph.



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Received enforcement proceedings are higher (more than three times) in monetary claims than in immobilities, movables or “other” proceedings.

The rate of successfully solved cases has not been dramatically higher than incoming cases. Solved proceeding is almost 5 to 10 % higher than incoming enforcement cases and this data does not change with the different type of enforcement proceeding.

Pendency of all types of enforcement proceedings is not improving in the first half of 2014. The total number of pending enforcement cases, which had stood at 81971 (immobilities: 28666; monetary claims: 21036; movables 26309; others 5960) as of June



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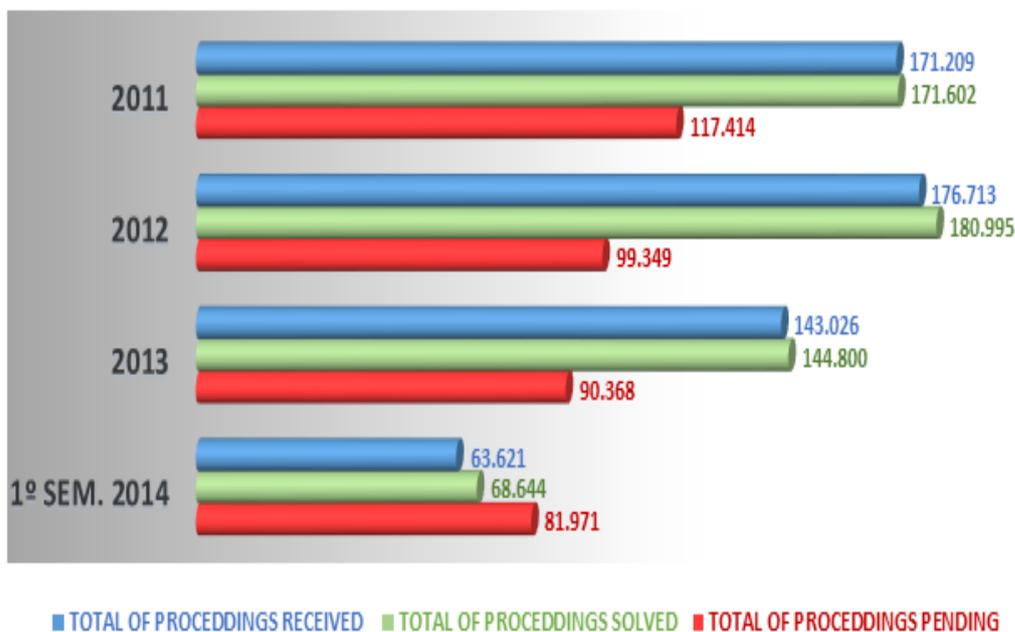
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2014, was alarming in its magnitude.

In accordance with Article 6 of the European Convention of Human Rights the enforcement of a court judgement is an integral part of the fundamental human right to a fair trial within a reasonable time. Solutions must be handled to avoid a huge amount of pendency that makes enforcement proceedings ineffective and inefficient.

MUNICIPAL COURT - DATA EVOLUTION 2011/1º SEM. 2014



A graph showing all the statistical data of received, pending and solved enforcement proceeding can be useful in order to understand better the preceding explanations.

Giving an overview of all the data from 2011, 2012, 2013 and the first half of 2014, it can be concluded that there are less proceeding received through last two years. But pendency has not decreased at the same rate. There is still a problem of pendency to be solved at Municipal Court. After the Enforcement Act implementation, it could be said that perhaps FINA and the Notary Chamber have helped to decrease the figures, but a solution of this pendency must be found.



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Pendency is actually higher than in the previous years, and a solution must be adopted in order to stop this growth of pendency.

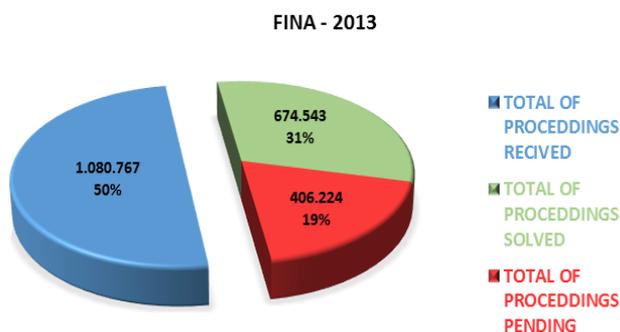
2.1.4. STATISTICAL DATA FROM FINA

[FINA](#) is a Croatian company with nationwide coverage in the field of financial mediation and the application of information technologies which meet the Court's requirements in relation to assets investigation during the enforcement proceedings⁸.

FINA covers the entire territory of Republic of Croatia. It is a unique service provider for market stakeholders, featuring financial intermediation solutions, quality business information network -based and public services provided electronically or through a well-developed business network.

The new Enforcement Act 2012 provides for a direct collection of monetary receivables through an State owned legal entity, FINA, on the basis of enforceable court decisions, court settlements and arbitral awards. Creditors merely have to provide FINA with a request of payment along with the enforceable title. FINA contacts credit institutions and gathers the relevant information in 48 hours. If within next 30 days upon receipt of the request, FINA will not have received different instruction by the court, it shall issue a payment order to the banks ordering money transfer from the seized debtor's account to the designated creditor's account. Thus, as can be observed in the statistical data, if the debtor's bank account has funds available payment to the creditor is fast. Therefore, it can be concluded that the debts collection procedure is simple and efficient.

When the debtor has not a bank account and money cannot be seized, the procedure ends and the creditor must go to court in order to restart another enforcement proceeding to get its money. FINA takes between 15/30 minutes to solve a case. FINA has decreased the court work but just in the simplest cases. Interview with lawyers shows complaints about the poor legal training of some FINA employee which makes many enforcement proceedings to be inefficient than it should be.



As can be seen in the graph on the left, the percentage of proceedings solved is somewhat greater than

⁸ Taken from "Improvement of the Enforcement system in the Republic of Croatia" Twinning ref. Number HR/10/IB/JH/04.



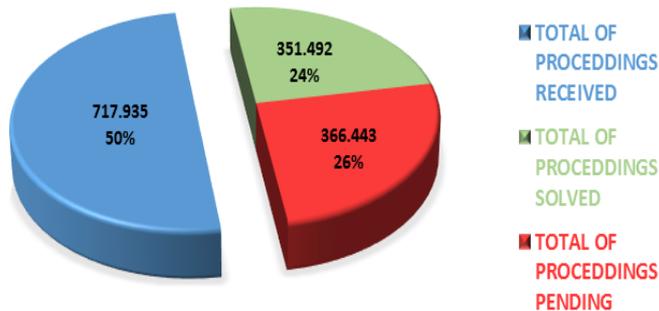
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20% of those received.

FINA - 01.01.2014/30.06.2014



This percentage is an indicator of good performance meaning that each year less than 35% of the proceedings remain pending for the following year.

The relative simplicity of the procedure allows for a reduced court workload while expediting the procedure and increasing its efficiency. But surprisingly enough, there is higher pendency rate for the current year.

A - Total number of proceedings received: it includes all enforcement title documents defined by the Act on enforcement over the monetary assets (*Zakon o provedbi ovrhe na novčanim sredstvima*) and all requests in connection with those enforcement title documents which are added to Payment Transactions Order Register (*Očevidnik redoslijeda osnova za plaćanje*), with the exception of enforcement title documents which are declared non suitable for enforcement/execution by FINA in terms of the Enforcement Act or the Act on Implementation of Attachment)

B - Total number of proceedings solved: it includes all enforcement title documents defined by the Act on enforcement over the monetary assets and all requests in connection with those enforcement titles (request to increase the debt, decision on suspension of execution, decision on postponement of execution, decision on opening proceeding of pre-bankruptcy settlement etc.) which are added to Payment Transactions Order Register and in respect of which FINA acted in accordance with the request of creditors or the competent authority (enforcement/execution title billed in full/ the process has been suspended, open bankruptcy proceedings etc.)

C - Total number of proceedings pending: A - B

2.1.5. STATISTICAL DATA FROM NOTARY CHAMBER

Under the Croatian regulations, a notary public is a private person incorporating some aspects and authorities of a public official that certifies and authenticates certain legal documents. Notaries Public are a public service regulated by law. In accordance with the



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Notaries Public Act, notaries public enjoy public trust as persons, they draft public documents relating to legal operations, declarations of intent or facts resulting in a person's rights.

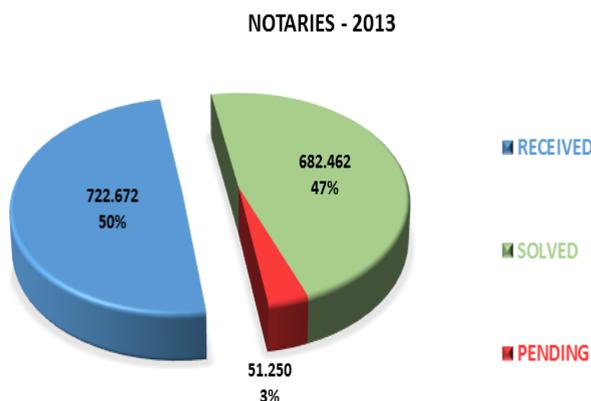
The Croatian chamber of notaries is an association of Croatian public notaries. Its seat is in Zagreb, and its function is, with the help of Ministry of Justice, to supervise the work of all public notaries. Public notaries are persons of public trust and their work consists in assembling and publishing public documents concerning all legal transactions, statements and facts that are basis for establishing rights. It witnesses the signatures and certifies the validity of personal identification papers.

The number of notaries public is limited and determined based on the restriction set by the Ministry of Justice of the Republic of Croatia. The rule stipulates that there can be one notary public per 20.000 inhabitants. There are 321 Notaries in 114 cities in Croatia.

Upon instructions of courts they perform tasks that may be given to them in line with the law. The conduct indisputable legal procedures and indisputable bankruptcy proceedings

Meeting with Ms Sanda Pandza, Vice chairman, public notary from Zagreb and Ms Nada Kemec, board member and public notary was arranged in Activity 1.1.1, and an explanation about notary title enforcement was given. When notaries face an enforcement proposal they investigate if everything is according to law. When a notary title is to be enforced the creditor goes directly to FINA. Until 2006 the enforcement act was different; now, in order to make enforcement act shorter, there are titles that are done directly by FINA. If the creditor cannot get the money from FINA he gets a certificate from FINA and goes to the Court.

Meeting with different Law firms has been developed in this Activity 1.1.2. Although they are satisfied with notaries they do not think enforcement with notaries is the solution of the length and inefficiency of civil enforcement proceedings.



Although the study of this report is based on Zagreb and Municipal Court, data from Notary Chamber are referred to all The Republic of Croatia; therefore data cannot be compared to data collected from Municipal Court.

Proceeding received and solved are quite the same, nearly 50%, and pendency is just 4%.

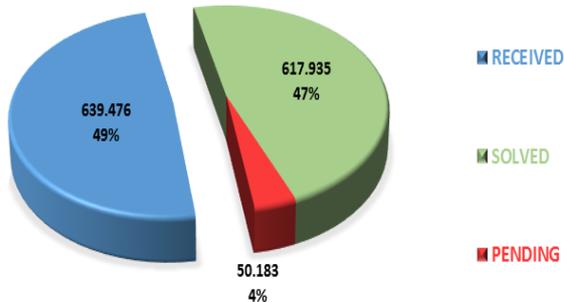


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NOTARIES - 2012



Data change little from 2012 to 2013. Almost 50% of received and solved enforcement proceeding shows an insignificant 3% of pendency.

2.1.6. MAIN FINDINGS

1. There is a duplication of efforts. Statistical data that are not introduced in the case management system (e-SPIS) must be registered manually into an excel file, and sent, by email, to the Ministry of justice. Nevertheless, it is foreseen to rely on a comprehensive IT management system (eSpis) from January 2015.
2. The municipal court uses its own statistical programme, different from the ones used in all other Croatian courts. The rest of courts from the Republic of Croatia changed first, as they are smaller, and the change was easier to manage and implement. The new programme is efficient since the data will be collected on an automatized form, avoiding manual work.
3. Statistical information cannot be considered totally reliable. The registration rules imply counting the same enforcement proceeding more than once. Data related to the total amount of proceedings is not realistic: a proceeding started in 2010 can be counted as a new one in 2014 because it was, for example, not solved by FINA as no money was founded. There are lots of cases referring to the same subjects that are counted more than once
4. A comparative type of proceedings analysis reveals that Monetary Claims represents more than 75% of the incoming enforcement cases.
5. Due to the complexity of the enforcement procedures, legal barriers and court practices, the rate of pendency of movable and real state represents an extremely high percentage in comparison of monetary claims.
6. Pendency is remarkable in the first half of 2014 in Municipal Court of Zagreb.



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Pendency is higher than the years before. This assessment is also applicable to FINA since the pendency in the first semester of 2014 counts more than 350.000 cases, (almost 25% in relation to the received cases).

2.1. Qualitative analysis

2.2.1. INTRODUCTION: OBJETIVES OF THIS APPROACH

For this activity 1.1.2 entitled “*Analyzing the technical execution (the overall process of involuntary collection of claims and problems which occur during the procedure) of different types of enforcement procedures known by the Croatian enforcement legislation and preparing report containing analysis results*”, the MG implemented a questionnaire intended for different stakeholders institutions in the Croatian Enforcement System on civil matters (judges, bailiffs, legal advisers, civil servants, notaries, consumers associations, police departments, lawyers....) in order to know the opinion of previously mentioned stakeholders about the degree of effectiveness in the Croatian Enforcement System on civil matters and theirs suggestions to the improvement of enforcement system expressed through any explanatory remarks they freely have wrote in the questionnaires.

2.2.2. TECHNICAL FICHE AND REPLIES

A.- The survey structure.

The survey structure is based on questionnaires structured on three sets of questions with a total of 19 points. A first block of six questions under the heading or epigraph “*efficiency*”, in which the goal is to obtain key information regarding overall time efficiency of enforcement of judicial and non-judicial decisions, what are the main complaints of users concerning the enforcement procedure, if the enforcement process generally leads to a ratio of benefits relative to costs ,another purpose is to obtain a statement about the reasons why the enforcement system is slow, and if they consider that mandatory deadlines for the issuing of judicial resolutions could be useful to short terms.

The second block of questions under the heading of “*barriers to law enforcement*” were drafted in order to meet the main legal obstacles that the respondents understand whose removal most improve the enforcement of judicial and non-judicial decisions, and which are in their point of view the main practical and operational obstacles.



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The third block of questions, under the epigraph “*specific enforcement measures*”, pursues to score from one to ten six proposals of technological advances that could improve the enforcement efficiency.

And finally, the fourth block of questions titled “*overall assessment*”, as a summary contains a comprehensive valuation of various improvement measures to upgrade civil enforcement.

B.- Methodology

According with the ToR, the target group's opinion in this survey was integrated by judges, lawyers, court officials, notaries, bailiffs and other public or private entities and decision makers with responsibility for civil enforcement. Besides, legal advisers, Bar Association, FINA, notaries and consumers associations were surveyed.

The MG raises three types of survey questions: Closed questions, Partially categorized questions, and Open-ended questions. There are ten closed questions that have a list of possible answers from which respondents must choose, six partially categorized questions similar to open-ended questions, but some answers have already been pre-categorized to facilitate recording and analysis. In questionnaire there is one open-ended question (4.4) in order to ask participants to come up with their own responses and allow the researcher to document the opinions of the respondent in his or her own word about proposals and concluding observation.

Within the type closed question were included Multiple Choice Questions where participants have to select the most relevant response; Likert Scale Question to identify how respondents feel about a certain issue and the scale ranges from extremely not important, not important, neutral, important, to extremely important, or strongly disagree, disagree, neutral, agree to strongly agree; and Ordinal questions in order to ask respondents to rank a series of responses.

The survey was conducted between July and August 2014.

As to the geographical origin of respondents, answers were received from all parts of the country, specially answers sent by personnel belonging to the Ministry of Interior. But the answers received from judges, lawyers, legal advisers, bailiffs come from the city of Zagreb.

Up to August 29th a total of 210 answers were received, three of them were rejected since they were not answered seriously and not all the answers received covered all the boxes properly. The data was recorded, coded, processed, and stored according to standard procedures in an Excel format.



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2.2.3 STAKEHOLDERS' PERCEPTION IN RELATION TO EFFICIENCY AND RESPONSE TIME IN JUDICIAL ENFORCEMENT

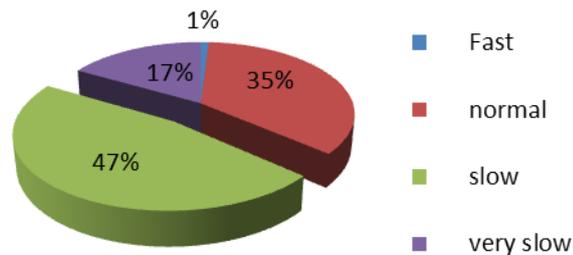
The question raised as regards this section were the following:

QUESTION 1.1:

To your knowledge, please rate the overall time efficiency of enforcement of judicial decisions

The purpose of this question is to test the stakeholders' perception about the time efficiency of enforcement of judicial decisions giving them the ability to choose from one of four responses: fast, normal, slow and very slow.

1.1 THE OVERALL TIME EFFICIENCY OF ENFORCEMENT JUDICIAL DECISIONS



The result of replies shows that most of the respondents believe that the overall time efficiency is slow (specifically the 47%), the 35% think it is normal, the 17% say it is very slow and finally the 1% responded that time efficiency of enforcement of judicial decisions is fast.

TOTAL RESULTS

A	B	C	D
Fast	Normal	Slow	Very slow
2	72	96	34

QUESTION 1.2:

To your knowledge, please rate the overall time efficiency of enforcement of non-judicial decisions.



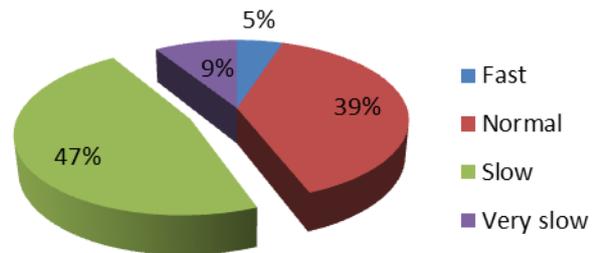
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The same way as in the previous question, the purpose of this question is to inquire the stakeholders' perception about the time efficiency of enforcement of non-judicial decisions giving them the ability to choose from one of four responses: fast, normal, slow and very slow.

1.2 THE OVERALL TIME EFFICIENCY OF ENFORCEMENT OF NON-JUDICIAL DECISIONS



The inputs arising from the answers reveal that most of the respondents believe that the overall time efficiency is slow (specifically the 47 %), the 39% think it is normal, the 9% say it is very slow and finally the 5% responded that time efficiency of enforcement of non-judicial decisions is fast.

TOTAL RESULTS

A	B	C	D
Fast	normal	slow	very slow
10	78	94	18

QUESTION 1.3:

To your knowledge and practical experience, what are the main complaints of users concerning the enforcement procedure? Mark an X in the THREE main complaints.

Through this question MG pretend to know which are, from the point of view of respondents, the main complaints of users concerning the enforcement procedure. The participants should choose three options among eight possible answers. These eight possible answers were:

- A No execution at all
- B Lack of information
- C Excessive length
- D Unlawful practices
- F Insufficient supervision
- G Excessive cost
- H Unforeseeability of enforcement costs
- I The procedure is complicated to initiate



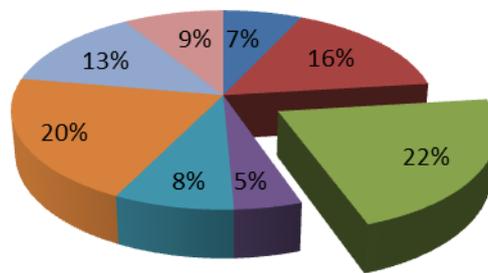
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The results of this question is that for 22% of survey respondents, the main complaint of users is the excessive length of enforcement procedure, the 20% think is the excessive cost, 16% the lack of information, 13% the lack of information, 13% the unforeseeability of enforcement costs, the 9% the procedure is complicate to initiate the insufficient supervision, the 8% the insufficient supervision no execution at all, 7% no execution at all and 5% considered that the main users complaint is the unlawful practises.

1.3 COMPLAINT OF USERS CONCERNING THE ENFORCEMENT



- A.- No execution at all
- B.- Lack of information
- C.- Excessive length
- F.- Insufficient supervision
- G.- Excessive costs
- H.- Unforeseeability of enforcement costs
- I.- Procedure is complicated to initiate

TOTAL RESULTS

A	B	C	D	F	G	H	I
No execution at all	Lack of information	Excessive length	Unlawful practices	Insufficient supervision	Excessive costs	Unforeseeability of enforcement costs	Procedure is complicated to initiate
40	93	125	26	46	118	77	51

SUMMARY OF FEEDBACK:



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Due to it is an open-ended question, some respondents have made explanatory remarks that we are going to divide into groups taking into account the professional background of those surveyed:

A.- CONSUMMERS ASSOCIATIONS: remark that the debtors often complain about an irregular delivery of the writ of enforcement and about the fact that there is no time limit in which the notary public may submit the writ on enforcement.

B.- COURT STAFF(judges, Court Advisors..): they have mentioned as complaint of users , the impossibility to obtain the information on debtor's assets and the costs of starting the enforcement procedure.

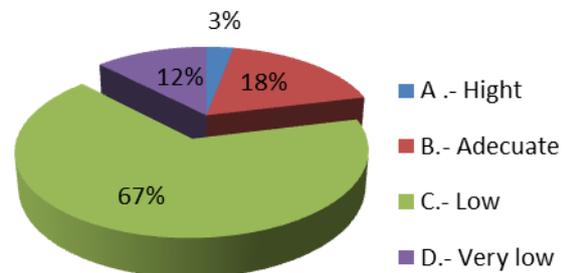
QUESTION 1.4 :

To your knowledge, the fulfilment of the debt owed to creditors through the enforcement process generally leads to a ratio of benefits relative to costs that is...

The purpose of this question is to inquire the stakeholders' perception about the enforcement process from a cost-benefit point of view, taking into account the benefits to creditors in relation to the costs of the enforcement procedure. The participants had the ability to choose from one of four responses: High, adequate, low and very low.

He results of survey have reflected that the majority opinion considers the ratio of benefits relative to cost to creditors is low (67%), followed by 18% that understand that the ratio is adequate , 12% that is very low and only 3% thins the ratio is high.

1.4 RATIO OF BENEFITS RELATIVE TO COSTS TO CREDITORS



TOTAL RESULTS

A	B	C	D
A.- High	B.- Adequate	C.- Low	D.- Very low
6	37	135	25



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QUESTION 1.5 :

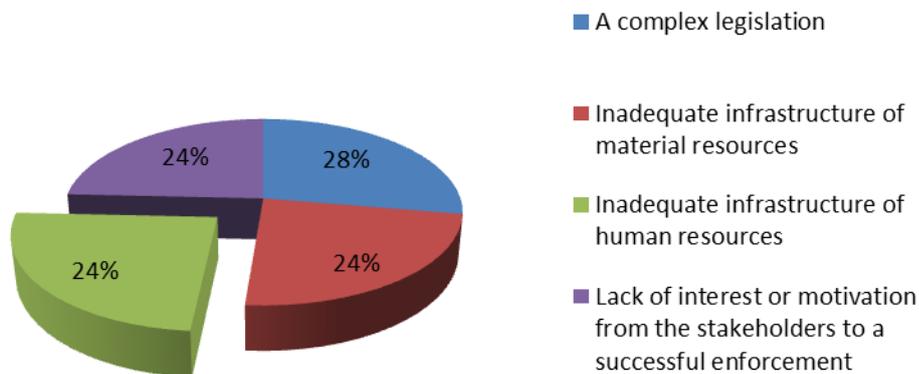
Rate from 1 to 4 (1 is the lowest, 4 is the highest). If your understanding is that the judicial enforcement procedure is slow or could be improved, could you please state the reasons why and/or how?

The propose of this question is to know what are the reasons why the judicial enforcement procedure is considered slow. To this end the respondents were required to rate from 1 to 4 this four answers:

- A A complex legislation
- B Inadequate infrastructure of material resources
- C Inadequate infrastructure of human resources
- D Lack of interest or motivation from the stakeholders to a successful enforcement

The results obtained from this question were not very helpful since each of the four proposed answers have obtained a similar percentage, that is, around 25% each one.

1.5 REASONS WHY ENFORCEMENT PROCEDURE IS SLOW





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TOTAL RESULTS

A	B	C	D
Complex legislation	Inadequate infrastructure of material resources	Inadequate infrastructure of human resources	Lack of interest or motivation from the stakeholders to a successful enforcement
483	412	427	424

QUESTION 1.6 :

Rate from 1 to 6 (1 is the lowest, 6 is the highest). In your view, including reasonable but mandatory deadlines for the issuing of judicial resolutions could be useful to reduce case backlog?

This question was asked for the purpose of stakeholders express their opinion about the usefulness of introducing mandatory deadlines for the issuing of judicial resolutions in order to reduce case backlog. To this end the respondents were required to rate from 1 to 6 these six answers:

- A Excessive legal remedies.
- B Duality of competent enforcement agents depending on the type of property (i.e. monetary assets, movable and immovable property)
- C Dispersion of competent authorities for a single enforcement case depending on the territorial location of the debtor's property
- D Excessive hearings to the parties
- E Additional litigation proceedings (i.e. Articles 55 and 60 of the Enforcement Act)
- F Overdependence on the dispositive principle (the principle under which the parties delimit the scope of the case)
- G Method of delivering notice to Parties
- H Inadequate legal regulation of the implementation costs

The computation of total scores is calculated by the sum of the six different options scores. The results of this question shows that the majority of respondents think it would be significantly useful (24%), the 19% think that it would be effective if the breach is liable to some kind of penalty ,the 17% believes that it will be effective if accompanied by more material resources to fulfil it would be slightly useful, the same 17 % thinks that it will only be effective if accompanied by more human resources to fulfil , the 12% indicates that it would not be useful because they will not comply and the 11 % answer that it would be slightly useful.

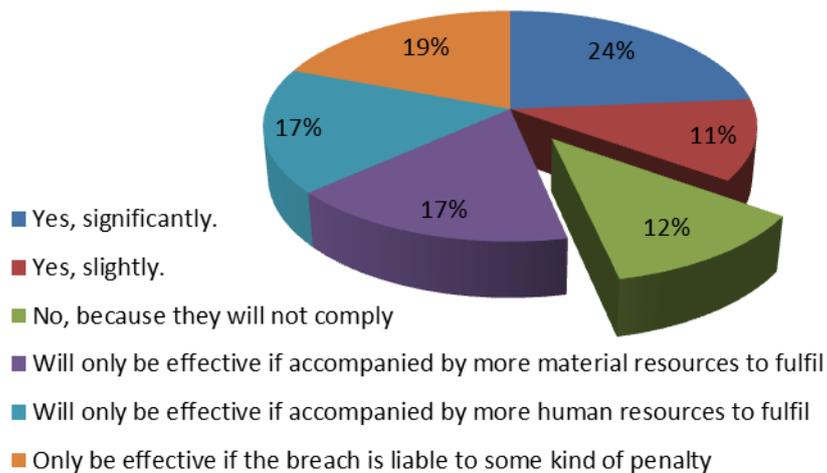


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1.6 MANDATORY DEADLINES, COULD BE USEFUL TO REDUCE BACKLOG?



TOTAL RESULTS

A	B	C	D	E	F
838	401	423	589	621	682

SUMMARY OF FEEDBACK:

In this case participants were requested to suggest any kind of effective penalties, the answers have been divided into groups taking into account the professional background of those surveyed:

CONSUMERS ASSOCIATIONS: they propose fines and very strict disciplinary measures.

FINA: It would be more appropriate to stimulate efficiency by introducing the variable part of the salary of civil servants and /or judges who are issuing a decision. Penalties regarding the one's salary is to be considered.

COURT STAFF: Penalties should be imposed not only at judges but all those involved in the enforcement procedure contributing to its slowness. The deadlines for issuing judicial resolutions have already been regulated by law.

LAWYERS: They suggest disciplinary responsibility and suspension of the judge from the judicial duties.



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MUP: (Ministry of interior): They propose mainly fines, another approach were labour discipline, to freeze funds until a damage reimbursement or to confiscate assets.

2.2.4.- STAKEHOLDERS' PERCEPTIONS IN RELATION TO LEGAL BARRIERS TO EXECUTIONS

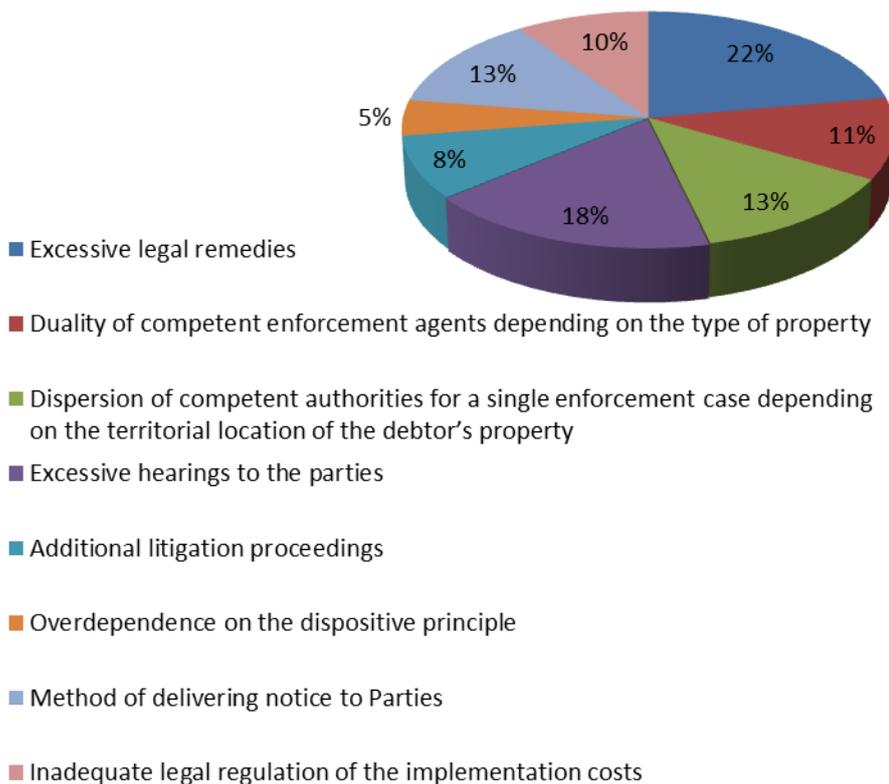
QUESTION 2.1 :

Mark with an X the THREE main legal obstacles whose removal would most improve the enforcement of judicial decisions:

The purpose of this question is to inquire the stakeholders' perception about the main legal obstacles for the correct performance in the enforcement of judicial decisions and the respondents have to choose three of the eight options proposed.

The result of survey in this answer is that the 22% of stakeholders surveyed consider that the main legal obstacle is the excessive legal remedies, the 18% thinks the main obstacle is the excessive hearings to the parties, 13 % dispersion dispersion of competent authorities for a single enforcement case depending on the territorial location of the debtor's property, 13 % method of delivering notice to Parties , 11% duality of competent enforcement agents depending on the type of property ,10 % the inadequate legal regulation of the implementation costs, 8 % the additional litigation proceeding, 5 % the overdependence on the dispositive principle.

2.1 LEGAL OBSTACLES TO ENFORCEMENT JUDICIAL DECISIONS





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TOTAL RESULTS

A	B	C	D	E	F	G	H
127	64	74	101	49	28	74	55

SUMMARY OF FEEDBACK:

Due to it is an open-ended question, some respondents have made explanatory remarks that we are going to divide into groups taking into account the professional background of those surveyed:

A.- CONSUMMERS ASSOCIATIONS: they remark that it should be introduce a personal hand delivery and that the inappropriate property assessment is a legal barrier.

B.- JUDGES AND COURT STAFF: They comment that a large number of regulations and many amendments to the Enforcement Act represent a legal barrier. Delivery is a problem in all judicial procedures that has not been tackled adequately. The reasons to contest an enforcement order by the debtor should be limited to one. A number of legal remedies stipulated by law, possibility to hold a hearing or to initiate an additional civil proceeding are not a problem ipso iure, but since these resources are so affordable, everybody is using them mainly in order to delay the proceedings. Thus, the right should be given, but it is necessary to increase a level of responsibility by imposing fees and costs.

QUESTION 2.2 :

Mark with an X the THREE main legal obstacles whose removal would most improve the enforcement of non-judicial decisions:

The purpose of this question is to inquire the stakeholders' perception about the main legal obstacles for the correct performance in the enforcement of non-judicial decisions and the respondents have to choose three of the seven options proposed.

The results show that the three main legal obstacles whose removal would most improve the enforcement procedures are:

- The 22% thinks that is excessive legal remedies.
- For 18% the main obstacle is excessive hearings to the parties.
- The 13% the high cost of execution procedure, and the method of delivering notice to parties.

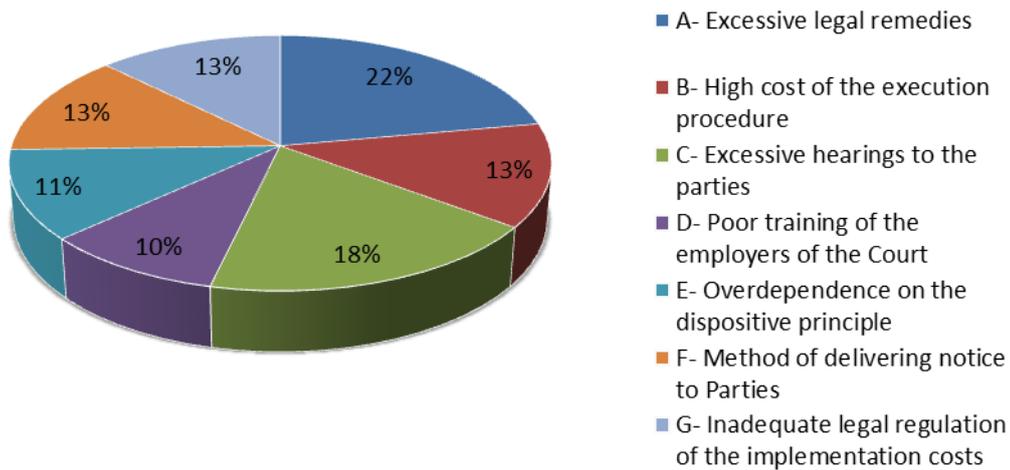


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2.2 LEGAL OBSTACLES TO ENFORCEMENT NON- JUDICIAL DECISIONS



A	B	C	D	E	F	G
125	74	104	54	64	73	71

QUESTION 2.3:

Mark with X the THREE main practical and operational obstacles whose removal would most improve the enforcement procedures:

The purpose of this question is to inquire the stakeholders' perception about the main practical and operational obstacles for the correct performance in the enforcement procedures and the respondents have to choose three of the eleven options proposed.

The results show that the three main practical and operational obstacles whose removal would most improve the enforcement procedures are:

- The slow processing (24%)
- The excessive backlog (21%)
- The lack of uniform criteria and effectiveness (12%)

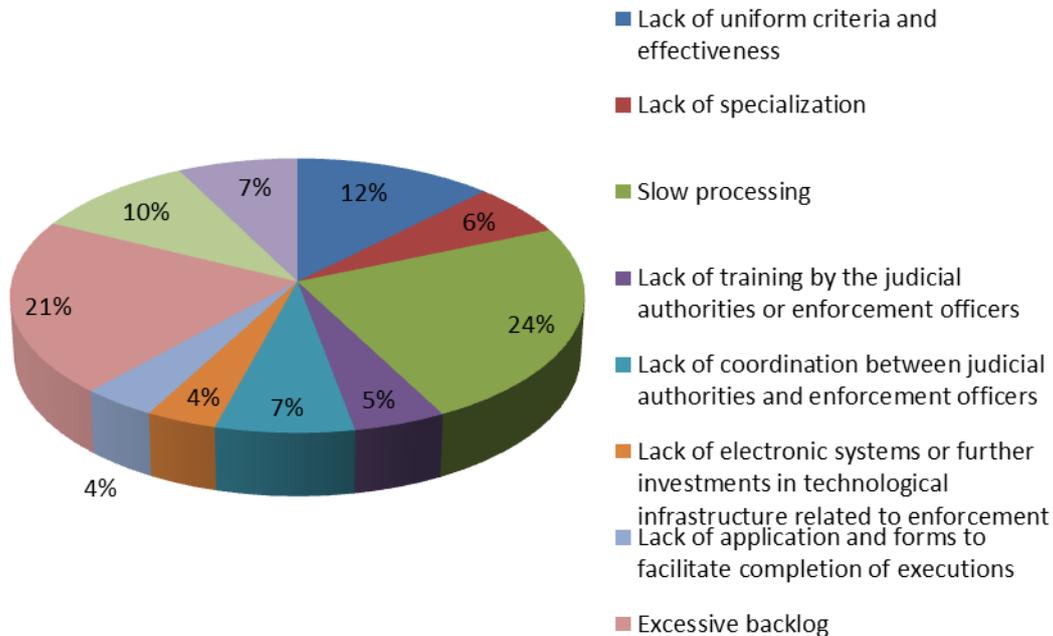


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2.3 MAIN PRACTICAL AND OPERATIONAL OBSTACLES TO ENFORCEMENT PROCEDURE



TOTAL RESULTS

A	B	C	D	E	F	G	H	I	J	K
54	68	34	131	26	39	20	21	114	56	41

SUMMARY OF FEEDBACK:

From among the explanatory remarks made by respondents could be highlighted the following:

JUDGES AND COURT STAFF: The main obstacle in the enforcement execution remains the lack of assets, and the lack of the market that would allow the liquidation of seized assets. The problem is the lack of judges for the issue of the enforcement, the support staff, an inadequate work space and the lack of technological infrastructure. A very big problem is the lack of trust in the judiciary altogether.

FINA: It would be useful to raise the level of legal literacy of citizens through the work of various civic associations, legal counselling or within state institutions through a joint national campaign.

MUP: They stand out the insufficient education and training.



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2.2.3 STAKEHOLDERS' PERCEPTION IN RELATION TO MODERNISATION INITIATIVES

In order to test the opinion of respondents about their perception in relation to modernisation initiatives, six questions were raised in which were proposed different technological measures that could be useful in order to improve the enforcement system.

In the survey the respondent have been asked to rate from 1 to 10 six specific enforcement measures .

The following six points were tested:

QUESTION 3.1 :

Rate from 1 to 10 the desirability of implementing an electronic auction system (mark your choice with an X):

QUESTION 3.2;

Rate from 1 to 10 the convenience of having a centralized judicial unit or service responsible for all enforcements in a particular city or larger area (like a county or a region), meeting efficiency and specialization criteria (please, mark your choice with an X):

QUESTION 3.3 :

Rate from 1 to 10 the desirability of implementing a quality measurement and management system of the enforcement procedures (please, mark your choice with an X):

QUESTION 3.4:

Rate from 1 to 10 the need to increase technological investment to expedite the enforcement procedures (please, mark your choice with an X)



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QUESTION 3.5:

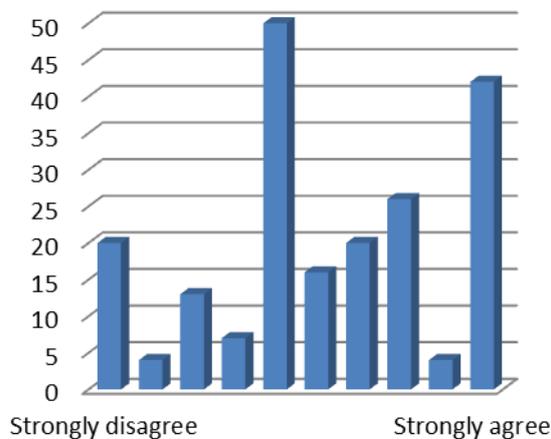
Rate from 1 to 10 the desirability of privatization or delegation to professionals or non-judicial agents of the enforcement procedures (please, mark your choice with an X):

QUESTION 3.6:

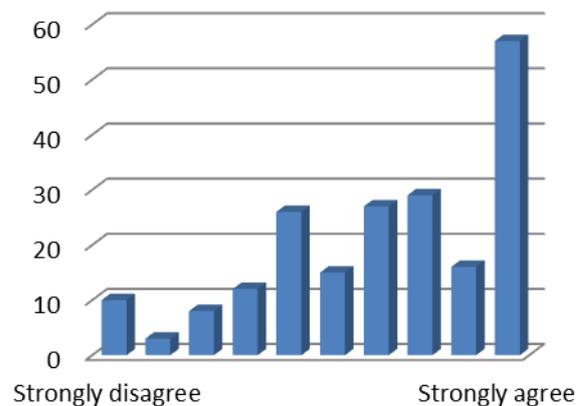
Rate from 1 to 10 the desirability of establishing a Central Register of movable and immovable property connected to the regional Registers, which would be accessible from the judicial bodies (please, mark your choice with an X):

The result of the questionnaire in this section, as can be inferred from graphics, is that participants in the survey have shown a high agreement the specifics measures of centralizing judicial unit or service, increasing technological investment and establishing a central register of movable and immovable property.

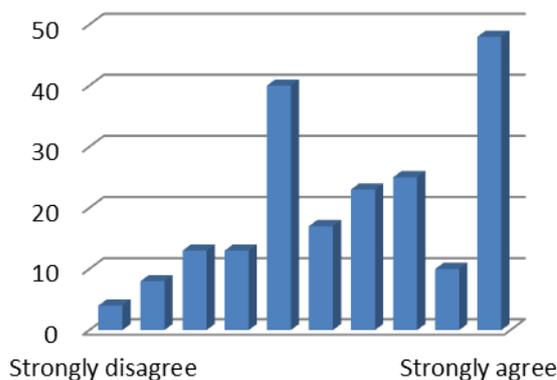
3.1 ELECTRONIC AUCTION SYSTEM



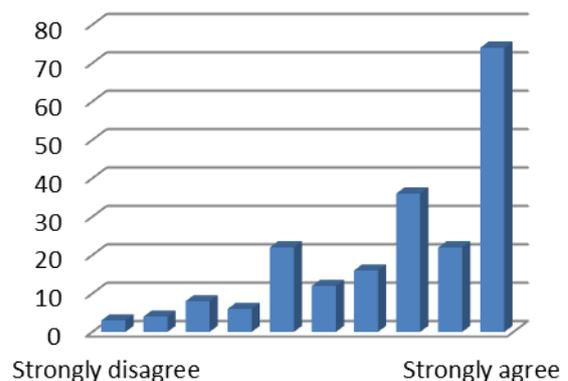
3.2 CENTRALIZED JUDICIAL UNIT OR SERVICE



3.3 IMPLEMENT A MEASUREMENT AND QUALITY MANAGEMENT SYSTEM



3.4 INCREASE TECHNOLOGICAL INVESTMENT



Mission Report

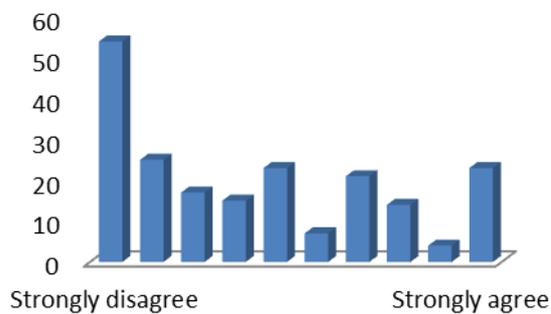


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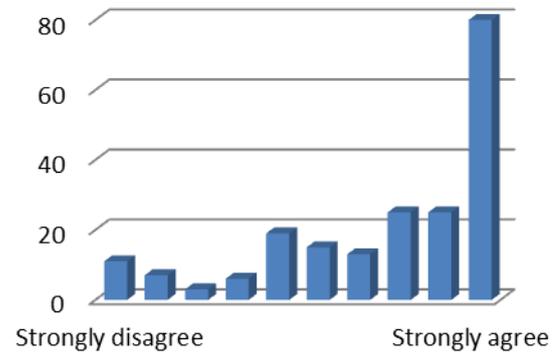
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3.5 THE DESIRABILITY OF PRIVATIZATION TO PROFESSIONALS OR NON-JUDICIAL AGENTS



3.6 ESTABLISH A CENTRAL REGISTER OF MOVABLE AND IMMOVABLE PROPERTY



TOTAL RESULTS

	1	2	3	4	5	6	7	8	9	10
	Disagree									Agree
3.1	20	4	13	7	50	16	20	26	4	42
3.2	10	3	8	12	26	15	27	29	16	57
3.3	4	8	13	13	40	17	23	25	10	48
3.4	3	4	8	6	22	12	16	36	22	74
3.5	54	25	17	15	23	7	21	14	4	23
3.6	11	7	3	6	19	15	13	25	25	80

QUESTION 4.1:

Please, sort from least important (1) to most important (11) the key measures to be taken to improve civil enforcement in the Republic of Croatia

The purpose of this question is to inquire the stakeholders' perception about the main key measures to be taken to improve civil enforcement system and the respondents were asked to rate eleven proposals from least important to most important , and the options to choose were the following:



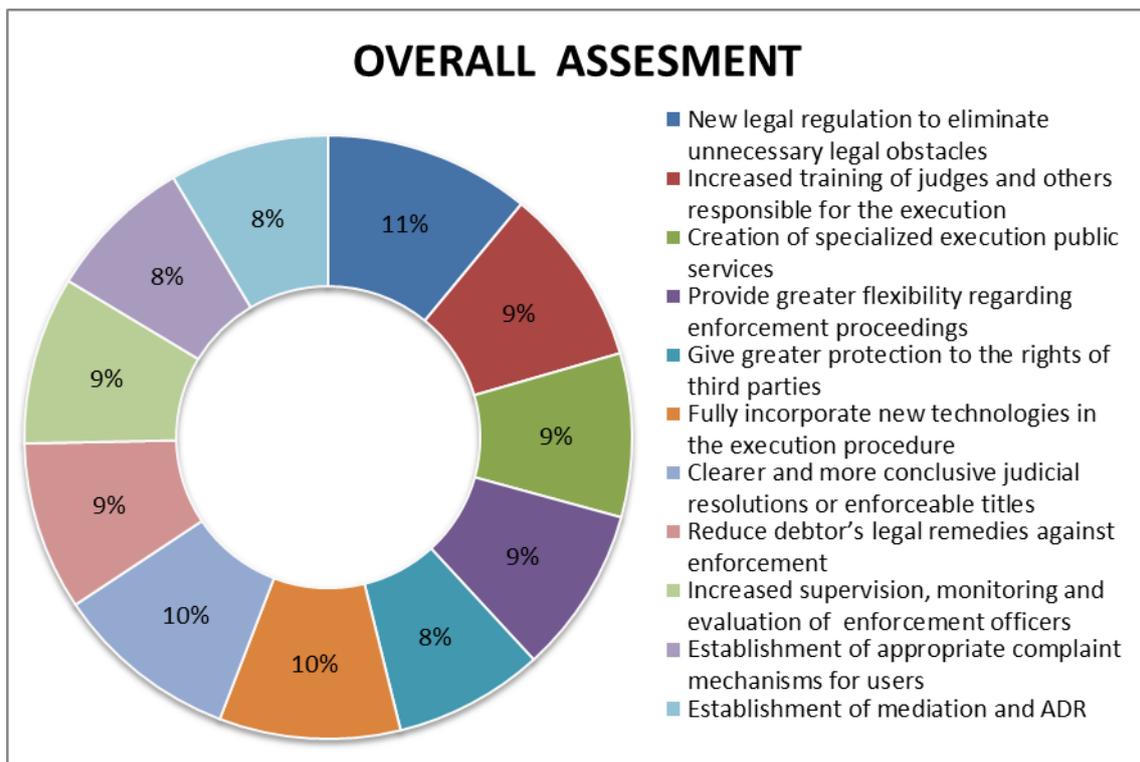
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- A.- New legal regulation to eliminate unnecessary legal obstacles
- B.- Increased training of judges and others responsible for the execution
- C.- Creation of specialized execution public services
- D.- Provide greater flexibility regarding enforcement proceedings
- E.- Give greater protection to the rights of third parties
- F.- Fully incorporate new technologies in the execution procedure
- G.- Clearer and more conclusive judicial resolutions or enforceable titles
- H.- Reduce debtor's legal remedies against enforcement
- I.- Increased supervision, monitoring and evaluation of enforcement officers
- J.- Establishment of appropriate complaint mechanisms for users
- K.- Establishment of mediation and ADR

As to the results of this point of survey, the answers collected shows that all the proposals given have obtained a similar assessment with percentages varying from 8% to 11%, being the highest assessed the measure of new legal regulation to eliminate unnecessary legal obstacles, and the least the establishment of mediation.



TOTAL RESULTS

A	B	C	D	E	F	G	H	I	K	J
7.79	6.80	6.24	6.34	5.69	6.86	6.99	6.43	6.40	5.56	6.06



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SUMMARY OF FEEDBACK:

Finally in the question 4.4 respondents were asked as an totally open-ended question, to draw up proposals and concluding observations and we have received the following outcomes:

A.- CONSUMMERS ASSOCIATIONS: The time limits in which the public notaries shall deliver the writ of enforcement to the enforcement shall be included in the Enforcement Act.

- It is necessary to reduce costs of the enforcement procedure, to reduce the notary's public and FINA fees.
- It is necessary to stipulate an explicit obligation to all creditors that prior to initiate the enforcement procedure shall provide debtors with a written warrant, which warn debtors to the amount of their debt and allow them the additional time limit for fulfilment.

B.- NOTARIES: It is necessary:

- To regulate, through registers, the registration of the property of citizens, since the property, until the moment of the enforcement, simply "disappear";
- To organize permanent education among citizenship on the obligation to meet their commitments;
- To implement the quality control of the enforcement execution, and the control of the track of creation of enforceable document.

C.- MUP.- They suggest to regulate the enforcement normatively clearly, the establishment of mediation finding ways and modalities for restructuring debts of citizens towards banks, and further training of all the subjects involved in the enforcement proceeding.

D.- JUDGES AND COURT ADVISORS:

- The fundamental problems are not the Acts themselves, but the fact that the debtors just do not have the assets to be enforced.
- Each Court has his own practice it should be crystallized and uniformed.
- The proceedings should be made as simple as possible by using the forms for both the parties involved and the enforcement bodies;
- The enforcement creditor should have an access to the information on the entire property of the enforcement debtor ;
- The number of legal remedies in the enforcement proceedings should be reduced;
- The courts should be reinforced in material and human resources ;
- All employees and judges working on the enforcement proceeding execution should be trained continually and subsequently some specialization within the enforcement proceedings should be organized
- The frequent and extensive change of the Enforcement Act represents other particular problem.
- The delivery system to the parties, as well as the possibility of obstructing the proceedings by the enforcement debtor.



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- The possibility of the enforcement debtor and third parties to declare the legal remedies in all stages of the proceedings affects the length of the enforcement proceedings.
- The procedure is too complex.
- Eliminate the second hearing in real estates' public auctions.
- The Lack of interest of creditors in pursuing the procedure of enforcement of movable goods leads to durable proceedings with a highly questionable outcome.

2.2.6.- MAIN FINDINGS

Taking into account the former inputs obtained from the survey, the MG has identified those perceptions which may be considered as most relevant for the purpose of this study. Therefore, the following main findings can be gathered:

1. Most of the stakeholders consider that overall time efficiency of enforcement is slow or very slow. There are not significantly differences between judicial and non judicial decisions in this respect.
2. The main complaint of users concerning the enforcement system is the excessive length and the excessive cost of the procedure.
3. Most of the stakeholders (69%) perceive a glaring asymmetry between the benefits and costs. The costs to creditors for obtaining the execution are considered high in relation to the results obtained.
4. The lack of mandatory deadlines is perceived as obstacle in order to reduce the backlog.
5. More than half of respondents identify that the most important legal obstacles to the enforcement of judicial decisions are linked to the excessive number of legal remedies, the hearings to the parties and the dispersion and duality of competent authorities.
6. Stakeholders observe similar legal barriers in regards to non judicial enforcement, particularly the excessive number of legal remedies and hearings. Besides, the high cost of the execution is identified as a problem.
7. The main practical and operational obstacles in the enforcement procedure are integrated by the slowness of procedure, the excessive backlog and the lack of uniform criteria and effectiveness.



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8. A great group of legal practitioners identify the lack of a central register of movable and immovable property as a crucial weakness of the enforcement system.
9. The absence of a centralized and specialized judicial unit (or service responsible for all enforcements) is considered as challenge in order to improve the enforcement.
10. The privatization or outsourcing enforcement services is not considered as an appropriate measure in order to improve the enforcement system.



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2.3. Zagreb Municipal Court Case Study

2.3. Zagreb Municipal Court Case Study

2.3.1. Introduction

The purpose of this section is to present an illustrative real example of the functioning of the enforcement system in the Republic of Croatia by means of a field study in one concrete Court: the Municipal Civil Court of Zagreb, particularly the Enforcement Department of that Municipal Court.

A case study was conducted by the MG between 25 August and 1 September at the Municipal Civil Court of Zagreb. The aim of the case study was to gain information about the practical functioning of the enforcement procedure. Interviews were conducted with judges, Court Advisors, bailiffs, administration staff, notaries public and lawyers. During the interviews the focus was on examining cases dealt with by the judges and Court Advisors.

A total of 22 interviews were conducted and 40 cases were examined. The MG met with 2 judges, 7 Court Advisors and a bailiff, and the work of the Administration Office was examined as well. The MG also had meetings with representatives of law firms and notaries public, as well as civil servants working at MoJ.

Since Court Advisors process a large part of enforcement cases and prepare decisions for judges, most interviews were conducted with Court Advisors. The Court Advisors were asked to present some difficult and/or long-lasting cases of enforcement of both real estates, movables, bank accounts and salary. In addition to that, regular simple cases were shown as well. The files were examined by the MG to see the procedural steps and also the time-frame to get an idea of what may cause the delays in the process. Besides examining cases with Court Advisors, the MG looked into some files at the Administration Office as well.

In addition, in order to analyze distribution of work, human resources and materials, working conditions and relationship with Judges, Court Advisors and other officers involved in the process, three interviews took place with other responsible of the Court Staff:

- Ms. Magdalena Rendula, Court Secretary of Municipal Court of Zagreb
- Ms. Vesna Stancin, Administrator of the court office of Zagreb (Upraviteljica Sudske Pisarnice)



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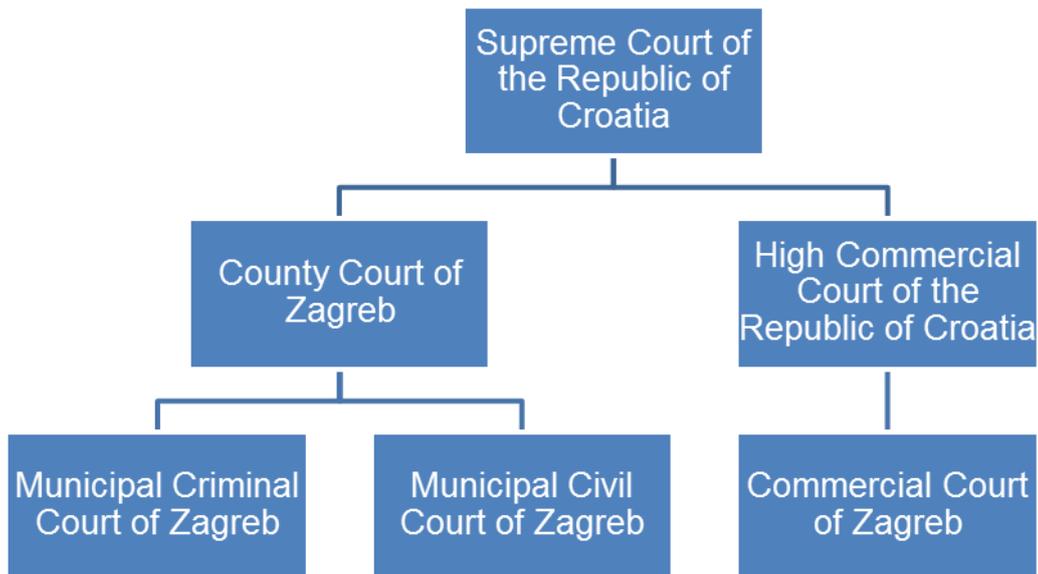
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- Ms. Lidija Narzrna Coordinator of Enforcement Unit (Title documents) at the Ovršni I Izvanparnicni Odjel in the premises of Municipal Court of Zagreb, (the so called “Kancel”).

2.3.2. Judicial organization

There are three first instance courts in Zagreb: two municipal courts and a commercial court. The two municipal courts are the Municipal Criminal Court of Zagreb and the Municipal Civil Court of Zagreb. Appeal from these courts is possible to the County Court of Zagreb. From the Commercial Court of Zagreb appeal is possible to the High Commercial Court of the Republic of Croatia. On the top of the judicial hierarchy the Supreme Court of the Republic of Croatia can be found. The establishing of the Municipal Court of Novi Zagreb is in progress.



The Municipal Civil Court of Zagreb consists of the several divisions. Enforcement cases are dealt with at the Department of Enforcement and Out-of-court Proceedings. The Land Registry and Cadastre is also part of the Municipal Civil Court.

2.3.3. Human resources: Judicial Staff

The case study was conducted at the Department of Enforcement and Out-of-court Proceedings. The Department employs 15 judges (including President Mr. Nikola Ramušćak and his substitute Ms. Ljiljana Mamula), 4 senior Court Advisors and 19 Court Advisors (sudski savjetnik), 4 bailiffs. Besides the 4 professional bailiffs, 36 non-professional bailiffs are enlisted at the court. The Administration Office employs one



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coordinator and 35 civil servants. Each judge and Court Advisor has an administrator working with him/her at the same office.

Court Advisors and judges deal with specific groups of cases (referadas). There are 37 enforcement referadas and 5 out-of-court proceedings referadas. Among the judges and Court Advisors there are some with mixed referadas, i.e. dealing with cases of enforcement on real estates, movables, salaries and/or bank accounts, and there are some with a single referada, i.e. dealing exclusively with e.g. enforcement cases on bank accounts or enforcement cases of vacating real estates.

2.3.4. Material resources and facilities

Judges and Court Advisors usually work with a secretary (administrator) in an office. The work place is well equipped, lots of space is available for storing the files. The four professional bailiffs work in one common office. The administrators at the Administration Office work in larger offices, several civil servants sharing the same office while processing the files.

Both the judges/Court Advisors and the administrators use state of the art computers. Decision, conclusion, notifications and any other type of judicial documents are prepared on computer. Judges/Court Advisors and bailiffs use an internal database through which they have access to

- case praxis of the civil courts
- case law and praxis of the Supreme Court
- case law and praxis the Constitutional Court
- case law of the European Court of Human Rights
- case praxis of the administration courts
- legislation database
- Official Gazette
- bank account of the state to check if court taxes are paid
- bank account of the individual enforcement cases to check the money transfers in the cases
- tariff of lawyers
- jurisdiction area map of Zagreb
- lawyer searcher
- notary public searcher
- expert searcher
- Citizen Register
- case register

Although using computer is part of the everyday work, there isn't any centralized IT-system for the processing of cases, nor for the service of official documents which would be also available for the parties and other stakeholders involved in the procedure.



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2.3.5. Analysis of enforcement procedures: workflow and response timeframe

a) Execution on real states

Several cases of enforcement on real estates were examined and analyzed by MG. The following cases were analyzed in detail:

Case Nr. xx75/2011

object of enforcement: real estate

basis of enforcement: trustworthy document certified by notary public

procedure:

02.11.2011: enforcement ordered by notary public

15.11.2011: writ of enforcement became legally binding

08.12.2011: out-of-court enforcement was not successful, motion to execute enforcement on real estate

16.01.2012: notification to debtor about executing enforcement on his real estate, he can appeal against the writ within 8 days

06.01.2012: debtor submitted an appeal

15.02.2012: conclusion to Land Registry to register the enforcement

09.03.2012: court requested information from notary public about the serving of the writ and also requested the sending of the file

13.04.2012: summons for hearing

02.05.2012: Land Registry registered enforcement

17.05.2012: hearing – debtor states he didn't sign the receipt of delivery

21.08.2012: creditor informed the court that debtor is willing to pay and asked the court to suspend the procedure

24.09.2012: decision about suspending the procedure for 6 months; creditor had to inform the court within 6 months if he wishes to proceed with the case

02.12.2013: decision drawn up by the Court Advisor about closing the case because creditor didn't inform the court, and then signed by the judge

12.12.2013: decision served to the parties

Between the motion and the notification of the debtor about the enforcement on the real estate, more than a month passed without any action of the court. After the hearing, nothing happened for more than 3 months, and after that only at the initiative of the creditor.

Case Nr. xx9/2004

object of enforcement: real estate

basis of enforcement: notarial deed

procedure:

(the enforcement was ordered by a notary public, but out-of-court enforcement was not successful)

13.01.2012: motion to execute enforcement on real estate



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01.03.2012: decision about enforcement on real estate
09.03.2012: Land Registry registered enforcement
08.11.2012: creditor submitted the proof about the address of debtor because the decision couldn't be served.
10.01.2013: court requested the court in Sesevete to serve the decision to debtor by court official
19.07.2013: court in Sesevete informed the court that debtor was not found, service was unsuccessful
27.08.2013: creditor proposed to serve the decision by publishing it on the bulletin board
11.09.2013: decision put on the bulletin board
28.09.2013: decision became legally binding
31.10.2013: summons to 1st hearing about establishing the value of the real estate
17.12.2013: 1st hearing – debtor didn't appear, summons couldn't be served to him
17.12.2013: summons to a new hearing
11.02.2014: hearing – attorney of debtor appeared, creditor suggested that the value of real estate be determined based on the information of Taxes Department of Ministry of Finances
14.04.2014: court requested information from Taxes Department of Ministry of Finances
24.04.2014: Taxes Department of Ministry of Finances sent information
24.07.2014: conclusion – court notified parties about the information of Taxes Department of Ministry of Finances, requested them to submit their findings about the value
debtor didn't reply, creditor agreed with the value given by Taxes Department of Ministry of Finances
(summons to 1st auction are to be sent out)

Between the motion and the first decision of the court, more than a month passed without any action of the court. Following excessive efforts to deliver the decision to the debtor, the decision became legally binding after 18 months. Besides asking the creditor to submit a new address, another court was also contacted to serve the document by a court official – without any success. The hearing had to be repeated because of the debtor's no-showing. More than half a year passed to determine the value of the real estate, and because the debtor didn't cooperate, the value was established based upon the information from the Taxes Department. Thus the hearing didn't have any added value to the procedure.

Case Nr. xx98/2013

object of enforcement: real estate

basis of enforcement: court decision

procedure:

10.05.2013: file for motion based on a court decision which ordered the termination of joint ownership; the motion intended to sell the real estate and divide the price between the owners

22.07.2013: decision on enforcement

26.07.2013: conclusion on register the enforcement in the Land Register



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24.10.2013: the court set a date for the hearing on the value on the 25.11.2013, which hearing has been postponed

10.01.2014: on the hearing the parties agreed about the estimated value of the real estate

23.01.2014: notification from the Land Register came so the execution can go on

16.05.2014: decision about the date of the auction on the 09.07.2014.

Between the motion and the ordering of enforcement, more than two months passed without any action of the court. It took 1 year to get to the 1st auction from the decision about ordering the enforcement.

Case Nr. xx453/2003

object of enforcement: all property

basis of enforcement: authentic document

procedure:

01.07.2003: motion submitted (two debtors)

18.07.2003: the court ordered enforcement, the delivery to one debtor was not successful because he was „unknown” on the given address

31.10.2003: the court called the creditor to notify the address of the debtor

02.09.2004: the creditor informed the court about the address

08.02.2005: the court sent the decision to the new address, the delivery was not successful because the debtor was „unknown” on the given address

29.09.2006: the creditor informed the court about the address of the debtor

05.12.2006: the decision was delivered to the „wife” of the debtor

12.21.2006: notification to pay the fee of the bailiff

08.05.2007: order to the bailiff to execute

30.06.2007: the bailiff did not find the debtor on the given address

05.07.2007: the court called the creditor to notify the address of the debtor

07.11.2007: the ministry of interior informed the court about the address of the debtor

09.01.2008: the court contacted the police in order to check whether the debtor lives on the known address

16.01.2008: the creditor requested for execution on pension

04.02.2008: the police informed the court the debtor could not be found on the given address

03.06.2008: decision about execution on pension

03.07.2008: the pension institution could not execute the decision due to lack of data

02.06.2010: the court called the creditor to serve information about the debtor

11.06.2010: the creditor informed the court about the data on the debtor

03.02.2011: the debtor requested the termination of execution based on the statement that he never lived on the address where the court decision was delivered

30.08.2011: the debtor's request was refused

06.10.2011: the debtor appealed

28.10.2011: the file was forwarded to the 2nd instance court

27.03.2012: the 2nd instance court sent the file back to the municipal court to investigate some circumstances



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24.05.2012: the court contacted the police in order to check whether the debtor lives on the known address

19.05.2012: decision about suspending the execution

09.08.2012: the police informed the court the debtor was found on the given address

08.05.2014: hearing to investigate the circumstances of the delivery

Excessive attempts to serve the writ of enforcement to the debtor prolonged to case for years. Between getting the information from the pension authority in 2008 and requesting the creditor to submit more information, 2 years passed without any action. Since the submission of the legal remedy by the debtor at the beginning of 2011, the procedure is about clarifying the circumstances of the service of the document.

In addition, the following cases were also examined.

Case Nr. xx22/1983

object of enforcement: movables, real estate

basis of enforcement:

procedure:

1983: motion for enforcement

1984: procedure suspended

10.07.2014: case reopened

25.08.2014: case closed because the creditor withdrew his motion

Case xx4/2010

object of enforcement: real states

basis of enforcement: court decision

procedure:

18.04.2010: enforcement ordered

06.07.2014: final decision

This was a very complex case with more than 180 properties sold by means of a public auction.

Case XX34/2010

object of enforcement: real states

basis of enforcement: court decision

procedure:

11.02.2010: enforcement ordered

19.11.2013: final decision

The procedure lasted more than 3 years.

b) Execution on movables



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A larger number of cases of enforcement on movables (including motor vehicles) were examined in detail.

Case Nr. xx863/2002

object of enforcement: movables and salary

basis of enforcement: authentic document

procedure:

18.10.2002: file for motion

04.11.2002: the court ordered the enforcement

25.11.2003: the court called the creditor to pay the fee of the bailiff

17.02.2004: the bailiff tried to seize but relatives of the debtor didn't let him enter the flat
19.04.2006: the court informed the creditor about the unsuccessful seizing attempt, and called him to pay the fee of the bailiff again

05.12.2006: the bailiff tried to seize but relatives of the debtor didn't let him enter the flat

09.01.2007: the court informed the creditor about the unsuccessful seizing attempt, and called him to pay the fee of the bailiff again

14.05.2007: the creditor informed the court about the debtor's employer

21.05.2007: court decision about executing the debtor's salary

16.11.2011: the creditor requested to change the object of enforcement and to execute on the debtor's monetary claims

10.02.2012: court the decision about finishing the execution on the old object of execution

31.01.2013: the decision became legally effective

10.09.2013: decision about changing the object of execution and to execute the monetary claims

(until the decision about finishing enforcement on the old object of enforcement is not legally binding, the procedure cannot be continued with the new object of enforcement)

Between the bailiff's attempt to seize in 2004 and the informing of the creditor thereof in 2006, more than 2 years passed without any action. It took almost a year that the court's decision about changing the object of enforcement became legally binding.

Case Nr. xx51/2012

object of enforcement: movables

basis of enforcement: notarial deed

procedure:

30.08.2012: motion for enforcement submitted to court

16.10.2013: conclusion – creditor shall pay the fee of the bailiff

06.12.2013: instruction to the bailiff about going out to seize the movables

08.01.2014: record of the bailiff about the seizure being unsuccessful because he couldn't find the debtor; after that the creditor notified the new address of the debtor

03.02.2014: conclusion – creditor shall pay the fee of the bailiff

14.02.2014: the creditor proved paying the fee

25.02.2014: instruction that the bailiff should go out and try seizing again

27.03.2014: record of the bailiff about the seizure being unsuccessful the bailiff action was unsuccessful because the debtor was not found at the new address



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06.05.2014: notification to the creditor to ask from the police the address of the debtor
16.06.2014: new address submitted
23.06.2014: instruction to the bailiff to seize again
25.08.2014: creditor requested the court to close the case

After a 2 years long procedure, the claim couldn't be recovered because the debtor couldn't be found. Despite the court requested the creditor to submit the address of the debtor and despite the bailiff went on site, every effort was unsuccessful in finding the debtor. The court didn't search for the address of the debtor on its own e.g. by having access to the register of addresses, but the creditor was asked to submit a new address.

Case Nr. xx31/2004

object of enforcement: movables

basis of enforcement: authentic document

procedure:

30.04.2004: motion for enforcement submitted to court
12.05.2004: enforcement ordered
28.06.2004: services of writ of enforcement to the debtor (unsuccessful)
17.12.2004: conclusion – the creditor shall pay the fee of serving the writ by a court official
26.01.2005: fee paid by creditor
07.02.2005: order by court to serve the writ by a court official
29.03.2005: writ served by a court official
25.04.2005: complaint against the writ (grounds: the writ was not served to the debtor, the claim is unfounded, the amount of claim is smaller than stated)
10.05.2005: court resolution rejecting the complaint (ground: it was late)
24.05.2005: court resolution served to debtor
02.06.2005: appeal against the resolution (prigovor) submitted
26.09.2005: appeal submitted to 2nd instance court by municipal court for decision
04.10.2005: 2nd instance court received the file
17.01.2006: 2nd instance court sent back the case to the municipal court in order to clarify if the serving of the writ was in accordance with the law
25.05.2009: summons for 1st hearing at municipal court investigating the service of the writ
16.06.2009: 1st hearing (unsuccessful; the debtor failed to appear; hearing postponed)
22.09.2009: 2nd hearing (unsuccessful; the debtor failed to appear; hearing postponed)
10.11.2009: summons for 3rd hearing (hearing postponed)
21.12.2009: summons for 4th hearing
03.02.2010: 4th hearing (successful) – the court examined the relevant circumstances with the debtor about the delivery of the writ of enforcement
10.10.2011: case submitted to 2nd instance court by municipal court for decision
12.11.2013: decision of 2nd instance court rejecting the appeal
20.12.2013: decision sent to municipal court
30.01.2014: service of the decision of 2nd instance court by municipal court to the parties
04.02.2014: decision served to debtor
28.03.2014: conclusion – creditor shall pay the fee of the bailiff within 8 days



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03.04.2014: conclusion served to creditor

the creditor failed to pay the fee of the bailiff thus the municipal is to close the case

It took almost a year to serve the writ of enforcement to the debtor and a court official was needed in the end for the delivery to be successful. After the 2nd instance court rendered its decision in 2006, more than 3 years passed without any action of the municipal court. The 1st hearing to clarify whether the service of the writ was in accordance with the law, happened after 4 years from the delivery. Additionally it took more than half a year to investigate the service of the writ. After clarifying the circumstances, the court waited for 20 months to submit the case to the 2nd instance court again. The 2nd instance court rendered its decision after 2 years. The procedure lasted for 10 years without any success.

Case Nr. xx/2014

object of enforcement: movables, salary (4 debtors)

basis of enforcement: authentic document

procedure:

08.04.1999: motion for enforcement submitted to court

27.05.1999: enforcement ordered

11.09.2000: order (rjesenje o prijenosu) for the employer to transfer the money from the salary of debtor1

08.05.2001: conclusion requesting data from the creditor about the debtor

12.09.2001: court requested data from the pension authority about the place of work of debtor1

30.10.2001: pension authority submitted the requested data

03.01.2002: order for new employer to transfer money from the salary

28.02.2002: court inquiring why the employer didn't fulfill the order and transfer the money (employer stated debtor1 is not employed there any more)

12.04.2002: creditor submitted new data about the employer of debtor1

25.04.2002: order (rjesenje o prijenosu) for the employer to transfer the money from the salary of debtor1; court requested data from the pension authority

18.06.2002: pension authority submitted the requested data

23.07.2002: employer informed the court that it was already transferring money from the salary based on another enforcement

14.11.2003: creditor submitted a motion for changing the object of enforcement to movables

26.01.2006: conclusion – creditor shall pay the fee of the bailiff

20.04.2006: the bailiff made a record on the list of movables of debtor1, established their value

21.06.2006: 1st auction (unsuccessful; there wasn't any buyer)

28.07.2006: conclusion – creditor shall pay the fee of the bailiff

13.09.2006: creditor needed to confirm debtor1 has no real estate, motor vehicle or salary

15.02.2007: court requested debtor1 to report her properties (rjesenje)

19.03.2007: debtor1 reported her properties using a form

15.10.2009: creditor requested the court to close the procedure against debtor1



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03.03.2010: court closed the case against this debtor1
27.02.2008: police confirmed the address of debtor2
17.05.2010: conclusion – creditor shall pay the fee of the bailiff
15.07.2011: notification about the auction on 24.08.2011 (debtor2 didn't receive it thus no auction was held)
25.11.2011: auction (unsuccessful; there wasn't any buyer)
16.04.2014: decision drawn up by the Court Advisor about closing the case against debtor2 and then signed by the judge
22.04.2014: decision was sent to the parties

Several unsuccessful auctions prolonged the procedure. 15 years passed from the motion of the creditor and he couldn't recover any of his claims. After the unsuccessful auction at the end of 2011, 2,5 years passed to rendering the decision about closing the case.

Case Nr. xx/2014

object of enforcement: movables

basis of enforcement: trustworthy document certified by a notary public

procedure:

09.01.2014: motion based on Art 285 (2) of Enforcement Act submitted to court
21.01.2014: enforcement ordered; decision sent to FINA and police to register the enforcement into their register
25.02.2014: police registered enforcement into its register
07.03.2014: conclusion – bailiff shall seize the motor vehicle on 25.04.2014 (conclusion served to the debtor, however there's no evidence that it was served to the debtor, thus the seizure wasn't executed)
03.07.2014: creditor informed the court that the debtor paid the claim and requested the case to be closed
09.07.2014: decision drawn up by the Court Advisor about closing the case and then signed by the judge
21.07.2014: decision served to parties

In this case which was started in 2014, all decisions and actions were taken by the court within reasonable time.

Case Nr. xx5/2012

object of enforcement: motor vehicle

basis of enforcement: authentic document

procedure:

27.02.2012: motion for enforcement (specifying different object of enforcement)
01.03.2012: enforcement ordered
15.03.2012: decision sent to FINA and police to register the enforcement into their register
25.01.2013: conclusion – bailiff shall seize the motor vehicle on 23.02.2013
23.02.2013: record of the bailiff about the seizure being unsuccessful
24.04.2013: conclusion – bailiff shall seize the motor vehicle on 15.06.2013



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15.06.2013: record of the bailiff about the seizure being unsuccessful
08.07.2013: conclusion – creditor shall pay the fee of the bailiff
27.09.2013: conclusion – bailiff shall seize the motor vehicle on 13.11.2013 with the help of police
13.11.2013: record of the bailiff about the seizure being unsuccessful, police wasn't present
21.11.2013: the son of the debtor informs the court that the debtor doesn't live at the given address
13.01.2014: conclusion – bailiff shall seize the motor vehicle on 18.02.2014
18.02.2014: record of the bailiff about the seizure being unsuccessful

Many attempts to find the debtor and to seize the vehicle and these attempts being unsuccessful, span out the procedure. Also, the costs of the procedure were increasing with every unsuccessful attempt.

Case Nr. xx120/1991

object of enforcement: bank account, movables

basis of enforcement:

procedure:

31.05.1991: motion for enforcement

20.06.1991: enforcement ordered

10.09.1992: writ of enforcement became legally binding

09.05.1994: claimant proposed to change the object of enforcement to movables and suspend the enforcement on bank accounts

06.10.1994: object of enforcement changed to movables

02.06.1995: debtor submitted a complaint that he paid the claim, however the complaint was late

(the proceeding went on...)

15.03.2006: court requested information from the company register whether creditor still existed, the company register informed the court that creditor was not an existing company

20.04.2006: decision about closing the case because creditor was not an existing company

22.05.2006: appeal against the decision

31.05.2006: appeal submitted to 2nd instance court

04.07.2006: decision of 2nd instance court overruling the decision, the proceeding continued

24.01.2007: conclusion – creditor shall pay the fee of the bailiff

17.09.2007: debtor submitted a complaint that the case should be closed, he paid the claim

21.03.2008: creditor received the complaint to submit his observations

28.03.2008: creditor submitted his observations, the claim exists

06.10.2011: court declined the complaint; the decision couldn't be served to debtor

29.07.2012: court inquired about the address of debtor at the police

23.10.2012: debtor submitted a complaint (creditor didn't exist, the claim expired) – the procedure should have been turned into litigation but debtor wasn't informed about this



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15.02.2013: creditor submitted observations on the complaint, requested the court to close the case on movables and proceed with enforcement on bank account
25.02.2013: decision about closing the case on movables (decision had an error, closing the whole case)
04.04.2013: creditor submitted an appeal, requested to close the case only on movables
17.04.2013: decision to FINA to transfer money from bank account
12.07.2013: FINA informed the court that bank account of creditor is unknown; claim should be converted to Kuna from Dinar
04.09.2013: creditor's attorney informed the court that creditor was a company in Slovenia, the money should be transferred to his bank account, converted the claim to Kuna
20.05.2014: court notified FINA
17.06.2014: debtor submitted a complaint about closing the case
02.09.2014: decision about sending the parties to litigation
03.09.2014: decision about correcting decision of 25.02.2013

Excessive use of legal remedies (in this case, only after 2006 five appeals and complaints were submitted by the parties) prolonged the procedure for more than 20 years. The case is far from being over since the parties are about to enter litigation about the claim.

Case Nr. xx60/2004

object of enforcement: movables

basis of enforcement:

procedure:

06.02.2004: motion for enforcement

10.03.2004: enforcement ordered

17.11.2004: writ of enforcement became legally binding

13.04.2006: decision of the court about closing the case because creditor didn't submit a correct address of debtor

26.04.2006: appeal against the decision

30.05.2006: appeal submitted to 2nd instance court

14.11.2006: decision of 2nd instance court overruling the decision, the proceeding continued

29.08.2008: conclusion asking the creditor whether debtor paid the claim

05.09.2008: creditor informed the court that debtor didn't pay and he's under custody since 27.10.2007

17.11.2009: debtor's attorney submitted a complaint that debtor didn't receive the writ thus it's not legally binding

02.02.2012: court informed creditor about the complaint

31.10.2012: creditor requested the court to close the case

24.04.2014: decision drawn up by the Court Advisor about closing the case and then signed by the judge

28.04.2014: decision served to the parties



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After the decision of the 2nd instance court in 2006, the municipal court didn't take any action for almost 2 years. Again, more than 2 years passed between the debtor submitting his complaint and the court notifying the creditor thereof. The procedure lasted for 10 years without any success.

Case Nr. xx25/2007

object of enforcement: movables

basis of enforcement:

procedure:

24.05.2007: motion submitted to notary public

24.05.2007: enforcement ordered by notary public

18.09.2007: debtor submitted a complaint against the writ but didn't sign it

28.09.2007: notary public submitted the case to the court

18.04.2008: conclusion requesting debtor to sign the complaint or to submit another signed one within 8 days

08.12.2008: decision of the court rejecting the appeal; the decision couldn't be delivered to debtor

28.04.2009: conclusion requesting creditor to submit a new address; another court was asked to serve the decision to debtor by a court official (it was unsuccessful)

02.03.2010: conclusion asking the police to investigate the address of debtor

22.04.2010: police informed the court that debtor doesn't live at his registered address

16.07.2010: creditor requested the court to close the case and to decide on the costs

21.09.2010: decision about closing the case

07.10.2010: creditor asks to render a decision about the costs

10.07.2014: decision drawn up by the Court Advisor about costs and then signed by the judge

17.07.2014: decision served to the parties

After closing the case in 2010, the creditor requested the court to render a decision on the costs. It took almost 4 years to decide on this matter.

Case Nr. xx9/2004

object of enforcement: movables

basis of enforcement:

procedure:

18.06.2004: motion for enforcement

05.07.2004: enforcement ordered

26.07.2004: writ of enforcement became legally binding

(the proceeding went on...)

21.07.2010: decision about closing the case because debtor was not found

21.09.2010: creditor submitted an appeal against the decision

24.01.2011: appeal submitted to 2nd instance court

03.01.2012: decision of 2nd instance court overruling the decision

24.04.2013: service of the decision of 2nd instance court by municipal court to the parties (unsuccessful to debtor)



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27.06.2013: conclusion – the creditor shall pay the fee of serving the writ by a court official

04.07.2013: fee paid by creditor

22.08.2013: record of bailiff about the list of movables – debtor was not found

04.09.2013: decision of 2nd instance court served to debtor

02.01.2014: conclusion requesting creditor to submit a new address since the debtor was not found by the bailiff when trying to make a list of his movables

12.02.2014: record of bailiff about the list of movables – debtor was not found

10.04.2014: conclusion requesting creditor to submit a new address

29.05.2014: creditor informed the court that debtor moved to Split, requested that the procedure continue there

02.06.2014: address of debtor inquired from the police database

22.06.2014: conclusion asking the police to check if debtor is available at the address

18.08.2014: police informed the court that debtor moved to an unknown address (the procedure is about to be moved to Split)

An appeal by the creditor prolonged the procedure. It took more than a year for the municipal court to serve the decision of the 2nd instance court to the parties. In 2014, every procedural step was about finding the debtor and it was still unsuccessful at the time of the interview.

c) Other enforcement procedures

Besides cases of enforcement on real estates and movables, a large number of files were examined by MG dealing with enforcement on salary and bank account. Some cases of ordering security and vacating of real estate were also analyzed.

Case Nr. xx84/2013

object of enforcement: bank account

basis of enforcement: trustworthy document certified by notary public

procedure:

26.06.2007: motion submitted to notary public

15.07.2010: writ of enforcement became legally binding

06.02.2013: debtor submitted an appeal that the writ is not legally binding

08.03.2013: notary public submitted the case to the court

19.11.2013: decision of the court rejecting the appeal

16.12.2013: debtor submitted an appeal that the writ of enforcement was not served to him thus it cannot be legally binding

21.07.2014: decision of the court rejecting the appeal because it was late

28.08.2014: appeal against the decision of the court

(the case will be submitted to the 2nd instance court for decision)

Almost 3 years passed after ordering the enforcement, when the debtor submitted an appeal (meanwhile the procedure went on without any success). It took 8 months for the



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court to decide on that appeal. Then the debtor submitted another appeal, which was decided about after another 7 months. An additional legal remedy is prolonging the case even further.

Case Nr. xx5/2013

object of enforcement:

basis of enforcement: authentic document

procedure:

15.02.2008: file for motion: termination of execution ordered by the notary public

22.08.2008: the creditor informed the court about his comments on the motion

18.03.2011: the court rejected the motion

08.04.2011: the postal service informed the court about the debtor's death

01.03.2013: the court made the decision about the successions

27.09.2013: the decision could not be delivered to 3 successors because they were „unknown” on the given address

15.10.2013: the judge instructed the court office to check the personal records of the ministry of interiors

23.10.2013: the court office informed the judge about the personal data, and they sent the decision to the given addresses

28.11.2013: the decision could not be delivered to 3 successors because they were „unknown” on the given addresses

05.12.2013: the judge instructed the court office to check the personal records of the ministry of interiors

10.01.2014: the court office informed the judge about the personal data

11.02.2014: the court called the creditor to serve data about the debtors' addresses

25.03.2014: the creditor informed the court about the addresses

01.04.2014: the judge gave instruction to deliver the decision again

17.04.2014: the postal service informed the court that the debtors did not pick up the decisions after two unsuccessful delivery attempts

07.05.2014: the court called the creditor to pay the fee of the personal delivery of the court official

26.05.2014: the court official tried to deliver the decision but the attempt was not successful

14.06.2014: new attempt to deliver the decision by the post but the debtors were „unknown” on the given addresses

It took 3 years for the court to decide on the motion for termination of execution ordered by the notary public. It took an additional 2 years to decide about the succession of the debtor. Since then excessive attempts were made to deliver the court's decision to the heirs, so far unsuccessfully.

Additionally, the following cases were also examined

Case Nr. xx/2014

object of enforcement: real estate, bank account (for the costs of the procedure)



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basis of enforcement: court decision

procedure:

27.02.2014: motion for enforcement submitted to court

13.05.2014: enforcement ordered

13.05.2014: conclusion – FINA shall collect the costs of the procedure from the debtor's bank account

Case xx26/2014

object of enforcement: salaries

basis of enforcement: court decision

procedure:

05.03.2012: enforcement ordered

15.05.2012: notification

25.04.2014: final decision

Case xx66/2014

object of enforcement: salaries

basis of enforcement: court decision

procedure:

15.04.2014: enforcement ordered

(case still ongoing)

Case xx92/2012

object of enforcement: salaries

basis of enforcement: court decision

procedure:

31.05.2012: enforcement ordered

11.11.2012: transmission to FINA

Case xx44/2010

object of enforcement:

basis of enforcement: court decision

procedure:

24.10.2010: registration

28.05.2012: regularization of pleadings

09.11.2012: enforcement ordered

04.04.2014: remedies

29.08.2014: final decision

Case xx15/2013

object of enforcement:

basis of enforcement: court decision

procedure:

20.05.2013: enforcement ordered

22.05.2014: final decision



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Case xx886/2004

object of enforcement: money claim (less than 100€) and movable

basis of enforcement: court decision

procedure:

22.09.2004: registration

20.12.2004: enforcement ordered

04.03.2013: auction

02.06.2014: final decision

Case xx758/2002

object of enforcement: money claim (1187 Kunas) and movable

basis of enforcement:

procedure:

20.06.2002: registration

01.04.2003: enforcement ordered

17.07.2014: final decision

Case Nr. xx49/2004

object of enforcement: salary

basis of enforcement: authentic document

procedure:

14.05.2014: the court decision was prepared by the Court Advisor

13.06.2014: the decision was sent to the parties

Case Nr. xx4/2014

object of enforcement: salary

basis of enforcement: authentic document

procedure:

16.06.2014: the court decision was prepared by the Court Advisor

27.06.2014: the decision was sent to the parties

Case Nr. xx98/2001

object of enforcement: all property

basis of enforcement: authentic document

procedure:

29.01.2014: the court decision was prepared by the Court Advisor

06.02.2014: the decision was sent to the parties

Case Nr. xx26/2004

object of enforcement: salary

basis of enforcement: authentic document

procedure:

25.01.2012: file for motion

29.03.2012: decision on enforcement

08.05.2012: decision delivered to the parties

15.06.2012: decision on money transfer when the decision becomes final



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25.04.2014: decision about finishing the case

Case Nr. xx010/2013

object of enforcement: salary

basis of enforcement: authentic document

procedure:

15.05.2013: file for motion

12.11.2013: decision on enforcement

Case Nr. xx55/2010

object of enforcement: salary

basis of enforcement: authentic document

procedure:

03.11.2010: file for motion

23.05.2012: decision on enforcement

Case Nr. xx9/2014

object of enforcement: salary

basis of enforcement: authentic document

procedure:

27.01.2014: file for motion

15.04.2014: decision on enforcement

Case Nr. xx70/2014

object of enforcement: salary

basis of enforcement: authentic document

procedure:

20.02.2014: file for motion

28.03.2014: decision on execution

05.05.2014: decision is delivered to one party

09.05.2014: decision is delivered to another party

04.06.2014: decision sent to the employer

Case Nr. xx66/2013

object of enforcement: salary

basis of enforcement: authentic document

procedure:

14.05.2013: file for motion

21.05.2013: decision on enforcement

Case Nr. xx4/2008

object of enforcement: vacating of real estate

basis of enforcement: court decision

procedure:

24.06.2008: motion for enforcement submitted

18.07.2008: enforcement ordered



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15.10.2008: conclusion – creditor shall pay the fee of serving the decision by a court official

05.05.2009: decision – bailiff shall vacate the real estate on 07.07.2009

07.07.2009: bailiff vacated the real estate with the help of the police; debtor was not present

17.07.2009: decision about the vacating being successful

15.10.2009: conclusion – service of the decision was unsuccessful, creditor shall pay the fee of serving the decision by a court official

03.02.2010: decision – debtor shall pay the costs

Case Nr. xx0/1994

object of enforcement:

basis of enforcement: decision of public authority

procedure:

27.08.1987: motion for enforcement

1995: procedure suspended

2013: creditor submitted a motion for reopening the case, the case was reopened, since then it's pending

Case Nr. xx97/2011

object of enforcement: security

basis of enforcement:

procedure:

29.08.2011: motion submitted

01.09.2011: conclusion – debtor shall send his documents within 8 days (service of the conclusion unsuccessful)

07.11.2011: creditor submitted a new address of the debtor

14.12.2011: conclusion – creditor shall send his documents

16.01.2012: conclusion – debtor shall react on the creditor's documents

07.01.2013: decision of the court ordering the debtor to do what the creditor requested

01.02.2013: debtor submitted an appeal against the decision

11.02.2013: conclusion – creditor shall react on the appeal

14.03.2014: case submitted to 2nd instance court by municipal court for decision

15.04.2014: decision of 2nd instance court rejecting the appeal

Case Nr. xx31/2013

object of enforcement: security

basis of enforcement:

procedure:

10.05.2013: motion submitted

27.05.2013: decision of the court ordering the debtor to do what the creditor requested

03.07.2013: the parties requested the procedure to be suspended

22.08.2014: decision about the suspension of the case



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d) Additional observations based on the interviews

At the Municipal Civil Court of Zagreb some of the Court Advisors are working in referadas consisting of 6-7000 pending cases from which a significant number is from the '80s and '90s.

Judges in the enforcement department are also mentoring Court Advisors, which means that besides their own cases they are working on cases where some of the decisions are signed by them but are prepared by the Court Advisors. MG has also realized that it usually happens to take 1 or 2 weeks until the judge can examine the cases prepared by Court Advisors.

Based on the Court Advisors' personal qualities and experience that MG could observe throughout the interviews and based on their education that is required to become a Court Advisor, they seem to be suited to manage enforcement cases on their own.

MG has also realized that the court uses only one standardized form in the enforcement procedure.

There are 4 professional bailiffs working at the Municipal Civil Court of Zagreb and there are 36 non-professional bailiffs listed. Professional bailiffs can deal with enforcement on real estates and movables, non-professionals only with enforcement on movables. The number of professional bailiffs corresponds to the number of inhabitants. Non-professional bailiffs get ca. 30 new cases a month, while professionals about 70-80 cases/months. Complicated cases are dealt with by professional bailiffs. Both professional and non-professional bailiffs have to pass a special exam organized by the ministry of justice. To become a professional bailiff, a certain amount of experience and expertise is required. Based on the opinions heard during the interviews approx. 10 professional bailiffs could deal with the whole workload of the municipal court.

Interviews confirmed that one of the main causes of the long proceedings is that it is hard to find the debtor. Excessive efforts are taken, but in many cases without success. Since it is the duty of the creditor to submit the address of the debtor, the court doesn't investigate. If the address is not right or the debtor can't be found at the address given, the court requests the creditor to submit a new address within 8-15 days. This deadline is not provided for by law but set by the judge (Court Advisor) based on the practice of the court. If the creditor doesn't submit a new address, it is at the judge's discretion whether he/she closes the procedure or requests the creditor again to submit a new address.

It also depends on the discretion of the judge how many times he/she postpones a hearing or if he/she closes the case. In cases where it is important to hear the arguments of the debtor, the hearing can be postponed as long as the debtor appears at the hearing. This can cause a massive delay in the procedure.



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There is a flux of Court Advisors at the court, Court Advisors easily can leave the court because there is not enough opportunity to step forward and to become a judge, and in many cases they don't have permanent assignment but just temporary contracts.

2.3.6. Main findings

- 1. Procedural deadlines.** There is a need to provide on mandatory deadlines applicable only in cases which start after the amendment of the Enforcement Act, otherwise it would establish an unsolvable problem for the Municipal Civil Court of Zagreb which is already suffering from a 4-5000 case backlog per "referada" from which a significant number is from the '80s and '90s. The enactment of procedural deadlines could secure finishing at least the new cases in a reasonable time combined with temporary measures dealing with the backlog.
- 2. Backlogs.** There is a pressing need to reduce backlogs. This could not be achieved without increasing the staff of the Municipal Civil Court at least temporary.
- 3. Judges and Court staff.** Mission reveals that there is room for empowering Court Advisors in order to allow them to manage cases on their own. Based on the education that is required to become a Court Advisor and their personal qualities and experience that MG could observe throughout the interviews, they are suited to manage enforcement cases on their own. The current status of internal organization in Zagreb (Judges + assistant; Court Advisors + assistant and administrative services under one coordinator) and the workflow between the different units may entail inefficiencies. Since the number of Court Advisors far exceeds the rate of Judges specialised on enforcement cases, Court Advisors account for the lion's share of tasks: preliminary advises, proposals for Judges' decisions and signing on their own some procedural decisions.
- 4. Time of the procedure.** Linked to the former MF, the timeframe of delivering judicial decisions is too large. Especially, between the time when the Court Advisor prepare the decision and the time the decision is signed by the Judge usually there are 1-2 weeks.
- 5. Serving of judicial documents to citizens and parties.** All legal practitioners agreed on one key point and all highlighted the need to give more efficiency to the notification systems. From both approaches, from the citizen perspective (in relation to the debtors), and from the legal practitioners' position (absence of a secure electronic system of notification to the lawyers). This implies a waste of time and budget for the Court. In the examined cases MG found that one of the most significant causes of delays is that the debtors cannot be found at their registered address or that they simply do not take the documents delivered to them by post.



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- 6. Dispositive principle.** MG recognizes that certain measures are unnecessarily depending on the motion of the parties. The Court is too dependent on the dispositive principle not allowing space for court measures without the initiative of the parties, *ex officio*.
- 7. Unnecessary changing of the objects of enforcement.** The procedure of changing the object of enforcement and thus starting the process again seems rather burdensome and contributes to prolonging the procedure.
- 8. Lack of standardized forms.** The absence of uniform forms (mainly for the motion) does not contribute to a faster processing of cases. Using forms would make it easier for judges and Court Advisors to check whether the motion is correct and founded. Besides, a centralized secure IT system could be developed for processing the cases and also for serving documents electronically.
- 9. Legal barriers to execution.** Zagreb Municipal Court Case Study confirmed that some legal provisions on interruptions of enforcement and procedural requirements are considered as unnecessary obstacles to execution (see Section 2 of Report of Activity 1.1.1. of this Project):
 - Excessive use of legal remedies even in cases not allowed by the Law;
 - Additional litigation proceedings (i.e. Articles 55 and 60 of the Enforcement Act);
 - Excessive hearings to the parties;
 - Duality of competent enforcement agents depending on the type of property (i.e. monetary assets, movable and immovable property);
 - Dispersion of competent authorities for a single enforcement case depending on the territorial location of the debtor's property;
- 10. Legal remedies.** Beside of the excessive use of legal remedies MG had the impression that the legal remedies mainly cause delays because the second instance court can't consider them in a reasonable time.
- 11. Mediation mechanisms and enforcement procedure.** Despite the positive efforts made with the *Mirenje* program, mediation or other ADR system within the framework of enforcement procedures remains as unknown alternative for the enforcement phase among the vast majority of legal practitioners.
- 12. Information technology and enforcement procedure.** Although there is a specific software in process of full implementation, an electronic case management system (e-File, in Croatian e-SPIS), the mission revealed the lack of interoperability standards (between court services and other entities) may provoke results in inefficient workflow between parties, enforcement agents and competent agencies (for instance, FINA).



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- 13. Administrative services.** Within the so called “*Kancel*” (a sort of administrative Court department of the Municipal Court of Zagreb) there are several units of administrative staff in support of Judges and Court Advisors. The mission revealed that there is room for introducing greater rationalisation. There is a need to modernize the way the Organization carries out its day-to-day work, by streamlining and simplifying processes.



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3. CONCLUSIONS AND PROPOSALS

Taking into account grounds and main findings laid down in three previous sections (Quantitative, Qualitative and Functional approaches), the following final considerations can be drawn.

CONCLUSIONS:

- **1. Reliable information.** Any modern organization operating within the Information Society needs to rely on reliable statistical data. There is room for improvements in relation to the registration system within the Municipal Court. The rules imply counting the same enforcement proceeding more than once.
- **2. Barriers to enforcement.** Statistical data confirm the need to lower administrative barriers. For instance, changing of the objects of enforcement and obliging a new motion and registration seems rather burdensome and contributes to prolonging the procedure. Due to the complexity of the enforcement procedures, legal provisions and court practices, the rate of pendency of movable and real state represents an extremely high percentage in comparison of monetary claims.
- **3. Increasing of pendency.** The dangerously rising the rate of pendency of enforcement cases during the last years requires to adopt new measures.
- **4. Complexity and length of proceedings.** The length and complexity of enforcement cases are due to the misuse of legal remedies, excessive hearings to the parties and additional litigation proceedings by debtors. This extends unnecessarily the proceedings as well as a progressive increase of uncertainty and unpredictability. This entire situation provokes a high dissatisfaction among legal practitioners and citizens as well as inefficiency since the high cost for the MoJ.
- **5. Judges and Legal Advisers.** Although Court Advisors account for the lion's share of enforcement tasks, still is possible to provide more efficiency to the enforcement system if the internal organization is re-shaped by means of given more substantive role to the Court Advisors. In this manner the Judge's role could be focused on the very jurisdictional issues, such as appeals against decisions adopted by Court Advisors. Likewise, some enforcement judges could be appointed (relocated internally) in other areas of the Municipal Court.



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- **6. Administrative services and Legal Advisers.** There is room for giving more important role to the enforcement court department, the “*Kansel*” (the administrative office for processing and handling the proceedings as well as serving of documents). This could be implemented by means of appointing the current legal advisers (one of them acting as coordinator) to that service. In the same sense, it would be desirable to extend the Court Advisors’ remits, (apart of doing motions for resolutions to their mentors) and extending their powers for signing own decisions. On the other hand, it is necessary to professionalize the supervision of the *Kansel*. In this manner, it could be reduced significantly the ongoing transfer of cases, judicial records and files from court’s rooms to the office; likewise much of the administrative work done by the judges and Court Advisors’ assistants could be implemented within this expanded office.
- **7. Information Technologies and Courts Services.** It is necessary to improve the interoperability standards. Besides, a centralized IT secure system could be developed for processing the cases. Also a national centralized Register of movable and immovable property is needed. This should contribute to minimize the delays in workflow between parties, enforcement agents and competent agencies. The progressive digitalization of all incoming pleadings and documents should be evaluated.
- **8. Delivering of judicial documents to the parties.** There is a need for more innovation in order to reduce lead time of judicial documents to the parties. When possible from the legal point of view the paper environment should be shifted to an electronic way of operation in relation to notifications and serving of documents. In the case of lawyers who have appeared in the proceedings the delivering of judicial documents may be implemented by means of a secure telecommunication system from the Courts.
- **9. Procedural deadlines.** Interviews reveal the need of providing and keeping mandatory deadlines applicable only in cases which start after the amendment of the Enforcement Act.
- **10. Dispositive principle.** MG understands that certain measures are unnecessarily depending on the motion of the parties. The Court is too dependent on the dispositive principle not allowing space for court measures without the initiative of the parties, *ex officio*.



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RECOMMENDATIONS:

1  It is recommended checking the current **statistical court cases system** in order to revamp the registration of enforcement cases according to the conclusions.

2  It is convenient to remove some **legal provisions** which are considered as legal barriers for an effective execution such as interruptions of enforcement and procedural requirements which deemed to be viewed as unnecessary obstacles to execution.

3  To carry out processes re-engineering in relation to the **Municipal Court Departments** as a search for alternatives of greater effectiveness, efficacy and efficiency, on the basis of the rationality of the solutions. The establishing of a specific Enforcement Procedural Court Service monitored by qualified professionals and relying on a Quality Strategic Plan might be an option. Besides, MG recommends to empower Court Advisors to act on their own throughout the whole enforcement procedure.

4  **IT improvements.** Steps should be taken to provide Courts, enforcement agents and competent bodies with the minimum following facilities⁹:

- Centralized electronic auctions system;
- Secure electronic delivering of documents to the lawyers;
- On line access to judicial bank accounts from the Court Services;
- Electronic access to multiple-source information on debtor's property.

5  To embark on a process of reflection in order to revise the predominance of the dispositive principle giving more room for **ex officio measures** during the enforcement phase. Besides, it seems appropriate to reform the rules of delivery and to consider the wider use of the presumption of service possible.

6  MG recommends the use of **standardized forms**, mainly for the motion of enforcement it would greatly contribute to the faster processing of cases.

⁹ Some initiatives in this area are foreseen in the Multiannual European e-Justice Action Plan 2014-2018 (EJUSTICE 18, JUSTCIV 42, COPEN 55JAI 92).



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7  **Emergency measures.** As an extraordinary measure for facing the dangerously increasing of backlog, policy makers should consider the possibility of growing the number of legal advisers (for a definite time or on a temporary basis).



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4. ANNEXES

4.1. Statistical Data

(See separate Excel file)

4.2. Questionnaires

(See separate PDF file with the original responses)

4.3. Enforcement Act: Procedural Outlines

(See separate PDF file)



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4.4. Mission Group Activities (from August, 25 to September, 5)

Analyzing the technical execution (the overall process of involuntary collection of claims and problems which occur during the procedure) of different types of enforcement procedures known by the Croatian enforcement legislation and preparing report containing analysis results.

Ms. María Rosario Palacios González, Ms. Vanessa Untiedt, Mr. Javier Luis Parra García, Mr. Péter Tanács, Ms. Györgyi Horváth, and Mr. Viktor Rák

Monday, 25th Aug

- 9.15 h. Meeting with RTA in MoJ - Room 139 The purpose of the meeting is to share with the Hungarian experts the preliminary work carried out by the Spanish experts and agree on the methodology for the implementation of the activity.
- Attendants: RTA, Mr. Péter Tanács, Ms. Györgyi Horváth, Ms. María Rosario Palacios González, Ms. Vanessa Untiedt, Mr. Javier Luis Parra García.
- 10.30 h. Meeting with Mr. Nikola Ramuscak, President of Municipal Court at the premises of Municipal Court in order to arrange the practical implementation of the activity for the first week.
- 11:30- 14:00h Meeting with Ms. Lidija Mlinar Zrna Coordinator of Enforcement Unit (Title documents) at the Ovrnsni I Izvanparnicni Odjel.
Attendants: RTA, Mr. Péter Tanács, Ms. María Rosario Palacios González, Ms. Vanessa Untiedt, Mr. Javier Luis Parra García.
- 16:00- 18:00h Preparation of Mission Report in hotel conference room.
Attendants: Mr. Péter Tanács, Ms. María Rosario Palacios González, Ms. Vanessa Untiedt, Mr. Javier Luis Parra García.

Tuesday, 26 Aug



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Contract Number: 2010-01-23-010101

Twinning Number: HR/10/IB/JH/04

- 9:00-13:00 h. Meeting with Ms. Ela Mišura Stopfer (judge)
Meeting with Ms. Mateja Cvitić (Court Advisor)
Meeting with Ms. Andrija Krivak (Court Advisor)
Attendants: Mr. Péter Tanács and Mr. Javier Luis Parra García.
Activity: To examine and analyse different files in order to implement the Case Study.
- 9:00-13:00 h. Work in the hotel's conference room preparing the preliminary technical study and mission report, Ms. María Rosario Palacios González, Ms. Vanessa Untiedt.
- 14:00-15:00 h. Meeting with Martina Vrdoljak, Head of statistics Department Ministry of Justice.
Attendants: RTA and Vanessa Untiedt in MoJ - Room 139
Activity: Contrast and cross over the data information previously received.
- 17:00-19:00h Work in the hotel's conference room preparing the preliminary technical study and mission report, Ms. María Rosario Palacios González, Ms. Vanessa Untiedt, Mr. Javier Luis Parra García, Mr. Péter Tanács.

Wenesday, 27th Aug.

- 9-13:00 h. Meeting work at the premises of Municipal Court with Mr. Mislav Gazilj (Court Advisor)
Attendants: RTA, Mr. Péter Tanács, Mr. Viktor Rák.
Activity: To examine and analyse different files in order to implement the Case Study.
- 8:30-14:00 h. Work in the hotel's conference room preparing the preliminary technical study and mission report, Ms. María Rosario Palacios González, Ms. Vanessa Untiedt, Mr. Javier Luis Parra García.
- 15:30- 16:30 h. Meeting with RTA at MoJ - Room 139
The purpose of the meeting is to present at group the new Hungarian expert, Mr. Viktor Rák, and to rearrange the practical implementation of the activity.
- 17-19:00 h. Work in the hotels' conference room preparing the preliminary technical study and mission report, Ms. María Rosario Palacios González, Ms. Vanessa Untiedt, Mr. Javier Luis Parra García, Mr. Péter Tanács and Mr. Viktor Rák.



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Thursday 28 th, Aug

- 9-10:30 h. Meeting with Mr. Nenad Kunc (bailiff)
Attendants: Mr. Péter Tanács, Mr. Viktor Rák.
Activity: To examine and analyse different files in order to implement the Case Study.
- 10:40-12:30 h. Meeting with Ms. Ana Ćosić (Court Advisor).
Attendants: Mr. Péter Tanács, Mr. Viktor Rák.
Activity: To examine and analyse different files in order to implement the Case Study.
- 8:30-14:00 h. Work in the hotel's conference room preparing the preliminary technical study and mission report, Ms. María Rosario Palacios González, Ms. Vanessa Untiedt, Mr. Javier Luis Parra García
- 14:00-16:00 h. Meeting with Public Notary Ms. Jožica Matko Ruždjakm (notary public, president of the Notarial Academy of the Croatian Notarial Chamber) in MoJ- Room 139
Attendants: RTA, Mr. Péter Tanács and Mr. Viktor Rák.
- 15-19:00h. Work in the hotel's conference room preparing the preliminary technical study and mission report, Ms. María Rosario Palacios González, Ms. Vanessa Untiedt, Mr. Javier Luis Parra García, Mr. Péter Tanács and Mr. Viktor Rák

Friday 29th, Aug.

- 9-10:30 h. Meeting with Ms. Anđa Turković, responsible of collecting data in Municipal Court.
Attendants: RTA, Ms. Vanessa Untiedt, Mr. Javier Luis Parra García, Ms. María Rosario Palacios González.
Activity: Contrast and cross-checking over the data information previously received.
- 9-9:40 h. Meeting with Ms. Ana Ćosić (Court Advisor).
Attendants: Mr. Péter Tanács, Mr. Viktor Rák.
Activity: Interviews, examining and analysing different files in order to implement the Case Study.
- 9:45-11:30 h. Meeting with Ms. Neda Šola (Court Advisor)
Attendants: Mr. Péter Tanács, Mr. Viktor Rák.



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- Activity: Interviews, examining and analysing different files in order to implement the Case Study.
- 10:30- 11:00 h Meeting with the Court Advisor Ms. Ileana Bebek in the premises of Municipal Court of Zagreb.
Attendants Mr. Javier Luis Parra García, Ms. María Rosario Palacios González.
Activity: Interviews, examining and analysing different files in order to implement the Case Study.
- 11:30- 13:00 h Meeting with Ms. Lidija Mlinar Zrna Coordinator of Enforcement Unit (Title documents) at the Ovršni I Izvanparnicni Odjel in the premises of Municipal Court of Zagreb.
Attendants: Mr. Javier Luis Parra García, Ms. María Rosario Palacios González.
Activity: To verify the distribution of work and the proceedings of enforcements files.
- 12:15-13:45 h. Visit at the Administration Office (Pisarnica)
Attendants: Mr. Péter Tanács, Mr. Viktor Rák.
Activity: Examining and analysing different files in order to implement the Case Study.
- 13-14.00 h Meeting with the Court Advisor Mr. Josip Désic in the premises of Municipal Court of Zagreb.
Attendants: Mr. Javier Luis Parra García, Ms. María Rosario Palacios González.
Activity: Interview, examining and analysis different files in order to implement the Case Study.
- 11- 15:00 h Work in the hotel's conference room preparing the preliminary technical study and mission report, Ms. Vanessa Untiedt.
- 16- 19:00 h Work in the hotel's conference room preparing the preliminary technical study and mission report, Ms. María Rosario Palacios González, Ms. Vanessa Untiedt, Mr. Javier Luis Parra García, Mr. Péter Tanács and Mr. Viktor Rák

Monday, 1 Sep.

- 9-10:15 h. Meeting with Ms. Magdalena Rendula, Court Secretary of Municipal Court of Zagreb, in the premises of Municipal Court of Zagreb,



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Attendants: Mr. Javier Luis Parra García, Ms. María Rosario Palacios González.

Activity: Analyse of distribution of work, human resources and materials, working conditions and relationship with Judges, Court Advisors and other officers involved in the process in the Municipal Court of Zagreb.

10:30- 11h.

Meeting with Ms. Vesna Stancin, Administrator of the court office of Zagreb (Upraviteljica sudske pisarnice), in the premises of Municipal Court of Zagreb.

Attendants: Mr. Javier Luis Parra García, Ms. María Rosario Palacios González.

Activity: Analyse of distribution of work, human resources and materials, working conditions and relationship with Judges, Court Advisors and other officers involved in the process in the Municipal Court of Zagreb.

11:30-12:30h.

Meeting with the Court Advisor Ms. Zrinka Cosic in the premises of Municipal Court of Zagreb.

Attendants: Ms. María Rosario Palacios González.

Activity: Interviews, examining and analysis different files in order to implement the Case Study. Cross-checking about the report's qualitative analysis.

9-16:00 h.

Work in the hotel's conference room preparing the preliminary technical study and mission report, Mr. Péter Tanács and Mr. Viktor Rák.

8:30-14:00 h.

Work in the hotel's conference room preparing the preliminary technical study and mission report, Ms. Vanessa Untiedt.

15-16:30 h.

Meeting with representatives of law firms in MoJ- Room 139

Attendants: RTA, Ms. María Rosario Palacios González, Ms. Vanessa Untiedt, Mr. Javier Luis Parra García, Anić i partneri, Madirazza i partneri, Glinska & Mišković d.o.o., Mamić Perić Reberski Rimac d.o.o., Frano Belohradsky and Luka Rimac, Odvjetnick Ured Karlo Novosel, Vukmir i suradnici, Sandra Budimir LL.M., Cukman Law..

Activity: Inputs from Law Firms. Cross-checking of responses to questionnaires, perception about human resources in the Municipal Court of Zagreb, working conditions and relationship with Judges, Court Advisors and other officers involved in the process.



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17-19:00 Work in the hotels' conference room preparing the preliminary technical study and mission report, Ms. Vanessa Untiedt, Mr. Javier Luis Parra García, Ms. María Rosario Palacios González, Mr. Péter Tanács and Mr. Viktor Rák.

Tuesday, 2 Sep.

9-14:00 h. Preparation of the preliminary technical study and mission report.

12-14:00 h. Meeting with Ms. Ljiljana Vodopija Čengić (notary public) at her office.

Attendants: RTA and Mr. Viktor Rák

Activity: Inputs from the perspective of a notary public dealing with enforcement cases

16:30- 19 h. Team revision of inputs and preliminary drafting of main findings of Section 2.3.

Attendants: RTA, Ms. María Rosario Palacios González, Ms. Vanessa Untiedt , Mr. Javier Luis Parra García, Mr. Péter Tanács and Mr. Viktor Rák.

Wednesday 3, Thursday 4 Sept

9- 14:30 h. Drafting deliverables.
Attendants: Ms. María Rosario Palacios González, Ms. Vanessa Untiedt , Mr. Javier Luis Parra García, Mr. Péter Tanács and Mr. Viktor Rák.
Activities : Revision of previous work and preliminary drafting of conclusions.

15- 18:30 h. Attendants: Ms. María Rosario Palacios González, Ms. Vanessa Untiedt , Mr. Javier Luis Parra García, Mr. Péter Tanács and Mr. Viktor Rák.

Activities : Revision of previous work and preliminary drafting of conclusions and drafting deliverables and preparing final presentation.

Friday 4, sept.

10:00- 11:00 MG meeting in the premises of MoJ to coordinate the executive presentation.



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11:00- 12:00

Executive presentation of the results of the technical assistance at MoJ Room 705. Ms. María Rosario Palacios González, Ms. Vanessa Untiedt , Mr. Javier Luis Parra García, Mr. Péter Tanács and Mr. Viktor Rák.