



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



**Poboljšanje sustava ovrhe  
u Republici Hrvatskoj**

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



Improvement of the Enforcement system in the Republic of Croatia

Contract Number: 2010-01-23-010101 Twinning Number: HR/10/IB/JH/04



## THE EUROPEAN UNION'S 2010 PROGRAMME

Twining Ref. Number HR/10/IB/JH/04

Consortium: Spanish Ministry of Justice/Hungarian Ministry of Justice/Croatian Ministry of Justice/FIIAPP

# MISSION REPORT

“Improvement of the Enforcement system in the Republic of Croatia”

**Activity 1.3.2:** Preparing training curricula with detailed training programme and training materials for training of stakeholders' staff based on the TNA report and preparing training curricula with detailed training programme and training materials for the train-the-trainers (ToT) seminars. Developed materials should take into account different roles of each stakeholder in the enforcement system.

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

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## GLOSSARY

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

**Enforcement:** 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 ovrši*).

**Claimant:** A party seeking enforcement. In civil enforcement 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".

**Ovrhovoditelj:** strana koja zahtjeva provođenje ovrhe. U građanskim predmetima, ovrhovoditelj je obično zajmodavac, ali ta dva pojma nisu sinonimi budući da ovrhovoditelj 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.

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

**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 radnji:** kontrola radnji podrazumijeva kontrolu zakonitosti radnji koje provode ovršni agenti. Može je provoditi „disciplinsko" tijelo (vidi: Nadzor aktivnosti) a priori (prije djelovanja ovršitelja) ili a posteriori (nakon djelovanja ovršitelja).

**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).

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

**Enforcement agent:** A person authorised by the state to carry out the enforcement process irrespective of whether that person is employed by the state or not.

**Ovršni agent:** osoba koju je država ovlasila da provede ovršni postupak bez obzira je li ta osoba zaposlena od strane države ili ne.

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

**Ovršeni predmet:** kako bi se ovršio/proveo, predmet mora biti obuhvaćen zahtjevom koji će u potpunosti zadovoljiti ovrhovoditelja.



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**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 ovrhovoditelj plaća za rad ovršnog agenta 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 ovršitelj 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 profesije ili osobe koje provode 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 ovršitelji.

**Enforcement Procedure:** Execution proceeding of involuntary collection and securing of a debtor's property ordered by a Court or other Public body (notaries) at 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 ovrhovoditelja protiv ovršenika.

**FINA:** Financial Agency (FINA <http://www.fina.hr/>) is a Croatian legal entity with nation-wide coverage in the field of financial mediation and the application of information technologies.

**FINA:** Financijska agencija (FINA <http://www.fina.hr/>) je pravna osoba u Hrvatskoj sa širokom nacionalnom pokrivenošću na području financijskog posredovanja i primjene informatičke tehnologije koja zadovoljava zahtjeve sudova.

**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.

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

**Foreseeable time limits:** In theory, the time within which the parties are 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.

**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 ovrhovoditelj plaća ovršitelju 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.).



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**Predvidljivost troškova ovrhe:** u teoriji, troškovi o kojima su strane obaviještene 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 minimalnih zahtjeva za zadovoljavajuću ovrhu.

**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 radnji:** relevantnost poduzimanja radnji je procjena prikladnosti pokretanja ovršnog postupka. Ona je različito ocijenjena od strane ovrhovoditelja i ovršnog agenta. 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 radnji. Fleksibilnost radnje (ranije navedeno) je stoga čimbenik glatke ovrhe.

**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 ovršitelju 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 jamčiti poštenu provedbu zakona (vidi: Kontrola aktivnosti).

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

**Treća strana:** strana koja nije ni ovrhovoditelj ni ovršenik u postupku.

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

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



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## ABBREVIATIONS

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



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## 1. INTRODUCTION

The main objective of this activity is to prepare training curricula, programme and materials for training activities based on TNA report prepared under activity 1.3.1. Training should be implemented under activities 1.3.3 related to the employees of institutions involved in the enforcement system and train-the-trainers seminars to be conducted under activity 1.3.4.

Stakeholders of the overall enforcement system mentioned in the contract are Municipal courts, Ministry of Justice, Ministry of Finance, Bar Association, Chamber of Public Notaries, Ministry of the Interior and FINA. However according to the TNA report (activity 1.3.1) and the content of previous activities, the target groups are Judges, Court Advisors, Bailiffs, notaries and FINA. We withdraw from the training activities other institutions such as Ministry of the Interior, Ministry of Justice or lawyers, since their involvement as direct stakeholders in the enforcement system is scarce. MG focuses on Municipal Courts (Judges, Court Advisor and Bailiffs), Notaries Public, and Financial Agency (FINA) due its tasks in the enforcement monetary titles.

Since the target groups are heterogeneous and the training should take into consideration the jurisdiction and scope of work of each one of these institutions, the MG proposes different seminars to each target group: one for Judges and Court Advisors, one for notaries public and one for Bailiffs and FINA`s employees jointly, because both groups express need for a better coordination between them.

According to the CEPEJ (*Recommendation Rec (2003) 17 of the Committee of Ministers to member states on enforcement*): enforcement agents should undergo initial and ongoing training according to clearly defined and well-structured aims and objectives.



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## 2. EXECUTIVE SUMMARY

DEBRIEFING REPORT EXECUTIVE SUMMARY	
<b>Experts</b>	Ms María José Cañizares Castellanos Mr Ignacio Pando Echevarria
<b>Mission</b>	<b>Activity 1.3.1. Preparing training curricula with detailed training programme and training materials for training of stakeholders' staff based on the TNA report and preparing training curricula with detailed training programme and training materials for the train-the-trainers (ToT) seminars. Developed materials should take into account different roles of each stakeholder in the enforcement system.</b>
<b>Dates</b>	13 to 17 July 2015
<b>Places</b>	Zagreb
<b>Objectives</b>	<p>In the framework of this project on “Improvement of the Enforcement system in the Republic of Croatia”, the <b>main objective</b> of this mission is to prepare training curricula, programme and materials for training activities to be implemented under activities 1.3.3 and 1.3.4 related to the employees of institutions involved in the enforcement system taking into account TNA report developed under activity 1.3.1.</p> <p>Stakeholders of the overall enforcement system are representatives from Municipal courts, Ministry of Justice, Ministry of Finance, Bar Association, Chamber of Public Notaries, Ministry of the Interior and FINA. However, according to the TNA report (activity 1.3.1) and the content of previous activities, the target groups are Judges, Court Advisors, Bailiffs, notaries public and FINA’s employees.</p> <p>As <b>specific objectives</b> this activity pursues:</p> <p>To determine, according to TNA report from activity 1.3.1, which institutions should be included in the training seminars to be conducted under activity 1.3.3 referred to as “other institutions” along with FINA.</p> <p>To prepare training curricula with detailed training</p>





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	<p>programme and training materials addressed to Judges, Court Advisors, Bailiffs, Public Notaries and representatives from other institutions (including FINA), to be conducted under activity 1.3.3.</p> <p>To prepare training curricula with detailed training programme and training materials addressed to Judges, Court Advisors and Bailiffs, to be used in train-the-trainers seminars to be conducted under activity 1.3.4.</p> <p>To deliver final descriptive report that will include the materials prepared.</p>
<b>Methodology</b>	<p>The Group of experts has implemented a general methodology based on the following steps:</p> <ol style="list-style-type: none"> <li>i. Study of TNA report from Activity 1.3.1 regarding stakeholders of the enforcement system taking into consideration the jurisdiction and scope of work of each stakeholder.</li> <li>ii. Meeting with Ms Dijana Mandić, Head of Continuous Training Department of Judicial Academy.</li> <li>iii. As a result of the study of the TNA report from activity 1.3.1, MG believes that the following stakeholders shall be considered as target groups: Judges, Court Advisors, Bailiffs, notaries and FINA. From the training activities we have withdrawn other institutions such as Ministry of the Interior, Ministry of Justice or lawyers, because of their scarce involvement as direct stakeholders in enforcement system.</li> <li>iv. Taking into account training needs of identified target group, and the absence of Croatian team to cooperate with the activity, as stated in the work plan and strongly recommended in the TNA report, the MG decided to focus on European Law, European standards in enforcement, and implementation of European instruments. These topics have been identified as a main concern of all the target groups to be trained. MG has designed training curricula with detailed training programme and training materials in these topics.</li> <li>v. Once considered the training needs, revealed in TNA report of Activity 1.3.1, MG has designed a programme to teach about main worries of stakeholders of the enforcement system, but pointed out the need for the involvement of Croatians experts to manage this training.</li> </ol>



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	<p>Bearing in mind the implementation of the activity, the Mission Group of experts (MG) has followed a double methodology in order to identify what should be the content of the education, who, when, how and why shall be trained:</p> <ul style="list-style-type: none"> <li>■ Qualitative approach, processing and analysing the information provided by TNA report of Activity 1.3.1.</li> <li>■ Functional approach concerning the practices, organization and role of stakeholders involved in the enforcement.</li> </ul>
<b>Outcomes</b>	<p>The MG has accomplished with all the results required by the Terms of Reference for short-term experts.</p>
<b>Main findings</b>	<p><b>✚ Problems:</b></p> <ul style="list-style-type: none"> <li>~ Continuous amendments to the Enforcement Act that arise the need of supplementary training of enforcement agents by focusing on the last legal amendments.</li> <li>~ Lack of coordination between different stakeholders.</li> <li>~ Lack of awareness of training. Institutions involved in enforcement do not perceive the existence of a comprehensive global enforcement's training plan, clearly defined and well structured, as an important tool to improve effectiveness and efficiency of enforcement system.</li> <li>~ Lack of knowledge of European law directly applicable in the Republic of Croatia under the Treaty of Accession to the European Union.</li> </ul> <p><b>✚ Training needs:</b></p> <ul style="list-style-type: none"> <li>~ <b>Target group:</b> MG believes that focus should be put on the following target groups: <ul style="list-style-type: none"> <li>○ Municipal Court: Judges, Court Advisors, Bailiffs</li> <li>○ Notaries Public</li> <li>○ FINA</li> </ul> </li> <li>~ <b>Topics:</b> <ul style="list-style-type: none"> <li>○ Legal framework of enforcement. European Standards on Enforcement.</li> <li>○ Relations among court and enforcement agents.</li> <li>○ Case Law European Court of Human Rights.</li> <li>○ International enforceable titles. EU regulation.</li> <li>○ Electronic tools in European judicial cooperation.</li> </ul> </li> </ul>



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<p><b>Proposals</b></p>	<p>The proposals have been focused on the training programme:</p> <ul style="list-style-type: none"> <li>✚ <b>Target group:</b> <ul style="list-style-type: none"> <li>↪ Municipal Court: Judges, Court Advisors, Bailiffs</li> <li>↪ Notaries Public</li> <li>↪ FINA</li> </ul> </li> <li>✚ <b>Topics:</b> <ul style="list-style-type: none"> <li>• Common topics: <ul style="list-style-type: none"> <li>↪ European standards on the enforcement.</li> <li>↪ Amendments related to the Enforcement Act (training shall be done by a Croatian expert).</li> <li>↪ Relations among court and enforcement agents (workshop, the coordination shall be done by a Croatian expert).</li> <li>↪ Case Law of European Court of Human Rights.</li> <li>↪ International enforceable titles. EU regulation.</li> <li>↪ Electronic tools in European judicial cooperation.</li> </ul> </li> <li>• Specifics topics: <ul style="list-style-type: none"> <li>↪ <u>For Judges, Court Advisors and Notaries Public:</u> ECtHR Case Law in relation to Croatia: Case Study.</li> <li>↪ <u>For Bailiffs and FINA:</u> Practical issues on the enforcement.</li> </ul> </li> </ul> </li> <li>✚ <b>Selection of participants:</b> <ul style="list-style-type: none"> <li>↪ Equal access to training activities</li> </ul> </li> <li>✚ <b>Materials:</b> <ul style="list-style-type: none"> <li>↪ Disseminating the training material in advance <ul style="list-style-type: none"> <li>○ by email</li> <li>○ by publishing on the intranet.</li> </ul> </li> </ul> </li> <li>✚ <b>Format:</b> <ul style="list-style-type: none"> <li>↪ To promote the interaction between the trainers and participants.</li> </ul> </li> <li>✚ <b>Regarding Train the trainers activity (1.3.4)</b> <ul style="list-style-type: none"> <li>• <b>Target Group:</b> MG considers only Municipal Courts (Judges, Court Advisors and Bailiffs) as a target group for the train-the-trainers workshop. We withdraw FINA, because in TNA report from the activity 1.3.2 they declared they have no time and human resources to address the training.</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"><li>• MG highlights the importance of cooperating with Judicial Academy, in order to ensure sustainability of the training with an active role of the BC in the implementation of training activities.</li><li>• <b>Specific topics:</b><ul style="list-style-type: none"><li>↪ Programmes related to the improvement of managerial or technical skills in the training.</li><li>↪ Introduction to teaching techniques.</li><li>↪ Practical issues of training. How to motivate adult learners.</li></ul></li><li>• <b>Common topics:</b><ul style="list-style-type: none"><li>↪ European standards on the enforcement.</li><li>↪ Amendments related to the Enforcement Act (training shall be done by a Croatian expert).</li><li>↪ Relations among court and enforcement agents (workshop, the coordination shall be done by a Croatian expert).</li><li>↪ Case Law of the European Court of Human Rights.</li><li>↪ International enforceable titles. EU regulation.</li><li>↪ Electronic tools in European judicial cooperation.</li></ul></li><li>✚ <b>Trainers: Selection of participants:</b><ul style="list-style-type: none"><li>↪ They should be selected between different stakeholders and they have to possess previous knowledge in enforcement system. Judicial Academy should be involved in the selection of trainers.</li><li>↪ To receive a training course for trainers.</li></ul></li><li>✚ <b>Evaluation:</b><ul style="list-style-type: none"><li>↪ For participants</li><li>↪ For trainers</li></ul></li><li>✚ <b>Certification:</b><ul style="list-style-type: none"><li>↪ For those participants who successfully complete the course.</li></ul></li><li>✚ <b>Sustainability:</b><ul style="list-style-type: none"><li>↪ An active role of the Beneficiary Country in the implementation of the training activities.</li><li>↪ The role of Judicial Academy is crucial for the sustainability of the training as it is the institution in charge of training in the Republic of Croatia.</li></ul></li></ul>
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<b>Annexes</b>	<ol style="list-style-type: none"> <li>1. Programme of activity 1.3.3. Stakeholders involved in the enforcement.</li> <li>2. Materials for activity 1.3.3.</li> <li>3. Programme of activity 1.3.4. Train the trainers.</li> <li>4. Materials for Activity 1.3.4.</li> </ol>
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### 3. FINAL REPORT OF ACTIVITY

#### 3.1. OBJECTIVES

According to the Terms of Reference given by the RTA, the purpose of the assistance is to prepare training curricula, programme and materials for training activities to be implemented under activities 1.3.3 and 1.3.4 related to the employees of institutions involved in the enforcement system.

Among stakeholders of the overall enforcement system mentioned in the contract are Municipal courts, Ministry of Justice, Ministry of Finance, Bar Association, Chamber of Public Notaries, Ministry of the Interior and FINA. MG had to determine, according to TNA report from activity 1.3.1, which institutions should be included in the training seminars to be conducted under activity 1.3.3 referred to as 'other institutions' along with FINA. Consequently, MG decided to establish the following target Groups: Judges, Court Advisors, Bailiffs, notaries and FINA. From the training activities we withdrew some 'other institutions' such as Ministry of the Interior, Ministry of Justice or lawyers, since their involvement as direct stakeholders in the enforcement system is scarce. MG focus on Municipal Courts: (Judges, Court Advisor and Bailiffs), Notaries Public and Financial Agency (FINA) due its tasks in enforcement the monetary titles.

Since the target groups are heterogeneous and the training should take into consideration the jurisdiction and scope of work of each one of these institutions, the MG proposes different seminars to each target group: one for Judges and Court Advisor, one for notaries public and one for Bailiffs and FINA's employees jointly, because both groups express the need for a better coordination between them.

Although the Terms of Reference set a mixed work team made of MS and BC experts to develop the training programme and training materials for the training of stakeholders, and the TNA report insisted on the contribution of BC training experts as essential in order to guarantee the success of the activity and its sustainability, unfortunately, the group of experts was made exclusively by Spanish people, since no Croatian experts has met with the MG, therefore the training topics had to be reduced to international aspect of civil enforcement. Taking into account training needs of identified target groups, and the lack of Croatian team to contribute to the



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activity, the MG decided to focus on European Law, European standards in enforcement, and implementation of European instruments. These topics have been identified as a concern of all target groups to be trained. MG has designed training curricula with detailed training programme and training materials on these topics.

Moreover, having in mind the training needs revealed in TNA report of Activity 1.3.1, MG has designed a programme to teach main concerns of stakeholders involved in the enforcement system, but highlighted the need for involving Croatian experts to manage this training.

MG highlights the importance of cooperation with Judicial Academy, in order to ensure sustainability of the training with an active role of the Beneficiary Country in the implementation of training activities. It is the only way to ensure the sustainability of the training, as it is the institution in charge of training in the Republic of Croatia.

### 3.2. SOURCES

- a) TNA report from Activity 1.3.1 regarding stakeholders of the enforcement system taking into consideration the jurisdiction and scope of work of each stakeholder.
- b) Meeting with Ms Dijana Mandić, Head of Continuous Training Department of Judicial Academy.

Mission Group held a meeting with Ms Dijana Mandić, Head of Continuous Training of the Judicial Academy. Judicial Academy is in charge of initial and continuous training for Judges, State attorneys and Judicial Advisors, therefore they organize the trainings on enforcement for the judicial officials.

They offered us to cooperate in the organization of training activities for Judges or Court Advisors, since they do not have further competences, but they also offered to help to our project, proposing the list of trainers who can help in Activities 1.3.3 and 1.3.4. MG considers crucial the participation of the Judicial Academy in the project in order to ensure the sustainability of training.

### 3.3. TARGET GROUPS

Municipal Court as a stakeholder should be divided into two groups: Judges and Court Advisors, and Bailiffs.

We have learned, from previous TNA report, that Judges and Courts Advisors and Bailiffs are two groups too heterogeneous to receive a common training, since each of them has different tasks. For this reason, the training needs will be different for those two groups, though some of the training activities could be common, and even more,



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it should be desirable that some members of some groups might be trainers in the others.

Other important Targets groups are FINA's employees and Notaries Public.

### 3.4. TRAINING NEEDS

Training needs are not the same in all the target groups. Since there is no common organization with competences on enforcement, each group has their respective needs/ requirements, though some of them can coincide among different groups.

#### Judges and Court Advisors

Regarding Municipal Courts' Judges and Court Advisors, taking into consideration information from previous TNA report, the majority of Municipal Courts' Judges have continuing training in different topics. This training is organized by Judicial Academy and, in some cases, it is a private training.

The most interesting topics for them are: Legal framework of enforcement, International enforcement of court decisions.

The workshop is considered the most useful format.

Due to frequent amendments to the Enforcement Act, it is extremely important for them to have quality workshops organized, to allow Judges to master new regulations and thus their proper application, as quickly as possible.

#### Bailiffs

The most interesting topic for them is the Amendments to the Enforcement Act.

Bailiffs give practical training to the new Bailiffs. There is some kind of initial training given by Bailiffs and then they study the theory by their own. But it would be a good idea to include them into the Judicial Academy training programme.

#### FINA

In the case of **FINA**, the TNA report shows that the employees consider that their first training need is legal framework of enforcement. This need is the first among the evaluated needs, with a huge difference with respect to others.

The previous TNA report highlighted that only 22.2% of FINA respondents considered International enforcement of court decision as interesting. This data is surprising, because in another interview held with different institutions such as Ministry of Justice, they



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mentioned enforcement as a big problem in FINA, and they indicated that FINA does not know how to implement an international enforcement. The lack of interest in FINA's respondents about this topic could reveal a high percentage of ignorance about their competence in the international enforcement.

#### Notaries Public

Relating to Notaries Public, the needs coincide with FINA: legal framework of enforcement; and 'international enforcement of court decisions' is very close. In the case of international enforcement, basically they show their interest in a comparative overview of enforcement carried out by Notaries Public in other EU member states.

### **3.5. SELECTION OF PARTICIPANTS**

Since most of the organizations with competences in enforcement do not have any permanent structure in charge of training, selection of participants is not developed in a structured way.

The selection should be done according to the criteria of transparency. Trainers should be selected from different stakeholders, and they need to have previous knowledge in enforcement system. Judicial Academy should be involved in selection of trainers. Trainers should receive a training course for trainers.

It should be required to some of the employees or members of one organization to train members of another organization, so that they could exchange experiences and receive training on some topics where the other organization has more experience.

It should be good for Judges to be trainers in training activities both in FINA, and for the Public Notaries, since they show great interest in the legal framework. In the same way, FINA trainers could train Judges, explaining in detail FINA's activities and legal problems.

### **3.6. MATERIALS AND FORMAT**

It would be better to disseminate the material among the participants before the beginning of the activity, especially in case of short activities with practical component.

All the materials are included in Annexes 2 and 4.

A theoretical training should be focused on the amendments to the Enforcement Act and practical training where stakeholders can interact with each other. Workshops are considered a very useful format.





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E-learning methodology is not particularly well evaluated in the TNA report, but this methodology is undoubtedly useful for training on some subject repeated over time, that is in stable or permanent programs.

### 3.7. PROPOSAL

#### 3.7.1 TARGET GROUPS

Despite the ToR mentioned: Ministry of Justice, Ministry of Finance and Ministry of the Interior as stakeholders involved in enforcement, their intervention in enforcement proceedings is related to monitoring of the enforcement, and they had been considered in the Training needs analysis made within Activity **1.2.1**.

The Mission group proposes the following target groups:

- Municipal court: Judges, Bailiffs and Court Advisors
- Notaries Public
- FINA.

#### 3.7.2 TRAINING ACTIVITIES

##### Common topics to stakeholders:

- ↻ European standards in enforcement
- ↻ Amendments related to the Enforcement Act (to train by a Croatian expert)
- ↻ Relations among court and enforcement agents (workshop to coordinate by a Croatian expert)
- ↻ Law European Court of human right
- ↻ International enforceable titles. EU regulation.
- ↻ Electronic tools in European judicial cooperation

- **Specifics topics:**

- ↻ For Judges, Court Advisors and Public Notaries: ECtHR Case Law in relation to Croatia: Case study.
- ↻ For Bailiff and FINA: Practical issues in enforcement.

##### Regarding the train-the-trainers:

- **Specific topics:**

- ↻ Programmes related to the improvement of managerial or technical skills in the training.
- ↻ Introduction to teaching techniques.



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↻ Practical issues of training. How to motivate adult learners.

- **Common topics:**

- ↻ European standards on the enforcement.
- ↻ Amendments related to the Enforcement Act (training shall be done by a Croatian expert).
- ↻ Relations among court and enforcement agents (workshop, the coordination shall be done by a Croatian expert).
- ↻ Case Law of the European Court of Human Rights.
- ↻ International enforceable titles. EU regulation.
- ↻ Electronic tools in European judicial cooperation.

### 3.7.3 MATERIALS

We consider that it should be better to have the material beforehand. It facilitates the best preparation, in order to promote better understanding of the participants. This would allow participants to prepare themselves better in order to make useful questions to the speakers.

We encourage dissemination of training materials by:

- Sending them by email to all of the applicants for the specific activity, since all of them, whether selected as attendants or not, have demonstrated a clear interest in the activity. Therefore they should have access to all the course teaching material as a part of their self-training. Besides, there is no cost for this type of dissemination, and it shows the interest of the institution in charge of training in extending the information beyond the number of available places.
- Publishing on the intranet of the organizations.

### 3.7.4 FORMAT

The Mission Group, in accordance with results of TNA report proposes the use of participative formats for the activities, especially workshops for all those that pursue the production of documents to be used in the future (protocols or guidelines); and also for the activities that require discussion among participants. We also propose seminars for those other activities where debate among participants from different backgrounds is foreseen, since it allows obtaining the best results.

### 3.7.5 TRAINERS

Trainers should be able to demonstrate the following qualities:

- a) Teaching and assessment methods that foster active and long-term engagement with learning tasks,



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- b) Stimulating and considerate teaching, especially teaching which demonstrates the trainer's personal commitment to the subject matter and stresses its meaning and relevance,
- c) Clearly states expectations,
- d) Capable to exercise responsible choice in the method and content of study,
- e) Have interest in and background knowledge of the subject matter,
- f) Previous experiences of educational settings that encourage these approaches.

The Mission Group proposes to integrate Judges or State Attorneys already trained as trainers in the Judicial Academy into working groups for those activities relating to legal changes and judicial criteria. In the same way, experienced members of Municipal Courts could participate as trainers for specific activities required by other groups like Notaries Public and FINA.

### **3.7.6 EVALUATION**

Evaluations, with varying degrees of reliability and validity, indicate whether the participants felt the course was useful, the trainer effective, and the environment conducive to learning.

### **3.7.7 CERTIFICATION**

For all levels of training, certification for participants who successfully complete the courses is not only an incentive for participants but also is a convenient way of tracking the progression of each individual. This should be further enhanced if the information were stored in an interactive, open source database.

### **3.7.8 SUSTAINABILITY**

Sustainability is one of the corner stones of any Twinning project. These projects aim to last in time to be useful for the beneficiary. In that sense, the activity must include this element among its objectives.

The Mission Group considers that it is essential to involve Croatian trainers in the activities that will be developed as a consequence of this report to guarantee the sustainability of this result.

Therefore, participation of Croatian trainers together with foreign experts will be a must in the future designing and implementation of activities. If it were not so, the effort of these activities would be useless, since training limited to the project's time will not be sufficient to reach the overall objectives.



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#### **4. - ASSESSMENT**

The MG must highlight that, though participation of Croatian experts was already foreseen in this activity 1.3.2, following the work plan, and though the TNA report stated that cooperation in design of training activities was essential, MS experts had no opportunity to meet with any Croatian expert or work with them. MG had just one meeting with a responsible of Judicial Academy, who offered its cooperation, but it was impossible to convoke expert trainers in such a short time.

This situation implies that the design of the training activities has been done without the counterpart participation, with the risks regarding success and sustainability of the activities that were remarked in the TNA report. That is the reason why the MG must insist in the necessity of interaction with local experts.

#### **5. - ANNEXES**

**Annex 1. Programme for Stakeholders in Enforcement System's seminars (Activity 1.3.3)**

**Annex 2. Materials for activity 1.3.3**

**Annex 3. Programme for Train-the-Trainers seminars (Activity 1.3.4)**

**Annex 4. Materials for activity 1.3.4**