



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**

MAIN OBJETIVE



- ❧ **Improvement of the Enforcement system** in the Republic of Croatia.
- ❧ to carry out a **study and technical assessment** concerning the current Croatian legal instruments related to the enforcement of court decisions or other judicial or non-judicial enforceable titles

Methodology



- ❧ **Legal analysis** from the substantive and procedural point of view;
- ❧ **Functional approach** concerning to the practices, organization, agents & entities involved and enforcement workflow;
- ❧ **Qualitative approach** in relation to the excellence indicators and normalized quality standards in relation to the enforcement.

Main findings



- ❧ **Developments of the Croatian enforcement system towards the right track.**
- ❧ **Training for legal players.**
- ❧ **Legal barriers to execution.**
- ❧ **Enforcement tasks under responsibility of Bailiffs (Sudski Ovršitelji) and FINA are not comparable.**

Main findings



- ❧ Information technology and enforcement procedure
- ❧ Mediation mechanisms and enforcement procedure.
- ❧ Organization of enforcement services
- ❧ Quality management & enforcement services

Outcomes



- ❧ **Mapping and analysis** of the Croatian legal instruments in relation to enforcement on civil matters.
- ❧ **Advanced assessment & proposals** on the areas where there is room for potential changes and solutions from the legal, functional, organizational and qualitative management point of view.
- ❧ As an added value, proposal for harmonised enforcement **quality indicators chart** according with European benchmarks on executions proceedings.

Conclusions



❧ GENERAL

❧ LEGAL APPROACH

❧ ORGANIZATIONAL APPROACH

❧ INFORMATION TECHNOLOGY AND PUBLIC SERVICES

❧ QUALITY MANAGEMENT OF THE ENFORCEMENT APPROACH

Conclusions

LEGAL APPROACH



- ❧ **Legal barriers to enforcement** (particularly in relation to unnecessary obstacles to execution and the dispersal of competent authorities depending on the territorial location of the debtor's property).
- ❧ **ADR and mediation mechanisms** during the enforcement procedure may play a complementary role in order to reduce workload and to gain social cohesion.

Conclusions

ORGANIZATIONAL APPROACH



☞ Centralized court common services specialized on enforcement procedures.

☞ Training activities

Conclusions

IT & PUBLIC SERVICES



- ❧ **Interoperability standards** may contribute in order to minimize the delays on workflow between parties, enforcement agents and competent agencies.
- ❧ **E-JUSTICE initiatives:**
 - ❧ Electronic auctions;
 - ❧ Electronic service of documents;
 - ❧ On line access to judicial bank accounts;
 - ❧ Electronic access to the multiple-source information on defendant's property

Conclusions

QUALITY MANAGEMENT



❧ **Comprehensive Quality Strategic Plan** in regard to enforcement services involving all agents, bodies and agencies.