



## THE EUROPEAN UNION'S 2010 PROGRAMME

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

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

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# MISSION REPORT

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

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**Activity 1.2.1: Conducting training needs analysis (TNA) on enforcement monitoring system for the employees of institutions involved in monitoring of enforcement and preparing TNA report**

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## GLOSSARY

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 ovrši*.

**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 ovrši*).

**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.

**Jasnoća ovršnih naknada:** ovršna naknada treba biti navedene 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 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).

**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) 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 podnositelja tužbe protiv tuženika.

**FINA:** Financial Agency (FINA <http://www.fina.hr/>) is a Croatian company with national-wide coverage in the field of financial mediation and the application of information technologies which meet the Courts 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 finansijskog 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.

**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.

**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 poštivanje minimuma 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 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.

**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 and should not be confused with predictability.

**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.

## 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

## 1. EXECUTIVE SUMMARY

DEBRIEFING REPORT EXECUTIVE SUMMARY	
<b>Experts</b>	Ms María José Cañizares Castellanos Ms María Dolores Millán Pérez Mr Ignacio Pando Echevarría
<b>Mission</b>	<b>Activity 1.2.1: Conducting training needs analysis (TNA) on enforcement monitoring system for the employees of institutions involved in monitoring of enforcement and preparing TNA report.</b>
<b>Dates</b>	16 to 27 March 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 conduct training needs analysis (TNA) related to the employees of institutions involved in monitoring the enforcement system. Institutions stated in the contract as involved in monitoring of enforcement are the following: Ministry of Justice, Ministry of Finance, Chamber of Public Notaries, FINA and County Courts, which are in charge of monitoring the first instance enforcement decisions by acting upon legal remedies.</p> <p>As <b>specific objectives</b> this activity pursues:</p> <ol style="list-style-type: none"><li>1. To determine the sample size of the training need analysis.</li><li>2. To draft a questionnaire addressed to the employees of the institutions mentioned in section 2.2 of this document, taking into consideration their different competences and scope of work. This questionnaire will be disseminated by the Twinning Office as soon as the conditions are met to reach a larger number of employees. It can also be delivered prior to the implementation of the activity, as preliminary work.</li><li>3. To hold meetings with representatives of the institutions abovementioned and work in close cooperation with the beneficiaries of the training.</li><li>4. To deliver final report on training needs analysis. This report will be used as a basis for preparing the training programme and the training materials under activity 1.2.2.</li></ol>

<p><b>Methodology</b></p>	<p>The Group of experts has implemented a general methodology based on the following steps:</p> <ol style="list-style-type: none"> <li>i. Designing and drawing up a perception questionnaire;</li> <li>ii. Distribution of the questionnaire among employees of Ministry of Justice, Ministry of Finance, Chamber of Public Notaries, FINA and County Courts (by the RTA);</li> <li>iii. Study and processing of information obtained from the answers to the questionnaires;</li> <li>iv. Implementation of interviews as a complementary data collection tool to the questionnaires;</li> <li>v. Cross-checking the information (interviews and answers to questionnaires);</li> </ol> <p>The Mission Group of experts (MG) has followed a double methodology bearing in mind the implementation of a training needs analysis in order to identify what should be the content of the education, who, when, how and why should be trained:</p> <ul style="list-style-type: none"> <li>■ Qualitative approach, processing and analysing the information provided by questionnaires and interviews;</li> <li>■ Functional approach concerning the practices, organization and role of stakeholders involved in monitoring of enforcement; the current situation and the challenges they face due to the frequent amendments of legislation.</li> </ul>
<p><b>Outcomes</b></p>	<p>The MG has accomplished with all the results required by the Terms of Reference for short-term experts:</p> <ol style="list-style-type: none"> <li>1. <b>Questionnaire</b> delivered by 16<sup>th</sup> of March to be distributed among employees involved in monitoring of enforcement system in order to determinate what kind of training has been conducted in the past, to analyse the actual gaps in education and to establish priority in training and education.</li> <li>2. Final <b>TNA report</b> conducted with training objectives, relevant aspects of the organization to consider in preparing the plan, methodology, results and outcome indicators.</li> <li>3. <b>Mission report</b> with findings and proposals.</li> </ol> <p>Work team has reached the outcomes of the report only with Spanish experts. The conclusions and TNA report must be shared with Croatian experts in terms of sustainability of the activities.</p>
<p><b>Main findings</b></p>	<p><b>Monitoring enforcement system in Croatia</b></p> <ul style="list-style-type: none"> <li>↗ <b>Lack of awareness of monitoring activity.</b> Institutions involved in monitoring do not perceive existing system of control over enforcement as essential tool for the improvement of its efficiency and effectiveness.</li> <li>↗ <b>Coordination of institutions.</b> There are no evidences of a proper coordination between monitoring institutions. FINA, Ministry of Justice,</li> </ul>

Ministry of Finance and County Courts do not have any common reference to coordinate their monitoring activities over enforcement. Actions should be conducted in the framework of a common strategic plan in order to improve efficiency and effectiveness of the enforcement monitoring system. Permanent communication and information channels and roles should be clearly defined.

↻ **Staff of monitoring authorities.** Institutions in charge of current system of control are usually staffed with practitioners, normally judges, with practical experience in enforcement activities but without any special training in control or supervision of enforcement activities. That provokes serious obstacles for them to fulfil their functions.

↻ **Internal organization and way of operation.** Some units (such as the Centre for forced settlement in FINA) are making great efforts in order to follow good organizational practices that will result in more efficient way of operation. There is still room for improvement in this field by establishing monitoring tracking protocols, procedural manuals with standardized documents and by automating the answers and thus putting their employees in a better position to face the monitoring challenges.

↻ **Training in legal framework.** Since a number of reforms in legal enforcement system have been taken place, the MG has observed the need for supplementary training of employees of the institutions involved in monitoring by focusing on the last legislative amendments.

↻ **Information technology and monitoring enforcement procedure.** Mission revealed that the electronic case management system (e-SPIS) has been fully implemented in Croatian courts. Now is the time to move forward and to take the next step, implementing a monitoring policy based on data collected through the ICMS.

↻ **Quality management and monitoring system of enforcement proceedings.** The survey shows that there is not a comprehensive strategic quality plan regarding the monitoring of enforcement. This plan should include quality criteria to annually assess the efficiency of enforcement services.

#### **Training needs**

↻ **Target groups.** Mission revealed that the number of people involved in monitoring is not high. Regarding figures, it will be impossible to comply with provisions of the activity 1.2.3 foreseen in the Work Plan since there are no “at least” ten employees in the Ministry of Justice with competences in monitoring of enforcement.

↻ **Training needs.** Target groups are too heterogeneous to receive a common training, since each of them has different organizations and supervises different institutions. Training needs are not the same in all target groups though some of them can coincide and it would be hoped that some members of some of the groups can be trainers in the others.



	<p><b>↗ Training in legal framework.</b> Since several reforms have been taken place in legal enforcement system, the MG has highlighted the need of supplementary training of employees of the institutions involved in monitoring by focusing on the last legal amendments.</p> <p><b>↗ Training in others topics.</b> Training activities should be implemented in the field of international enforceable titles, EU regulations, managerial skills, complaints mechanism for citizens, IT technologies and quality standards.</p>
<p><b>Proposals</b></p>	<p><b>I. COMPREHENSIVE TRAINING PLAN.</b> A key document identifying target groups, defining the objectives, the methodology and the content and materials of the training activities has been drafted.</p> <p><b>II. TARGET GROUPS</b></p> <ul style="list-style-type: none"> <li>■ Judicial Inspection Service, Directorate for Judicial Organization; Ministry of Justice</li> <li>■ Department for analysis, statistics, records and strategic development and the Notary Inspection Service, Directorate for Judicial Organization; Ministry of Justice</li> <li>■ Department for forced settlement, FINA</li> <li>■ Inspectors of the Sector for Financial System, Ministry of Finance</li> <li>■ Chamber of Public Notaries</li> <li>■ County courts judges</li> </ul> <p><b>III. TRAINING ACTIVITIES.</b> Taking into account the training needs and the aim of the project, MG proposes:</p> <ul style="list-style-type: none"> <li>■ Common topics <ul style="list-style-type: none"> <li>• European standards of enforcement: Council of Europe’s recommendation on enforcement.</li> <li>• Ethical principles in enforcement.</li> <li>• Recent legislative amendments relating to civil enforcement: Enforcement Act, enforcement over monetary assets.</li> <li>• E-enforcement: <ul style="list-style-type: none"> <li>i. Electronic auctions;</li> <li>ii. Electronic service of documents;</li> <li>iii. On line access to judicial bank accounts;</li> <li>iv. Electronic access to the multiple-source information on defendant’s property.</li> </ul> </li> </ul> </li> <li>■ Specific topics <ul style="list-style-type: none"> <li>• <b>County Courts judges:</b> Guidelines for supervising municipal judges. A common working framework.</li> <li>• <b>County Courts judges:</b> seminar for coordination with Judicial Inspection service.</li> <li>• <b>County Courts judges:</b> international enforceable titles, EU regulations</li> <li>• <b>Inspection Service:</b> creation of guidelines for inspection of courts. Comparative systems.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>● <b>Inspection Service:</b> training on e-SPIS (computer management system in Croatian Courts)</li> <li>● <b>Department for analysis, statistics, records and strategic development of the judiciary:</b> data gathering for the purpose of monitoring the enforcement.</li> <li>● <b>Ministry of Finance:</b> guidelines on inspection.</li> <li>● <b>Ministry of Finance:</b> dealing with complaints mechanism for citizens.</li> <li>● <b>FINA:</b> basic principles of enforcement of the judicial decisions. Common legal problems on the enforcement of assets.</li> <li>● <b>FINA:</b> updating the use of IT technologies.</li> <li>● <b>Chamber of Public Notaries:</b> Protocol for inspection. Upgrading current documents.</li> <li>● <b>Chamber of Public Notaries:</b> comparative view of civil enforcement done by notaries in the EU.</li> <li>● <b>Chamber of Public Notaries:</b> electronic register and the use of the IT system.</li> </ul> <p><b>IV. SUSTAINABILITY</b></p> <ul style="list-style-type: none"> <li>■ MG proposes to include judges or state attorneys already trained as trainers in the Judicial Academy in the working groups for those activities relating to legal amendments and judicial criteria. Also experienced members of specialized department in the MoJ and MoF should participate as trainers for specific activities required by other groups. It is essential to involve Croatian trainers in the activities that will be developed as a consequence of this report in order to guarantee the sustainability of the result.</li> <li>■ Therefore, participation of Croatian trainers together with foreign experts will be a must in designing and implementation of future activities. Otherwise, the effort of these activities will not be enough to reach the overall objectives.</li> </ul>
<b>Annexes</b>	<ol style="list-style-type: none"> <li>1. Mission agenda</li> <li>2. Questionnaire</li> <li>3. TNA report</li> </ol>

## Annex 1. Mission Agenda

### Mission Schedule Activity 1.2.1

**Conducting training needs analysis (TNA) on enforcement monitoring system for the employees of institutions involved in monitoring of enforcement and preparing TNA report.**

**STEs: Ms María José Cañizares Castellanos, Ms María Dolores Millán Pérez and Mr. Ignacio Pando Echevarría.**

#### Sun, 15 Mar

19 -22.30 h. *Arrival ZGB Airport  
Transfer to accommodation – Hotel Sheraton Zagreb*

#### Mon, 16 Mar

- 9:15 h. *Meeting with RTA in hotel lobby and transfer to MoJ*
- 9.30 h. *Meeting with RTA in order to discuss the preliminary work and the best way to implement the activity.  
**MoJ room 139.***
- 10.30 h. *Meeting with **Igor Vidra**, Head of Sector for Civil and Commercial Law Regulations and RTA Counterpart, and **Iva Buljan**, BC Component Leader and Senior Administrative Advisor, Department for Procedural Law, Enforcement Law and mediation, MoJ, in order to specify the work that is expected from STEs.  
**MoJ room 139.***
- 12:00 h *Meeting with **Ms Mirela Kralj Likar**, Head of Centre for forced settlement, and **Ms Tea Janjš Šabić**, Senior Specialist for legal support, FINA.  
**MoJ room 139.***
- 15:00 h. *Meeting with **Ms Nada Kemec**, representative from the Chamber of Public Notaries.  
**MoJ room 139.***
- 14:00 – 17:00 h. *Preparation of TNA Report.*

## **Tue, 17 Mar**

12:30 h *Meeting with Ms Ivana Ravlić Ivanović, Head of Sector for Financial System, Ministry of Finance.*

14:00 h *Meeting with Ms Dijana Mandić, Head of Continuous Training Department of Judicial Academy and Mr Sandi Valentinc, Head of Implementation Department, Judicial Academy*

*Meetings will be held at MoJ, room 139*

15:00 – 17:00 h. *Preparation of Mission Report.*

## **Wed, 18 Mar**

12:30 h *Meeting with Ms Verica Kos, County Court Velika Gorica,  
MoJ room 701*

14:00 – 17:00 h. *Preparation of TNA report.*

## **Thu, 19 Mar**

10:00 h *Meeting with Ms Renata Šrekais Judicial Inspector, Sector of judicial inspection and Ms Željka Rebić Senior Expert Associate, Department for notary public; Sector for organizational regulations, professional exams, administrative and other procedures; Directorate for the Organization of Justice, MoJ*

12:00 h *Ms Martina Vrdoljak, Department for analysis, statistics, records and strategic development of the judiciary, Directorate for Judicial Organization, MoJ*

*MoJ room 139*

09:00 – 17:00 h. *Preparation of TNA report*

## **Fri, 20 Mar**

9:00 – 17:00 h. *Preparation of TNA report*

**Mon, 23 Mar to Fri 27 Mar**

9:00 – 17:00 h. *Preparation of TNA report*

## Annex 2. Questionnaire



Improvement of the Enforcement System in the Republic of Croatia

Contract Number: 2010-01-23-010101

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

# QUESTIONNAIRE

Activity 1.2.1

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

### QUESTIONNAIRE FOR EXPERTS AND PROFESSIONALS

### TRAINING NEEDS ANALYSIS IN MONITORING OF ENFORCEMENT IN THE REPUBLIC OF CROATIA

#### EXPLANATORY NOTE FOR THE PERSON COMPLETING THIS QUESTIONNAIRE

We would be grateful if you could take 15 minutes to complete this questionnaire, conducted in the framework of the European project "Improvement of the Enforcement system in the Republic of Croatia".

The questionnaire is aimed at inspectors of the Ministry of justice, Ministry of Finance, Chamber of public notaries, Fina, judges, court advisors, court officials, notaries, bailiffs and decision makers with responsibility for civil enforcement.

Since this is a "perception" or subjective questionnaire, two professionals working for the same institution may give different answers.

Alternatively, the survey can be completed anonymously. If you decide to do so, please indicate your profession or the institution you belong to at the end of the questionnaire.

Please send your response by March 18 to:

[Lana.Stojsavljevic@pravosudje.hr](mailto:Lana.Stojsavljevic@pravosudje.hr)

Once completed, you may also hand deliver it.

## 0. STATISTICS DATA

### 0.1 Age

	A	20-30
	B	30-40
	C	40-50
	D	50-60
	E	More than 60

### 0.2 What kind of professional body are you working for?

### 0.3 Which legal field are you involved in?

### 0.4 If you are working at Courts, which county are you working in?

### 0.5 For how long have you held your current position?

	A	One year or less
	B	One to five years
	C	Five to fifteen years
	D	More than fifteen

### 0.6 Which are your tasks in your current position?

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0.7 What are your training background?

	A	University Master degree
	B	University Bachelor degree
	C	Secondary school/high school diploma
	D	Professional experience, please indicate witch
	E	Other, please specify
	B	None

0.8 Dou your job required special training in monitoring of the enforcement system?

	A	Yes
	B	No

0.9 If so, mark the training topics with an X

	A	Legal framework of enforcement
	B	Managerial skills
	C	Ethical principles
	D	IT technologies
	F	Complaints mechanisms to citizens
	G	Trainee Competence assessment
	H	International enforcement of court decisions
	I	Statistical data analysis
	J	Disciplinary system
	K	Others, please specify

## 1. GENERAL OVERVIEW IN TRAINING

**1.1.** Does your institution provide any kind of training to improve efficiency and effectiveness of monitoring of the enforcement system (monitoring by legal remedies, statistical monitoring, reporting, monitoring of work,) with the purpose of standardization of proceedings, elimination of irregularities and prevention of creating backlogs?

	A	Yes
	B	No

**1.2.** If so, mark the type of training with an X.

	A	Initial training, before entering the profession
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	B	Compulsory ongoing training
	C	Not Compulsory ongoing training

**1.3. If so, mark the training topics with an X**

	A	Legal framework of enforcement
	B	Managerial skills
	C	Ethical principles
	D	IT technologies
	F	Complaints mechanisms to citizens
	G	Trainee Competence assessment
	H	International enforcement of court decisions
	I	Statistical data analysis
	J	Disciplinary system
	K	Others, please indicates witch

¿Do you have any explanatory remarks?

**2. QUANTITY OF TRAINING**

**2.1. When was the last time you received training or education?**

	A	In the last year
	B	Between 1 and 3 years
	C	More than 3 years, please specify
	D	Never

**2.2. How many training activities have you attended in the last three years?**

	A	None
	B	One
	C	Up to three
	D	More that three, please specify

**2.2. Rate from 1 to 10 the sufficiency of the training received (mark your choice with an X):**

	1	Strongly disagree
	2	
	3	
	4	
	5	
	6	
	7	
	8	
	9	
	10	Strongly agree



¿Do you have any explanatory remarks?

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### 3. QUALITY OF TRAINING

3.1. Is there any kind of assessment of training you have received / provided?

<input type="checkbox"/>	A	Evaluation questionnaires
<input type="checkbox"/>	B	Others, please specify
<input type="checkbox"/>	C	

3.2. The training activities you have received / provided have been defined according training curricula periodically reviewed and publicly accessible?

<input type="checkbox"/>	A	Yes
<input type="checkbox"/>	B	No

¿Do you have any explanatory remarks?

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3.3. Who are the trainers?

<input type="checkbox"/>	A	University professors
<input type="checkbox"/>	B	High officials from the Institution you belong to
<input type="checkbox"/>	C	Judges or State Attorneys
<input type="checkbox"/>	D	Senior colleagues
<input type="checkbox"/>	E	Others, please specify

3.4. Have you receive any material/documents relating to the activities?

Before the activity	<input type="checkbox"/>	A	<input type="checkbox"/>	Yes	<input type="checkbox"/>	B	<input type="checkbox"/>	No
During the activity	<input type="checkbox"/>	C	<input type="checkbox"/>	Yes	<input type="checkbox"/>	D	<input type="checkbox"/>	No
After the activity	<input type="checkbox"/>	E	<input type="checkbox"/>	Yes	<input type="checkbox"/>	F	<input type="checkbox"/>	No

3.5. The training activities are accredited by certificates

<input type="checkbox"/>	A	Yes
<input type="checkbox"/>	B	No

#### 4. SELECTION

4.1. Selection criteria to participate in training activities are public, and transparency and equal access for candidates are ensured

	A	Yes
	B	No

¿Do you have any explanatory remarks?

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4.2. By whom are you selected to participate in training activities?

	A	Ministry of Justice
	B	Senior Court officials
	C	Presidents of the courts
	D	Others, please specify

4.3. How do you know about these training activities?

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#### 5. TRAINING CURRICULA

5.1. Which topics are you more interested in having addressed in a training programme?

	A	Legal framework of enforcement
	B	Managerial skills
	C	Ethical principles
	D	IT technologies
	F	Complaints mechanisms to citizens
	G	Trainee Competence assessment
	H	International enforcement of court decisions
	I	Statistical data analysis
	J	Disciplinary system
	K	Others, please specify

5.2. Please point out some specific matters that you consider important for your job in connexion with the particular topic(s) chosen above

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5.3. Which format would you find more useful?

	A	Formal lectures
	B	Workshops
	C	Seminars
	D	On line courses
	E	Service on the job mentoring
	F	Others, please specify

5.4. Do you think that training activities specially designed on monitoring enforcement system will be useful for you?

	1	Strongly disagree
	2	
	3	
	4	
	5	Strongly agree

Why?

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## 6. OVERALL ASSESSMENT

6.1. To your knowledge and practical experience, the current training system in order to improve efficiency and effectiveness of monitoring of the enforcement system is:

	A	High: the current system is efficient
	B	Adequate: the current system is working properly
	C	Low: the current system is inefficient and can be improved
	D	Very low: the current system is very poor and inefficient

6.2. Rate from 1 to 10 the need to increase training as a useful tool to strength institutional and administrative capacities of stakeholders in regard to the enforcement monitoring system (please, mark your choice with an X):

	1	Strongly disagree
	2	
	3	

	4	
	5	
	6	
	7	
	8	
	9	
	10	Strongly agree

**6.3.** Please, sort from least important (1) to most important (11) the key measures to be taken to improve training to the employees of institutions involved in monitoring of enforcement in the Republic of Croatia.

A	New legal regulation to introduce compulsory training
B	Increase coordination between institutions involved in monitoring
C	Creation of specialized training courses in monitoring of enforcement
D	Increased training of judges and others responsible for the execution
E	Increased supervision and monitoring of enforcement officers
F	Fully incorporate new technologies in training and education
G	Establishment of appropriate training on complaint mechanisms for users

**6.4.** Other proposals and concluding observations:

PARTICIPANT IN THE QUESTIONNAIRE	
Institution	<input type="text"/>
Name of the person completing the survey (optional)	<input type="text"/>
Email (optional)	<input type="text"/>