

# **IPA 2010 CROATIA PROJECT FICHE**

**HR-2010-01-23-02**

## **1. Basic information**

- 1.1 CRIS Number: IPA/2010/022-460
- 1.2 Title: Strengthening the efficiency of the judiciary in the Republic of Croatia
- 1.3 ELARG Statistical code: 01.23 - Judiciary and fundamental rights
- 1.4 Location: Croatia, Zagreb

### **Implementing arrangements:**

#### 1.5 Implementing Agency:

The Central Finance and Contracting Agency (CFCA) is responsible for the tendering, contracting and disbursement of all the project's components in line with DIS principles and the EC Financial Regulation.

The Programme Authorising Officer (PAO) for the project is:

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#### 1.6 Beneficiary (including details of SPO):

Beneficiary is Ministry of Justice, Judicial Academy.

The Senior Programme Officer (SPO) at the Croatian Ministry of Justice is responsible for the technical management and authorizations associated with the project, including submission of the detailed technical design for the project's components to the CFCA, inputs in relation to the corresponding evaluation of technical offers, plus follow-up contract implementation and monitoring, approval of contract outputs and confirmation to the CFCA that no technical constraints (as opposed to procedural or budgetary constraints) exist in relation to the CFCA's processing contractual payments.

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### **Financing:**

1.7 Overall cost (VAT excluded)<sup>1</sup>: EUR 2 600 000

1.8 EU contribution: EUR 2 330 000

1.9 Final date for contracting: 2 years following the date of conclusion of the Financing Agreement

1.10 Final date for execution of contracts: 2 years following the end date for contracting

1.11 Final date for disbursements: 3 years following the end date for contracting

## **2. Overall Objective and Project Purpose**

2.1 Overall Objective:

To improve efficiency and professionalism in the judiciary

2.2 Project purpose:

To improve court efficiency, shortening the length of court proceeding and reducing the case backlog through:

- Increasing support to court's rationalization process
- Improvement of court delivery system
- Establishment of the recording system of court hearings
- Improving legal certainty through recognition and enforcement of judgments and decisions of EU member states by educating judges/and or court advisors

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<sup>1</sup> The total cost of the project should be net of VAT and/or other taxes. Should this not be the case, the amount of VAT and the reasons why it should be considered eligible should be clearly indicated (see Section 7.6)

## 2.3 Link with AP/NPAA / EP/ SAA

### **Accession Partnership**

On 12 February 2008, the Council adopted the Croatia Accession Partnership 2007 that updated the first Accession Partnership adopted in 2006 and identified new as well as remaining priorities for action. The Accession Partnership which forms an integral part of this decision contains inter alia following project relevant key priority:

- Substantially reduce the case backlog in courts and ensure an acceptable length of judicial proceedings,
- Rationalise the organisation of courts, including the introduction of modern information technology systems
- Take measures to ensure proper and full execution of court rulings
- Continue to implement the national law on personal data protection in line with the acquis and ensure an efficient monitoring and enforcement.

### **The Stabilization and Association Agreement**

The Stabilization and Association Agreement concluded between the Government of the Republic of Croatia and the European Communities stipulates that the signatory parties should co-operate in the promotion of the rule of law and that special attention should be given to independence of judiciary, improvement of its efficiency and education of judiciary personnel (see <http://www.pravosudje.hr> ).

The SAA entered into force in February 2005, and a first Stabilization and Association Committee meeting was held on July 14, 2005 covering among other areas progress made in the field of the Judiciary.

Article 75 REINFORCEMENT OF INSTITUTIONS AND RULE OF LAW of the SAA provides: “In their cooperation in justice and home affairs the Parties will attach particular importance to the consolidation of the rule of law and the reinforcement of institutions at all levels in the areas of administration in general, and law enforcement and the machinery of justice in particular.

Cooperation in the field of justice will focus in particular on the independence of the judiciary, the improvement of its effectiveness and the training of the legal professions.”

This project will contribute to the part of the Article 75 of SAA relating to the improvement of judiciary effectiveness through the improvement of court delivery system as well as the establishment of the recording system of court hearings.

### **Croatia 2009 Progress Report**

Croatia 2009 Progress Report (Commission Staff Working Document) - from 14th October 2009 points out that the implementation of the judicial reform strategy has

continued and a large volume of new legislation was adopted, in line with the key Accession Partnership priority in this area. The backlog of cases was reduced by 8,4% to 887.000 in December 2008. Good progress was made on reducing the number of old civil and criminal cases by 31% and 52% to 102,430 and 4,408 respectively. The new law on misdemeanours, the new civil procedure code, and the amended law on courts have contributed to reducing the inflow of new cases.

Overall, reforms in the judiciary continue but the impact of various newly introduced measures remains to be tested in practice. Significant challenges remain, particularly as regards judicial independence and the lack of transparent selection procedures for judges and prosecutors and as regards judicial efficiency, not least the length of proceedings and enforcement of decisions.

As regards judicial cooperation in civil and criminal matters, there has been some progress. Croatia amended its Criminal Code in December 2008 to withdraw the exception to the *ne bis in idem* principle. The Law on Courts and the Law on Enforcement were amended in order to align with the European arrest warrant and the European enforcement order. However, central bodies have to be set up in the county courts and the Constitution has to be amended to allow extradition of Croatian citizens to EU Member States in order to complete alignment. Croatia is a party to the Council of Europe Convention on the Transfer of Sentenced Persons (1983), but it has not signed or ratified the Additional Protocol to the Convention (1997).

(...) The Croatian legal order does not allow direct communication between judicial authorities, nor does it allow the direct execution of foreign decisions without the need for the *exequatur* procedure. This means, in practice, that recognition and enforcement of decisions by foreign courts has to go through the *exequatur* process at the municipal or commercial courts. The recognised decision is enforced according to Croatian law, which remains slow and inefficient. The Ministry of Justice has no statistical data on the recognition/enforcement of such decisions.

Concerning cooperation in civil matters, Croatia has signed and ratified the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children but still has to ratify the Hague Convention on the Taking of Evidence abroad in Civil and Commercial Matters.

## 2.4 Link with MIPD

Multi-annual Indicative Planning Document (MIPD) 2009-2011, Republic of Croatia  
**The Multi-annual Indicative Planning Document (MIPD) 2009-2011 Republic of Croatia** establishes the strategic objectives and choices for assistance against the 6 areas of intervention. In particular the MIPD has a reinforced emphasis on the political criteria priorities reflecting the increased importance given to these issues in the Strategy Paper.

The project is in line with the MIPD for Croatia for the years 2009-2011 where within *strategic objectives* for IPA assistance over the period 2009-2011 is stated: further

sustained efforts in order to build on the progress made, and to accelerate the pace of reforms, notably as regards the political *criteria*, inter alia in the fields of judiciary and public administration reform. In translating the above mentioned objectives into *strategic choices* for assistance to Croatia within the area of the *political criteria* the possible areas of support over the period 2009-2011 are on assisting the Croatian authorities among others in implementing their strategy for the reform of the public administration and in the judicial system including inter alia reducing the case backlog in courts and ensuring an acceptable length of judicial proceedings including the enforcement of court decisions.

Under IPA Component I which core activity is Institution Building, the priorities as regards the *political area* (first area of intervention under this MIPD) which were envisaged in the previous MIPD 2008-2010 will be maintained, i.e. inter alia some possible areas of support are: implementation of an efficient judicial reform including among others the reduction of the case backlog in courts; ensuring an acceptable length of judicial proceedings and the enforcement of court decisions; rationalising and modernising the courts and to enhance the independence, accountability and professionalism in the judiciary and improving the access to court and transparency towards the public and civil society.

## 2.5 Link with National Development Plan (where applicable)

### **National Programme for the Accession of the Republic of Croatia into the European Union (NPAEU)-2009.**

The final Draft of the National Programme for the Accession of the Republic of Croatia into the EU – 2009 (NPAEU) was sent in December 2008 to the Ministry of Foreign Affairs and the European Integration. The NPAEU gives the current sectoral overview with planned activities within both legal framework and implemented measures to be undertaken in the forthcoming year within priorities in harmonization of Croatian legislation with *acquis communautaire* as well as general principles. This final version contains within Judicial Reform inter alia following project relevant *key priority*: acceleration of court proceedings.

Law on Amendments to the Civil Procedure Act (OG 84/08), adopted on 2nd July 2008, has made changes in a mean of restraints to the obstruction of civil proceedings and in reducing the case backlog. The most significant changes relate to the introduction of system of delivery and the increase of upper cash limit for small value disputes. The amendments to this law allow broader procedure of second-instance courts regarding appeal; measures to avoid unnecessary abolition of court judgments have been also introduced.

**Programme of the Government of the Republic of Croatia for assumption and implementation of the *acquis communautaire*** published in January 2010 which, regarding rationalization of the network of courts provides the following information: “It is planned to continue the physical merger of municipal courts pursuant to the Ordinance on setting the deadlines for providing working conditions, premises and technical conditions at the seats of merged courts. The rationalisation of the network of county and commercial courts has also been planned, as has the further rationalisation of the network of state attorney offices. In the third quarter of 2010, it is therefore planned to submit the Act on Amendments to the Act on the Jurisdiction and Seats of Courts, as well as the Act on Amendments to the Act on the Jurisdiction and

Seats of State Attorney Offices, for government procedure (along with amendments to the Ordinance on setting the deadlines for providing working conditions, premises and technical conditions at the seats of merged courts, and amendments to the Ordinance on setting the deadlines for providing working conditions, premises and technical conditions at the seats of merged state attorney offices, which will be submitted in the fourth quarter). The Ordinance on setting the deadlines for providing working conditions, premises and technical conditions at the seats of misdemeanor courts, which will be adopted in 2010, will also set the pace of the physical merger of misdemeanor courts.”

By the **Plan of Legislative Activities for Completion of EU Accession Negotiations** Act on Judicial Co-operation in Criminal Matters with the EU Member States is planned to be sent to parliament procedure in 2Q of 2010.

## 2.6 Link with national/sectoral investment plans(where applicable)

### **Action Plan for the Judicial Reform Strategy (August, 2008)**

Efficiency of the judiciary represents the main problem encumbering the Croatian judiciary, arising from a large number of unresolved cases and lengthy court proceedings. Therefore, the Action Plan is aimed at increasing efficiency of the judiciary itself. The measures are consequently focused on the causes of the problems in the judiciary. The Action Plan measures are aimed at resolving the backlog of cases, with special emphasis on cases older than three years. A series of measures is aimed at the shortening the duration of court proceedings, the promotion of mediation as alternative dispute resolution, the strengthening of judicial inspection for the purpose of supervision of the performance of court administration tasks and increased efficiency.

With a view to **shortening the length of court proceedings**, certain legislative changes were made to facilitate the process. Along with amendments to the *Execution Act*, new *Misdemeanour Act*, new *Criminal Procedure Act* (...); amendments to the *Civil Procedure Act* (adopted in July 2008) include mechanisms aimed at shortening and simplifying the procedure in civil cases in view of the high number of incoming cases of this type. Further legislative changes will also introduce the possibility of audio-recording court hearings, which should accelerate the duration of court proceedings (Measure No. 70 in the 2008 AP). It is assessed that the measure would reduce the duration of the main hearing by 50%, thus enabling judges to hold more court hearings in a single day.

Amendments to *Civil Procedure Act* proscribe the modernisation of existing organisation of legal proceedings the introduction of provisions on the technical recording of first-instance proceedings (television, audio, photographic, etc.), in line with the proscribed limitations and authorisations. Further more, the improvement of the delivery of court letters is also proscribed by amending the positive legislation, by specifying and simplifying the means of delivery in property disputes, other recorded material rights, in disputes on obligations entered in land registers, on all types of entries in land registers, in disputes on rights entered in other public registers in the Republic of Croatia, as well as in disputes on temporary contractual claims.

### 3. Description of project

#### 3.1 Background and justification:

##### **Strengthening the capacities of the Ministry**

One of the most important reform measures relates to implementation of rationalization of court network. By 2019 all courts (Municipal and Misdemeanour) have to be physically merged. This process needs to be well planned taking into account resource and performance management, development of expenditure plans etc. Through the Justice Sector Support Project financed from the World Bank loan the MOJ will conduct similar activities but on a sector-wide scale, therefore they will not be specifically oriented to the rationalization process. All results and documents that will be developed through the JSSP World Bank project will be used as a basis for development of activities proposed by this project. The JSSP World Bank project will be implemented in the course of five years period (2010 – 2015): It consists of five components but the ones most related to this project are:

- A. ***Improving the Efficiency of the Court System.*** Sub-components comprise: (i) consolidation of the court network (rehabilitation and renovation of three courthouses in Split, Karlovac and Pula, housing five county and municipal courts) and the provision of access for the disabled in the courts covered by the Project;<sup>2</sup> (ii) court resource management capacity-building (training court presidents and secretaries to prepare and use resource management plans); (iii) modernization of operational information technology (IT) systems for decision-making and performance monitoring in courts; (iv) refinement of case management standards, guidelines, processes and practices; and (v) improving the efficiency of enforcement of judicial decisions. The civil works locations (Pula, Split and Karlovac) were jointly finalized by the MOJ, the courts and the Bank, on the basis of three key criteria: significant impact, potential for efficiency gains, and readiness for implementation.
- B. ***Strengthening Management Functions of the Ministry of Justice.*** Sub-components comprise: (i) strengthening justice sector resource management and performance management capacity, including the design and development of a medium-term expenditure framework for the justice sector by the MOJ through activities<sup>3</sup> to strengthen justice sector budgeting, resource management and performance indicators; and (ii) strengthening MOJ information systems and their use in management decision-making, including initial steps to modernize the inmate information system and strengthen its connectivity with the justice information system; interconnecting the information systems of key justice sector entities; implementing an integrated MOJ document management system; and strengthening information and communications technology (ICT) technical and management skills of selected MOJ personnel.

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<sup>2</sup> In Pula, the project will finance some renovations to the existing courthouse under Component A, while relocating the Pula SAO offices and the Land Registry Department to a nearby existing vacant building to be rehabilitated under Component B. This arrangement will free up needed space for essential court functions while also providing appropriate physical facilities for a consolidated SAO to be fully functional in Pula.

<sup>3</sup> E.g. justice sector budget development and execution, asset management, revenue management, capital budgeting, facilities management, a financing options study for the proposed Zagreb Judicial Square, etc.

This project should be tightly coordinated with the activities of the above JSSP project, as well as with results and analysis made through PHARE 2006 ICMS project that will end in November 2010.

### **Delivery system**

Although Amendments to the Civil Procedure Act have extended some means of delivery, the system has lots of shortcomings. The situation in practice often differs from the one prescribed. One of the features prescribed in the Act is a way in which court documents are being delivered to recipient - by mail, through court officer or court official, through public notary, directly in court or electronically via e-mail. The delivery can be done during working days, from 7 am until 20 pm, to the recipient's apartment or working place. In case that recipient is not to be found in his apartment, someone from his/her household or neighbourhood could take over the delivery of documents if he or she agrees. And if delivery is being carried out in a workplace, the recipient's colleague could take over the delivery, off course if he or she consents. However post office employees (through which most of the delivery is being done), rarely act in accordance with the provisions of the Civil Procedure Act. Therefore documents that are not being delivered to recipient often return with a note "informed, did not receive mail" although that is not a possibility in accordance with the Act.

The purpose of this project therefore is to assist in the defining the best model of new system of delivery. By improving it, either through outsourcing the delivery to private companies or by keeping it in the courts, establishment of the special delivery system will become more cost effective and more operational. This will result in shorter duration of proceedings because there will be less possibility of hearing delays due to disorderly delivery. From the results achieved through this project the Ministry expects to gain clear oversight about the benefits and shortcomings of various delivery options.

### **Court clerks**

According to the Annual statistical report for 2009 there were a total of 6189 administrative staff (court clerks) employed at courts. Court clerks' status is defined by the Law on Civil Servants and their duties are prescribed by the Court Book of Rules. From the results achieved through this project the Ministry expects to gain recommendations how to improve the current status of clerks working in court and how to better organize their work so that it contributes to the efficiency of court system.

### **Recording court hearings**

Acceleration of court proceedings is one of features leading to the reducing of the court backlog. Currently there is no system for recording hearings (with an exception of one court room in Zadar). In the structure of pending cases the largest number are the ones on first instance courts, especially municipal courts. Aside the fact that they are the largest, that cases are also the most complex what contributes to the creation of large backlogs in courts. System of recording the court hearings imposes as one of the efficient solutions to shortening court hearings.

There are few reasons for introducing of recording system in the current system of court hearings. First and most important is acceleration of a court proceeding. Large number of general data, information about the participants and the hearing itself (information regarding judge, parties involved, witnesses, court experts and other) are all being entered into the court log by dictating. Also the content of essential statements, derived evidences, allegations and suggestions of prosecutors and defendants; facts found by the judge's personal observation during the debate and examination discussion, interventions and statement corrections are all being dictated by the judge to court typist who notes each information and eventual change into court log by typing. In this way, the hearings at which evidence is performed by witness and parties can last for two to three and even more hours (depending on the number of witnesses and a numbers of details in the interrogation). All these facts are contributing to longer duration of hearings even by 50%, what then consequently is resulting in smaller number cases that can be held in one day. If there would be recording introduced into main hearing, a court record would include only general data and while all facts presented in a hearing would be recorded and stored. That way the time needed for entering data to a court record by dictating would be reduced to a maximum of 5 %.

Another important issue is constant sick leaves among the court typists (even 25% on a daily basis) which lead to deficit of this type of personnel crucial for conducting hearings.

Aside from the acceleration, the other important feature which would arise from introducing new technology would be higher level of impartiality. Existence of the original statements of each participant, and not interpretation of such made by the judge would reduce the possibility of mistakes during retelling the content of hearings to a court typist.

It is also very important to mention that introduction of recording system into court hearings is most welcomed by the Croatian judges, lawyers, parties in disputes and other court proceedings' participants and recognized as the necessity for more efficient adjudication.

### **Judicial cooperation in civil and criminal matters**

In the field of judicial co-operation in civil matters continuous progress has been achieved. In the course of 2008 and 2009 the Republic of Croatia has made significant progress in harmonising its legislation with the relevant *acquis* and has also invested additional efforts in strengthening its administrative capacity. Full alignment and implementation of the *acquis* in the field of judicial co-operation in civil matters will be achieved upon Croatia's accession to the EU when the relevant EU regulations become directly applicable in Croatia.

Regarding judicial cooperation in criminal matters\_a working group has been set up and the draft proposal of the Act on Judicial Co-Operation in Criminal Matters with Member States of the European Union has been drawn up. The Act was sent to the governmental procedure in June 2009. The Act will provide aligning national criminal legislation with the following legal institutes of the EU:

- Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States,
- Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence,
- Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, and
- Council Framework Decision 2006/783/JHA of 06 October 2006 on the application of the principle of mutual recognition to confiscation

The work on amendments to the Constitution of the Republic of Croatia that would enable the passing of the Act on Judicial Co-operation in Criminal Matters with Member States of the European Union is ongoing.

By entering into force, the Agreement on Co-operation between the Republic of Croatia and EUROJUST on 5 June 2009, the legal framework for applying the Agreement was established. In addition the Ordinance on sending liaison officers to EUROJUST headquarters (OG 54/09) was adopted as well as the Amendments of the Rules on Internal Activity in State Attorney's Offices (OG 57/09) that regulate the handling of the personal data. These by-laws provide the grounds for practical and operative judicial cooperation in regard to EUROJUST. The procedure of appointment of the liaison officer to EUROJUST is in final phase.

Croatia is a member of the European Judicial Network (EJN), since 2004, when Croatia gained the status of the candidate for the accession to the EU. Through the European Judicial Network, a successful cooperation was achieved with the contact points for the EJN in several EU member states on specific cases as well as providing information on legislation, practice and structure of the judicial bodies in Croatia. Regular presence of Croatian contact points to the plenary and working sessions of EJN as well as exchange of experience on ways of solving problems is contributing to mutual trust and deepening of judicial cooperation between Member States and non-EU countries. Croatia participates in meetings of the European Judicial Network in criminal matters, and has appointed a contact points for cooperation (two representatives from the Ministry of Justice, two representatives of the Zagreb County Court and the Rijeka County Court).

In 2009 the Judicial Academy is continuously conducting the regular training for judges and state attorneys in EU law and co-operation in civil and criminal matters in the European Union. Two seminars in Zagreb and Split were held for 80 participants on the topic *International judicial cooperation in EU in civil, commercial and family matters* (in co-operation with TAIEX).

In co-operation with Croatian NGO B.a.B.e., the seminar on the topic *Cross-border co-operation in criminal matters and human rights* with 14 participating judges and state attorneys from Zagreb, Split, Rijeka, Varaždin, Karlovac and Osijek.

### 3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact

#### *Project impact*

The project should accelerate court proceedings and therefore contribute to reducing the case backlog through improvement of court delivery system, establishment of the

recording system of court hearings and improving legal certainty through recognition and enforcement of judgments and decisions of EU member states by educating judges/and or court advisors.

#### *Catalytic effect*

Improved efficiency and professionalism in the judiciary provided through the implementation of this project will have a positive impact on achieving results in terms of speeding up Croatia's harmonisation with the EU practices and fulfilling accession criteria.

#### *Sustainability*

Improving the efficiency of the judicial system will enable development of planning standards to guide the modernization and rationalization and to achieve measures defined by the Strategy. The results achieved through this project will serve as a basis or further development of already defined goals of judicial strategy reform.

#### *Cross border impact*

Not applicable

3.3 Results and measurable indicators:

#### **Contract No.1: Twinning contract**

### **COMPONENT I: Strengthening the capacities of the MoJ in implementing judiciary reform**

#### **Result 1: Court rationalization process enhanced**

- Analysis of current status of the process of rationalization of court network prepared
- Gap/need assessment of rationalization process prepared
- Monitoring system of performance and resource management of merged courts established at the Ministry of Justice

#### **Result 2: Status of court clerks analyzed and recommendations for its improvement prepared**

##### Measurable indicators:

- Legislative framework related to court clerks analyzed
- Comparative overview of roles and responsibilities of court clerks in two Member states prepared
- Current workload and responsibilities of court clerks analyzed
- Optimal number of court clerks per court taking into account case inflow per court defined
- Recommendation for legislative amendments by which the status and roles of court clerks should be improved and redefined, especially in the light of the new court IT systems prepared
- Recommendations for establishment of Training center for court clerks prepared

## **COMPONENT II: Strengthening the efficiency of judiciary**

### **Result 3: Efficient, effective and economical court delivery system developed**

#### Measurable indicators:

- Analysis of current delivery system prepared
- Analysis of the efficiency and the effectiveness of all kinds of delivery that currently exists in courts prepared
- Cost-benefit analysis of the current system and possibility of outsourcing the court delivery to private companies
- One Study visit organized for the employees of MoJ to a Member State country to familiarize them with EU best practice in the area of the organization of the court delivery system
- Proposal of the new efficient, effective and economical court delivery system defined

### **Result 4: Legal framework on court delivery analyzed and improved**

#### Measurable indicators:

- Analysis of the relevant legal framework prepared
- Amendments to existing legal framework regulating court delivery system prepared based on the accepted outcomes in previous results

### **Result 5: Legal framework on recording system of court hearings developed**

#### Measurable indicators:

- Analysis of the relevant legal framework prepared
- Cost-benefit analysis of the system of notation/ recording system of court hearings prepared
- One Study visit organized to a Member State country to familiarize the participants with EU best practice in the area of recording system of court hearings
- Legal framework relating to the establishment and the introduction of the recording system of court hearings prepared

### **Result 6: Recording system of court hearings established**

#### Measurable indicators:

- Analysis of the ongoing practice relating to notation of court hearings prepared
- Proposal on design of the recording system of court hearings concerning organizational structure, working process and procedures
- Pilot project across 5 Municipal courts - in Zagreb (Civil and Criminal), Rijeka, Zadar, Makarska carried out
- Final design of recording system of court hearings prepared
- Recording system of the court hearings established
- System supervising the recording of court hearings established

### **Result 7: Training on recording system of court hearings developed**

#### Measurable indicators:

- Target groups determined
- Training program and teaching materials for all target groups developed
- All target groups trained

### **COMPONENT III: Judicial cooperation in civil/commercial and criminal matters**

#### **Result 8: Judicial cooperation in civil/commercial matters enhanced**

##### Measurable indicators:

- Comprehensive overview of the legal and judicial systems of the EU prepared in order to assess their respective needs in the field of judicial cooperation in civil and commercial matters
- Analysis of legal and institutional setup for judicial cooperation mechanisms in civil/commercial matters in Croatia
- Guidelines/manual on judicial cooperation mechanisms in civil/commercial matters for judges, advisers, enforcement agents, MoJ staff drafted
- Recommendations for improvement of judicial cooperation mechanisms in civil/commercial prepared
- Statistical reporting/monitoring on cases subject to judicial cooperation in civil/commercial matters created
- Comparative overview of educational system of judges and court advisors in EU member state on judicial cooperation in civil and commercial matters prepared
- Comprehensive training strategy for judges and court advisors on judicial cooperation in civil and commercial matters designed
- Specific self-sustainable training program for continuous education of judges and court advisors on judicial cooperation in civil and commercial matters developed (including training curricula)
- Training materials developed
- 5 workshops organized
- At least 70 judges and/or court advisors trained
- Training programme for MoJ staff on judicial cooperation in civil and commercial matters developed (including training curricula) developed
- 4 workshops for MoJ staff organized
- At least 10 employees of the MoJ trained on providing access to information

#### **Result 9: Judicial cooperation in criminal matters enhanced**

##### Measurable indicators:

- Comprehensive overview of the legal and judicial systems of the EU prepared in order to assess their respective needs in the field of judicial cooperation in criminal matters
- Analysis of legal and institutional setup for judicial cooperation mechanisms in criminal matters in Croatia
- Guidelines/manual on judicial cooperation mechanisms in criminal matters for judges, advisers, prosecutors and MoJ staff drafted

- Recommendations for improvement of judicial cooperation mechanisms in criminal prepared
- Statistical reporting/monitoring on cases subject to judicial cooperation in criminal matters created
- Comparative overview of educational system of judges and court advisors in EU member state on judicial cooperation in criminal matters prepared
- Comprehensive training strategy for judges, prosecutors and court advisors on judicial cooperation in criminal matters designed
- Specific self-sustainable training program for continuous education of judges and court advisors on judicial cooperation in criminal matters developed (including training curricula)
- Training materials developed
- 5 workshops organized
- At least 70 judges, prosecutors and/or court advisors trained
- Training programme for MoJ staff on judicial cooperation in criminal matters developed (including training curricula) developed
- 4 workshops for MoJ staff organized
- At least 10 employees of the MoJ trained on providing access of information

### **Contract No. 2: Supply contract**

#### **Result 10: 200 court rooms equipped with necessary recording equipment for court hearings**

##### Measurable indicators:

- Recording equipment for court hearings on 200 court rooms<sup>4</sup> purchased and installed
- Relevant staff on appliance of recording equipment/handlers of recording equipment (max 5 persons) trained
- Recording equipment maintenance staff trained

#### 3.4 Activities:

### **Contract No.1: Twinning contract**

- 1.1. Prepare the analysis of current status of the process of court rationalization in terms of effectiveness, benefits, shortcomings and overall management
- 1.2. Prepare gap/needs assessment of rationalization process
- 1.3. Establish monitoring system of performance and resource management of merged courts

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<sup>4</sup> The equipment should be installed in all county court rooms that are conducting hearings, and Municipal courts in Zagreb (Civil and Criminal), Makarska, Zadar and Rijeka. These courts were selected because there are the most burdened Municipal courts in RoC.

- 2.1. Analyze legislative framework related to court clerks
  - 2.2. Prepare comparative overview of roles and responsibilities of court clerks in two Member states
  - 2.3. Analyze current workload and responsibilities of court clerks
  - 2.4. Define optimal number of court clerks per court taking into account case inflow per court
  - 2.5. Prepare recommendation for legislative amendments by which the status and roles of court clerks should be improved and redefined
  - 2.6. Prepare recommendations for establishment of Training center for court clerks
- 3.1. Prepare analysis of current delivery system
  - 3.2. Prepare analysis of the efficiency and the effectiveness of all kinds of delivery that currently exists
  - 3.3. Prepare cost-benefit analysis of the current system and possibility of outsourcing the delivery to private companies
  - 3.4. Organize one Study visit for the employees of MoJ (max 5 days) to a Member State country to familiarize them with EU best practice in the area of the organization of the court delivery system
  - 3.5. Define a proposal of the new efficient, effective and economical court delivery system
- 4.1. Prepare analysis of the relevant legal framework
  - 4.2. Prepare amendments to existing legal framework regulating court delivering system based on the accepted outcomes in previous results
- 5.1. Analyze the relevant legal framework
  - 5.2. Prepare cost - benefit analysis of the system of notation/ recording system of court hearings
  - 5.3. Organize one Study visit (max 5 days) to a Member State country to familiarize the participants with EU best practice in the area of the recording system of court hearings
  - 5.4. Prepare the legal framework relating to the establishment and the introduction of the recording system of court hearings
- 6.1. Analyze the ongoing practice relating to notation of court hearings
  - 6.2. Prepare the proposal on design of the recording system of court hearings concerning organizational structure, working process and procedures
  - 6.3. Test the proposal prepared within previous activity through the pilot project across 5 Municipal courts - in Zagreb (Civil and Criminal), Rijeka, Zadar, Makarska
  - 6.4. Prepare the final design of the recording system of court hearings
  - 6.5. Establish the recording system of the court hearings
  - 6.6. Establish the supervising system on the recording of court hearings
  - 6.7. Establish an inventory mechanism of all equipment provided to the courts and draft a maintenance plan for the MoJ.
- 7.1. Determine the target groups need to be trained (e.g. judges, court recorders, handlers of recording equipment)
  - 7.2. Develop the training program and teaching materials for all target groups
  - 7.3. Implement the training for all target groups

- 8.1. Prepare comprehensive overview of the legal and judicial systems of the EU in order to assess their respective needs in the field of judicial cooperation in civil and commercial matters
- 8.2. Analyze legal and institutional setup for judicial cooperation mechanisms in civil/commercial matters in Croatia
- 8.3. Draft guidelines/manual on judicial cooperation mechanisms in civil/commercial matters for judges, advisers, enforcement agents, MoJ staff
- 8.4. Prepare recommendations for improvement of judicial cooperation mechanisms in civil/commercial
- 8.5. Create statistical reporting/monitoring on cases subject to judicial cooperation in civil/commercial matters

- 8.6. Prepare comprehensive overview of educational system of judges and court advisors in EU member state on judicial cooperation in civil and commercial matters
- 8.7. Design comprehensive training strategy for judges and court advisors on judicial cooperation in civil and commercial matters
- 8.8. Develop specific self-sustainable training program for continuous education of judges and court advisors on judicial cooperation in civil and commercial matters (including training curricula)
- 8.9. Develop training materials
- 8.10. Organize 5 workshops for at least 70 judges and/or court advisors
- 8.11. Develop training programme for MoJ staff on judicial cooperation in civil and commercial matters
- 8.12. Organize 4 workshops for at least 10 employees of the MoJ

- 9.1. Prepare comprehensive overview of the legal and judicial systems of the EU in order to assess their respective needs in the field of judicial cooperation in criminal matters
- 9.2. Analyze legal and institutional setup for judicial cooperation mechanisms in criminal matters in Croatia
- 9.3. Draft guidelines/manual on judicial cooperation mechanisms in criminal matters for judges, advisers, prosecutors and MoJ staff
- 9.4. Prepare recommendations for improvement of judicial cooperation mechanisms in criminal matters
- 9.5. Create statistical reporting/monitoring on cases subject to judicial cooperation in criminal matters

- 9.6. Prepare comprehensive overview of educational system of judges, prosecutors and court advisors in EU member state on judicial cooperation in criminal matters
- 9.7. Design comprehensive training strategy for judges, prosecutors and court advisors on judicial cooperation in criminal matters
- 9.8. Develop specific self-sustainable training program for continuous education of judges, prosecutors and court advisors on judicial cooperation in criminal matters (including training curricula)
- 9.9. Develop training materials
- 9.10. Organize 5 workshops for at least 70 judges, prosecutors and/or court advisors
- 9.11. Develop training programme for MoJ staff on judicial cooperation in criminal matters

9.12. Organize 4 workshops for at least 10 employees of the MoJ

**Please note that there is also a possibility of derogation to the twinning rules for sub-contracting part of the activities to the private sector. The exact amount should be determined after MoJ/CFCA and TW coordinator consultations at the time of drafting the twinning fiche.**

### **Contract No. 2: Supply contract**

10.1. Purchase and install needed recording equipment for court hearings on two hundred (200) court rooms

10.2. Train the relevant staff on appliance of recording equipment/handlers of recording equipment (max 5 persons, max 5 days)-

10.3. Train recording equipment maintenance staff

### **3.5 Conditionality and sequencing:**

The institutional and organizational set up of the delivery service in courts is prescribed by Civil Procedure Act as well as the Book of Rules. The court management should make efforts to implement the prescribed measures in practise.

The recording of court hearings in criminal matters has been prescribed by Criminal Procedure Act while recording of civil cases still needs to be regulated by amendments to the Civil Procedure Act. These amendments are planned to be adopted in 2010.

The MoJ commits itself to roll-out the ICMS to all Municipal, Commercial and County courts by the end of 2012. Without ICMS used in all these courts, the statistical reporting on cases will not be possible.

### **3.6 Linked activities**

**CARDS 2002 Reform of the Croatian Court System** ended in February 2006. The project purpose was to improve efficiency of Croatian courts, which should result with better quality of judgments and backlog reduction per case and per judge, as well as increasing the Croatian public trust in judiciary.

**CARDS 2003 Support to the Reform of the Croatian Court System – phase II** has been implemented by the Austrian partners. The project ended in June 2008 and its main purpose was to further enhance the operation and functioning of the Courts as a whole and the pre-selected Courts in particular - Improving the management and information system; Supporting rationalisation of court networks in Croatia; Developing standards in court produced documents; Ensuring modernisation/computerisation of courts.

**CARDS 2004 Improving case management at the High Misdemeanour Court and selected Misdemeanour Courts** started in September 2007. It consists of Twinning

and Supply Contract. The project purpose is to support and enhance operation and functioning of the court case management at High Misdemeanour Court and selected misdemeanour courts as well as IT education and training for judges.

**PHARE 2006 Support to the Court Administration and Case Management** started in November 2008. It aims at the roll-out of ICMS to 60 Croatian courts. ICMS will bring in the transparency in work of courts by way of automatic assignments of cases to judges and monitoring of their work which will reduce the possibility of corruption.

**PHARE 2006 Harmonisation and Publication of Case Law** started in November 2008. The project aims at increasing the accessibility and dissemination of national case law from the 50 pre-selected courts (including county, municipal and commercial courts) for all interested parties (on national and international level).

**IPA 2009 Development of ICMS compatible modules at selected misdemeanour courts** planned to start in 2011. The purpose of the project is further improvement of institutional capacity of all misdemeanour courts and development of ICMS compatible modules at selected misdemeanour courts.

**Bilateral project with the Great Britain - „Implementation of the Efficacy in Four Biggest Municipal Courts' Management in Croatia“** ended in February 2009. Project purpose was to give recommendations on how to improve efficacy in four biggest municipal courts' management.

The complementary **World Bank funded-project "Justice Sector Support Project" (JSSP)** was approved in April 2010 and implementation started in July 2010. The World Bank remains committed to define any activity related to the enforcement system (to be financed by the IBRD loan) in close coordination with the EU 2010 IPA and Dutch regional aid to avoid overlaps.

**MATRA project Enhancement of the capacities of the Ministry of Justice** started in 2009 and will last for 24 months. The project aims to contribute to the accession of Croatia to the European Union. In particular, the project aims to:

- Strengthen the MoJ and JA capacities for EU law implementation
- Organize round tables/workshops on functioning of EU member states' ministries of justice (presentation of different models)
- Coaching/counselling for MoJ senior management

### **3.7 Lessons learned**

The past experience has shown that while introducing new or improving the existing systems (such as delivery or recording court hearings), legislative changes are not sufficient in order to set up effective functioning of the system. Currently most of the legal prerequisites are in place for the enrolment of these systems but they still have not been realized in practice. The Ministry of Justice expects that this project will enable

systems to be operational by performing necessary activities such as education, making analysis, providing recommendations together with practical guidelines.

#### 4. Indicative Budget (amounts in €)

|  |        |         | SOURCES OF FUNDING |                     |                            |           |                              |           |                 |                         |              |                      |       |
|--|--------|---------|--------------------|---------------------|----------------------------|-----------|------------------------------|-----------|-----------------|-------------------------|--------------|----------------------|-------|
|  |        |         | TOTAL EXP.RE       | TOTAL PUBLIC EXP.RE | IPA COMMUNITY CONTRIBUTION |           | NATIONAL PUBLIC CONTRIBUTION |           |                 |                         |              | PRIVATE CONTRIBUTION |       |
| Strengthening the efficiency of judiciary in the Republic of Croatia | IB (1) | INV (1) | EUR (a)=(b)+(e)    | EUR (b)=(c)+(d)     | EUR (c)                    | % (2)     | Total EUR (d)=(x)+(y)+(z)    | % (2)     | Central EUR (x) | Regional/ Local EUR (y) | IFIs EUR (z) | EUR (e)              | % (3) |
| Twining  | X      |         | 1 200 000          | 1 200 000           | 1 140 000                  | 95        | 60 000                       | 5         | 60 000          |                         |              |                      |       |
| Supply   |        | X       | 1 400 000          | 1 400 000           | 1 190 000                  | 85        | 210 000                      | 15        | 210 000         |                         |              |                      | –     |
| TOTAL IB   |        |         | 1 200 000          | 1 200 000           | 1 140 000                  | 95        | 60 000                       | 5         | 60 000          |                         |              |                      |       |
| TOTAL INV  |        |         | 1 400 000          | 1 400 000           | 1 190 000                  | 85        | 210 000                      | 15        | 210 000         |                         |              |                      |       |
| <b>TOTAL PROJECT</b>   |        |         | <b>2 600 000</b>   | <b>2 600 000</b>    | <b>2 330 000</b>           | <b>90</b> | <b>270 000</b>               | <b>10</b> | <b>270 000</b>  |                         |              |                      |       |

NOTE: DO NOT MIX IB AND INV IN THE SAME ACTIVITY ROW. USE SEPARATE ROW

Amounts net of VAT

(1) In the Activity row use "X" to identify whether IB or INV

(2) Expressed in % of the **Public** Expenditure (column (b))

(3) Expressed in % of the **Total** Expenditure (column (a))

## 5. Indicative Implementation Schedule (periods broken down per quarter)

| Contracts                  | Start of Tendering | Signature of contract | Project Completion |
|----------------------------|--------------------|-----------------------|--------------------|
| <i>Contract 1 Twinning</i> | IQ 2011            | 3Q 2011               | 3Q 2013            |
| <i>Contract 2 Supply</i>   | IQ 2011            | 2Q 2011               | 3Q 2011            |

All projects should in principle be ready for tendering in the 1<sup>ST</sup> Quarter following the signature of the FA

## 6. Cross cutting issues (where applicable)

### 6.1 Equal Opportunity

Based on the fundamental principles of promoting equality and combating discrimination, participation in the project will be guaranteed on the basis of equal access regardless of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Specifically in relation to the issue of equality between men and women, Croatia's population (2001 census) constitutes 51.87% women and 48.13% men, with those in active employment (based on Labour Force Survey statistics, conducted in accordance with ILO methodology, for the second half of 2002) divided 45.31% women and 54.69% men.

All contractors shall be requested to provide monitoring data recording the participation of men and women in terms of expert inputs (in days) and of trainees benefiting under the project (in days) as an integral component of all project progress reports

### 6.2 Environment

Not applicable

### 6.3 Minorities

Not applicable

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| <b>STRENGTHENING THE EFFICIENCY OF JUDICIARY IN THE REPUBLIC OF CROATIA</b>   | Programme name and number  |  | Cris number: IPA/2010/022-460   |
|   | Contracting period expires 2 years following the date of conclusion of the FA  |  | Disbursement period expires 3 years following the end date for contracting  |
|   | Total budget : EUR 2 600 000   |  | IPA budget: EUR 2 330 000<br>Co-financing: EUR 270 000  |
| <b>Overall objective</b>  | <b>Objectively verifiable indicators</b>   | <b>Sources of Verification</b>   |   |
| To improve efficiency and professionalism in the judiciary  | More effective and efficient judiciary   | Ministry of Justice reports and statistics<br>Court statistics<br>Progress reports |   |
| <b>Project purpose</b>  | <b>Objectively verifiable indicators</b>   | <b>Sources of Verification</b>   | <b>Assumptions</b>  |
| To shorten the length of court proceedings and reduce the case backlog through:<br><br><ul style="list-style-type: none"> <li>▪ Increasing support to court's rationalization process</li> <li>▪ Improvement of court delivery system</li> <li>▪ Establishment of the recording system of court hearings</li> <li>▪ Improving legal certainty through recognition and enforcement of judgments and decisions of EU member states by educating judges and/or court advisors</li> </ul> | Length of the court proceedings shorten<br><br>New model of delivery system defined<br><br>Recording system of court hearings established<br><br>Judges and court advisors trained | MoJ documentation<br>MoJ reports<br>Project reports                                | Successful continuation of the reform in the judiciary<br><br>Human resources for the implementation of the project assured<br><br>Roll-out the ICMS to all Municipal, Commercial and County courts by the end of 2012. Without ICMS used in all these courts, the statistical reporting on cases will not be possible.<br><br>Project recommendations and impact on the efficiency of judiciary will be integrated in the strategic documents. |
| <b>Results</b>  | <b>Objectively verifiable indicators</b>   | <b>Sources of Verification</b>   | <b>Assumptions</b>  |
| <b><i>Contract No.1: Twinning contract</i></b><br><b>COMPONENT I: Strengthening the capacities of the MoJ in implementing</b>   |  | Moj documentation<br><br>Project reports   | Commitment of the MoJ,<br><br>Sufficient funds under the National Budget  |

|  |  |                                    |   |
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| <b>judiciary reform</b>  |  |                                    | 2010-2012 for the implementation of the Overall Strategy and co-financing |
| <b>Result 1: Court rationalization process enhanced</b>  | <ul style="list-style-type: none"> <li>▪ Analysis of current status of the process of rationalization of court network prepared</li> <li>▪ Gap/need assessment of rationalization process prepared</li> <li>▪ Monitoring system of performance and resource management of merged courts established</li> </ul>   |                                    | Willingness and active participation of all project stakeholders          |
| <b>Result 2: Status of court clerks analyzed and recommendations for its improvement prepared</b>  | <ul style="list-style-type: none"> <li>▪ Legislative framework related to court clerks analyzed</li> <li>▪ Comparative overview of roles and responsibilities of court clerks in two Member states prepared</li> <li>▪ Current workload and responsibilities of court clerks analyzed</li> <li>▪ Optimal number of court clerks per court taking into account case inflow per court defined</li> <li>▪ Recommendation for legislative amendments by which the status and roles of court clerks should be improved and redefined, especially in the light of the new court IT systems prepared</li> <li>▪ Recommendations for establishment of Training center for court clerks prepared</li> </ul> | Project reports<br>Court documents |   |
| <b>COMPONENT II: Strengthening the efficiency of judiciary</b><br><b>Result 3: Efficient, effective and economical court delivery system developed</b> | <ul style="list-style-type: none"> <li>▪ Analysis of current delivery system prepared</li> <li>▪ Analysis of the efficiency and the effectiveness of all kinds of</li> </ul>   | Project reports                    |   |

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|   | <p>delivery that currently exists in courts prepared</p> <ul style="list-style-type: none"> <li>▪ Cost-benefit analysis of the current system and possibility of outsourcing the court delivery to private companies</li> <li>▪ One Study visit organized for the employees of MoJ to a Member State country to familiarize them with EU best practice in the area of the organization of the court delivery system</li> <li>▪ Proposal of the new efficient, effective and economical court delivery system defined</li> </ul> | <p>Project reports<br/>Training program<br/>Training materials<br/>List of trained staff</p> <p>Project reports<br/>Materials for public information</p> |  |
| <p><b>Result 4: Legal framework on court delivery analyzed and improved</b></p>         | <ul style="list-style-type: none"> <li>▪ Analysis of the relevant legal framework prepared</li> <li>▪ Amendments to existing legal framework regulating court delivery system prepared based on the accepted outcomes in previous results</li> </ul>  | <p>Project reports<br/>List of participants</p>  |  |
| <p><b>Result 5: Legal framework on recording system of court hearings developed</b></p> | <ul style="list-style-type: none"> <li>▪ Analysis of the relevant legal framework prepared</li> <li>▪ Cost-benefit analysis of the system of notation/ recording system of court hearings prepared</li> <li>▪ One Study visit organized to a Member State country to familiarize the participants with EU best practice in the area of recording system of court hearings</li> <li>▪ Legal framework relating to the establishment and the introduction of the recording system of court hearings prepared</li> </ul>           | <p>Project reports<br/>Court documents</p>   |  |

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| <p><b>Result 6: Recording system of court hearings established</b></p>                     | <ul style="list-style-type: none"> <li>▪ Analysis of the ongoing practice relating to notation of court hearings prepared</li> <li>▪ Proposal on design of the recording system of court hearings concerning organizational structure, working process and procedures</li> <li>▪ Pilot project across 5 Municipal courts - in Zagreb (Civil and Criminal), Rijeka, Zadar, Makarska carried out</li> <li>▪ Final design of recording system of court hearings prepared</li> <li>▪ Recording system of the court hearings established</li> <li>▪ System supervising the recording of court hearings established</li> </ul> | <p>Project reports<br/> Training program<br/> Teaching material<br/> List of trained participants</p> |  |
| <p><b>Result 7: Training on recording system of court hearings developed</b></p>           | <ul style="list-style-type: none"> <li>▪ Target groups determined</li> <li>▪ Training program and teaching materials for all target groups developed</li> <li>▪ All target groups trained</li> </ul>   | <p>Project reports</p>  |  |
| <p><b>COMPONENT III: Judicial cooperation in civil/commercial and criminal matters</b></p> |  |   |  |
| <p><b>Result 8: Judicial cooperation in civil/commercial matters enhanced</b></p>          | <ul style="list-style-type: none"> <li>▪ Comprehensive overview of the legal and judicial systems of the EU prepared in order to assess their respective needs in the field of judicial cooperation in civil and commercial matters</li> <li>▪ Analysis of legal and institutional</li> </ul>  |   |  |



**Result 9: Judicial cooperation in criminal matters enhanced**

- developed
- 4 workshops for MoJ staff organized
- At least 10 employees of the MoJ trained on providing access to information
  
- Comprehensive overview of the legal and judicial systems of the EU prepared in order to assess their respective needs in the field of judicial cooperation in criminal matters
- Analysis of legal and institutional setup for judicial cooperation mechanisms in criminal matters in Croatia
- Guidelines/manual on judicial cooperation mechanisms in criminal matters for judges, advisers, prosecutors and MoJ staff drafted
- Recommendations for improvement of judicial cooperation mechanisms in criminal prepared
- Statistical reporting/monitoring on cases subject to judicial cooperation in criminal matters created
- Comparative overview of educational system of judges and court advisors in EU member state on judicial cooperation in criminal matters prepared
- Comprehensive training strategy for judges, prosecutors and court advisors on judicial cooperation in criminal matters designed

| <p><b><i>Contract No. 2: Supply contract</i></b><br/> <b>Result 10: 200 court rooms equipped with necessary recording equipment for court hearings</b></p>   | <ul style="list-style-type: none"> <li>▪ Specific self-sustainable training program for continuous education of judges and court advisors on judicial cooperation in criminal matters developed (including training curricula)</li> <li>▪ Training materials developed</li> <li>▪ 5 workshops organized</li> <li>▪ At least 70 judges, prosecutors and/or court advisors trained</li> <li>▪ Training programme for MoJ staff on judicial cooperation in criminal matters developed (including training curricula) developed</li> <li>▪ 4 workshops for MoJ staff organized</li> <li>▪ At least 10 employees of the MoJ trained on providing access of information</li> </ul> <ul style="list-style-type: none"> <li>• Recording equipment for court hearings on 200 court rooms purchased and installed</li> <li>• Relevant staff on appliance of recording equipment/handlers of recording equipment (max 5 persons) trained</li> <li>• Recording equipment maintenance staff trained</li> </ul> | <p>Inventory list<br/>List of trained employees</p>  |   |
|--|---|--|---|
| Activities   | Means   | Costs  | Assumptions   |
| <p>1.1. Prepare the analysis of current status of the process of court rationalization in terms of effectiveness, benefits, shortcomings and overall management<br/> 1.2. Prepare gap/needs assessment of rationalization process<br/> 1.3. Establish monitoring system of</p> | <p>Twinning Contract</p>  | <p><b>Twinning: EUR 1 200 000 (5% co-financing):</b><br/> EUR 1 140 000 IPA budget<br/> EUR 60 000 national co financing</p> <p><b>Supply: EUR 1 400 000 (15% co-financing):</b></p> | <p>Willingness and active participation of all project's concerned parties</p> <p>Proper collaboration between the involved institutions</p> <p>Full commitment of concerned parties involved</p> |

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| <p>performance and resource management of merged courts</p> <p>2.1. Analyze legislative framework related to court clerks</p> <p>2.2. Prepare comparative overview of roles and responsibilities of court clerks in two Member states</p> <p>2.3. Analyze current workload and responsibilities of court clerks</p> <p>2.4. Define optimal number of court clerks per court taking into account case inflow per court</p> <p>2.5. Prepare recommendation for legislative amendments by which the status and roles of court clerks should be improved and redefined</p> <p>2.6. Prepare recommendations for establishment of Training center for court clerks</p> <p>3.1. Prepare analysis of current delivery system</p> <p>3.2. Prepare analysis of the efficiency and the effectiveness of all kinds of delivery that currently exists</p> <p>3.3. Prepare cost-benefit analysis of the current system and possibility of outsourcing the delivery to private companies</p> <p>3.4. Organize one Study visit for the employees of MoJ (max 5 days) to a Member State country to familiarize them with EU best practice in the area of the organization of the court delivery system</p> <p>3.5. Define a proposal of the new efficient, effective and economical court delivery system</p> |  | <p>EUR 1 190 000 IPA</p> <p>EUR 210 000 national co financing</p> |  |
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| <p>4.1. Prepare analysis of the relevant legal framework</p> <p>4.2. Prepare amendments to existing legal framework regulating court delivering system based on the accepted outcomes in previous results</p> <p>5.1. Analyze the relevant legal framework</p> <p>5.2. Prepare cost - benefit analysis of the system of notation/ recording system of court hearings</p> <p>5.3. Organize one Study visit (max 5 days) to a Member State country to familiarize the participants with EU best practice in the area of the recording system of court hearings</p> <p>5.4. Prepare the legal framework relating to the establishment and the introduction of the recording system of court hearings</p> <p>6.1. Analyze the ongoing practice relating to notation of court hearings</p> <p>6.2. Prepare the proposal on design of the recording system of court hearings concerning organizational structure, working process and procedures</p> <p>6.3. Test the proposal prepared within previous activity through the pilot project across 5 Municipal courts - in Zagreb (Civil and Criminal), Rijeka, Zadar, Makarska</p> <p>6.4. Prepare the final design of the recording system of court hearings</p> <p>6.5. Establish the recording system of the court hearings</p> <p>6.6. Establish the supervising system on the recording of court hearings</p> <p>6.7. Establish an inventory mechanism of all equipment provided to the courts and</p> |  |  |
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| <p>draft a maintenance plan for the MoJ.</p> <p>7.1. Determine the target groups need to be trained (e.g. judges, court recorders, handlers of recording equipment)</p> <p>7.2. Develop the training program and teaching materials for all target groups</p> <p>7.3. Implement the training for all target groups</p> <p>8.1. Prepare comprehensive overview of the legal and judicial systems of the EU in order to asses their respective needs in the field of judicial cooperation in civil and commercial matters</p> <p>8.2. Analyze legal and institutional setup for judicial cooperation mechanisms in civil/commercial matters in Croatia</p> <p>8.3. Draft guidelines/manual on judicial cooperation mechanisms in civil/commercial matters for judges, advisers, enforcement agents, MoJ staff</p> <p>8.4. Prepare recommendations for improvement of judicial cooperation mechanisms in civil/commercial</p> <p>8.5. Create statistical reporting/monitoring on cases subject to judicial cooperation in civil/commercial matters</p> <p>8.6. Prepare comprehensive overview of educational system of judges and court advisors in EU member state on judicial cooperation in civil and commercial matters</p> <p>8.7. Design comprehensive training strategy for judges and court advisors on judicial cooperation in civil and commercial matters</p> <p>8.8 Develop specific self-sustainable</p> |  |  |
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| <p>training program for continuous education of judges and court advisors on judicial cooperation in civil and commercial matters (including training curricula)</p> <p>8.9. Develop training materials</p> <p>8.10 Organize 5 workshops for at least 70 judges and/or court advisors</p> <p>8.11 Develop training programme for MoJ staff on judicial cooperation in civil and commercial matters</p> <p>8.12. Organize 4 workshops for at least 10 employees of the MoJ</p><br><p>9.1. Prepare comprehensive overview of the legal and judicial systems of the EU in order to asses their respective needs in the field of judicial cooperation in criminal matters</p> <p>9.2. Analyze legal and institutional setup for judicial cooperation mechanisms in criminal matters in Croatia</p> <p>9.3. Draft guidelines/manual on judicial cooperation mechanisms in criminal matters for judges, advisers, prosecutors and MoJ staff</p> <p>9.4. Prepare recommendations for improvement of judicial cooperation mechanisms in criminal matters</p> <p>9.5. Create statistical reporting/monitoring on cases subject to judicial cooperation in criminal matters</p> <p>9.6. Prepare comprehensive overview of educational system of judges, prosecutors and court advisors in EU member state on judicial cooperation in criminal matters</p> <p>9.7. Design comprehensive training strategy for judges, prosecutors and court advisors on judicial cooperation in criminal matters</p> |  |  |  |
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| <p>9.8. Develop specific self-sustainable training program for continuous education of judges, prosecutors and court advisors on judicial cooperation in criminal matters (including training curricula)</p> <p>9.9. Develop training materials</p> <p>9.10 Organize 5 workshops for at least 70 judges, prosecutors and/or court advisors</p> <p>9.11. Develop training programme for MoJ staff on judicial cooperation in criminal matters</p> <p>9.12. Organize 4 workshops for at least 10 employees of the MoJ</p><br><p>10.1. Purchase and install needed recording equipment for court hearings on two hundred (200) court rooms</p> <p>10.2. Train the relevant staff on appliance of recording equipment/handlers of recording equipment (max 5 persons, max 5 days)-</p> <p>10.3. Train recording equipment maintenance staff</p> | <p>Supply contract</p> |  | <p><b>Preconditions:</b></p> <ol style="list-style-type: none"> <li><b>1. Adoption of the Amendments to the Civil Procedure Act</b></li> <li><b>2. Commitment of the Court management to the establishment of new delivery service and introduction of the new technologies</b></li> </ol> |
|---|------------------------|--|--|

**ANNEX II: Amounts (in €) Contracted and disbursed by quarter for the project**

| <b>Contracted</b>      | <b>2011</b> |                  |                  |                  | <b>2012</b> |                  |                  |           | <b>2013</b> |                  |            |                  |
|------------------------|-------------|------------------|------------------|------------------|-------------|------------------|------------------|-----------|-------------|------------------|------------|------------------|
|                        | <b>I</b>    | <b>II</b>        | <b>III</b>       | <b>IV</b>        | <b>I</b>    | <b>II</b>        | <b>III</b>       | <b>IV</b> | <b>I</b>    | <b>II</b>        | <b>III</b> | <b>IV</b>        |
| Contract 1<br>Twinning |             |                  | 1 200 000        |                  |             |                  |                  |           |             |                  |            |                  |
| Contract 2<br>Supply   |             | 1 400 000        |                  |                  |             |                  |                  |           |             |                  |            |                  |
| <b>Cumulated</b>       |             | <b>1 400 000</b> | <b>2 600 000</b> |                  |             |                  |                  |           |             |                  |            |                  |
| <b>Disbursed</b>       | <b>2011</b> |                  |                  |                  | <b>2012</b> |                  |                  |           | <b>2013</b> |                  |            |                  |
|                        | <b>I</b>    | <b>II</b>        | <b>III</b>       | <b>IV</b>        | <b>I</b>    | <b>II</b>        | <b>III</b>       | <b>IV</b> | <b>I</b>    | <b>II</b>        | <b>III</b> | <b>IV</b>        |
| Contract 1<br>Twinning |             |                  |                  | 480 000          |             |                  | 300 000          |           |             | 300 000          |            | 120 000          |
| Contract 2<br>Supply   |             |                  | 840 000          |                  |             | 560 000          |                  |           |             |                  |            |                  |
| <b>Cumulated</b>       |             |                  | <b>840 000</b>   | <b>1 320 000</b> |             | <b>1 880 000</b> | <b>2 180 000</b> |           |             | <b>2 480 000</b> |            | <b>2 600 000</b> |

### **ANNEX III: Description of Institutional Framework**

The court delivery system is under courts' competence. Although some means of delivery system have been extended through the amendments to the Civil Procedure Act (adopted in July 2008), the system has not been set up effectively in practice. Regarding recording of court hearings, the system currently does not exist (with an exception of one court room in Zadar).

International legal assistance in criminal and civil matters is under jurisdiction of following bodies. The Sector for International Legal Assistance at the Ministry of Justice is the central authority for transmission of the requests for international legal assistance. The Minister of Justice is competent for the final decision in the extradition and transfer cases.

The Municipal Courts are responsible for the service of the judicial and extrajudicial documents in the civil and criminal matters and for taking of evidence in civil matters. The County Courts with investigation centers are competent for taking of evidence in criminal matters, extradition proceedings and for the *exequatur*. The Commercial Courts are in charge of the service of documents in commercial matters and taking evidence in commercial matters. The Criminal Prosecution is in the jurisdiction of the State Attorney Office.

#### **ANNEX IV: Reference to laws, regulations and strategic documents:**

- Criminal Procedure Act (OG 152/08, 76/09)
- Civil Procedure Act (OG 84/08)
- Directive 2003/8/EC relating to the provision of legal aid in cross-border disputes and with the European Convention on Human Rights and Fundamental Freedoms, in April 2008 the Croatian Parliament adopted Act on Free Legal Aid (OG 62/08)
- Regulation (EC) No [805/2004](#) of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims, on 30 May 2008 the Republic of Croatia passed the Act on Amendments to the Execution Act (OG 67/08)
- Council Directive 2004/80/EC of 29 April 2004 relating to compensation for crime victims, the Act on Financial Compensation for of Victims of Criminal Offences was passed (OG 80/08). The European Convention on the Compensation of Victims of Violent Crimes of 24 November 1983 has also been ratified (OG IA 4/2008)
- Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters ("Service of Documents"), and repealing Council Regulation (EC) No 1348/2000;
- Council Regulation (EC) No 1206/2001 of [28 May 2001](#) on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters;
- Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure;
- Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure
- Act on the Ratification of the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters of 18 March 1970 (OG IA 5/09) and the Act on the Ratification of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children of 19 October 1996. (OG IA 5/09)
- Act on Judicial Co-Operation in Criminal Matters with Member States of the European Union has been drawn up. The Act was sent to the governmental procedure in June 2009. The Act will provide aligning national criminal legislation with the following legal institutes of the EU:
- Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States,
- Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence,
- Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, and
- Council Framework Decision 2006/783/JHA of 06 October 2006 on the application of the principle of mutual recognition to confiscation

#### Reference to Croatian strategic documents

- Judicial reform strategy and its Action plan

#### Reference to AP/NPAA/EP/SAA

- Accession Partnership(2008/119/EC); under KEY PRIORITIES, Political Criteria, Democracy and the rule of law, judicial system
- National Programme for the Accession of the Republic of Croatia into the European Union (NPAEU) – 2009, under I. Political criteria, 1.2. Democracy and the rule of law, 1.2.1. Judicial Reform, Key priorities
- Croatia 2009 Progress Report, under Chapter 23: Judiciary and fundamental rights and Chapter 24 Justice, Freedom and Security

**ANNEX V: Details per EU funded contract (\*) where applicable:**

**Contract No.1: Twinning contract**

**COMPONENT I: Strengthening the capacities of the MoJ in implementing judiciary reform**

**Result 1: Court rationalization process enhanced**

**Result 2: Status of court clerks analyzed and recommendations for its improvement prepared**

**COMPONENT II: Strengthening the efficiency of judiciary**

**Result 3: Efficient, effective and economical court delivery system developed**

**Result 4: Legal framework on court delivery analyzed and improve**

**Result 5: Legal framework on recording system of court hearings developed**

**Result 6: Recording system of court hearings established**

**Result 7: Training on recording system of court hearings developed**

**COMPONENT III: Judicial cooperation in civil/commercial and criminal matters**

**Result 8: Judicial cooperation in civil/commercial matters enhanced**

**Result 9: Judicial cooperation in criminal matters enhanced**

**Contract No. 2: Supply contract**

**Result 10: 200 court rooms equipped with necessary recording equipment for court hearings**

**Activities:**

Contract No.1: Twinning contract

- 1.1. Prepare the analysis of current status of the process of court rationalization in terms of effectiveness, benefits, shortcomings and overall management
- 1.2. Prepare gap/needs assessment of rationalization process
- 1.3. Establish monitoring system of performance and resource management of merged courts
- 2.1. Analyze legislative framework related to court clerks
- 2.2. Prepare comparative overview of roles and responsibilities of court clerks in two Member states
- 2.3. Analyze current workload and responsibilities of court clerks
- 2.4. Define optimal number of court clerks per court taking into account case inflow per court
- 2.5. Prepare recommendation for legislative amendments by which the status and roles of court clerks should be improved and redefined
- 2.6. Prepare recommendations for establishment of Training center for court clerks
- 3.1. Prepare analysis of current delivery system
- 3.2. Prepare analysis of the efficiency and the effectiveness of all kinds of delivery that currently exists
- 3.3. Prepare cost-benefit analysis of the current system and possibility of outsourcing the delivery to private companies

- 3.4. Organize one Study visit for the employees of MoJ (max 5 days) to a Member State country to familiarize them with EU best practice in the area of the organization of the court delivery system
- 3.5. Define a proposal of the new efficient, effective and economical court delivery system
- 4.1. Prepare analysis of the relevant legal framework
- 4.2. Prepare amendments to existing legal framework regulating court delivering system based on the accepted outcomes in previous results
- 5.1. Analyze the relevant legal framework
- 5.2. Prepare cost - benefit analysis of the system of notation/ recording system of court hearings
- 5.3. Organize one Study visit (max 5 days) to a Member State country to familiarize the participants with EU best practice in the area of the recording system of court hearings
- 5.4. Prepare the legal framework relating to the establishment and the introduction of the recording system of court hearings
- 6.1. Analyze the ongoing practice relating to notation of court hearings
- 6.2. Prepare the proposal on design of the recording system of court hearings concerning organizational structure, working process and procedures
- 6.3. Test the proposal prepared within previous activity through the pilot project across 5 Municipal courts - in Zagreb (Civil and Criminal), Rijeka, Zadar, Makarska
- 6.4. Prepare the final design of the recording system of court hearings
- 6.5. Establish the recording system of the court hearings
- 6.6. Establish the supervising system on the recording of court hearings
- 6.7. Establish an inventory mechanism of all equipment provided to the courts and draft a maintenance plan for the MoJ.
- 7.1. Determine the target groups need to be trained (e.g. judges, court recorders, handlers of recording equipment)
- 7.2. Develop the training program and teaching materials for all target groups
- 7.3. Implement the training for all target groups
- 8.1. Prepare comprehensive overview of the legal and judicial systems of the EU in order to asses their respective needs in the field of judicial cooperation in civil and commercial matters
- 8.2. Analyze legal and institutional setup for judicial cooperation mechanisms in civil/commercial matters in Croatia
- 8.3. Draft guidelines/manual on judicial cooperation mechanisms in civil/commercial matters for judges, advisers, enforcement agents, MoJ staff
- 8.4. Prepare recommendations for improvement of judicial cooperation mechanisms in civil/commercial
- 8.5. Create statistical reporting/monitoring on cases subject to judicial cooperation in civil/commercial matters
- 8.6. Prepare comprehensive overview of educational system of judges and court advisors in EU member state on judicial cooperation in civil and commercial matters
- 8.7. Design comprehensive training strategy for judges and court advisors on judicial cooperation in civil and commercial matters
- 8.8. Develop specific self-sustainable training program for continuous education of judges and court advisors on judicial cooperation in civil and commercial matters (including training curricula)
- 8.9. Develop training materials
- 8.10. Organize 5 workshops for at least 70 judges and/or court advisors
- 8.11. Develop training programme for MoJ staff on judicial cooperation in civil and commercial matters
- 8.12. Organize 4 workshops for at least 10 employees of the MoJ

- 9.1. Prepare comprehensive overview of the legal and judicial systems of the EU in order to assess their respective needs in the field of judicial cooperation in criminal matters
- 9.2. Analyze legal and institutional setup for judicial cooperation mechanisms in criminal matters in Croatia
- 9.3. Draft guidelines/manual on judicial cooperation mechanisms in criminal matters for judges, advisers, prosecutors and MoJ staff
- 9.4. Prepare recommendations for improvement of judicial cooperation mechanisms in criminal matters
- 9.5. Create statistical reporting/monitoring on cases subject to judicial cooperation in criminal matters
- 9.6. Prepare comprehensive overview of educational system of judges, prosecutors and court advisors in EU member state on judicial cooperation in criminal matters
- 9.7. Design comprehensive training strategy for judges, prosecutors and court advisors on judicial cooperation in criminal matters
- 9.8. Develop specific self-sustainable training program for continuous education of judges, prosecutors and court advisors on judicial cooperation in criminal matters (including training curricula)
- 9.9. Develop training materials
- 9.10 Organize 5 workshops for at least 70 judges, prosecutors and/or court advisors
- 9.11. Develop training programme for MoJ staff on judicial cooperation in criminal matters
- 9.12. Organize 4 workshops for at least 10 employees of the MoJ

Please note that there is also a possibility of derogation to the twinning rules for subcontracting part of the activities to the private sector. The exact amount should be determined after MoJ/CFCA and TW coordinator consultations at the time of drafting the twinning fiche.

### **Profile of the Project Leader:**

#### 1. Requirements:

- University degree
- Ten years of professional experience in the area of justice
- Fluency in written and spoken English language
- Computer literacy
- Previous experience in project management
- High ranking official
- Proven contractual relation to public administration or mandated body, as defined under twinning manual 5.3.2.

#### 2. Assets:

- Previous experience with EU twinning projects on training and education of judicial officials

#### Tasks of the Project Leader:

- Overall management and coordination of the project in cooperation with RTA, RTA counterpart and Croatian PL
- Co-ordination of MS experts work and availability
- Quarterly and final reporting

- Participation in Steering Committee meetings and other meetings relevant for the project implementation
- Assuring compatibility with EU requirements
- Ensuring backstopping and financial management of the project in the MS

### **Profile of the Resident Twinning Adviser**

#### 1. Requirements:

- University degree in law or public/business administration
- 7 years of professional experience, particularly in institutional building or training programmes
- Fluency in written and spoken English language
- Computer literacy
- Previous experience in project management
- Proven contractual relation to public administration or mandated body, as defined under twinning manual 5.3.2.

#### 2. Assets:

- Experience with EU twinning projects on judicial reform issues
- 2 years managing position
- Experience in organizing and providing training
- 

#### Tasks of the RTA:

- Responsible for the overall coordination and monitoring of project activities
- Responsible for coordination of short term experts
- Responsible for monitoring project implementation and proposing corrective measures
- Responsible for organization of PIU and Steering Committee meetings
- Network with Croatian institutions

Overall coordination and monitoring of all project activities with the support of the short term experts listed under point 3.4. Activities.

### **Profile of the short term experts:**

#### 1. Requirements:

- University degree in law, public/business administration
- 5 years professional experience in their respective field
- Good written and oral command of English
- Experience in organizing and providing training
- Proven contractual relation to public administration or mandated body, as defined under twinning manual 5.3.2.

#### 2. Assets:

- Experience with the projects of pre-accession programmes

Tasks:

- Together with the RTA perform activities listed under bullet 3.4. Activities

**Contract No. 2: Supply contract**

10.1. Purchase and install needed recording equipment for court hearings on two hundred (200) court rooms

10.2. Train the relevant staff on appliance of recording equipment/handlers of recording equipment (max 5 persons, max 5 days)-

10.3. Train recording equipment maintenance staff