

IPA 2011 CROATIA PROJECT FICHE

1. Basic information

1.1. CRIS Number: IPA/2011/ 022-954/1

1.2. Title: Support to the rationalization of court network

1.3. ELARG Statistical code: 01.23

1.4. Location: Croatia

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:

Mrs. Marija Tufekčić, Director
The Central Finance and Contracting Agency
Ulica grada Vukovara 284/2
10000 Zagreb, Croatia
Telephone: +385 (0)1 4591 245
Fax: + 385 (0)1 4591 075
E-mail: marija.tufekcic@safu.hr

1.6. Beneficiary (including details of SPO):

Beneficiary is Ministry of Justice

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.

The Senior Programme Officer SPO for the project is:

Mr. Kristian Turkalj, Director
Ministry of Justice
Dežmanov prolaz 10

10 000 Zagreb, Croatia
Telephone: +385 (0)1 3710 671
Fax: +385 (0)1 3710 672
E-mail: kristian.turkalj@pravosudje.hr

The persons responsible for the individual components of this project are:

Mr. Ninoslav Ljubojević, President of County court in Osijek
Europska avenija 7
HR -31 000 Osijek
Telephone: +385 031 228 460
E-mail: ured.predsjednika@zos.pravosudje.hr

Mr. Ivan Veršić, President of County court in Sisak
Trg Ljudevita Posavskog 5
HR – 44 000 Sisak
Telephone: + 385 044 811 741
E-mail: ured.predsjednika@zssk.pravosudje.hr

Mr. Zdravko Mamić, President of the Municipal court in Valpovo
Kralja Petra Krešimira IV
HR -31 550 Valpovo
Telephone: + 385 031 656 100
E-mail: općinski.sud.u.valpovu@os.htnet.hr

Mr. Ivan Marković, President of the Municipal court in Benkovac
Stjepana Radića 10
HR – 23420 Benkovac
Telephone: + 385 023 681 101
E-mail: općinski.sud.benkovac@zd.t-com.hr

Mrs. Lidija Bošnjaković, President of the Municipal court in Ivanić Grad
Športska 2
HR -10310 Ivanić Grad
Telephone: + 385 1 2831 444
E-mail: općinski.sud.u.ivanic.gradu@zg.t-com.hr

Financing:

1.7. Overall cost (VAT excluded)¹: EUR 11 031 000

1.8. EU contribution: EUR 9 376 350

¹ 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)

1.9. Final date for contracting: 3 years following the date of conclusion of the Financing Agreement

1.10. Final date for execution of contracts: 3 years following the end date for contracting

1.11. Final date for disbursements: 4 years following the end date for contracting

2. Overall Objective and Project Purpose

2.1. Overall Objective:

To support implementation of court rationalization reform and upgrading judicial infrastructure.

2.2. Project purpose:

To improve the efficiency of the Court System by improvement of working conditions and consolidation of the court network (rehabilitation and renovation of five courthouses in Osijek, Sisak, Valpovo, Benkovac and Ivanić Grad, housing two county, 5 municipal courts) and 2 Municipal State Attorneys' Offices and 1 Misdemeanor court.

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.

Croatia 2010 Progress Report

Judicial efficiency has improved with the backlog of cases before the courts further reduced by 10%, including good progress on reducing the number of cases older than three years. The legal basis for new system of administrative justice was introduced. However, the backlog of cases has been reduced unevenly across various courts and overall remains high. Problems with enforcement of courts rulings continue to hamper the efficient working of the judicial system. The handling of administrative cases continues to pose particular challenges. The infrastructure and equipment of courts, including case management systems, remains underdeveloped.

Interim report of the Commission to the Council and the European parliament on the reforms in Croatia in the field of Judiciary and Fundamental rights (Chapter 23), March 2011

This report reviews the steps taken by Croatia to meet the benchmarks in the field of judiciary and fundamental rights. Regarding the issue of efficiency the report states the following: “.... Croatia has made some progress with the physical infrastructure and computerization of courts, having introduced the ICMS in a majority of courts. Croatia has continued to implement the rationalization of municipal and misdemeanour courts, ensuring efficient operation of the merged courts adopting a plan for rationalization of county and commercial courts.....”

2.4. Link with MIPD:

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.

The Multi-Annual Indicative Planning Document (MIPD) **2011-2013** adopted in June 2011 is based on the needs identified in the Accession Partnership of Croatia as well as in the latest progress report (adopted on 9 November 2010 as part of the Enlargement Package) and in Croatia's own strategies.

To achieve the priorities selected for support in the programming period 2011-2013, the Commission defined the focus on one of its primarily assistance to the

Justice and Home Affairs: “Assistance will be provided to, *inter alia*, further support the independence and efficiency of the judiciary, thus contributing to the implementation of the Judicial Reform Strategy and Action Plan;...”

2.5. Link with National Development Plan (where applicable):

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:

“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 fourth quarter of 2010 the Parliament has adopted 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.”

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

Judicial Reform began in 2005 with the adoption of the **Strategy of the Reform of the Judicial System and its Action Plan**. On 25 June 2008 the Government adopted the revised Action Plan of the Judicial Reform Strategy which sought to accelerate the implementation of the reform process. In May 2010, the Judicial Reform Action Plan was revised again, as approximately 90% of measures from the previous plan were achieved, and the remaining measures were specified, changed and amended. Specific deadlines, as well as the bodies responsible for implementation, were specified in order to track the implementation more precisely, with the priority being the finishing of the negotiation process for the accession to

the EU. **The new Strategy of the Reform of the Judiciary 2011-2015 (December 2010)** identifies the following major topics:

- Further strengthening of independence, impartiality and professionalism of judiciary according of highest EU standards
- Efficiency of judiciary – reducing the backlog
- Croatian judiciary in the context of the European judiciary, court rationalisation, IT upgrade
- Access to judiciary – equal rights for all citizens regardless of their material/health status or education
- Development of modern criminal justice framework and the system of enforcement of criminal sentences

INVESTMENT PLAN FOR JUDICIAL INFRASTRUCTURE FOR PERIOD FROM 2011 – 2019

With the aim to increase the quality of work of judicial officials, the Ministry of Justice decided to develop a plan for short-term and long-term investments into the judicial network infrastructure in the Republic of Croatia, covering the period from 2011 to 2019. On the basis of the analysis of the current state and by combining the defined criteria, and taking into consideration the state of infrastructure of every individual court as well as implementation dynamics of rationalization of the courts network, a list of priorities and investment plan have been drawn up. Infrastructure investment plan has been divided into thematic units according to the priorities of investment for the following periods:

- SHORT-TERM PRIORITIES – for period from 2011 to 2013
- MEDIUM-TERM PRIORITIES – for period from 2014 to 2016
- LONG-TERM PRIORITIES – for period from 2017 to 2019

3. Description of project

3.1. Background and justification:

The efforts related to the Reform of the judiciary that have been undertaken so far were aimed at strengthening of legislative and institutional framework and achieving within Croatian judiciary the highest European values of independence and efficiency whereupon the new **Strategy of the Reform of the Judiciary 2011-2015 (December 2010)** in its major part serves as the strategy of continuity and implementation of reformed legal and institutional framework. Investments related to infrastructure are certainly the most demanding financially wise, and as such, in time of recession, they are continually met with tangible obstructions and capacities at disposal to the Republic of Croatia. Clearly, it is essential to increase investments in the infrastructure of legislative bodies in the Republic of Croatia and to strictly define priorities so as to get the most from the investments the shortest period possible to achieve complete efficiency and professionalism of the Croatian judiciary.

The Ministry of Justice took certain steps aimed at ensuring foreign sources of financing infrastructure projects besides those from the state budget. These additional sources have been

ensured through the World Bank loan (see page 15 point 3.6. Linked activities) and if this project will be accepted, IPA funds will also be used.

During 2010 the AGIS Project was implemented. It is a multi-disciplinary analysis of the existing institutional arrangements for maintaining, operation, capital investment planning and prioritization, and financing of the overall physical infrastructure used by the court and prosecution systems. AGIS also represents the assessment of the Judiciary's capacity to coordinate and maintain existing infrastructure portfolio and handle new construction in the future, and suggests appropriate policy instruments/mechanisms for directing the desired changes consistent with the Judicial Reform Program. Implementation of the Project is finished in February 2011.

Furthermore, the state of infrastructure of certain objects that the Ministry of Justice invested into is satisfying and adequate working conditions have been ensured for a certain number of legislative institutions. In such cases, small scale adaptations will be undertaken, if needed.

Furthermore, it should be noted that the issue of infrastructure investments for the county court, municipal civil court, commercial court and misdemeanour court in Zagreb shall be solved through the “**Square of Justice**” project. This is an exceptionally extensive and costly project which shall be implemented in various phases. Just for the reference, development of necessary documentation together with the costs of obtaining permits has been estimated to **58 million kunas VAT excluded**. As a part of Justice Sector support project (Netherlands grant), certain technical studies needed for the obtaining of building permit for the Square of Justice will be undertaken. Also during the last WB supervisory mission in March 2011 it was agreed that additional investments in the preparation of necessary documentation for Square of Justice will also be funded from the savings of Justice Sector support project. It is important to mention that the value of the whole investment for the **Square of Justice is cca 140 million euros**.

One of the measures for achievement of efficiency of judiciary in the RoC and one of the most important reform activities is the process of rationalization of court network. The Republic of Croatia has reduced the network of municipal courts pursuant to the Act on the Jurisdiction and Seats of Courts (OG 85/2008)-entered into force on 1 January 2009; the network of misdemeanour courts pursuant to the Act on the Jurisdiction and Seats of Courts (OG 137/09)-entered into force on 1 January 2010, and the rationalization of the network of county and commercial courts pursuant to the Act on the Jurisdiction and Seats of Courts (OG 144/2010) – entered into force on 30 December 2010. The implemented rationalization of the courts network in the Republic of Croatia has reduced the network by 40%.

In parallel with the rationalisation of the network of courts, the network of state attorney's offices has also been rationalised. By the adoption of the Act on Jurisdictions and Seats of State Attorneys' Offices (OG 146/08) the network of municipal state attorney's offices was reduced from the previous 71 to 55. The Ordinance setting the time limits for ensuring working, spatial, technical and other conditions at the seats of state attorney offices established through merger also defines the rate of physical merger of municipal state attorney's offices (OG 04/09). The physical merger of state attorney's offices has started in 2009 and will end in 2018.

The performance of the merged courts has shown numerous positive effects of the rationalisation of courts. These positive effects include: better organisation of court activities, rationalisation and better organisation of the work of clerks and employees, more balanced

workload of judges and the possibility of their specialisation, higher flexibility in the work of courts, faster resolving of unresolved cases and financial savings.

Reconstruction and adaptation of court buildings will round up the abovementioned positive effects of court rationalization process and amplify its features. As already mentioned, some of the court buildings are in such bad shape that even basic working conditions (sufficient number of available court rooms, elevators, heating and cooling devices, adequate roofing, electrical installations, wood work) are not secured. It is self – evident that without these adaptations work on every-day basis and normal functioning of the courts is not possible.

After rationalization of the court network many Permanent Offices are left separated from its headquarters. In order for them to be physically merged, renovation and adaptation of court buildings have to be done. This will solve the problems which arise from the physical separation of the courts such as excessive travel on trials, receiving mail and overall working on cases. Working processes and communication among judicial staff will be improved and various costs arising from circulation of files between the court and the Permanent Office will be reduced. Performing all the court's tasks in one building will be possible.

Having all that said, it is more than obvious how the court buildings’ reconstruction and adaptation will improve working conditions of judges and supporting staff and thereby improve the overall court efficiency.

Physical rationalisation requires large financial resources needed for adaptation of existing court houses or investments in building the new houses. Having in mind the scope of needed funds, physical rationalization will need to be implemented gradually.

Table 1: Rationalization of the Courts’ Network

Courts	Before Rationalization	After Rationalization	Reduction percentage
Municipal Courts	108	67	38%
Misdemeanor Courts	114	63	45%
County Courts	21	15	29%
Commercial Courts	13	7	46%
Administrative Court	1	5*	
High Commercial Court	1	1	
High Misdemeanor Courts	1	1	
Supreme Court	1	1	
Total	260	160	38%

**4 administrative + 1 High Administrative Court*

Current state of physical merger

- **Municipal courts:** in 2009 and 2010, 12 permanent offices were physically merged with 10 courts (the seats of the courts)
- **Misdemeanor courts:** in 2010, 4 permanent offices were physically merged with 4 courts (the seats of the courts)
- **Municipal state attorneys:** in 2009, 2 permanent offices were physically merged with 2 courts (the seats of the courts)

Successful continuation of the rationalization of court network implicates envisagement of conditions for efficient functioning of merged courts as well as planning of long term logistical and financial means designated for finalization of rationalization process. This has been highlighted as one of the closing benchmarks in Chapter 23 of the Croatian negotiations with the EU. The efforts engaged in the overall reform process of the judiciary will be significantly support and maintain sustainable in future by investments and activities conducted by this project.

The buildings selected to be renovated within this project are chosen for the following reasons:

- State of infrastructure
- Level of adjudication and jurisdiction
- Process of rationalization (except for Osijek)
- they are used by multiple judicial bodies
- most of them except Ivanić grad are located in war affected regions
- court in Osijek and Sisak are dealing with war crime cases and are centers for witness and victim support and protection
- Regional Centre of Judicial Academy is located in court building Osijek
- they have valid building permits except in case of Municipal Court in Ivanić Grad where according to the Law on Physical planning and construction (OG 76/07) it is not needed. Works that will be conducted on this location do not affect essential characteristics of the building so it is not necessary to obtain building permit.

This project will support the overall judicial reform process, including better efficiency because for the following reasons:

- reconstruction and adaptation will secure additional working spaces needed in order to physically merger courts in the process of rationalization
- in certain locations new courtrooms will be built which will allow grater number of main hearings to be conducted
- in certain locations new chambers for judges will be built allowing them to work in more adequate conditions having in mind that certain locations chosen for this project do not have adequate basic working conditions.
- physical merger of courts in one location will have positive effects on court management and management of files having in mind that central court registry office could be established. It will also cut financial costs of building maintenance and costs related to transfer of files, communication and etc..

- in certain locations adjustments for the disabled people will be made allowing them easier access to the court building and moving inside
- on the other side, appropriate judicial infrastructure will also contribute to the raising of public perception and trust that judiciary is capable to resolve their disputes in professional and efficient manner.

Current state of affair in relevant locations

COUNTY COURT IN OSIJEK

Project of reconstruction of the court building in Osijek and creating better working conditions is extremely important, although the court hasn't been included into rationalization of judicial network process.

County court in Osijek, the fourth court according to size in Republic of Croatia, is placed in a building which was built in ancient 1898 when the Royal Judicial Table was settled inside it. In this building the County Court in Osijek is located on a total surface area of 5.609,75 m² and Municipal Court in Osijek on net useful surface area of 1.991,89 m², which hasn't been used for now.

The court building, since it was placed almost on the very first front line during the Croatian War of Independence, has suffered serious damage and destruction, but has been partially reconstructed so the court work could be conducted as normally as possible. Yet the consequences of these destructions are visible on every day basis through devastated facade and damaged roof construction, water leaks through the roof and further damages partially reconstructed interior. Electrical and plumbing installations, as well as drainage, are in stage of falling apart.

Besides conducting regular judicial issues, County court in Osijek does certain tasks and projects of high importance to whole judicial system. Accordingly, the successfully conducted UNDP project of providing help to witnesses and victims of criminal acts is settled in this Court, and it serves as a good example of providing help to witnesses and victims of criminal acts. We should stress out that due to delicacy of this matter the project is based on human involvement as well as certain accommodation capacities for both project bearers and clients. This specifically means providing accommodation capacities which must be separated from trial itself and adjusted to nature of this project considering that in this stadium the accommodation is being just partly provided.

At the County Court in Osijek there is Regional Centre of Judicial Academy which is used for training and constant education of judges, judicial advisors, judicial trainees, servants and state attorneys. The training is also provided for authorized servants of criminal police regarding implementation of the new Criminal Code and includes several counties: Osijek – Baranja County, Vukovar- Srijem County, Brod-Posavina County and Požega-Slavonija County. Along to existing accommodation capacities there is evident lack of space arranged especially for this purpose.

Great number of judges of County Court in Osijek through regular work and additional arrangements also conduct practical classes at Faculty of Law in Osijek in criminal and civil courses, and therefore additional accommodation capacities for students which attend this practice in County Court in Osijek is needed.

The Court building and the County Court are the East Slavonia centre for special organizational judicial procedure units, as well for special trials regarding war crimes cases (With the amendments to the Book of Rules for Courts (OG 34/11), specialised war crimes chambers are being established in the four courts in Croatia: Osijek, Rijeka, Split and Zagreb) and USKOK cases (cases dealing with corruption and organized crime). Working on these abovementioned cases requires separate spaces (rooms) - judicial chambers, courtrooms, session rooms, and rooms for technical equipment (equipment for audio and video recording, reproduction of recorded material etc.). Here we should especially stress out that the current situation regarding insurance of specially adapted rooms for participants in trials that have status of an endangered and protected witnesses are hardly satisfying. As mentioned before, during the War, County Court in Osijek suffered enormous material devastation and human casualties, which resulted in great number of war and civil invalids.

Access of these people to the building and moving inside it isn't yet possible because the Court hasn't got an appropriate ramp, elevator nor courtroom adjusted to their special needs. At the end, the fact to be pointed out is that County Court encompasses Municipal Courts in Beli Manastir, Valpovo, Đakovo, Našice and Osijek so by creating better working conditions and increasing capacities of the building itself, the improvement will be made for the entire area as well as enhancement of Court's efficiency. Likewise, the County Court in Osijek is mentioned as a possible location of a future Administrative Court in Osijek. Subsequently, having in mind the size of reconstructions required, adaptation and building extension, as well as funds required for constructions, we think that financing of these constructions through EU funds of IPA program, would be the only possible solution for the moment to enable the Court for quality functioning.

The whole project documentation has been prepared and all necessary permits have been obtained. During 2011 the Ministry of Justice will finance the start of the loft reconstruction (value 1.2 MEUR).

COUNTY COURT IN SISAK

Courthouse of County court in Sisak is also being used by Municipal Court in Sisak and Municipal Court in Petrinja which has been merged to the Sisak Municipal court.

Although a courthouse is under the protection as a cultural heritage it is in very bad condition and needs to be fully renovated. Last investments of the renovation of the ground floor and first floor were mostly from year 1981.

There is no central heating and construction of electrical installation needs to be finished since at a moment represents a threat to the life of employees. Wood work is also in terrible shape – deterioration of windows is in such a stage that last year the glass fell from the window on a car parked in the parking lot in front of the courthouse.

County court in Sisak also deals with war crime cases and hosts a special department for the witness and victim support and protection which will also benefit for reconstruction and adaptation works.

MUNICIPAL COURT IN VALPOVO

The Municipal Court in Valpovo is a very important institution for the legal functioning of the Valpovo and Miholjac County. The competence of the court extends over three cities – Donji

Miholjac, Belišće, Valpovo and six other districts, which makes this court a suitable candidate for the adaptation of the existing court building. The Municipal Court in Valpovo has a long tradition. It was founded in 1850 by the name Valpovo District Court while the present one storey building was built in 1978 for the court's needs only. The owner of the court's building is the Republic of Croatia – Ministry of justice.

The court building is situated within the protected and registered historical complex of the city of Valpovo and is enlisted in the Croatian Cultural Heritage Register.

The Municipal Court in Valpovo is very well organized and staffed and is continuously showing good results in its work, which can be corroborated by the official court's statistics, the annual supervision carried out by the County Court in Osijek and the recent supervision of court administration carried out by the judicial inspection. Both land registers are working well and promptly without almost any unresolved subjects which highly contributes in citizens' positive opinion about the court and has a positive impact on the social environment and citizens' confidence in the functioning of the judicial bodies.

MUNICIPAL COURT IN BENKOVAC

This project is justified because present location is not sufficient for all court employees and judges of the Permanent Service in Obrovac which has been merged to MC Benkovac on 1/1/2009. The building of the Municipal court in Benkovac is also being used by Municipal State Attorney's Office and Misdemeanour court in Benkovac.

The Municipal Court building in Benkovac was built at the end of the 1960s. The building accommodates the Municipal Court, the Misdemeanour Court and the Municipal State Attorney's Office. The building consists of a basement, ground floor and first floor.

During the war the building had been poorly maintained with only repair works carried out during the years. Since the court in Obrovac is to be joined to the court in Benkovac, the area of the existing building is not large enough to accommodate all the judges and officials.

MUNICIPAL COURT IN IVANIĆ GRAD

On 1 January 2009 Municipal Court in Čazma has been merged to Municipal Court in Ivanić Grad. The Court is currently working on two locations: in Ivanić Grad and in Čazma. Physical merging of these courts will become possible when, out of the building in Ivanić Grad on the address: Športska 2, the Municipal State Attorneys Office and State Geodetic Office- Cadastral Office, Municipal Office in Ivanić Grad is moved out, and moved in another building on the address: Maznica bb. The Municipal Court in Ivanić Grad is not the part of cultural heritage (it was built in 1956.) Works conducted by this project will allow physical merger with court in Čazma.

First part of the building adaptation at the address Športska 2 has been undertaken in 2009 and it consisted of: reconstruction of the frontage of the building, complete renovation of the outer woodwork and new central heating system.

PLANNED ACTIVITIES (Detail description of planned activities by each location can be found in supporting document to this project fiche (translation of technical descriptions of building permits) :

COUNTY COURT IN OSIJEK

By this project adequate working conditions for judges in County and Municipal court in Osijek will be ensured. County court currently has 88 employees and Municipal court Osijek has 154 employees. County court Osijek has under its jurisdiction following Municipal courts: MC Beli Manastir, MC Đakovo, MC Našice, MC Valpovo and MC Osijek. By the complete reconstruction of this building additional 42 offices will be secured. This building is the most probably future location of the new Administrative court Osijek.

By this project complete reconstruction, new installations and renovation of façade should be preformed. Supervision of the work contract should be financed by the project.

COUNTY COURT IN SISAK

The subject of this request is the modification of the entrance (installation of a vertical lift platform on the northern facade of the building) and a courtroom on the ground floor modified to the needs of disabled persons. Construction works also include the extension of the lift chamber in order to adapt the building for disabled persons and toilet cubicles for disabled persons. The toilet amenities for disabled persons are carried out within the footprint dimensions of the building.

Modifications to the existing toilet amenities will be carried out including additional toilet cubicles within the existing building footprint dimensions. This is necessary as the existing toilet areas are in an exceptionally poor state and are inadequate in terms of area size. Furthermore, they also require complete renovation.

These works also include plans for repairs to worn out sections of the roof. The layout of rooms within the building is to be altered mainly on account of extending the existing toilet cubicles; while a number of dividing walls will be demolished. Supervision of the work contract should be financed by the project.

MUNICIPAL COURT IN VALPOVO

The biggest problem in court's functioning is the physical separation from its Permanent service in Donji Miholjac since the Municipal court in Donji Miholjac has been merged with the Municipal court in Valpovo from the 1st January 2009. The employees of the Donji Miholjac Permanent service are working in an old building in very poor conditions, and the physical merger will not be possible until additional storey is built on the Valpovo court building. The ground floor of the court's building is also used by the Municipal State Attorney's Office.

In order to ensure that the judicial bodies have adequate working conditions, an additional storey (a second floor) will be added to the existing building, while the existing areas will be adapted to new uses.

MUNICIPAL COURT IN BENKOVAC

For this purpose and in order to create appropriate working conditions, it is necessary to make extensions to the current building and redefine the use of existing premises by carrying out adaptation and reconstruction works.

There are plans for the complete and thorough adaptation of the building along with an addition of a complete storey. According to the existing layout plans which are a constituent part of the design programme, a new layout of the premises has been carried out. Adaptation of the existing area provides a new more-functional layout.

It is anticipated that the building will accommodate 60 employees.

MUNICIPAL COURT IN IVANIĆ GRAD

In this moment the Municipal Court is using the ground floor and first floor, with the exception of two rooms which are being used by the Municipal State Attorney Office.

The architectural building project works under this project should consist of repairing and renovation of external and internal parts of the building with special emphasis on meeting the needs of disabled persons to the court services.

The works planned to be conducted are the following:

1. Repairs to all facades with the incorporation of thermal protection
2. Complete replacement of external windows and doors
3. Partial replacement of internal windows and doors
4. Repairs to ceilings
5. Repairs to all walls
6. Renewal of floors in all rooms, toilets and the kitchen
7. Adaption of a court room on the upper floor to meet the needs of disabled persons
8. Incorporation of a platform for disabled persons on stairways connecting the ground floor and first floor
9. External landscaping

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

Project impact

Upon completion of this project the following result has to be achieved:

Priority 10 judicial bodies in five locations fully consolidated and operating with increased space and improved working conditions. This will contribute to the higher working standards and thereby improved efficiency.

Catalytic effect

Through ensuring adequate physical infrastructure positive trends in reducing backlog and improvement in case disposal ratios in project financed courts should be visible.

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:

The project is divided in two main components:

Result 1: Courthouses in Osijek, Sisak, Valpovo, Benkovac and Ivanić Grad rehabilitated and renovated

Measurable indicators:

- Courthouse in Osijek reconstructed and adapted
- Courthouse in Sisak reconstructed and adapted
- Courthouse in Valpovo reconstructed and adapted
- Courthouse in Benkovac reconstructed and adapted
- Courthouse in Ivanić Grad reconstructed and adapted

Result 2: Supervision of works carried out

Measurable indicators:

- Supervision of the works on reconstruction and adaptation of courthouses performed
- Report of the supervision of works contracts prepared and submitted

The bill of quantities for each location has been prepared as a part of supporting documents needed for the obtaining of building permits. The calculation of costs has been done according to the rules and principles of Croatian chamber of architects and engineers and best practises of the MoJ in the similar projects (same principle has been applied and approved by the World Bank in the scope of JSSP investment components).

3.4. Activities:

1.1. Reconstruction and adaptation of courthouse in Osijek

1.2. Reconstruction and adaptation of courthouse in Sisak

1.3. Reconstruction and adaptation of courthouse in Valpovo

1.4. Reconstruction and adaptation of courthouse in Benkovac

1.5. Reconstruction and adaptation of courthouse in Ivanić Grad

2.1. Performing supervision of the works on reconstruction and adaptation of courthouses

2.2. Preparing the report of the supervision of works and its submission to the MoJ

3.5. Conditionality and sequencing:

All needed documentation and building permits have been obtained. Following table presents important milestones per location:

Location	Building permit	Duration of works
-----------------	------------------------	--------------------------

Osijek	obtained	18 months
Sisak	obtained	15 months
Valpovo	obtained	12 months
Benkovac	obtained	12 months
Ivanić Grad	According to the Law on Physical planning and construction (OG 76/07) it is not needed. Works that will be conducted on this location do not affect essential characteristics of the building so it is not necessary to obtain building permit	4 months

Supervision contract should be contracted approximately 30 days before works contracts are contracted.

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.

World Bank - Justice Sector Support Project (JSSP) started in July 2010. This EUR 27.9 million-project is financed from: (i) the proceeds of a EUR 26.0 million Specific Investment Loan (SIL) on standard IBRD terms and (ii) government budgetary resources amounting to EUR 1.9 million. The value of the work component under the project is EUR 18 million. The JSSP will finance the following components:

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;² (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

² 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.

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. *Improving the Efficiency of the State Attorney's Office (SAO).* Sub-components comprise: (i) consolidation of the SAO network (SAO Zagreb headquarters complex and the Office for the Prevention of Corruption and Organized Crime or USKOK) and rehabilitation of an existing building for the Pula SAO; (ii) institutional capacity strengthening for the SAO; and (iii) case management and IT systems including automating SAO case management and case tracking. The selection process and criteria for finalizing the civil works locations were similar to that for Component A.

C. *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 activities³ 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.

D. *Support for Project Management and Implementation.* Sub-components comprise: (i) project monitoring and evaluation (M&E), change management and outreach; (ii) operating costs (including logistical, administrative and other expert technical support); (iii) user surveys; and the Preparation Advance.

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 all of the legal prerequisites needed for rationalization of judicial network are in place for the enrolment of this reform but it still has not been realized in practice. The Ministry of Justice expects that this project will enable physical merger on courts financed from this project to become operational by performing necessary activities such as reconstruction, renovation and adaptation of court houses.

³ 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.

4. Indicative Budget (amounts in €)

Strengthening the efficiency of judiciary in the Republic of Croatia			SOURCES OF FUNDING										
			TOTAL EXP.RE	TOTAL PUBLIC EXP.R E	IPA COMMUNITY CONTRIBUTION		NATIONAL PUBLIC CONTRIBUTION					PRIVATE CONTRIBUTION	
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)	Regiona l/ Local EUR (y)	IFIs EUR (z)	EUR (e)	% (3)	
Component 1 Works Lot 1-5													
Reconstruct ion of Court building in Osijek		X	4 800 000	4 800 000	4 080 000	85	720 000	15					
Reconstruct ion of Court building in Sisak		X	3 450 000	3 450 000	2 932 500	85	517 500	15					
Reconstruct ion of Court building in Valpovo		X	822 000	822 000	698 700	85	123 300	15					
Reconstruct ion of Court building in Benkovac		X	685 000	685 000	582 250	85	102 750	15					
Reconstruct ion of Court building in Ivanić Grad		X	274 000	274 000	232 900	85	41 100	15					
Component 2 Supervision of works Lot 1-5		X	1 000 000	1 000 000	850 000	85	150 000	15					

TOTAL INV	11 031 000	11 031 000	9 376 350	85	1 654 650	15					
TOTAL PROJECT	11 031 000	11 031 000	9 376 350	85	1 654 650	15					

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
Works	2Q 2012	1Q 2013	2Q 2015
Supervisions of works	1Q 2012	3Q 2013	1Q 2015

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

6. Cross cutting issues (where applicable)

6.1. Equal Opportunity

Not applicable.

6.2. Environment

All construction work will respect environmental standards of the European Union.

6.3. Minorities

Not applicable

SUPPORT TO THE RATIONALIZATION OF COURT NETWORK		Programme name and number IPA 2011	Cris number:
		Contracting period expires: 3 years following the date of conclusion of the FA	Disbursement period expires: 4 years following the end date for contracting
		Total budget : 11 031 000 EUR	IPA budget: 9 376 350 EUR Co-financing: 1 654 650 EUR
Overall objective	Objectively verifiable indicators	Sources of Verification	
To improve efficiency and professionalism in the judiciary	Process of rationalization improved Adequate judicial infrastructure secured	Ministry of Justice reports and statistics Court statistics Progress reports	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
To improve the efficiency of the Court System by consolidation of the court network (rehabilitation and renovation of five courthouses in Osijek, Sisak, Valpovo, Benkovac and Ivanić Grad, housing two county 5 municipal courts), 2 Municipal State Attorneys' Office and 1 Misdemeanor Court	<ul style="list-style-type: none"> • Additional working spaces secured • New courtrooms built – number of available courtrooms increased • Costs arising from circulation of files between the court and the Permanent Office reduced • Communication between judicial staff at all levels improved • Courtrooms modified to the needs of disabled persons • Access to courts for all citizens and social groups provided • Public perception of judiciary enhanced 	MoJ documentation MoJ statistical reports Project reports	Successful continuation of the reform in the judiciary
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
Result 1: Courthouses in Osijek, Sisak, Valpovo, Benkovac and Ivanić Grad rehabilitated and renovated Measurable indicators:	<ul style="list-style-type: none"> • Courthouse in Osijek reconstructed and adapted • Courthouse in Sisak reconstructed and adapted 	Moj documentation Project reports	Construction works done on time Sufficient funds under the National

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

Contracted	2013				2014				2015			
	I	II	III	IV	I	II	III	IV	I	II	III	IV
Works			10 031 000									
Supervisions of works			1 000 000									
Cumulated			11 031 000									
Disbursed	2013				2014				2015			
	I	II	III	IV	I	II	III	IV	I	II	III	IV
Works			3 063 810	1 559 160	1 559 160	1 515 320	1 192 000	640 000	501 550			
Supervisions of works			350 000		200 000			350 000	100 000			
Cumulated			3 413 810	4 972 970	6 732 130	8 247 450	9 439 450	10 429 450	11 031 000			

ANNEX III: Description of Institutional Framework

The Croatian constitution provides that judicial powers are exercised by an autonomous and independent Courts system. In practice, judicial power is held by the Courts. The Supreme Court (the highest Court) ensures a uniform application of justice and equality for everyone covered by it. The jurisdiction and structure of the Courts are contained in relevant Acts.

State Attorneys' Offices

According to the Constitution, the Office of the State Attorneys' is an autonomous and independent judicial body empowered and obliged to proceed against those who commit criminal and other punishable offences, to undertake legal measures for protection of the property of the Republic of Croatia and to provide legal remedies for protection of the Constitution and law. The Ministry of Justice conducts the tasks of judicial administration for the State Attorneys. The system of state attorney offices in Croatia consists of the State Attorney's Office of the Republic of Croatia (SAO), the Office for the Suppression of Corruption and Organised Crime (USKOK), which acts as a separate state attorney office, county state attorney offices (21) and municipal state attorney offices (55).

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

- The Act on the Jurisdictions and Seats of Courts (OG 85/08)
- Ordinance setting the time limits for ensuring working, spatial, technical and other conditions at the seats of courts established through merger (OG 112/08).
- Act on the Jurisdiction and Seats of Misdemeanour Courts (OG 137/09)
- Act on Jurisdictions and Seats of State Attorneys' Offices (OG 146/08)
- Law on Physical planning and construction (OG 76/07)
- 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 (NPAAEU) – 2009, under I. Political criteria, 1.2. Democracy and the rule of law, 1.2.1. Judicial Reform, Key priorities
- Stabilization and Association Agreement Article 75 REINFORCEMENT OF INSTITUTIONS AND RULE OF LAW
- Croatia 2010 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:

Reconstruction and supervision of works of 5 courthouse buildings in total value of 11 031 000 EUR. The project should consist of two contracts:

- works component contracted either as one or more contracts in total value of 10 031 000 EUR
- 1 supervision of works contract for all 5 locations in value of 1 000 000 EUR

Annex VI: Current state of number of cases and employees:

	2 0 0 8			2 0 0 9			2 0 1 0 / 9. months			Judges	Other administrative staff
	Cas e inflow	Resolv ed	Pendi ng	Cas e inflow	Resolv ed	Pendi ng	Cas e inflow	Resolv ed	Pendi ng		
County Court Osijek	7236	6938	2177	7278	7092	2426	5384	5172	2638	31	58
Municipal court Osijek	32495	32794	5509	25971	26646	4834	18294	18063	5065	33	114
County SISA K	4522	4823	2215	4640	4863	1992	3590	3787	1793	16	41
Municipal court SISA K	14456	14309	7029	27924	21030	7998	13830	14313	9209	17	88
Municipal court BENKOVAC	3354	3561	1852	5538	4923	2967	4160	4214	2909	4	31
Municipal court VALPOVO	6665	6476	835	8224	8194	1044	6636	6500	1174	6	36
Municipal court IVANIĆ GRAD	6263	6020	1350	8714	8863	2675	5878	5957	2418	8	33
Misdemeanor court BENKOVAC	1047	1392	1029	1032	1044	1017	4			1	4

⁴ Annual statistic of Misdemeanor courts for 2010 is currently being processed

