



The European Union PHARE 2005 Programme for Croatia

**„SUPPORT TO THE JUDICIAL ACADEMY OF CROATIA:
DEVELOPING A TRAINING SYSTEM FOR FUTURE JUDGES AND
PROSECUTORS; REPUBLIC OF CROATIA“**

Progress report 3

Period 1.2.2009 – 31.7.2009

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This project is implemented by Deutsche Stiftung für internationale rechtliche Zusammenarbeit e.V. (IRZ) in consortium with Human Dynamics. The views in this report do not necessarily reflect the views of the European Commission.



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Glossary

CFCA	Central Finance and Contracting Agency
EJTN	European Judicial Training Network
ERA	Europäische Rechtsakademie (= Academy of European Law, Trier, Germany)
EC	European Commission
EN	English language
EU	European Union
HR	Croatian language
IRZ	German Foundation for International Legal Co-operation
ISTE	International Short Term Expert
JA	Judicial Academy
MoJ	Ministry of Justice
PIU	Project Implementation Unit
PSC	Project Steering Committee
SAA	Stabilisation and Association Agreement
SCM	Steering Committee Meeting
TL	Team leader
ToR	Terms of Reference



Executive summary (covers section 1 – 5 below)

In this reporting period the project gave additional support to the legislation changing the law on judicial trainees and bar exam within component 1, finalized component 2 with the delivery of the strategy paper and went beyond the ToR by delivering comments to the relevant laws and suggested a law proposal for a School for judicial officials, implemented most parts of the pilot training within component 3 together with the trained Croatian trainers and implemented the first study visit to the regional training centre Kitzbuehel within component 4.

Man days are used as originally foreseen. The incidental budget is used accordingly and will be sufficient, but is expected to be spent completely.

Reporting schedule

The reporting schedule has been changed in order to obtain a report every six months which is accompanied by a corresponding invoice. This is the reporting schedule:

Period	Start Date	End Date	Type of Report	Delivery Date
Inception	1 February 2008	31 March 2008	Inception Report	delivered
P1	1 February 2008	31 July 2008	First Progress Report	delivered
P2	1 Aug. 2008	31 Jan. 2009	Second Progress Report	delivered
P3	1 Feb. 2009	31 July 2009	Third Progress Report	This report
Final	1 Aug. 2009	30 Nov. 2009	Final Report	31 Oct. 2009



Project Synopsis

Project Title	: Support to the Judicial Academy of Croatia: Developing a training system for future judges and prosecutors: Republic of Croatia
Project Number	: Europeaid/123227/D/SER/HR
Country	: Croatia
Overall objective	: Strengthening the effectiveness and proficiency of the Croatian judiciary.
Purpose	: To develop a training system and selection of future judges and prosecutors.
Specific objectives	: <ul style="list-style-type: none">• Amendments to the Law on apprenticeships of trainees and the content of the Bar Exam, as well as the laws regulating the selection and appointment of judges• Strategy of improvement for the selection criteria and recruitment procedure of future judges and prosecutors• New designed Strategy for the training of future judges and prosecutors and the relevant training curricula/modules• Access to legal information for trainees and court advisers should/needs to be improved, as well as the training networks should/need to be strengthened.
Expected results	: <ul style="list-style-type: none">• Amendments to the Law on apprenticeships of trainees and the content of the Bar Exam, as well as the laws regulating the selection and appointment of judges• Strategy of improvement for the selection criteria and recruitment procedure of future judges and prosecutors• New designed Strategy for the training of future judges and prosecutors and the relevant training curricula/modules• Access to legal information for trainees and court advisers should be improved, as well as the training networks should be strengthened.
Duration	: 1 st February 2008 – 30 th November 2009
Team leader	: Dr. Rainer Deville



The results to accomplish are:

- Amendments to the Law on trainees and the content of the Bar exam
- Laws regulating the selection and appointment of judges and prosecutors
- Development of strategies for the selection criteria and recruitment procedures
- Newly designed strategy for the initial training of future judges and prosecutors and development of relevant training curricula
- Improvement of access to legal information for trainees, court advisors as well as strengthening of training networks

The project has accomplished these results in this reporting period:

- Component 1 is delivered. The project consulted the first **amendment to the new law on judicial trainees and bar exam**. These amendments have been passed by Parliament already. The regulations are not signed until today. The reason for not signing the regulations is due to the fact that the Law on judicial trainees has been amended and the regulations should be in line with recent changes and should be changed accordingly.
- In total **95 mentors** have been trained (26 in this reporting period).
- Component 2 is delivered. The project elaborated in addition to the original ToR not only a **strategy paper** (covering subjects like recruitment selection criteria, career criteria, probation period), but as well **comments on the corresponding law drafts amending the Law on Courts and the Law on State Judicial Council** and a draft of a possible law establishing a **School for judicial officials**. Similar comments to those made by the project have been discussed in Parliament. The project is currently consulting if and how a School for judicial officials can be set up.
- Component 3 is nearly completed. The pilot training has been delivered according to the project's curricula for 18 participants in the civil law module, for 17 participants in the criminal law module, for these groups in the commercial law, family law, labour law and for additional 16 participants in the EU law module. In total **51 trainees have been trained in 7 modules with 56 units**.
- Component 4 is partly delivered. Contacts to the legal community and international contacts are well established. **Study visit 1** to the regional training centre Kitzbuehel has been carried out in February 2009. The study visit 2 will take members of the advisory board to Trier in the end of September and has already been prepared during this reporting period.

Major problems are:

There are no major problems in regard to the implementation of the project. The handling of the VAT occurred as a general administrative problem.



1. Implementation framework

Croatia has already made a significant progress in the negotiation process. In the enlargement package adopted on 5th November 2008, the Commission proposed an indicative road map for reaching the final stage of accession negotiations with Croatia. The Commission states that it should be possible to reach this final stage by the end of 2009, provided Croatia fulfils all the necessary conditions. The Commission also recommends that the Council set up an ad hoc technical working party for the drafting of the Accession Treaty which could work in parallel with the negotiations and start its work in the first half of 2009. For the roadmap to remain realistic, Croatia needs to seriously step up its efforts to address the many remaining challenges.

In total 22 chapters have been opened (7 of which have already been closed). With regard to opening benchmarks, the Council confirmed the Commission's assessment that opening benchmarks have been met for chapter 24 (Justice, freedom, security). Regarding chapter 23 (Judiciary and Fundamental Rights), following the receipt of final clarifications and commitments in a letter of 5th November 2008, Croatia has now met the outstanding elements of the opening benchmarks. The Commission is preparing a positive benchmark assessment report. Despite substantial efforts to facilitate a solution to the country's border dispute with Slovenia, Croatia's accession talks remain currently blocked and no new chapters can be formally opened or closed.

1.1 Institutional set-up and overall project organisation

On 15th July 2009 the TL agreed to give up the expert room (505) in order to provide office space for the additional staff which could have been employed by the JA.

1.2 Staff and qualifications

The previous counterpart Mrs. Bumči has not been freed from her 100 % work load in court, where she took over serious, but time consuming responsibility for criminal cases in the field of organized crime and corruption. The Minister of Justice nominated a team to support the project. It includes:

1. Ivana Goranić, Director of the Judicial Academy, Project Leader
2. Vesna Kresek, Judge in the JA
3. Koraljka Bumči, Judge, acting as advisor to the project
4. Ines Babinja, JA
5. Dubravka Turkalj Dragosavac, State Prosecutor in the JA
6. Marija Fuchs, JA
7. Nataša Mirić, member in the PIU in the MoJ.



1.3 Monitoring and coordination agreements

PIU meetings took place on 27th February 2009, 25th March 2009, 6th May, 16th June and on 21st July 2009. The third SCM took place on 27th February 2009. The next SCM is planned on 16th September 2009.

An additional coordination meeting took place in the Ministry of Justice, State Secretary's Office, on 30th March 2009. Participants have been:

1. Mrs. Marina Dujmović Vuković, State Secretary/SPO, MoJ
2. Mrs. Ivana Goranić, Director of JA, MoJ
3. Mrs. Britta Schwarz, Project Leader IRZ (telephone conference)
4. Dr. Rainer Deville, TL
5. Mrs. Lana Letilović, Head of Core PIU, MoJ
6. Ms. Nataša Mirić, Project Manager, MoJ

The participants concluded:

- Component 1: Within the component 1, activity 7, these additional activities have been agreed:
The project is invited to participate in the elaboration of the entry exam for trainees. MoJ will inform the team leader of the head of the working group in two weeks time. The MoJ intends to test the entry exam with participants acting on a voluntary basis.
The project team is requested to work on the new bar exam. As potential expert to monitor the implementation of the new bar exam Mr. Roberto Bučić was proposed by the project team who is a fluent Croatian speaker and does not need translation.
In addition the project team is ready to assist with support to the structured interview in the bar exam by involving an expert in the field of psychology.
Additional materials designed for the bar exam by the project team will be submitted upon request to the MoJ for comments.
- Component 2: In component 2 the project has to deliver to the MoJ a strategy paper on the general strategy for the selection and recruitment of advisors and future judges and prosecutors. These additional activities have been agreed:
The MoJ will inform the team leader about the designated head of the technical working group for the law drafting within the next 2 weeks. The project is invited to assist in the law drafting process.
- Component 4: In component 4 it has been agreed that the project does not need to consult access to legal databases from "Narodne Novine" or other companies in the market.



The project is invited to continue with the placement of consolidated laws on the website of the judicial academy.

2. Project performance and impact

This report concerns the activities between 1st February 2009 and 31st July 2009.

2.1 Activities planned and implemented

2.1.1 General Activities

In this reporting period the project gave additional support to the legislation within component 1, finalized component 2, implemented most parts of the pilot training within component 3 and the first study visit within component 4.

2.1.2 Component 1: New Law on Trainees and Bar Exam; Design of a dual system of initial training in the law;

The overall objective of component 1 has been to give recommendations to change or develop existing Croatian laws/by-laws regulating the preconditions to become a Croatian trainee (the judges and prosecutors are now dealt with in component 2).

The specific objectives are:

- Assessment of structure and duration of Court traineeship
- Drafting a Law on Trainees
- Establishing the Bar Exam in this draft to become a precondition for applying to become judge or prosecutor
- Establishing general requirements for the Bar exam

Activities 1 - 6:

This activities have been completed in the first two reporting periods of the project.

Additional activity 7: Proposal of needed regulations to the new law on trainees and bar exam; Assistance in implementation

As a part of the strategy paper within component 2 the project included a feedback about the first experiences with the implementation of the new law on judicial trainees and the bar exam which has been elaborated with the assistance of the project. The strategy paper offered options for possible



updates and amendments to the law. Some of these suggestions became part of the amendment procedure.

The proposals for three regulations have already been delivered during the second reporting period of this project to the MoJ. During this reporting period the MoJ merged three documents into two by introducing the questions of costs and fees into the two remaining regulations. The MoJ delivered those two drafts of the regulations to the project on 18th June 2009. It is the last, unsigned version and as the amendments on Law on Trainees are now adopted, the regulations are expected to be signed by Minister.

For the implementation of the new law an entry test has to be developed. Until December 2008 a working group has been elaborating together with the project team to agree on first steps for a template designed for the entry test. A final document has not been made available to the project. During this reporting period the former working group did not continue to meet and another working group has not been nominated, but the MoJ started to check and is still checking the ideas developed last year. The implementation of the entry test has not been requested yet as an additional activity of the project.

Additional input for the implementation of the law has been delivered in regard to the training of mentors. The last training of mentors and the assessment has been done on 18th March 2009 in Zagreb with 26 participants.

2.1.3 Component 2: Amendments to the laws regulating the selection and appointment of advisors, judges and prosecutors, including a strategy for the recruitment and the career management for advisors, judges and prosecutors

As the trainees are covered by component 1, the main objective of component 2 is now to create a general strategy for the selection and recruitment of future judges and prosecutors bearing in mind the actual staffing needs of the Croatian judiciary.

The specific objectives are:

- Assessment of recruitment procedures and career options for advisors and futures judges and prosecutors
- Establishing objective criteria for the selection process of future judges and prosecutors
- Drafting changes for other relevant laws as the Law on Courts and the Law on State Judicial Council
- Establishing of selection criteria for future judges and prosecutors
- Establishing a system which offers the possibility to nominate judges and prosecutors whenever needed and foreseen in the budget



- Establishing a proper initial training, selection and evaluation procedure to abrogate or reduce or abolish the five years probation period

Activity 1: Assessment of future staffing requirements of Croatian Courts

This activity has been done in the second reporting period of the project.

Activity 2: In depth assessment of current legal status, Assessment of recruitment procedures and selection criteria

On 28th May 2009 the project team participated in a meeting of the State Judicial Council. On 8th July 2009 a delegation of an EU embassy participated in a meeting of the State Judicial Council and reported to the project team.

Activity 3: Selection of Working Group “selection criteria”

The working group had been nominated on 6th May 2009. Members are:

1. Mr. Bošnjaković, State Secretary MoJ
2. Mr. Jakob Miletić, Supreme Court Judge
3. Mr. Đuro Sessa, Supreme Court Judge
4. Mr. Dragan Novosel, Deputy State Attorney
5. Mr. Damir Kontrec, County Court Judge
6. Mrs. Dijana Remenarić Kovačević, Director Staff Department MoJ
7. Mrs. Ivana Goranić, Director of the JA
8. Mrs. Jasna Zoretić Rendulić, Director

The coordinator of this working group is Mrs. Barica Novosel, Advisor to the Minister within the MoJ.

Activity 4: Meetings of Working Group “selection criteria”

The established working group has not met until now. The MoJ organized the exchange of opinions of the stakeholders outside of the framework of the working group. The project assisted with both key experts TL Dr. Deville and Judge Winter and with Short Term Experts. ISTE Dr. Witzmann (work psychology) consulted the MoJ 5th – 7th March 2009 and ISTE Isermann (selection criteria) 30th March until 2nd April 2009 and 4th and 5th May 2009.

Activity 5: drafting amendments to the laws regulating the selection and appointment of judges and prosecutors

The project team drafted, based on the older strategy paper of the MoJ, a more detailed strategy. It proposed different options and concrete wordings for legal amendments and a proposal for a possible law for a School for judicial officials.



In addition the project team delivered concrete comments on the proposed amendments to the Law on Courts and the Law on State Judicial Council.

Activity 6: Round table or presentation of recommendations to the necessary changes in laws

This activity did not take place, as the government introduced the draft law immediately to Parliament.

Activity 7: In depth assessment of current legal status of career options

ISTE Dr. Fleischer had additional opportunities to deepen the original fact finding. On 28th May 2009 the project team participated in a meeting of the State Judicial Council.

Activity 8: Selection of Working Group “career”

A special working group for career questions has not been set up.

Activity 9: Meetings of Working Group “career”

The working group to consult the new laws never met. The MoJ organized the exchange of opinions of the stakeholders outside of the framework of the working group. The project assisted with both key experts TL Dr. Deville and Judge Winter and ISTE Dr. Fleischer (career criteria) who consulted with stakeholders and the MoJ 6th until 9th April 2009 and 2nd until 5th June 2009.

Activity 10: Drafting amendments to the laws regulating the career of judges and prosecutors

The strategy paper elaborated by the project contains detailed proposals for possible changes of the laws and a methodology for the evaluation of judges.

2.1.4 Component 3: Development of a sustainable training system for trainees as well as piloting of training modules in selected regions under the responsibility of the Judicial Academy

The main goal of component 3 is to create a general strategy for a unified suitable initial training to provide the young judges and prosecutors with professional skills and knowledge to accomplish their future daily tasks. The overall objective of component 3 is to raise abilities and knowledge of future judges and prosecutors, to support the reform process of the Croatian judiciary and to foster the establishment of an efficient, transparent and functioning judiciary. The concrete objective of this component is to create a structure within the JA to constantly design and implement an initial training for future



judges and prosecutors and trainers for these trainings. The trainings at the JA have been piloted by the new trainers under supervision of the project team and the JA .

The specific objectives are:

- Implementation of an in-depth training needs analysis for future judges and prosecutors and trainees
- Conducting the training needs analysis with a special focus on potential topics for additional trainers
- Development of a functioning structure at the JA to carry out training for future judges and prosecutors
- Training of 25 judges and prosecutors to become trainers
- Design of a dual system of apprentices- (trainees)-ship
- Drafting a two year training strategy plan for the training of future judges
- Implement a pilot of the designed system on a regional basis for 60 court trainees and advisors
- Supervision of the training system in close contact with the JA

Activity 1: Development of a functioning structure at the JA to carry out training for future judges and prosecutors

Despite constant staff turn over the staff of the JA has slightly increased, although the transfer of judges and prosecutors to working places within the JA remains difficult. ISTE Traunfelder made a first analysis on 23rd July 2009.

Activities 2 – 7

These activities have been implemented prior to this reporting period.

Activity 8: Pilot training for 60 court trainees and/ or advisors

The project elaborated a detailed proposal with training needs for the pilot training. This plan has been implemented nearly as originally foreseen. Only one very last part of the criminal law module has not been implemented, as the content has been deleted as a first result of the pilot training.

According to the ToR the project should deliver a pilot training for 60 court trainees and advisors. As the current system does not provide a coherent career between trainees and advisors nor a coherent career between advisors and judges or prosecutors, the project delivered a pilot training for trainees (from courts and state attorney's offices) in the civil module, for a different group in the criminal module and for additional trainees in the EU module from February 2009 onwards.



The introduction week in the civil module took place from 2nd February 2009 to 6th February 2009 in Tuhelj. This week has been opened by the President of the Supreme Court Branko Hrvatin and the Minister of Justice dr. sc. Ivan Šimonović and the Deputy General State Attorney Čule. The civil module has been continued with 18 participants every Tuesday from 20th February until 9th June 2009. It included practical exercises and role-plays in real court rooms in the county court in Zageb. In total 20 units were carried out within this module.

The module on criminal law started with a 3-day introduction in Zagreb (18th, 19th and 20th February 2009) and has been continued Thursdays from 26th February until 4th June in 19 units. This group had the opportunity to visit in addition to the regular trainings a forensic institute (Ende of March), several prisons (End of April) and to take part in a night drive with the police in Zagreb.

The module on commercial law has been implemented with 5 units in one week (15th – 19th of June). The modules on family law (1st and 2nd July) and on labour law (8th and 9th July) had been trained in 2 units in two days and have already been repeated. The module on European law (13th – 17th July) has been done as a block seminar in Split.

The participants had been very much in favour of these trainings and appreciated them very much. The only complaint has been that they wanted to obtain more training. As the project has been unable to offer a complete set of a one year training program within six months the project took the approach to split the group into two groups obtaining half of the training modules each. In order to satisfy the wish of the trainees and in order to guarantee sustainability the project organized together with the JA a repetition of the modules family law and labour law for the respective other group. This repetition has been planned and implemented completely by the Croatian side and the project only added available experts and catering. The JA is about to implement the administrative module in the last quarter of 2009 and to repeat trainings for the civil, criminal, and constitutional and EU modules in 2009 or 2010. We are in a position already to certify sustainability for component 3.

2.1.5 Component 4: Improvement of access to legal information for trainees, court advisors as well as strengthening of training networks

Overall and Specific Objectives

Networking and access are the key words to this component. The Judicial Academy should be linked with other judicial training institutes to profit from their know-how and as a future option share its knowledge and experience with those. The network and communication between the legal actors in Croatia should be strengthened to foster judicial training. As a third point the access to legal databases should be improved. This is a crucial point not only for the



trainees to be able to obtain current information for self-study but for all members of the judiciary.

The **specific objectives** are:

- Analyse the existing ways of communication and information concerning judicial training within the legal community of Croatia.
- Design strategy/methodology to strengthen the communication on judicial training.
- Analyse the existing level of accessibility of information and legal databases of all sorts for judicial staff in Croatia.
- Design strategy/methodology to increase the rate of access to legal databases for judicial staff in Croatia.
- Implement two study visits to training centres of other European Member states to install a cooperation network for the JA and its staff.

Activity 1: Analysis of existing ways of communication of the Croatian legal community concerning judicial training

This analysis has been done during the constant consultation with the Director of the JA. A written document has not been prepared, as the JA immediately took action and reached already agreements with major stakeholders.

Activity 2: Analysis of accessibility to legal databases and case law

Several companies act in the market. Under the address <http://www.ingbiro.hr/> a new portal opened. This contains all valid legal rules of the Republic of Croatia, selected judgements, interpretations of laws and bylaws, consolidated versions of the most important legal rules, an overview of changes of the laws with a link to narodne Novine (2000 links) and a search tool. The main content is not free of charge (one tool costs about 1.600 kuna per year per person).

The project leader discussed possible options on 4th March 2009 with Narodne Novine and on 5th March 2009 with State Secretary Dujmović-Vuković. As Narodne Novine, although being partly state-owned, is acting like a company in the market, the Ministry of Justice cannot simply open the content for the members of the judiciary, but has to tender and buy the services within the market. The project experts elaborated a first version of a methodology paper reflecting the findings.

Activity 3: Implement two study visits to training centres of other European Member states to install a cooperation network for the JA and its staff



In the ToR it has originally been foreseen that a study trip to training centres should be offered for members of the advisory or programming board of the JA or their staff. As most of the members of this group already visited a number of training institutions in France, Hungary, Germany or Spain the JA suggested to invite one member from each regional training centre to another regional training centre. The project followed this approach. The first study visit to the regional Austrian training centre for judges and prosecutors in Kitzbuehel took place from 12th to 16th February 2009.

The team helped to enlarge and update international contacts. The JA is constantly participating in international activities and has established a network already. The JA is announcing selected trainings of the European Academy of Law ERA in Trier (e.g. anti-discrimination and directives 2000/43 and 2000/78). A co-operation agreement with ERA has been prepared. Seminars and conferences (e.g. Measuring Justice: Justice Sector Evaluation and Human Rights) organized within the framework of the International Human Rights Network have been promoted as well. On 20th March 2009 the Judicial Academy participated in a meeting in Rumania as member of the Bureau of the Lisbon Network (under the umbrella of the Council of Europe). Representatives from the JA participated in the 50 years celebration of the Ecole Nationale de la Magistrature in Bordeaux End of April 2009. A delegation of the Serbian Judicial Training Center (pravosudni centar za obuku i stručno usavršavanje, Belgrade, Joanna Brooks, Igor Milovanov, Biljana Ledeničan, Vladimir Dutina) visited the JA on 7th and 8th May 2009. In May Dubravka Turkalj Dragosavac participated for the JA in the general assembly of the EJTN in Prague. JA's Director is constantly in bilateral contacts with representatives from other European States and training institutions (e.g. like England, Germany or the Netherlands).

2.1.6. Other activities of the project team

The team leader has been constantly in contact with other ongoing EU projects.

2.2 Resources planned and used

The man-days of the core team (team leader, key experts 2 and 3) have been used almost exactly as foreseen.

In this reporting period we anticipated to use more Senior Short Term expertise as these more experienced experts teamed up with their respective Croatian counterparts in the pilot training. Please refer to **Annex 1** for the planned and used working days and to **Annex 2** for the financial planning and cashflow prognosis.

The incidental budget is used almost exactly according to the planned budget included in the Inception report (Annex 43 of the inception report). Please refer to **Annex 3** to obtain an overview of the monthly outflow of the incidental



budget. A small amount of money has been saved during the study visit 1. The costs for catering during the pilot training slightly exceeded the sum originally foreseen as more training units were implemented than originally planned.

2.3. Progress made (including a review of project indicators)

2.3.1 General Progress

All components are nearly delivered. The last and fourth reporting period of the project will deal with the remaining parts of the pilot training, the second study visit to Trier and Luxembourg and methodology papers in components 3 and 4.

2.3.2 Component 1: Component 1 new: Amendments to the Law on Trainees and Bar Exam and design of a dual system of initial training in the law

Activities 1 – 6 have been delivered.

Additional activity 7: Proposal of needed regulations to the new law on trainees and bar exam

The feed-back coming back from the implementation of the new law has been analysed by the project and included in proposals to amend the new law. Some of the proposals had been introduced into the law on judicial trainees and the bar exam, which has been passed by Parliament. This law is attached as **Annex 4 and 5**. A complete evaluation of the law in the current version will follow in the final report, as a consolidated version need to be prepared.

The current version of the proposals of the regulations are attached as **Annexes 6 and 7** and **Annexes 8 and 9**.

2.3.3 Component 2: Amendments to the laws regulating the selection and appointment of advisors, judges and prosecutors, including a strategy for the recruitment and the career management for advisors, judges and prosecutors

Activity 1: Assessment of future staffing requirements of Croatian Courts

This activity has been done previously.



Activity 2: In depth assessment of current legal status, Assessment of Recruitment procedures and selection criteria

In regard to the final appointment of judges after the 5 years probation period it became clear that the Council is using in practice the performance of the judge and its evaluation as criteria. As long as no complaints (in a quality of a disciplinary violation) occurred and the performance is somehow in the average judges are appointed for life.

Activity 3: Selection of Working Group “selection criteria”

A steering working group has been established in the MoJ on the very last day of the previous reporting period. An additional working group has been nominated.

Activity 4: Meetings of Working Group “selection criteria”

No meetings of working groups took place.

Activity 5: Drafting amendments to the laws regulating the selection and appointment of judges and prosecutors

The project developed a strategy paper (**Annexes 10 and 11**) which has been delivered to the MoJ on 22nd April 2009 and which has been discussed with the president of the Supreme Court Hrvatin and with the MoJ on 5th May 2009.

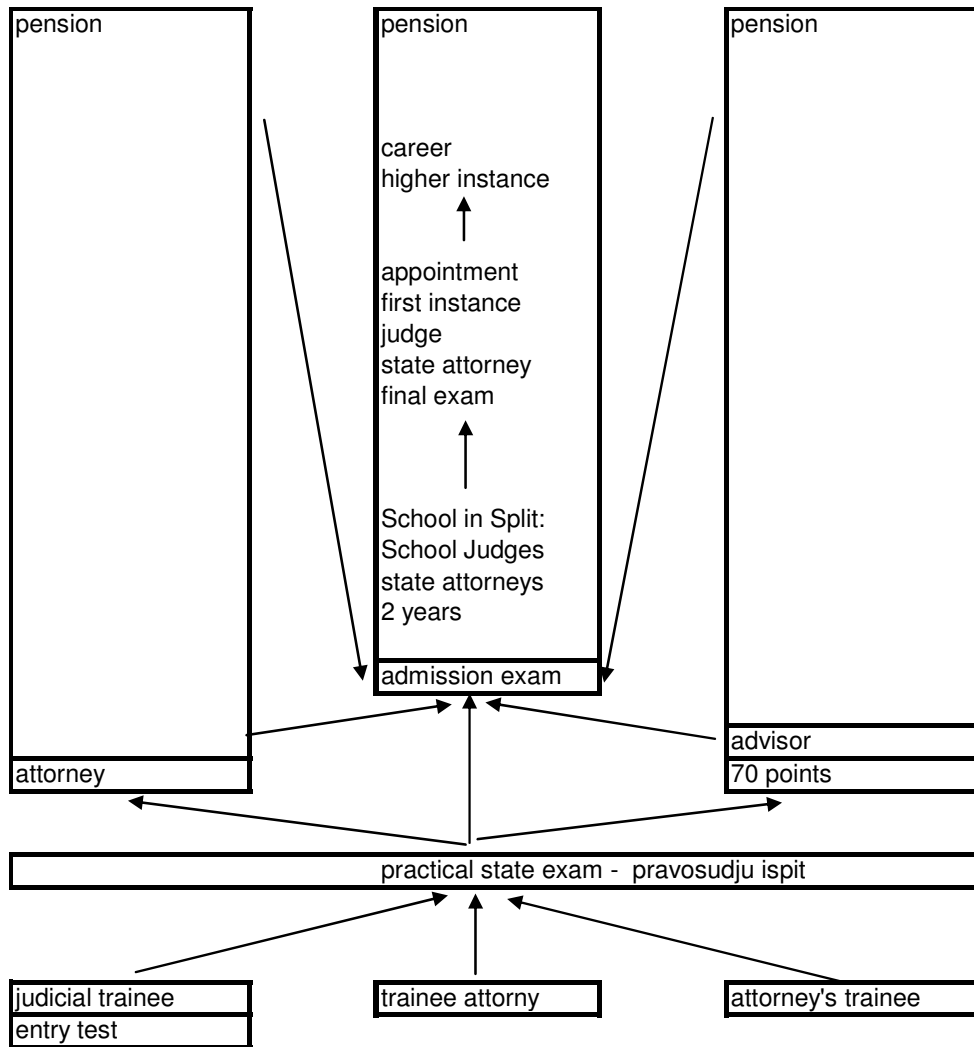
This paper describes the results and proposes options how Croatia could develop the system in the recommended way.

This could be the new approach of Croatia: In order to apply for the entry exam to a new “School for judicial officials” all candidates are required to meet the same formalities that are currently in place, but it will no longer be necessary to have two years working experience before making an application. It is also no longer a requisite to have been in any employment or to have worked as a court advisor. An additional formal requirement is however to have passed the bar exam with a minimum result of 70 points. This guarantees that only well qualified lawyers may enter the system.

All applicants, including those candidates who work as court advisors or who are employed in other legal professions, are obliged to pass the admission procedure and have to pass the graduation examinations at the School for Judicial Officials. Advocates or Corporate Lawyers or University Professors can



become Judges or Prosecutors, but only through this system. This is the system in a picture:



In regard to selection criteria the project discussed this scenario:

aa) Those who have completed the traineeship in the judiciary (court state attorney's office) and who have the highest score in the bar exam would be the first to be invited to the structured interview. Those who have the highest score in the bar exam (50 %) and in the interview (50 % - possibly with an additional requirement to obtain a minimum score within the interview) would be the first to be invited to the psychological test. Those who pass the psychological test are employed. If it would be the case that all places could be filled with previous judicial trainees, the other candidates would not be invited.



bb) In case additional places are available those candidates would be invited first who have the highest score in the bar exam. This version sounds complicated, but reduces the possibilities for corruption and networking and works with a big number of applicants, who are preselected by the final score of the bar exam.

The advantage of such an option is that the legal knowledge of candidates does not need to be reassessed, as the structured interview and the psychological test concentrate on soft skills and specific capabilities required for the judiciary profession. All candidates will be good lawyers (as they all will have 70 points minimum in the bar exam) and probably will be good judges and prosecutors, as they possibly have or will easily acquire the requisite additional skills and develop the necessary attitudes for these professions. Under-skilled lawyers will not be able to enter the system, not even through private or political contacts. An additional advantage is awarding priority to the judicial trainees which makes the system more attractive and more efficient, as the State will already have invested substantially in the education of this group.

Furthermore, their training in the Academy can commence at a higher level. The disadvantage of this system is that the structured interview and the psychological test, where candidates can fail, might be abused as it may provide an opportunity for corrupt officials to request bribes. This risk can be minimized by testing several candidates at the same time, and as the proposed scenario limits such corrupt influences to 50 %.

Another disadvantage is the breach with the current system, as yet only the bar exam – regardless of the place of the traineeship – has been the starting point for professional decisions. In this option the judicial trainee with 70 points has priority over trainees from the advocates with 100 points. The project team justifies this decision by reasoning that the judicial trainee has already proven his or her motivation to work in the judiciary and already identifies him/herself with that profession. This becomes especially true in the short term, when judicial trainees have passed an entry exam for the traineeship as well. The system selects among the best qualified those who are best suitable for the job rather than giving priority to the highest scorers.

The project suggested to introduce in addition to formal criterias (scores in the bar exam) selection criteria focussing on the specific quality of persons needed for the specific job:

Legal knowledge

(quantity, variety and engagement while acquiring knowledge in the field of material and procedural law, acquiring the necessary social, technical and economic skills)



Understanding and reasoning

(the capacity to understand, analyse and think logically when confronted with complicated facts and relations which differ from the standard school examples, being time efficient and reliable)

Capacity to decide and determination

(willingness and capacity to take the right decision, understand a problem, decide independently in the right moment relying on professional knowledge and understanding social, economic and technical factors)

Quality of oral and written expression

Oral and written skills

(the capacity and willingness to formulate unambiguous professional, understandable, skilful, concise and convincing, sentences)

Organization of work

(Capacity and willingness to work according to the plan. in a cost-effective way; If needed, combining professional and other obligations.)

Cooperation

(Capacity and willingness to cooperate with colleagues accepting their contributions and remaining open toward their proposals)

Bargaining capacity

(Capacity and willingness to ensure a high quality level when conducting discussions which implies good preparation, compassion, patience, striving to reach compromises and mutually acceptable solutions, objectivity and respectively impartiality)

Capacity to argue convincingly

(Capacity and willingness of the candidate to defend his own standpoints by means of persuasive arguments, underlining their importance)

Capacity to bear the burdens – cope with stress

(Capacity and readiness to produce appropriate work results in quality and quantity even under excessive internal or external burdens and to remain engaged; Compliance with priorities in resolving cases assigned to him/her, and all other activities.)

Working attitude



(Willingness to use proper capacities, solving problems diligently, thoroughly, and timely, acting morally, being persistent and reliable)

In addition the project created a draft law (**Annexes 12 and 13**) regulating a the School for judicial officials, which has been one idea that has been discussed. This Act includes legislation if this School should become an independent body regulated by its own regulation.

The MoJ developed out of its older general strategy paper and out of the more detailed project's strategy paper, being in contact with relevant stakeholders, a draft of amendments to the Law on Courts and the law on the State Judicial Council. This draft has been forwarded to the project for comments. The comments (**Annexes 14 and 15**) have been delivered on 19th June 2009, which has been the deadline, to the MoJ.

Some of the proposed changes have been suggested by the projet's strategy paper and they are welcomed. It should be mentionned that the possibility for judges to work in the MoJ has been promoted, which will strengthen the capacity of the MoJ. Unfortunately the project team has not been in the position to certify completely that the law draft of the MoJ already contains transparent and objective selection criteria. The project recommended to delete the second half of Art 73 a and Art 74 a III of the draft amendements to the law on courts or to define precisely the selection criteria (and the way of their evaluation and verification) candidates have to meet if they wish to accede as „reputable jurists“ to the Supreme Court. Other comments concerning important details: The low pension (so far 40 % of the recently reduced salary) is a danger for the independence especially during the last years of the career, so the right to obtain an adequate pension should be mentioned. Every judge must have a fair chance to take part in activities his/her evaluation will depend on.

In regard to the amendments to the Law on the State Judicial Council the project recommended to regulate precisely transparent and objective selection criteria. The project recommended to delete Art. 18 (1), in any case the involvement of the justice committee of the Croatian Parliament or to decribe in the law the objective, transparent criteria, which are used for the decision of the Parliament. The missing regulation and implementation of a sustainable, functioning School for Judicial Officials and the date 2014 as the date when the selection system should enter into force can hamper and delay accession to EU.

Similar remarks have been discussed during the first reading of the laws in Parliament. However, the second reading in Parliament and the political decisions are not an activity of the project. At the end of the reporting period the



TL became involved in consulting another, shorter law draft on the School of judicial officials, which includes the “admission criteria” to the School, in reality according to the legislative approach discussed so far the selection criteria for judges and prosecutors.

The Parliament already passed a new Law on State Attorneys, which has not been consulted by the project. An analysis of this law will follow in the next reporting period.

The probation period for judges is regulated by the constitution. The MoJ informed the project about its proposal to amend or even remove the period out of the constitution (as discussed by the project’s strategy paper). This proposal has been given to a working group headed by the Vice President of the Parliament. This working group is discussing several amendments to the constitution and the aspect of the probation period is just one little annex to it. Member of this working group for the MoJ is State Secretary Bošnjaković.

Activity 6: Roundtable or presentation of recommendations to the necessary changes in laws

This activity did not take place, as the government introduced the draft law immediately to Parliament.

Activity 7: In depth assessment of current legal status of career options

The state attorneys use a well elaborated system to monitor the quality of state attorneys. The grades of the performance depend on the score of points every state attorney achieves of whom about 90 % depend on statistical data as the average work results, the use and the success of legal remedies, the adherence to time-limits and so on at it is described in the relevant documents. The Croatian system to evaluate state attorneys for higher offices is reasonably transparent, effective and follows the principles of due course of law. A high grade of objectivity is achieved by evaluating a great deal of statistical data. To prevent the possibility of neglecting quality aspects and the personality of the applicants is the participation of the collegiate bodies and the State’s Attorney Council’s right to vote for an applicant even if another applicant’s statistical data are (in practice: slightly) better. The right to appeal also helps to guarantee that the rules are obeyed.

Judges are monitored according to the “methodology” with a point system, which might be elaborated further.

However, the law does not describe precisely the criteria that should be used when the career decision is taken. The evaluation is only taken “into



consideration”. The career decisions are not legally based on the evaluation or on other transparent or objective criteria.

Activities 8 and 9: Working Group “career”

Such a working group has not been set up.

Activity 10: Drafting amendments to the laws regulating the career of judges and prosecutors

The suggestions are included in the strategy paper of the project.

Changes in the methodology to evaluate judges do not fall under the competence of the Ministry of Justice/Parliament, but under the competence of the Council consisting of presidents of all judicial councils (Art. 81 law on courts). The methodology for the evaluation should provide an upper limit for points that can be achieved according to its Art. 4, 5, 13. It is proposed to include as a new criteria in Art. 77 paragraph 2 of the law on courts the value of efficiency. This criteria need to be specified in Article 7. The existing version of articles 8 -10 does not take into account that the best judicial performance is not having any complaints against the decisions at all; therefore the statistical criteria „percentage of remedies“ should be added. The score of points for scientific degrees according to Art. 14 seems very high and needs a maximum. If more points are added the value of this part will decrease automatically and the score does not need to be changed. Art. 15 should name the different characteristics in more detail. Art 17 does not distinguish sufficiently, as the currently best grade (exceptional performance of judicial duty“) can be achieved easily and does not allow for a satisfactory selection. The new criteria allows for gaining an increased number of points and this should be reflected in an updated grade system, which can continue to use the previous grades.

In regard to the drafting of the laws and the career decisions the project suggests that amendments to the laws should clarify that the body who is taking the career decision has to be bound in principle to the evaluation method.



2.3.4 Component 3 new: Development of a sustainable training system for trainees as well as piloting of training modules in selected regions under the responsibility of the Judicial Academy

Activity 1: Development of a functioning structure at the JA to carry out training for future judges and prosecutors

ISTE Traunfelder began with the analysis in July. The new Director is aware of the staffing problem and succeeded to staff further the JA. The judiciary is still hesitating to send a substantial number of Judges and Prosecutors for a specific time to the JA. Without a major engagement of the judiciary all struggles to staff the existing positions will remain in vain. Nevertheless after having implemented the training for trainees, having developed the international contacts and having staffed the JA further now the time came to think about the structure of the JA.

Previously the JA had two sectors, one for the continuous training and one for the development which included the initial training. The JA already started to develop ideas about the future structure. In the future there might be a sector for trainees and advisors, that contains a department for the development of the training programs and a department taking care of the needed (e.g. personal) data. A second sector might be the sector for continuous training for judges and prosecutors. This sector will have a department for research and development, a department for the programs and an international department. The third sector will be the sector for implementation, which includes departments for the implementation of the training for trainees and advisors, the department for the implementation of the continuous training and the sector for IT. In order to finalize the structure it needs to be clarified if a new School for judicial officials will be implemented (at least temporarily) under the umbrella of the JA, which would request another sector. Probably some key activities like the financial sector need to be included as well.

The challenge will be to define concrete job descriptions and divide responsibilities of the staff, the team cooperation, the sharing of information and a reporting system.

Currently are employed:



NAME AND SURNAME	LEVEL OF EDUCATION	POSITION
IVANA GORANIĆ	FACULTY OF LAW	DIRECTOR
RUŽICA MEŠTROVIĆ	HIGH SCHOOL	ADMINISTRATIVE SECRETARY
ANELA BUBALOVIĆ	FACULTY OF LAW	ASSISTANT
GORDANA VRANICKI KRALJ	FACULTY OF POLITOLOGY	BUSINESS SECRETARY
MARIJA FUCHS	FACULTY OF ECONOMICS	HEAD OF SECTOR
VIŠNJA MARINOVIĆ	MASTER IN ANDRAGOGY	HEAD OF DEPARTMENT
MIRJANA RADAKOVIĆ	MASTER IN POLITOLOGY	HEAD OF DEPARTMENT
SLAVENKA VINSKI		ADVISOR
MIRNA VUK	HIGH SCHOOL	ADMINISTRATIVE OFFICER
INES BABAJA	FACULTY OF SOCIOLOGY	ADMINISTRATIVE OFFICER
ANA SARAF	HIGH SCHOOL	ADMINISTRATIVE OFFICER
NERI RADAS, Judge	FACULTY OF LAW	HEAD OF SECTOR
DUBRAVKA TURKALJ DRAGOSAVAC, Prosecutor	FACULTY OF LAW	HEAD OF DEPARTMENT
VESNA KRESEK, Judge	FACULTY OF LAW	HEAD OF DEPARTMENT
SANDI VALENTINC	FACULTY OF ECONOMICS	ADVISOR
VLADIMIR FILIPOVIĆ	FACULTY OF LAW	ADVISOR
SUEJLA IBRAHIMKADIĆ	FACULTY OF PEDAGOGY	ADVISOR
DRAGANA SMOLJANOVIĆ	HIGH SCHOOL	ADMINISTRATIVE OFFICER
NINA STRIŽIĆ-MIJAT	HIGH SCHOOL	TEMPORARY SERVICE
TOMISLAV TOMIČIĆ	HIGH SCHOOL	TEMPORARY SERVICE
TIHANA CVETKO	HIGH SCHOOL	TEMPORARY SERVICE
NINA ILIĆ	FACULTY OF SOCIOLOGY	TEMPORARY SERVICE
DANIJEŠ ŠTULA	FACULTY OF LAW	TEMPORARY SERVICE
OLGICA MAČEK	FACULTY OF TOURISM	TEMPORARY SERVICE
ANDREA MARIJAN	HIGH SCHOOL	TEMPORARY SERVICE
GORDANA SEKULA	FACULTY OF PHILOSOPHY	TEMPORARY SERVICE
MATEJA DEKANIĆ	HIGH SCHOOL	ADMINISTRATIVE OFFICER – Regional centre VARAŽDIN
MARTINA KATUŠA	HIGH SCHOOL	ADMINISTRATIVE OFFICER – Regional centre RIJEKA
ALENKA ŠEGRT	FACULTY OF LAW	ADMINISTRATIVE OFFICER – Regional centre OSIJEK
TAMARA ČATLAK-CINDRO	FACULTY OF LAW	ADMINISTRATIVE OFFICER – Regional centre SPLIT



Activities 2 - 7:

These activities are completed.

Activity 8: Pilot training for 60 trainees and / or advisors

These trainers have delivered the following workshops in the period from February to July 2009:

Module: Civil Law (group 1, 18 participants)

2 February 2009, Tuheljske toplice

Unit 1 – Introduction into managing of cases

Chairs : Branka Hriberski, Katica Krajnović and Dubravka Vučetić

- legal status of trainees
- judicial ethics code
- communication
- introduction into case management

Weiser

- Group dynamics

3 February, 2009, Tuheljske toplice

Unit 2 a – Introduction into operation of court I

Katica Krajnović and Dubravka Vučetić

- organization of courts
- types of courts
- operation of court: structure of courts per departments
- merging and separating files
- principles of civil procedure

Grammann

- Thinking about ethics – judicial ethics as international standard

.

4 February 2009, Tuheljske toplice

Unit 2 b – Introduction into operation of court II and provision of evidence

Chairs: Katica Krajnović and Dubravka Vučetić

- judicial rules of procedure
- how to approach file and facts
- establishing and determining court jurisdiction
- rules of civil procedure regarding provision of evidence
- types of evidence, evaluation of evidence and structure of court ruling (judgement)

Manderscheid

- Everyday activities of civil law judges – processing judicial tasks

Grammann

- Ethics in practice

Palzer



- Principles of communication in court, basics of rhetoric, procedure management and collection of evidence, provision of evidence including basic aspects of testimony

5 February 2009, Tuheljske toplice

Unit 3 – Introduction into civil procedure

(Course of civil procedure – procedure before the court of first instance and legal remedies)

Chairs: Katarina Buljan and Goranka Barać Ručević

- basis of writing court rulings (judgements)
- how to write and announce a court ruling
- basis of the main request and secondary claims
- decision-making – structure and content of a court ruling
- court delivery

Weiser

- Methods of interrogation in procedure

Manderscheid

- Approaching case: finding and establishing legally relevant facts
- Course of civil procedure and participants
- Decisions on collecting and provision of evidence

6 February 2009, Tuheljske toplice

Unit 4 – Case analyses, exercises, evaluation of introduction

Chairs: Katarina Buljan, Goranka Barać Ručević and Branka Hriberski

- analysis of a simpler case
- writing court decisions for simpler cases
- evaluation of covered units

10 February 2009

Unit 5 – types of exercises

Chairs: Franc Harapin i Neri Radas

Complaint – content, pre-trial proceeding, types, cumulation of claims, reply to a complaint, litispence, objections to clearance (setoff), counter-complaint, amendment or withdrawal of a complaint

17 February 2009

Unit 6 – Evidence in civil procedure

Chairs: Branka Hriberski and Željko Pajalić

Introduction into types and characteristics of specific evidence (documents, witnesses, expert witness)

Sequence of provision of evidence

Evidence by witness testimony

Evaluation of evidence through practical exercise

Cornelia Stefanie Woelk

- estimating authority of evidence and securing evidence; burden of proof

24 February 2009

Unit 7 – Trial

Chairs: Ksenija Dimec and Dubravka Butković Brljačić



Trial – course of the trial, minute elaboration, disqualification of judge, court delivery (cont.), trial management, publicity of the trial and maintaining law and order at the trial (principle of open judiciary)
Interruption of proceedings, termination of proceedings, suspension of proceedings

Friedrich Kies

Working with files

- organization of work and catching up on unsolved cases, how to deal with a huge amount of work and how to deal with stress

3 March 2009

Unit 8 – Possibility of proposing new facts and evidence

Chairs: Ksenija Dimec and Dubravka Butković Brkljačić

Civil procedure:

- possibility of proposing new facts and evidence during civil procedure
- participation of third parties in civil procedure
- validity and effects of a court decision

Arthur Trossen

Methods of finalizing procedure and settlement techniques; possibility of conciliation, mediation

10 March 2009

Unit 9 – Civil procedure – court decisions

Chairs: Goranka Barać Ručević and Katarina Buljan

Court decision:

- court ruling/judgement, decision, court settlement, importance of the stated institutes, definition of the stated decisions, preconditions for reaching a verdict
- types of judgements:
 - judgement based on admission of the claim (Article 331)
 - judgement based on waiver of the claim (Article 331a)
 - default judgement (Article 331b)
 - default judgement (Article 332)
 - judgement without a trial (Article 332a)
 - graded judgement (Article 325a)
 - partial judgement (Article 329)
 - interim judgement (Article 330)
 - supplemental judgement (Article 339)
- written elaboration and delivery of the judgement, deadline, form and content, importance of a correctly and timely elaborated court decision (introduction, judgement, statement of reasons, legal remedy, judge's signature), legal effectiveness of the judgement, case law, correction of the judgement, presentation of the form and content of a corrected judgement, case studies

17 March 2009

Unit 10 – Content of court judgement and decisions on secondary claims

Chairs: Goranka Barać Ručević and Katarina Buljan

Court judgements on secondary claims:



- main claim, secondary claims, difference between the main and secondary claims, solving practical examples: differentiating between the main and secondary claims, default interest, decision about the request for default interest payment, different legal regimes for default interest depending on subjects from obligatory relation (“legal person”/ “natural person”), agreed interest, legal default interest and methods for determining rates, Croatian National Bank (HNB) discount rate, issues of applying regulations regarding default interest rate at the time of appearance of claim (claim in domestic and foreign currency)

Method and importance of determining amount in dispute

- decision of costs of procedure, pricelist, tariff regarding awards and remuneration for services of lawyers, costs of expert witness testimony, costs of presence of witness and parties, costs of presenting evidence, court fees, costs for elaborating pricelist for the party and control of regularity of calculation of costs by the court, exemption from payment of litigation costs, persons with the right to compensation of litigation costs, (parties, co-litigants (Article 161), state attorney as a party to the procedure and intervener), principles and methods for calculating litigation costs
- practical examples:
 - court ruling regarding a claim for default interest
 - pricelist
 - rulings and their statement of reasons regarding litigation costs
 - elaboration of pricelist and decision about litigation costs, analysis

24 March 2009

Unit 11 – Law of obligation – compensation of damage

Chairs: Larisa Crnković and Vlado Skorup, LL.M

- general legal principles (finding a relevant norm)
- liability for damage, basis and amount of the complaint
- definitions and principles (materials: *sententiae* for institutes distributed in writing)

31 March 2009

Unit 12 – Analysis of civil cases and methods for elaboration of first instance judgement

Chairs: Koraljka Glušić and Mirjana Magud

- repetition: finding relevant facts, court ruling, legal reasoning – disputed and undisputed facts (facts beyond reasonable doubts)
- exercise – introduction into judgement, types of judgement: acceptance of claim, rejection of claim
- exercise: legal reasoning and writing judgements
- the most frequent mistakes in writing the first instance judgement, how to analyse judgements

21 April 2009

Unit 13 – Legal remedies and special civil procedures

Chairs: Katica Krajnović and Dubravka Vučetić

- Legal remedies, definition and types
- Appeal against court ruling, deadline, form and content
- Reviewing suitability of the appeal



Exercise – several case studies
Reasons for appeal
Procedures regarding appeal
Court decisions regarding appeal
Analysis of court ruling and possible reasons for appeal
- Special legal remedies
Revision – procedures of the court of first instance and the Supreme Court of the Republic of Croatia
Retrial
- Special civil procedures

Björn Retzlaff

Problems regarding new facts before a higher court
How to modify a court ruling instead of overruling

28 April 2009

Unit 14 – Temporary measures

Chairs: Dubravka Butković Brljačić and Vlado Skorup, LL.M.

- temporary measure and execution of temporary measure as determined by the judge
- formulation and specific features of motion
- procedure regarding temporary measure
- decision regarding motion and costs of procedure
- exercise: examples of writing a court decision regarding motion to temporary measure, analysis of examples in work group, temporary measure in connection with family law and commercial law

5 May 2009

Unit 15 – Law of obligation and consumer protection law

Chairs: Koraljka Glušić and Mirjana Magud

- summary of concepts of the Civil Obligations Act
- special segment – contracted obligatory relations – general provisions (entering into contracts, defects of consent, invalidity of contracts, general effects of a contract)
- provisions of the Civil Obligations Act regarding specific contract (sale contract, donation, loan, lifelong support and support until death)

Andrea Podhraski/ Niels Focken

Sale of goods and consumer protection

12 May 2009

Unit 16 – Right of ownership – part I

Chairs: Marija Vetma and Marko Pribisalić

- possession of goods and rights, protection of ownership
- basic institutes of law of real property
 - decisions: protection of servitude – example of decisions
- case analysis : protection of servitude – examples
- protection of the right of real estate ownership

19 May 2009

Unit 17 – Right of ownership – part II



Chairs: Marija Vetma and Marko Pribisalić

- right of ownership – acquisition (*ex officio* and by legal transaction) and loss
- right of ownership: acquisition by legal transaction, owner's complaint, *rei vindicatio*
- right of ownership: acquisition *ex officio*
- typical cases and problems in current Croatian case law

26 May 2009

Unit 18 – Preparations for bar exam

Chairs: Katarina Buljan and Goranka Barać Ručević

- how to approach a case and write judgements
- exercise: writing judgement for a specific case
- advice for written part of bar exam
- who to prepare well for oral part of bar exam
- Internet research:
 - different types of researches regarding case law on the web page of the Supreme Court of the Republic of Croatia (basic, standard, advanced)

2 June 2009

Unit 19 – Non-contentious procedures

Chairs: Neri Radas and Franc Harapin

- introduction – difference between non-contentious and civil procedure
- types of non-contentious procedures
- non-contentious procedures for family matters
- probate proceedings
- non-contentious procedures pursuant to Ownership Act
- other non-contentious procedures

9 June 2009

Unit 20 – Distraint (Distress)

Chairs: Larisa Crnković and Vlado Skorup, LL.M.

- court ruling distraint – court's jurisdiction, jurisdiction and authority of public notaries
- motion to distraint – distraint and authentic document, security measures
- definitions, *sententiae*
- creating a file

Module: Criminal Law (group 2, 17 participants)

18 February 2009

Unit 1 – Role of state attorney

Chairs: Ivana Đuras and Dunja Pavliček

- introduction into activities of state attorney and investigating judge
- organization within state attorney's offices
- USKOK (Office for the Prevention of Corruption and Organized Crime of the Republic of Croatia): corruption and organized crime
- state attorney's ethic/deontology
- pre-trial procedure



- questionnaire for injured person, witness and defendant
- criminal charges (crime report)
- dropping of criminal charges
- state attorney in investigative procedure
- control of legality during pre-trial procedure
- short survey of investigative procedure
- role of the police, role of investigating judge
- role of state attorney, role of injured person and private prosecutor
- role of defence lawyer (definitions, basic rights)
- state attorney:
 - ruling of investigating judge and state attorney
 - interrelationship between investigating judge and state attorney
 - criminal file: form and content
 - performing investigation
 - practical examples

Erika Vetterkind (state attorney, North Rhine – Westphalia)
Case study exercises

19 February 2009

Unit 2 – Investigative procedure

Chairs: Ljiljana Stipišić and Nenad Vlašić

Investigating judge

- ruling of investigating judge and state attorney
- interrelationship between investigating judge and state attorney
- criminal file: form and content
- performing investigation
- practical examples
- investigation (investigating judge decision), pre-trial procedure
- investigating operations
- handling suspicious objects: search warrant/arrest warrant
- order to determine defendant's place of residence
- performing search of the defendant, temporary seizure of object
- search of premises
- search of third parties
- surveillance of persons
- fictitious transactions/undercover investigator
- undercover operations (wiretapping)
- collecting/securing evidence
- fingerprinting, examples, exercise
- investigating judge: control of legality
- defendant interrogation, witness interrogation

Erika Vetterkind (state attorney, North Rhine – Westphalia)
Case study exercises

20 February 2009

Unit 3 – Basic idea of indictment and ruling on investigation, Article 190 of the Criminal Procedure Code

Chairs: Karmen Brkić and Krunoslav Barkić

- state attorney ruling, indictment, termination of procedure



- suspension of procedure
- ruling on investigation, request for extension of investigation, final decisions of investigating judge
- continuation from the part of injured person/state attorney/ defendant
- parts of indictment and motion to indictment
- writing indictment and motion to indictment
- proposal of evidence and statement of reasons for motion
- proposing sanctions in motion to indictment

Erika Vetterkind (state attorney, North Rhine – Westphalia)
Case study exercise

26 February 2009

Unit 4 – Measures against the defendant

Chairs: Ljiljana Stipišić and Nenad Vlašić

- arrest, detention, keeping in custody
- terms (reasons/reasonable doubt), detention, keeping in custody
- procedure (keeping in custody/the police, detention (temporary) before trial, investigating judge, limited duration of detention, safety measures, extension of custody or release from custody, schedule, who/when/how to react, who must be informed/who must participate, etc.
- safety measures, bail
- legal remedies, forms, templates

Werner Sdunizik (judge)

Case study exercise – arrest

Juergen Debbbers (judge)

Human rights, international criminal law, international courts

5 March 2009

Unit 5 – More on indictment procedure

Chairs: Karmen Brkić and Barbara Sandalj

- parts of indictment and motion to indictment
- writing indictment and motion to indictment
- defendant acting as prosecutor
- proposal of evidence and statement of reasons for proposal
- proposing sanctions in motion to indictment
- checking justifiability of indictment
- elements of indictment and motion to sanction and measure for minor criminal offences, evidence proposal, statement of reasons for proposal, motion to sanction and measure, indictment templates
- exercise: writing indictment based on more complicated cases
- defendant acting as prosecutor – typical problems and advice

12 March 2009

Unit 6 – Trial – regular procedure

Chairs: Ivana Đuras and Krunoslav Barkić

- parts of indictment and motion to indictment (different positions: defendant, judge, witness, injured person, defence lawyer)
- protection of injured person, undercover investigator, undercover operations
- provision of evidence, evaluation of evidence



- need for further provision of evidence
- request for obtaining and using evidence
- video recordings
- role play: trial

19 March 2009

Unit 7 – Legal and illegal evidence and credibility of evidence

Chairs: Predrag Dragičević and Krunoslav Barkić

Fruit of the poisonous tree doctrine

- investigative methods of investigation procedure, investigative hearing
- credibility of evidence, statements of minors
- psychology of credibility of evidence – credibility criterion

Dr Jens Rass

Investigative methods in investigating procedure – exercise

26 March 2009

Unit 8 – Trial – summary proceedings

Chairs: Srebrenka Šantić and Sandra Juranović

Trial – summary proceeding

- trial simulation

Stefan Kirsch

Role play

2 April 2009

Unit 9 – Techniques of writing first-instance judgement in criminal cases

Chairs: Koraljka Bumči and Tomislav Tomašić

- types of judgement, structure of verdict (judgement), analysis of facts, statement of reasons
- explanation of legal conclusion, sanction and measure selection
- official forms for verdicts, writing a simple verdict

23 April 2009

Unit 10 – Legal remedies

Chairs: Ileana Vinja and Lana Petö Kujundić

- regular legal remedy – appeal
- processing previously formulated verdicts
- writing an appeal
- simulation of a session of the second instance council
- writing a second instance judgement
- extraordinary legal remedies
- researching case law on the internet

30 April 2009

Unit 11 – Testing the knowledge of the Criminal Code on a specific case – part I

Chairs: Zoran Kežić and Krešimir Kraljic

- presentation of homework – elaboration of a “judgement” regarding criminal offence against property (Chapter 17 of the Criminal Code)
- working on a case – writing indictments and judgement, repetition of basic problems: participants in criminal offences, assistance



- criminal offences against life and limb (Chapter 10 of the Criminal Code)
- working on a case – writing indictment and judgement

Suntke Aden

Sanctioning – finding appropriate sanctions

7 May 2009

Unit 12 – Testing the knowledge of the Criminal Code on a specific act – part II

Chairs: Srebrenka Šantić and Sandra Juranović

- Chapter 13 of the Criminal Code: criminal offences against values protected by international law
- repetition of basic problems: attempt to commit an offence and execution of criminal offence
- reasons for acquittal
- Chapter 14 of the Criminal Code: criminal offences against sexual freedom and sexual morality
- working on a case
- writing indictments and verdicts

14 May 2009 (held on 10 June 2009)

Unit 13 – Testing the knowledge of the Criminal Code on a specific case – part III

Chairs: Zoran Kežić and Krešimir Kraljic

- criminal acts against official duty
- Chapter 20: criminal act against public safety of persons and property and safety in traffic
- driving under the influence of alcohol

21 May 2009 – cancelled

Unit 14 – Preparation for taking bar exam

Chairs: Koraljka Bumči and Ileana Vinja

28 May 2009

Unit 15 – Juvenile Courts Act

Chairs: Lana Petö Kujundić and Tomislav Tomašić

- introduction into juvenile law
- processing juvenile case
- Convention on the Rights of the Child
- introduction into proceedings against young adults
- processing a case against young adult

Renate Winter

- Convention on the Rights of the Child

4 June 2009

Unit 16 – Special procedures

Chairs: Dunja Pavliček and Predrag Dragičević

- USKOK (Office for the Prevention of Corruption and Organized Crime of the Republic of Croatia)
- procedures against mentally incapable persons
- responsibility of legal persons (corporations, etc.)

Ingo Sorgatz - BKA (German Federal Criminal Police Office)



– Fight against corruption

3 April 2009

Visit to the Centre for Forensic Analysis, Research and Expert Assessment

Chair: Zlatko Bučević

Police drive (May 2009, individual approach)

5 June 2009

Visit to Požega Penitentiary

Chairs: Ljiljana Stipišić and Nenad Vlašić, Dr. Rainer Deville

Module: **Constitutional law** (groups 1 and 2)

15 May 2009

Chairs: Prof. Dr. Jasna Omejec, president of the constitutional court of Croatia, Prof. Dr. Branko Smerdel, law faculty of the University of Zagreb, Prof. Dr. Udo Steiner, retired judge at the German constitutional court, Dr. hc Eckart Hien, retired president of the German federal administrative court

- Influence of the jurisdiction of the German constitutional court to the Croatian constitutional court
- Lessons learnt from the democratic transfer for Croatian and European constitutional reality
- The German constitution and constitutional court
- The development of the administrative jurisdiction in Croatia

Module: **Commercial Law** (group 1)

15 June 2009

Introduction into commercial law and commercial contracts

Chairs: Dr Sanja Zagrajski and Nada Nekić Plevko

- subjects and sources of commercial law
- commercial contract
- specific features of procedure before commercial courts
- commercial courts jurisdiction
- civil procedure regarding objection against payment order
- alternative dispute resolution
- conciliation, negotiation, arbitration
- simulated conciliation procedure with participation of the judge conciliator of the Commercial Court in Zagreb, discussion with judges conciliators about their experience in conciliation procedure

Schmitz/Focken

- international sale of goods, CISG convention

16 June 2009

Companies Act

Chairs: Nevenka Marković and Ante Galić

Types of commercial companies



- joint-stock company
 - limited liability company
- Pre-trial proceeding
Writing complaints
Defining terms in non-contentious procedure
Jurisdiction, role and purpose of the court registrar

Schmitz/Focken

- company law case studies

17 June 2009

Company dissolution

Chairs: Nevenka Marković and Ante Galić

- types of company dissolution
- changes in status of corporations
- bankruptcy procedure
- simulation of examination hearing and report hearing
- liquidation procedures
- company dissolution

Schmitz/Focken

EU insolvency law

18 June 2009

Special commercial courts

Chairs: Draženka Deladio and Mladen Šimundić

- specific features of commercial contracts, accountancy, taxes, authorisation for representation, default interest
- specific commercial contracts – sale contract, construction contract, loan contract, credit contract
- termination of obligations – fulfilment, clearance (setoff), process compensation, expiry of the statute of limitation
- securing claim

Schmitz/Focken

- incoterms

19 June 2009

Intellectual property rights

Chairs: Draženka Deladio and Mladen Šimundić

- intellectual property rights
- copy right and similar rights
- patent
- seal
- industrial design

Schmitz/Focken

- international transport law

Module: Family Law (groups 1 and 2)

1 July 2009 (also held on 30 June)

Family law – basic institutes



Chairs: Koraljka Glušić and Mirjana Magud

- repetition of family substantive law
- basic institutes of family law (marriage, relationship between parents and children, alimony and child support, adoption, guardianship, etc.)
- processing cases: divorce, cancellation of marriage and decisions regarding a corresponding institute of family law)
- role play: trial in divorce proceeding and alimony
- group work: case study on parental care
- mediating role of social welfare centres before divorce, in adoption procedures and child custody cases
- examples of court decisions (divorce, child support, parental care, marital property)

2 July 2009 (repeated on 3 July)

Family law and non-contentious procedures – European family law

Chairs: Koraljka Glušić and Mirjana Magud

- non-contentious procedures – brief survey of relevant provisions of the Family Act
- practical work (writing verdict)

Renate Winter:

- child abduction, European family law, Convention on the Rights of the Child

Module: Labour Law (groups 1 and 2)

6 July 2009 (repeated on 8 July)

Basic principles of labour law and employment contract

Chairs: Darko Milković and Katarina Buljan

- basic institutes and principles of labour law
- employment contract – types, conclusion of contract, employer and employee obligations
- termination of employment contract, cancellation of employment contract, types, features, judicial rescission of employment contract
- protection of rights due to wrongful dismissal
- writing thesis on labour law

7 July 2009 (repeated on 9 July)

Chairs: Darko Milković and Katarina Buljan

- other types of labour disputes, collective agreement
- disputes from collective agreement: strike, lockout
- analysing typical cases – procedural distinctiveness of civil procedure
- advice and tips for bar exam preparation

Meinhard Zumfelde

Basics of European labour law

Module: European Law (group 3, 16 participants from the regions)

13 July 2009

Chairs: Vesna Kresek, Amara Trgo and Sovjetka Režić

- EU institutions



- main sources of EU law (primary EU law and secondary EU law - especially regulations and directives and their effect in national law), supremacy of EU-law, interpretation of EU law (especially doctrine of effet utile)
- primary EU law, basic freedoms, Right of internal market of EU

Dubbers

- EU institutions and history of EU
- Voting in EU
- Legal system of EU
- Effet utile

14 July 2009

Chairs: Amara Trgo and Sovjetka Režić

- European Court of Justice
- Relation between ECJ and European Court of Human Rights

Dubbers

- UN and UN supported courts
- Human rights
- referral of cases to the ECJ

15 July 2009

Chairs: Amara Trgo and Sovjetka Režić

EU and the criminal law

Dubbers

- EU cooperation in criminal matters
- Ne bis in idem
- European arrest warrant

Dr. Ebert

- EU cooperation in civil matters

16 July 2009

Chairs: Amara Trgo and Sovjetka Režić

International and bilateral cooperation of the judiciaries

Dubbers

- EU cooperation in criminal matters
- Schengen

Dr. Ebert

- case study

17 July 2009

Chairs: Amara Trgo and Sovjetka Režić

Croatia's future in the EU

Dubbers

- Lisbon treaty
- EU accession and jobs



2.3.5 Component 4: Improvement of access to legal information for trainees, court advisors as well as strengthening of training networks

Activity 1: Analysis of existing ways of communication of the Croatian legal community concerning judicial training

Some cooperation agreements have been signed already, those with the missing two law faculties are not signed yet, as the partners are planning in addition to include in upcoming agreements the handling of moot courts at the Universities and a broader exchange of law professors to teach in the JA and judges and prosecutors to teach a more practical approach already in Universities. Details need to be prepared further and the Dean of the Faculty of Law in the University in Zagreb will change soon and therefore some more time is needed to finalize the agreements.

Activity 2: Analysis of accessibility to legal databases and case law

Please refer in regard to this activity to the agreements of the project partners which are reported above.

The project team made legal information available on the internet pages of the Judicial Academy (www.pak.hr). The pages contain – besides information about the project itself, as well as former projects – a variety of consolidated laws and regulations in Croatian and English language. Furthermore, the internet pages contain an extensive link list, comprising links to, inter alia, the Supreme Court's case law database, and International Judgment databases, such as, the European Court of Human Rights Case Law Database. To this extent, the project did not develop a methodology on how to improve the accessibility to such information, but immediately implemented it by adding the relevant content to the Academy's internet pages in a way that the information required can be obtained from the starting page and every subpage of www.pak.hr. Moreover, according to the new web site design, further content (i.e. additional laws and regulations, training materials) can be added to the website in an easy, sustainable and convenient way.

The goal of the project „PHARE 2006 Harmonisation and Publication of Case Law“ is rolling-out of the Supreme Court system to be used by all courts. The Supreme Court is trying with financial support of MoJ to realise a single portal for all courts during 2009/2010.

There are several companies in the market who already offer legal databases:

Narodne Novine is state owned and offers in a non-commercial, free accessible part the legislation of the Parliament. This information satisfies only partly the needs of trainees, advisors, judges and prosecutors, as consolidated versions



of the laws are missing. For the other services Narodne Novine is acting like a company in the market and tries to sell legal information. One offer is the internet portal called “Pravni internetski portal“: <http://www.nn.hr/default.aspx?sec=465> . It is run as cooperation between Narodne Novine d.d. and experts from all branches of law. This legal portal wishes to offer access to legal texts, final texts of laws, subordinate legislation, case law, expert literature and the relevant opinions of legal experts and scholars concerning specific topics, as well as the opportunity to exchange expert opinions. As Narodne Novine is acting in the market, the Ministry of Justice cannot simply open the content for the members of the judiciary, but has to tender and buy the services within the market. Possible other companies/partners might be:

<http://www.ingbiro.hr/> commercial web-side
www.infolex.hr commercial web-side
www.online-zakoni.com commercial web-side (with a few free laws)
www.croacta.com (commercial online service)
www.legalis.hr
www.korekt.hr
www.pravokutnik.net - website of law students of the faculty in Zagreb
www.hjk.hr – Chamber of Notaries
www.pravnadatoteka.hr – database of court opinions, decision
www.hok-cba.hr – website of the Chamber of Advocates
www.andall.org/o_nama.htm - with some English and European content
<http://dns.pravo.hr/gpp/index.htm> - website of law students
www.pravo.hr (Law Faculty of the University in Zagreb)
www.propisi.hr (commercial web side with laws and jurisdiction)
www.hidra.hr Croatian Information Documentation Referral Agency – HIDRA (with translations of laws)
<http://www.sudacka-mreza.hr/>
<http://www.poslovniforum.hr/>
www.tax-fin-lex.hr (commercial web side with laws and jurisdiction, they have all changes of law integrated in one document).

As shown above, the project achieved that the Academy’s internet pages serve as a starting point for judicial staff (including judges, prosecutors, court advisors and trainees) that search legal information for their decisions. However, the needs of the judicial staff, on the long term, exceed the service offered on the Academy’s webpage so far; legal professionals require, inter alia, further laws or law review articles in order to decide a current case by considering the judicature of other (especially higher) courts, as well as academic opinions.

The methodology for improving the accessibility of information for decision by judicial staff should therefore, on the long run, consider the use of professional databases covering judgments, laws/regulations, and literature (law review articles, commentaries, legal textbooks). Such approach has been successfully



made in various European countries, for example, in the German State of Northrhine-Westphalia, where Judges and Prosecutors are entitled to use a variety of commercial databases, such as, “Juris” (www.juris.de) and “Beck Online” (www.beck-online.de) for researching judgments, laws, articles or commentaries. It is best practice to make such kind of information tool available at least to judges and prosecutors free of charge without quantitative limits from any computer at any time.

There are different options how to proceed.

- For the time being the project and the Judicial Academy provided the content of the web-page. This approach is currently not sustainable, as the needed staff is not employed within the Judicial Academy. If the content of the databases should be designed by the Ministry of Justice, the Judicial Academy or the judiciary, staff needs to be made available. The advantage of such a solution is that professionals design the content according to the professional needs, that a uniform IT environment can be introduced for the publication of court decisions within all courts and that the public administration guarantees constantly the data and their access. The disadvantage is that staff needs to be made available or employed and that input from Universities and commercial partners cannot be included easily.
- Another option could be to give the future documentation into private business. It could be negotiated and tendered with the respective providers in order to gain an access to their services to judicial staff. It could also be worth considering whether the Ministry of Justice could include in the contract with possible providers of laws/regulations or literature regulations about the delivery of the Court’s decisions in exchange for access to the commercial databases. The advantage of such a solution might be best value for money in a market process. The disadvantage is the need for financing and the risk to loose data – even judgements - once the commercial partner is changed.
- A third option could be a combination: Since the judgments naturally derive from the courts, a judgment database could be set up by the judiciary itself by, inter alia, committing all courts to transfer every decision issued into a unified standard electronic format and transferring it to a central administration (like the unit handling the data of the Supreme Court) which would be in charge of organization and coordination. The advantage of such a solution is the constant ownership and accessibility of the judgements within the judiciary even if the company changes. In the Netherlands an internet site with the laws is provided by the government (resembling the service of Narodne Novine) and all other digital publications deemed necessary by a "national intranet board" are bought from whatever commercial party that is selling it, so multiple commercial negotiation relations exist.



Independently setting up databases requires personal and financial resources and possibly it is challenging to create a search tool that easily changes between different servers. This option to place all judgements within the IT structure of the Supreme Court will be implemented through technical assistance “*PHARE 2006 Harmonisation and Publication of CASE Law*”. New Case – Law database and advanced search mechanism are going to be rolled out to 50 courts and after that to all courts in Croatia. Then the legal community and the public outside the courts will have access to most important decisions.

As all judgements of all Croatian courts will be available, the other content such as consolidated laws, scientific articles, commentaries and search tools need to be provided by a company which is identified for a certain period by a public tender.

- A market orientated option could be to grant to all members of the judiciary a certain sum to register in databases of individual choice. This approach has the advantage that the users (as participants in the market) decide on their own which company satisfies best the actual or specific (e.g. tax law) needs and this market decision can be renewed after the expiration of the registration. This solution is probably not the cheapest option, as it will be more difficult to obtain significant discounts for a large number of inscriptions.

With respect to laws/regulations and literature databases, it should be evaluated in more details which particular commercial databases in addition to the listed ones already exist and what exactly the desired content and applications are. The minimum requirements for a possible tender are as follows:

(1) Judicial Staff should be offered a judgment database, containing decisions from – at best all – national courts. A successful approach already exists with respect to the decisions issued by the Supreme Court and their Case Law Database (<http://sudskapraksa.vsrh.hr>).

In order to be useful, the judgment database should allow the user to search for at least the following criteria:

- Full-Text search;
- Search by court;
- Search by case number;
- Search by date of decision;
- Search by Articles that are dealt with in the respective decision;
- Search by source of information (place of publication of the decision, e.g. in a law review).



(2) Judicial Staff should also be able to use a database containing all national laws and regulations in their consolidated version (“status quo”), as well as previous (outdated) versions. As of today, it is difficult to find the status quo of a specific law within one document but rather necessary to start from the first version of the law and then read through all the changes that followed over the years in order to assemble the recent version manually.

A useful laws and regulations database should allow the user to search for at least the following criteria:

- Full-Text search;
- Search by Article;
- Search by Title of the Law;
- Search by date of ratification.

(3) Finally, judicial staff should be enabled to use a database containing law review articles, legal text book, and legal commentaries with the intention of considering recent academic approaches for a decision to be rendered.

In order to be useful, the laws and regulations database should allow the user to search for at least the following criteria:

- Full-Text search;
- Search by Article discussed in, i.e., a text book or commentary;
- Search by author;
- Search by commentary, text book or law review.

Activity 3: Implement two study visits to training centres of other European Member States to install a cooperation network for the JA and its staff

The first study visit to the regional Austrian training centre for judges and prosecutors in Kitzbuehel took place from 12th to 16th February 2009. The study visit focussed on Austrian, German and European training institutions (organisation, financing, advantages and disadvantages), training system and training needs for trainees, junior judges, judges and prosecutors in the job, the European dimension of training (EJTN, ERA, EIPA), new training contents (e.g. soft skills like communication or media training), best practices (e.g. moderation, visualisation, learning by doing instead of power point, e-learning, blended learning, electronic files) and the impact on the development in Croatia.

Participants have been: Ivan Galović, state attorney Zadar
Karmen Brkić, deputy state attorney Split



Sineva Vukušić, deputy state attorney Zagreb
Biserka Šmer – Bajt,
coordinator regional training centre Varaždin
Zorko Tomić, coordinator regional training centre
Osijek

Lecturers have been Dr. Wigbert Zimmermann, judge at the regional high court Innsbruck and president of the training centre, Dr. Georg Menardi, judge at the High Court at Innsbruck, Dr. Johann Rathgeb, president of the county court Salzburg, prosecutor Michael Schoen and TL Dr. Rainer Deville.

The regional training centre in Kitzbuehel is an example for a regional approach taken by Austria. Austria made good experiences with a regional training centre in addition to the main training centre Schloss Altkettenhof near Vienna. The participants agreed that the approach so far taken by Croatia by establishing regional training centres should be continued. It has been discussed, if regional coordinators and administrators should obtain on the long run a broader role, depending on the development of the training system.

The regional training centre in Kitzbuehel has accommodation in single rooms, a kitchen and training rooms within a court building which has been developed for the purposes of the establishment of a training centre. The advantage of such a solution is that available premises, court staff and court resources can be used with very reasonable costs to run the regional training centre. This might be an approach that at least some regional training centres, may be in cooperation with hotels nearby out of the season, might follow in the future.

In regard to training contents and training tools Croatia might be able to go beyond the existing programs. Electronic media (self learning tools, electronic files) and soft skills training (e. g. communication, media training, administration, leadership) might be topics that might be considered in the future.

The European dimension of training had been looked at in detail. So far financial limits need to be checked in order to implement a broader dimension of training.

2.4. Problems encountered

The project management had been able to overcome problems that occurred.

There have been difficulties in obtaining VAT exemption forms for some of the invoices.



2.5. Respect of, and contribution to, overarching policy issues

The project content is embedded in the overarching policy issue of Croatia to join the EU as a full member as soon as possible. The project supports this overarching goal in every possible way.

2.6. Linkage with other operations, complementarily and sectoral coordination between donors

In the beginning of May 2009 the Ministry of Justice has represented to the delegates of the international community and international institutions 50 most important projects for the period between 2009 and 2011 dealing with the judiciary reform. The value of these projects is 42 million euro. The Ministry expects someone from the representatives of the EU Member States, USA, Canada, Australia, Japan and the European Commission, World Bank, UN and OSCE will show interest for such projects. The main goals of the Ministry of Justice for the reform of the Croatian Judiciary are:

1. Swift and efficient justice system
2. Impartial justice
3. A system that is available for and accessible to everybody

To serve these main goals, eight individual tasks were identified and for each of these tasks the Ministry presented planned projects:

1. Strengthening capacity of the Ministry of Justice, especially in regard to the personnel which is missing.
2. Rationalization of judicial institutions, according to which the number of the courts should be cut down to 60 %. Further financial means are needed for physical merging.
3. Shortening the length of court proceedings, which is why many laws have been changed. However, this must be supported by further informatisation and development of the monitoring system, which requires additional financial support.
4. Reducing the backlog
5. Improvement of criminal justice system (implementation of the new criminal procedure code)
6. Strengthening capacity of the prison system.
7. Improvement of selection criteria and education of judicial professionals, containing:
 - Support to the establishment of a State School for Judicial Officials (IPA 2008),
 - Professional development of judicial advisors and future judges and state attorneys through establishment of self sustainable training system (IPA 2009),
 - Legal English Terminology (MATRA).
8. Improvement of access to justice



There is upcoming a bilateral Dutch/Croatian project called: "public and private justice 2009-2011, between the Law Faculty of the Zagreb University and the Law Faculty of the University of Maastricht. Under this project a series of seminars will be organized in Dubrovnik at the IUC for university graduates, policy makers and selected students from Croatia. In addition the Netherlands are planning to assist in media training for court officials.

3. Detailed work plan (next implementation period)

The project objectives still are:

- Amendments to the Law on Trainees and the content of the Bar Exam, as well as the laws regulating the selection and appointment of judges
- Strategy for the selection criteria and recruitment procedure of future judges and prosecutors being improved
- Strategy for the training of future judges and prosecutors designed and relevant training curricula/modules developed
- Access to legal information for trainees and court advisers improved, as well as the training networks strengthened.

Please refer to the Logframe, **Annex 16** and the overall work plan which is identical for the last period with the plan of operations for the next reporting period in **Annex 17**.

3.1 Results to be achieved by the end of the project

Component 1:

Evaluation of the latest version (amendment 2009) of the Law on Judicial Trainees. Check of the signature and implementation of the regulations, the new bar exam and as far as possible and requested the entry test for trainees.

Component 2:

Follow-up of the activities of the Parliament in regard to the amendments to the laws on courts and the law on state judicial council, amendments to the constitution in regard to the probation time (if information becomes available). Consultation of a possible new law implementing a School for judicial officials and selection criteria. Check of changes in the methodology for the evaluation of judges and prosecutors. Comments to the new law on prosecutors.

Component 3:

Development of a functioning structure at the JA. Pilot training in the administrative law module and maybe additional trainings in constitutional law and EU law (depending on capacities and funds). Assistance will be delivered in securing sustainability of the trainings by printing of training materials.



Evaluation of the pilot training and draft of a standard training strategy/training program for trainees. Development of a training strategy for advisors and implementation of trainings tailored for advisors, most likely focussing on soft skills like communication or handling work load and stress.

Component 4:

Study visit 2 to Trier and Luxembourg. Finalization of methodology papers (cooperation of stakeholders 4.1, access to information 4.2). Support of and report about international cooperation activities of the JA. Update of the website www.pak.hr.

3.2. Activity schedule, including milestones and responsibility

August 2009

Office work on components 2 (School for judicial officials), 3 (training materials) and 4 (methodology papers), vacations.

31.8. - 1.9. ISTE Rathgeb, Palzer: Training of the trainers in rhetoric and communication

September 2009

2.9. – 3.9. two days training for advisors in Zagreb: Rhetoric, communication, leading proceedings in court, handling conflicts, deescalation, (Croatian trainers with ISTE Rathgeb and Palzer)

7.9. – 11.9. Home working days Deville (preparation materials and final report)

14.9. – 18.9. pilot training administrative law module (ISTE Dr. Graf)

16.9. SCM

21.9. -23.9. Deville: component 4.

28.9. - 2.10. Study Visit 2 for members of the advisory board to Trier and Luxembourg.

30. monthly report, monthly PIU meeting invitation

October 2009

4. – 7.10.2009: Update of methodology papers in component 4, check of developments in components 1 and 2. Optional additional EU training.

8.10. Public holiday

12. – 16.10.2009 Dr. Kroll: Training for advisors: handling backlogs, competing stress, organisation of workload

13.10. training in Zagreb

14.10. travel to Osijek

15.10. training in Osijek

13. -15.10. ISTE Traunfelder, component 3.1, further development of the structure of the JA

19.10. – 22.10.2009 ISTE Bučić: sustainability of new state exam, component 1.

26. – 30. 10. Training on EU law for advisors/trainees in Zagreb, component 3 (with or without Dr. Ebert).



27. – 29.10. ISTE Traunfelder, component 3.1
30. monthly report, monthly PIU meeting invitation
30. Draft final report delivered

November 2009

30.10. – 6.11. ISTE Bučić: training materials, component 3, evaluation
component 1.
2.11. – 6.11. ISTE Richter: Update publications on the web-side of the JA,
component 4.
10.11. – 15.11. 2009 Deville 5 home working days (final report, invoicing, IRZ)
17.11. or 18.11. Closing event and SCM
23.11. – 27.11. Final version of final report, final invoice, Closing of office
30.11.2009 End of project

3.3. Assumptions and risks

The project management had been able to identify upcoming risks in advance and to find appropriate solutions in order to overcome all major obstacles.

3.4. Resource schedule

Please refer to **Annexes 2, 3 and 18**.

4. Sustainability

4.1. Participation and ownership by beneficiaries

We wish to point out that the beneficiary is fully supporting the project and has full ownership. This is an outstanding cooperation and valued immensely by the project.

4.2. Policy support

On 8th July 2009 the SPO herself provided the project with additional information about recent developments within the MoJ and its policy.

4.3. Appropriate technology

During all trainings laptops for all participants (with the relevant laws in electronic form) and beamers for the presentations have been available.

4.4. Socio-cultural aspects

As the legal community is an integral part of the public as such in each country the project content should be viewed from a wider angle. Insofar as the project objectives are mainly concerned with the education and selection of the future generations of judges and prosecutors it is a vital point for the Croatian public.



Currently the judiciary is not valued highly in the public opinion. If the project objectives are achieved in the course of the project implementation, especially the establishment of transparent and objective criteria for the recruitment of future judges and prosecutors it could change the view of the public upon the judiciary in the foreseeable future.

4.5. Gender equality

The project has constantly been promoting gender equality within its procedure to recruit ISTE. As most of the involved Croatian experts and counterparts are aware of gender issues, the need to discuss it has not arisen yet.

4.6. Environmental protection

This project is not related to environmental protection. During the implementation the project used electronic communication tools as much as possible instead of paper based letters.

4.7. Institutional and management capacity

Under its new Director the JA became a stable and well functioning institution. The advisory board and the programming board are working. The JA created a yearly program for the continuous training for 2009 and managed the challenge to include additional trainings on the new criminal procedure code for a huge group of participants. The JA succeeded to replace leaving staff until the end of this reporting period and to build up more capacity. Possibly the JA will be able to move to its own building until end of the year.

Serious limits are its financial means, the office building with its limited training capacities, missing accommodation and catering capacity and the awareness of the judiciary to increase their support of the JA.

4.8. Economic and financial viability

As the project is achieving its objectives in time or even before foreseen deadlines and the outflow of man-days and incidentals is on track in comparison to the original planning. The economic and financial viability is assured.

5 Conclusions and Recommendations

5.1. Conclusions in implementation (including critical issues / risks)

The project continued to deliver the results in all components and completed the main part of its objectives.

5.2. Recommendation for next implementation period

None. The project is almost completely implemented.



Annexes		Annex
Planned and used working days for experts		1
Financial planning and cashflow prognosis		2
Use of incidental budget		3
Amendments to the law on judicial trainees	EN	4
Amendments to the law on judicial trainees	HR	5
Regulation draft 1, version MoJ 2009	EN	6
Regulation draft 1, version MoJ 2009	HR	7
Regulation draft 2, version MoJ 2009	EN	8
Regulation draft 2, version MoJ 2009	HR	9
Strategy paper of the project for component 2	EN	10
Strategy paper of the project for component 2	HR	11
Draft law School for judicial officials	EN	12
Draft law School for judicial officials	HR	13
Comments on the amendments to the law on courts		14
Comments on the amendments to the law on State Judicial Council		15
Logframe		16
Plan of operations for the next reporting period		17
Man days spent in this reporting period		18



By our signature we confirm and approve this second progress report .

_____ Date:

Name: Ms. Britta Schwarz
(Member State / Project leader)

_____ Date:

Name: Ms. Ivana Goranić
(Croatian Project leader)

_____ Date:

Name: Ms. Marina Dujmović Vuković
(Senior programme officer – Ministry of Justice)