



COMMISSION FOR THE EFFICIENCY OF ENFORCEMENT PROCEDURES

INTERNATIONAL CONFERENCE PROMOTE EFFICIENCY OF ENFORCEMENT

*GOOD PRACTICES: DISCIPLINARY PROCEDURES AND
SUPERVISIONS /INSPECTIONS PROCEDURES MANUALS*

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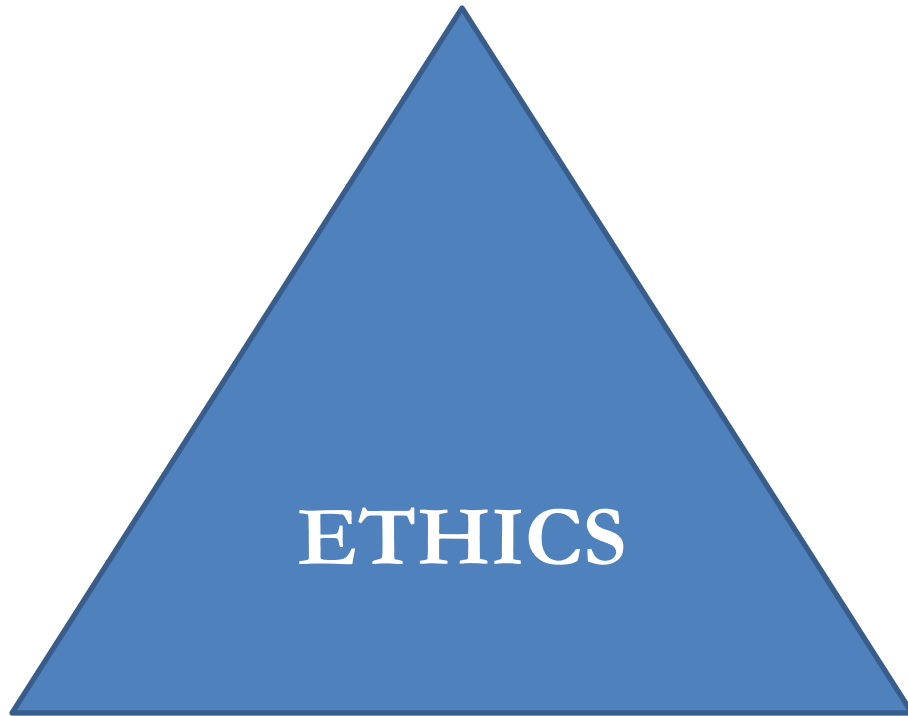
MEMBER OF THE EXECUTIVE BOARD

OF THE COMMISSION FOR THE EFFICIENCY OF THE ENFORCEMENT PROCEDURES

SUPERIOR INSTITUTE OF POLITICAL AND SOCIAL SCIENCES – LISBON UNIVERSITY

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CITIZENSHIP



ETHICS

SUPERVISION

DISCIPLINE

SUMMARY

- 1. LEGAL FRAMEWORK - CEEP EXCLUSIVE LEGAL ABILITIES - DISCIPLINE AND SUPERVISION OF ENFORCEMENT AGENTS**
- 2. ACTION PLAN/ACTIVITY REPORT AND GUIDELINES OF CPEE TO 2009/2012 CONCERNING DISCIPLINARY AND SUPERVISION/ INSPECTIONS ABILITIES**
- 3. ACHIEVED RESULTS IN 2009 AND 2010**
- 4. EXPECTED RESULTS, THE NECESSARY RESOURCES AND REFLECTIONS FOR THE FUTURE**

1. CEEP EXCLUSIVE LEGAL ABILITIES- DISCIPLINE AND SUPERVISION OF ENFORCEMENT AGENTS

- CEEP EXECUTIVE BOARD
- CEEP PLENARY
- SUPERVISION COMMISSIONS
- THE ADVISORS TO THE CEEP MANAGEMENT GROUP AND TO THE SUPERVISION COMMISSIONS

1. CEEP EXCLUSIVE LEGAL ABILITIES - DISCIPLINE AND SUPERVISION OF ENFORCEMENT AGENTS

CEEP EXECUTIVE BOARD

COMPOSITION AND FUNCTIONING:

- UNDER EXCLUSIVE FUNCTIONS AND ON A DAILY BASIS WORK ON CPEE THE FOLLOWING MEMBERS:
 - THE PRESIDENT OF CPEE
 - THREE MEMBERS SELECTED BY THE PRESIDENT OF CPEE AND UNANIMOUSLY VOTED BY THE PLENARIUM
- REGULAR WEEKLY MEETING EVERY THURSDAY MORNING:
 - NORMALLY ATTENDED BY FIVE MEMBERS (TO THE FOUR EXCLUSIVE MEMBERS, JOINS THE PRESIDENT OF THE COLLEGE OF SPECIALTY OF ENFORCEMENT AGENTS, ALSO MEMBER OF THE EXECUTIVE BOARD)
- TOTAL OF 42 MEETINGS TILL THE PRESENT
- MEETING AGENDA POINTS AVAILABLE IN www.cpee.pt

1. CEEP EXCLUSIVE LEGAL ABILITIES - DISCIPLINE AND SUPERVISION OF ENFORCEMENT AGENTS

CEEP EXECUTIVE BOARD EXCLUSIVE LEGAL ABILITIES OVER ALL ENFORCEMENT AGENTS

OVER ALL OFFENCES/ BREACHES OF LAWS, REGULATIONS OR RULES OF ETHICS COMMITTED AFTER 31/03/2009:

- INITIATE DISCIPLINARY PROCEEDINGS
- APPLY DISCIPLINARY SANCTIONS
- PERFORM SUPERVISION AND INSPECTION PROCEDURES
- THE REMOVAL OF ENFORCEMENT AGENTS IN COURT PROCESSES INITIATED AFTER 31/03/2009

1. CEEP EXCLUSIVE LEGAL ABILITIES - DISCIPLINE AND SUPERVISION OF ENFORCEMENT AGENTS

CEEP PLENARY

EXCLUSIVE LEGAL ABILITIES TO DECIDE APPEALS AGAINST DECISIONS OF THE EXECUTIVE BOARD APPLYING THE MOST SERIOUS SANCTIONS TO THE ENFORCEMENT AGENT, SUCH AS:

- SUSPENSION
- EXPULSION

1. CEEP EXCLUSIVE LEGAL ABILITIES - DISCIPLINE AND SUPERVISION OF ENFORCEMENT AGENTS

SUPERVISION COMMISSIONS

- The CPEE Executive Board may appoint an external entity to perform the supervision/ inspections to Enforcement Agents.
- **or**
- The CPEE Executive Board may nominate Supervision Commissions
- These Commissions may include:
 - CPEE Executive Board members
 - CPEE Executive Board members + Members appointed by the Executive Board (*e.g.*, Enforcement Agents)
 - Enforcement Agents (maximum of 3)

1. CEEP EXCLUSIVE LEGAL ABILITIES - DISCIPLINE AND SUPERVISION OF ENFORCEMENT AGENTS

TECHNICAL ADVISORS TO THE EXECUTIVE BOARD

- The Executive Board may choose to recruit experts or *technicians in the annual maximum amount that will be fixed by joint decree of the Cabinet members responsible for Finance and Justice*
- In 2009 – Technical advise from 2 experts and 1 technician
- In 2010 – CPEE expects the joint decree issuance from the Ministers of Finance and Justice

1. CEEP EXCLUSIVE LEGAL ABILITIES - DISCIPLINE AND SUPERVISION OF ENFORCEMENT AGENTS

TECHNICAL ADVISORS TO THE SUPERVISION COMMISSIONS

Each Supervision Commissions *may be assisted by professionals, and offset the expenses and loss of earned income, under regulations to be approved by the General Council of the Chamber of Solicitors.*

2. ACTION PLAN/ACTIVITY REPORT AND GUIDELINES OF CEEP TO 2009/2012 CONCERNING DISCIPLINARY AND SUPERVISION/ INSPECTIONS ABILITIES

- DISCIPLINE AND SUPERVISION AS
STRATEGIC OBJECTIVES**
- GOALS TO BE ACHIEVED**

2. ACTION PLAN/ACTIVITY REPORT AND GUIDELINES OF CEEP TO 2009/2012 CONCERNING DISCIPLINARY AND SUPERVISION/INSPECTIONS ABILITIES

DISCIPLINE AND SUPERVISION = STRATEGIC OBJECTIVES

- **CPEE ACTION PLAN – OBJECTIVE II:**

CONTRIBUTE TO INCREASE THE LEVEL OF ETHICS AND TECHNICAL TRAINING OF ENFORCEMENT AGENTS, STRENGTHENING THEIR DISCIPLINE

- **CPEE ACTION PLAN - OBJECTIVE III**

ENSURING THE DISSEMINATION OF CPEE BRAND NAME AND PROMOTE IT'S ACTION BY ELECTRONIC MEANS (E-CPEE), MAKING IT THE PRIVILIGED LINK BETWEEN JUSTICE OPERATORS, CITIZENS AND BUSINESSES

2. ACTION PLAN/ACTIVITY REPORT AND GUIDELINES OF CEEP TO 2009/2012 CONCERNING DISCIPLINARY AND SUPERVISION/INSPECTIONS ABILITIES

DISCIPLINE AND SUPERVISION = GOALS TO BE ACHIEVED

- DEVELOP PROCEDURES MANUALS OF DISCIPLINARY PROCESS AND SUPERVISION PROCEDURES TO ENFORCEMENT AGENTS, TO ENSURE COMPLIANCE WITH THE PRINCIPLE OF EQUALITY AND FAIRNESS IN THE ANALYSIS OF SITUATIONS
- MAKE AVAILABLE IN <http://www.cpee.pt> USEFUL INFORMATIONS TO THE DAILY ACTIVITIES OF ENFORCEMENT AGENTS
- PROMOTE DEMATERIALIZATION OF DECISION PROCEDURES WITHIN CPEE LEGAL COMPETENCES
- ENSURE A QUICK DISCIPLINARY PROCEEDING TO THE ENFORCEMENT AGENT, WITHIN THE SCOPE OF PROPER IT SOFTWARE, ENABLING A FAST AND EFFECTIVE COMMUNICATION BETWEEN CEEP AND THE ENFORCEMENT AGENT

<http://www.cpee.pt>

2. ACTION PLAN/ACTIVITY REPORT AND GUIDELINES OF CEEP TO 2009/2012 CONCERNING DISCIPLINARY AND SUPERVISION/INSPECTIONS ABILITIES

DISCIPLINE AND SUPERVISION = GOALS TO BE ACHIEVED

- ANNUAL REVIEW OF PROCEDURES MANUALS
- ADOPT PREVENTIVE SUPERVISION PLANS OF DISCIPLINARY PENALTIES
- ADOPT REGULAR SUPERVISION PLANS OF ENFORCEMENT AGENTS
- ENSURE THE EXISTENCE OF ORGANIZATIONAL CONDITIONS THAT GUARANTEE QUALITY, TRANSPARENCY AND MODERNITY IN THE PERFORMANCE OF THE ACTIVITY OF THE ENFORCEMENT AGENT - THE ELECTRONIC PROCESS
- IMPROVE THE DEGREE OF COMPLIANCE WITH THE LAW, ETHICAL STANDARDS, PROFESSIONAL ETHICS AND DISCIPLINE BY THE ENFORCEMENT AGENT

3. ACHIEVED RESULTS IN 2009 AND 2010

- PRELIMINARY APPRAISAL PROCEDURES AND DISCIPLINARY PROCEEDINGS MANUAL 2009/2010
- SUPERVISION PROCEDURES MANUAL 2009/2010
- SUPERVISION AGENTS STOCK/ CPEE AUDITORS/SUPERVISORS

3. ACHIEVED RESULTS IN 2009 AND 2010

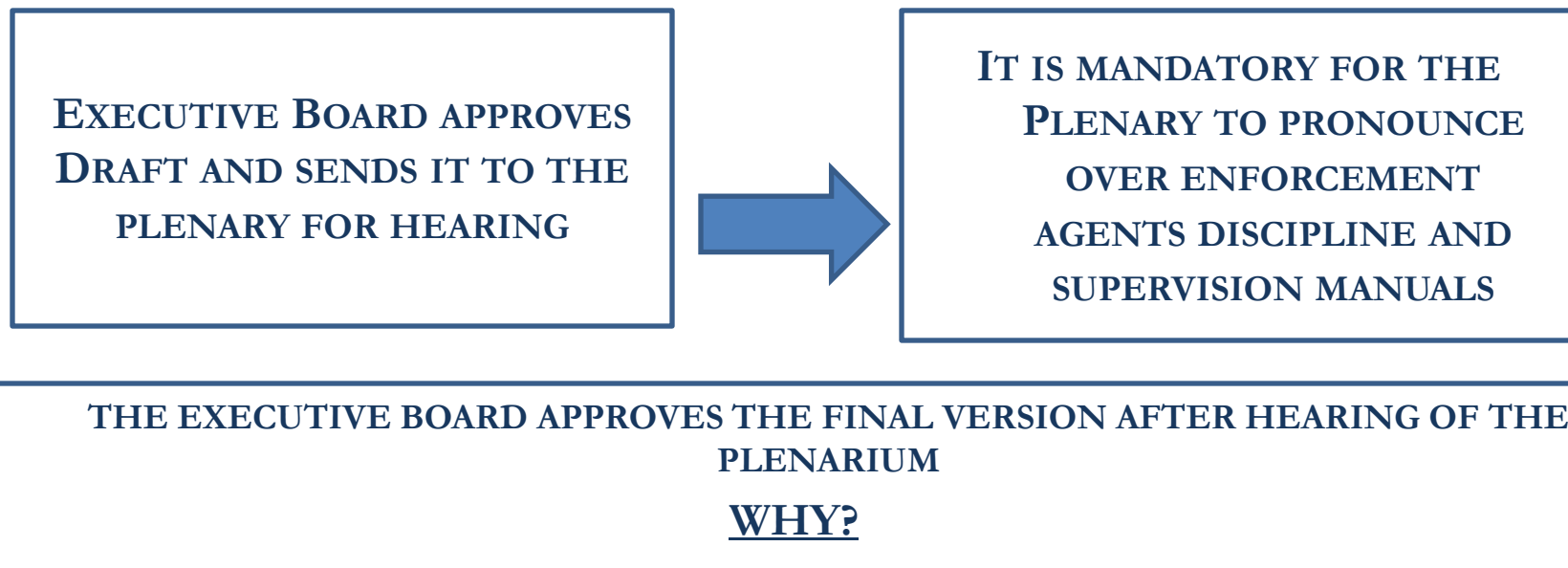
PREPARATION OF MANUALS

- **PILLARS: PRINCIPLES OF LEGALITY, TRANSPARENCY, EQUALITY, PURSUIT OF PUBLIC INTEREST AND PROTECTION OF THE RIGHTS AND INTERESTS OF CITIZENS**
- **SIMILARITY WITH ACCREDITATION PROCEDURES AND AUDITS BASED ON QUALITY PRINCIPLES (E.G.: “Specifications Manual for National Hospital Quality Measures – ICU” in <http://www.jointcommission.org/> and “Regulating Complementary Medical Practitioners” in www.kingsfund.org.uk)**
- **THE “CHECK-LIST” CONCEPT, frequently used in *Due Diligences***
- **COMPILATION AND COLLECTION OF LEGISLATION AND PRACTICAL ELEMENTS RELATING TO THE FIGURE OF THE SUPERVISION AGENT / INSPECTORS AND TO THE SUPERVISIONED ENFORCEMENT AGENTS**
- **REGARDING SUPERVISION, UNIFORMITY OF PROCEDURES IN THE FACE OF UNCERTAIN AND GENERIC CONCEPTS ENSHRINED IN THE CHAMBER OF SOLICITORS STATUTE**
- **EASY HANDLING AND UNDERSTANDING**

<http://www.cpee.pt>

3. ACHIEVED RESULTS IN 2009 AND 2010

METHOD FOR PREPARING THE MANUALS



- ❑ CEEP IS A DEMOCRATIC BODY
- ❑ COMBINING THE EXECUTIVE BOARD WITH THE PLENARIUM IS THE BEST WAY TO PROMOTE THE EFFICIENCY OF ENFORCEMENT PROCEDURES

3. ACHIEVED RESULTS IN 2009 AND 2010

PRELIMINARY APPRAISAL PROCEDURES AND DISCIPLINARY PROCEEDINGS MANUAL 2009/2010

APPROVED IN MAY 2010 - WITH EFFECTS FROM 01/12/2009

- **TYPE OF PROCEDURES:**
 - **PRELIMINARY APPRAISAL EACH COMPLAINT IS ASSESSED BY CPEE**
 - **DISCIPLINARY PROCEEDINGS**
- **DESCRIPTION OF EACH TYPE OF PROCEDURE / PROCESS**
- **INDICATION OF STANDARD DOCUMENTS IN USE, CHECK-LIST, NORMATIVE REFERENCES**
- **EXPECTED FORMAL AND ELECTRONIC ORGANIZATION OF THE DISCIPLINARY PROCESS**

3. ACHIEVED RESULTS IN 2009 AND 2010

SUPERVISION PROCEDURES MANUAL 2009/2010

APPROVED IN DECEMBER 2009 – WITH EFFECTS FROM 25/11/2009

- TYPES OF SUPERVISION:
 - DEMATERIALIZED SUPERVISION / *ON- LINE*
 - SUPERVISION BY COOPERATION
 - FACE TO FACE SUPERVISION
- SUPERVISION METHODS:
 - ORDINARY SUPERVISION
 - EXTRAORDINARY SUPERVISION
- SUPERVISION PROCEDURES
- OPERATION OF THE SUPERVISION COMMISSIONS
- SUPERVISION AGENTS STOCK/ CPEE AUDITORS/SUPERVISORS
- STANDARD DOCUMENTS, *CHECK-LIST*, NORMATIVE REFERENCES AND TIME FRAME

3. ACHIEVED RESULTS IN 2009 AND 2010

COMMON GROUND OF THE TWO MANUALS

- ❑ **PRIMARY OBJECTIVES:** CUSTOMER ACCOUNTS AND TRANSPARENCY OF THESE STRUCTURES, AND MINIMUM COMPUTER MEANS OF ENFORCEMENT AGENTS
- ❑ **DOCUMENTS TO BE MADE AVAILABLE IMMEDIATELY, BOTH TO THE INSTRUCTORS OR TO THE SUPERVISION COMMISSIONS - DOCUMENTS RELATING TO CUSTOMER ACCOUNTS;**
- ❑ **WORKING WITH OTHER ENTITIES**
- ❑ **THE TYPES OF PROCEDURES AND DESCRIPTION**
- ❑ **THE OBJECTIVE DECISION CRITERIA - PRINCIPLE OF TRANSPARENCY**
- ❑ **THE POSSIBILITY THAT CPEE CAN ALWAYS INTERVENE IN THE CONDUCT OF PROCEDURES, E.G. BY ISSUING RECOMMENDATIONS**
- ❑ **COMPILED DOCUMENTS/DRAFTS IN USE**
- ❑ **MANUALS REVISION DEADLINE - TECHNICAL AND UP-TO-DATE QUALITY**
- ❑ ***ON-LINE* DISCLOSURE**

3. ACHIEVED RESULTS IN 2009 AND 2010

SUPERVISION AGENTS STOCK/CEEP AUDITORS/SUPERVISORS

- COOPERATION OF ENFORCEMENT AGENTS IN INSPECTIONS - AIMS TO CREATE A STOCK OF 30 SUPERVISORS
- STEPS: CURRICULUM EVALUATION BY CPEE, INTERVIEW AND FACE TO FACE SUPERVISION OF ENFORCEMENT AGENT'S OFFICE HELD BY CPEE EXECUTIVE BOARD
- 26 ENFORCEMENT AGENTS CANDIDATES TO THIS STOCK
- 11 INTERVIEWS HELD
- 3 ENFORCEMENT AGENTS TAKE PART OF THIS STOCK

3. ACHIEVED RESULTS IN 2009 AND 2010

PROVIDING A QUALITY PUBLIC SERVICE

THE DISTINCTION BY CPEE WITH THE MENTION:



*ENFORCEMENT AGENTS MONITORED IN 2010 WITH
DISTINCTION AND QUALITY OF SERVICE VERIFIED AND
CERTIFIED BY THE*

*COMMISSION FOR THE EFFICIENCY OF ENFORCEMENT
PROCEDURES*

- 4 ENFORCEMENT AGENTS ALREADY DISTINGUISHED BY CPEE – THEY BELONG TO THE SUPERVISION AGENTS STOCK/ CEEP AUDITORS/SUPERVISORS

4. EXPECTED RESULTS, THE NECESSARY RESOURCES AND REFLECTIONS FOR THE FUTURE

- AN ELECTRONIC APPLICATION SUCH AS A WORKFLOW APPLIED ON DISCIPLINE AND SUPERVISION OF ENFORCEMENT AGENTS PROCEDURES - E-CEEP (OBJECTIVE I OF CEEP ACTION PLAN: PROMOTE THE EFFICIENCY OF ENFORCEMENT PROCEDURES - SPEED AND EFFICIENCY, VIA ELECTRONIC PROCEDURES)

- MANUALS CONTENTS ANALYSIS AND ANNUAL REVISION

- REGULAR SUPERVISION OF ALL ENFORCEMENT AGENTS FOR THE YEAR 2010:
 - INITIATE: DEMATERIALIZED OR DISTANCE SUPERVISION OF ALL ENFORCEMENT AGENTS

4. EXPECTED RESULTS, THE NECESSARY RESOURCES AND REFLECTIONS FOR THE FUTURE

- ❑ CONTRIBUTES TO THE ELABORATION OF A MANUAL FOR BEST PRACTICES
 - ❑ IT IS NECESSARY TO MAKE A PROFILE OF THE ENFORCEMENT AGENT
 - ❑ RECOGNITION OF A MODEL OF EXCELLENCE AND QUALITY CERTIFICATION
 - ❑ WHILE CREATING THE BEST PRACTICES MANUAL, CPEE WILL COMPLY, WITH THE NECESSARY AJUSTEMENTS, WITH THE GUIDELINES OF THE EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ), OF THE EUROPEAN COUNCIL

(“Guidelines for a Better Implementation of the Existing Council of Europe’s Recommendation Enforcement”, de 17/12/2009)

4. EXPECTED RESULTS, THE NECESSARY RESOURCES AND REFLECTIONS FOR THE FUTURE

CEPEJ RECOMMENDATIONS

(“*Guidelines for a Better Implementation of the Existing Council of Europe’s Recommendation Enforcement*”, de 17/12/2009):

http://www.coe.int/T/dghl/cooperation/cepej/default_en.asp

and <http://www.cpee.pt>

- ENFORCEMENT AGENTS - INFORMATION TO BE GIVEN TO PARTIES CONCERNING THE ENFORCEMENT PROCEDURE (E.G. GROUNDS OF ACTIONS, CLARITY AND TRANSPARENCY OF COSTS)
- THE RULES GOVERNING THE FORMULATION OF NOTICES TO PARTIES (THE ENFORCEMENT AGENTS’ SOCIAL ROLE DUTY TO ADVISE, ETC.)
- PROFESSIONAL ETHICS - BEHAVIOR, PROFESSIONAL SECRECY, THE ETHICAL CRITERIA GOVERNING THE CHOICE OF ACTIONS
- SMOOTH ENFORCEMENT (PREDICTABILITY AND PROPORTIONALITY OF COSTS AND LEAD-TIMERS, CO-OPERATION BETWEEN ENFORCEMENT SERVICES, ETC.)
- PROCEDURAL FLEXIBILITY (AUTONOMY OF ENFORCEMENT AGENTS, ETC.)

4. EXPECTED RESULTS, THE NECESSARY RESOURCES AND REFLECTIONS FOR THE FUTURE

- ❑ SIMPLIFICATION OF LEGAL DISCIPLINARY PROCESS:
SOME NOTES:**
 - ❑ TYPE OF OFFENSE: VERY SERIOUS, SEVERE AND MILD**
 - ❑ BALANCE BETWEEN THE TYPE OF OFFENSE AND THE PENALTY TO BE APPLIED**
 - ❑ CREATING A FORM OF SIMPLIFIED PROCESS FOR MINOR OFFENSES: REMOVAL OF THE INITIAL PHASE, ELECTRONIC NOTIFICATION OF THE ENFORCEMENT AGENT**

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