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COMMISSION FOR THE EFFICIENCY OF ENFORCEMENT PROCEDURES

INTERNATIONAL CONFERENCE PROMOTE EFFICIENCY OF ENFORCEMENT

*PRESENTATION OF THE ANNUAL REPORT OF ACTIVITIES OF THE  
COMMISSION FOR THE EFFICIENCY OF  
ENFORCEMENT PROCEDURES*

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JUNE 18TH 2010

# SUMMARY

1. **THE CEEP UNDER DECREE-LAW NO. 226/2008, OF 20<sup>TH</sup> NOVEMBER**
2. **THE LAUNCH OF THE BASES OF CEEP**
3. **CEEP ACTION PLAN AND GUIDELINES FOR 2009/2012: GOALS AND RESULTS ACHIEVED IN 2009/2010**
4. **ANALYSIS OF STATISTICS DATA – EXECUTIVE BOARD**
  - IMPEDIMENTS, EXCUSES AND SUSPICIONS OVER THE ENFORCEMENT AGENTS**
  - COMPLAINTS CONCERNING THE ACTIVITY OF ENFORCEMENT AGENTS**
  - DISCIPLINARY PROCEDURES**

**THE CEEP UNDER  
DECREE-LAW NO. 226/2008,  
OF 20<sup>TH</sup> NOVEMBER**

# MAIN STATUTORY POWERS

**CEEP**



- EMISSION OF RECOMMENDATIONS TOWARDS THE:
  - EFFICIENCY OF ENFORCEMENT PROCEDURES
  - THE TRAINING OF ENFORCEMENT AGENTS
- SET THE NR. OF CANDIDATES ADMITTED IN EACH ENFORCEMENT AGENTS TRAINING PROGRAM
- CHOOSES AND APPOINTS THE EXTERNAL ENTITY RESPONSIBLE FOR DEVELOPING, DEFINING THE CRITERIA FOR EVALUATION AND ASSESSMENT OF THE EXAM FOR ADMISSION TO THE ENFORCEMENT AGENTS TRAINING PROGRAM
- DECIDE ISSUES RELATED TO IMPEDIMENT AND SUSPICIONS OVER THE ENFORCEMENT AGENT
- DEPOSES ENFORCEMENT AGENTS FROM ENFORCEMENT PROCEEDINGS
- ENSURES DISCIPLINE TO ENFORCEMENT AGENTS - INSTRUCTS DISCIPLINARY PROCEEDINGS AND APPLY DISCIPLINARY PENALTIES
- PERFORMS INSPECTIONS AND SUPERVISIONS OVER ENFORCEMENT AGENTS

# CEEP: A DEMOCRATIC, PLURALISTIC AND INDEPENDENT ENTITY

## DEMOCRATIC BODY

- ELECTION OF THE PRESIDENT OF CEEP FOR A 3 YEARS TERM

## PLURALISTIC BODY

- COMPOSITION OF THE PLENARY: 16 ENTITIES HAVE A SIT IN PLENARY
- SOME ENTITIES ALSO PLAY A PART ON THE MISSION OF CEEP:
  - LAW FACULTY OF THE CATHOLIC UNIVERSITY OF PORTUGAL – LISBON SCHOOL
  - DIRECTORATE-GENERAL FOR JUSTICE POLICY - MINISTRY OF JUSTICE (DGPJ)
  - COUNCIL FOR INFORMATION TECHNOLOGIES IN JUSTICE - MINISTRY OF JUSTICE (ITIJ)
  - SUPERIOR INSTITUTE OF POLITICAL AND SOCIAL SCIENCES (ISCSP)

# CEEP: A DEMOCRATIC, PLURALISTIC AND INDEPENDENT ENTITY

## □ INDEPENDENT BODY

- CEEP PRESIDENT AND 3 MEMBERS OF THE EXECUTIVE BOARD SELECTED BY THE PRESIDENT AND VOTED FOR BY THE PLENARY, ARE SUBJECT TO THE REGIME OF ACCUMULATION, INCOMPATIBILITIES AND IMPEDIMENTS OF SENIOR EXECUTIVES OF PUBLIC ADMINISTRATION
  - PRESIDENT – EQUIVALENT TO 1<sup>ST</sup> DEGREE MANAGEMENT LEVEL
  - THREE MEMBERS OF THE EXECUTIVE BOARD SELECTED BY THE PRESIDENT – 1<sup>ST</sup> DEGREE INTERMEDIATE MANAGEMENT LEVEL
- POSSIBILITY THAT THE LAWYER ACT AS AN ENFORCEMENT AGENT - THE EXERCISE OF DISCIPLINARY AUTHORITY OVER THE ENFORCEMENT AGENT HAD TO BE ASSIGNED TO A DIFFERENT AND INDEPENDENT ENTITY FROM THE CHAMBER OF SOLICITORS AND THE LAWYERS BAR
- THE CEEP ENSURES COMPLIANCE WITH THE PRINCIPLE OF EQUAL TREATMENT FOR ALL THE ENFORCEMENT AGENTS, SUBJECTING THEM TO IDENTICAL SUBSTANTIVE DECISION CRITERIA
- CEEP HAS ITS OWN LOGO
- FOR PUBLICATION IN THE JOURNAL OF GOVERNMENT, CPEE IS IDENTIFIED AS *“INDEPENDENT ENTITY”*

# PLENARY: COMPOSITION AND ACTIVITY

## COMPOSITION

- THE PRESIDENT - WAS UNANIMOUSLY ELECTED BY THE MEMBERS
  - ONE MEMBER APPOINTED BY THE SUPREME JUDICIAL COUNCIL
  - ONE MEMBER APPOINTED BY THE MINISTER OF JUSTICE
  - ONE MEMBER APPOINTED BY THE MINISTER OF STATE AND FINANCE
  - ONE MEMBER APPOINTED BY THE MINISTER OF LABOUR AND SOCIAL SOLIDARITY
  - ONE MEMBER APPOINTED BY THE PRESIDENT OF THE CHAMBER OF SOLICITORS
  - ONE MEMBER APPOINTED BY THE PRESIDENT OF THE LAWYERS BAR
  - THE PRESIDENT OF THE SPECIALTY ENFORCEMENT AGENTS COLLEGE
  - ONE MEMBER APPOINTED BY ASSOCIATIONS REPRESENTING CONSUMERS OR USERS OF JUSTICE SERVICES
  - TWO MEMBERS APPOINTED BY CONFEDERATIONS WITH A SEAT ON THE STANDING COMMITTEE FOR SOCIAL DIALOGUE OF THE ECONOMIC AND SOCIAL COUNCIL
- THE SUPERIOR COUNCIL OF THE TAX AND ADMINISTRATIVE COURTS AND THE SUPERIOR COUNCIL OF THE PUBLIC PROSECUTOR MAY ATTEND THE MEETINGS WHEN THE SUBJECTS DISCUSSED CONCERN TO THEM
- ## MEETINGS EVERY TWO MONTHS: 11 MEETINGS UNTIL THE PRESENT DATE
- 9 REGULAR MEETINGS
  - 2 EXTRAORDINARY MEETINGS

# EXECUTIVE BOARD: COMPOSITION AND ACTIVITY

## COMPOSITION

- CEEP PRESIDENT
- THE PRESIDENT OF THE SPECIALTY ENFORCEMENT AGENTS COLLEGE
- THE THREE MEMBERS CHOSEN BY THE CEEP PRESIDENT AND VOTED FOR BY A SIMPLE MAJORITY OF THE PLENARY
- ADVICE: TECHNICIANS AND EXPERTS CHOSEN BY EXECUTIVE BOARD

## ACTIVITY: MEETINGS ONCE A WEEK (ON THURSDAYS)

- 42 REGULAR MEETINGS UNTIL THE PRESENT DATE

# **THE LAUNCH OF THE BASES OF CEEP**

## 2. THE LAUNCH OF THE BASES OF CEEP

- ❑ INSTALLATION OF CEEP (JUNE 2009)
  - ❑ SUPPORT OF THE MINISTRY OF JUSTICE AND CHAMBER OF SOLICITORS (APRIL–JULY 2009)
  
- ❑ CREATION OF THE CEEP WEBSITE – <http://www.cpee.pt> (also in english)
  - ❑ TRANSPARENCY (JUNE 2009)
  
- ❑ ANALYSIS OF THE NUMBER OF ADMISSIONS TO THE TRAINING PROGRAM FOR ENFORCEMENT AGENTS
  - ❑ RIGOUR IN THE DEFINITION OF THE NR OF CANDIDATES TO ADMIT TO THE 1ST TRAINING PROGRAM FOR ENFORCEMENT AGENTS (MAY 2009)
  
- ❑ THE HANDBOOK OF QUESTIONS AND ANSWERS ABOUT EXECUTIVE ACTION AND LEGISLATION COMPILATION
  - ❑ DGPJ AND CPEE - DISSEMINATION OF THE REFORM OF 2008 JULY 2009 (ONLINE) AND IN JANUARY 2010 (PRINT EDITION BY DGPJ)

## 2. THE LAUNCH OF THE BASES OF CEEP

### CEEP INTERNAL PROCEDURES AND RULES

- EFFICIENT OPERATION OF CEEP (JULY 2009)

### CEEP ACTION PROGRAM AND THE GUIDELINES FOR THE TRIENNIUM 2009/2012

- SELF-ACCOUNTABILITY (SEPTEMBER 2009)

### CEEP HANDBOOK ON SUPERVISION 2009/2010

- REGULATION AND TRANSPARENCY IN SUPERVISION (DECEMBER 2009)

### THE HANDBOOK OF PRELIMINARY ASSESSMENT AND DISCIPLINARY PROCEDURES 2009/2010

- REGULATION AND TRANSPARENCY IN DISCIPLINARY PROCEDURES (MAY 2010)

**CEEP ACTION PROGRAM AND THE  
GUIDELINES FOR THE TRIENNIUM  
2009/2012:**



**CEEP OBJECTIVES  
AND THE ACHIEVED RESULTS IN 2009/2010**

# CEEP ACTION PROGRAM AND THE GUIDELINES FOR THE TRIENNIUM 2009/2012 - CEEP OBJECTIVES

## OBJECTIVE I

PROMOTE THE EFFICIENCY OF ENFORCEMENT: SPEED AND EFFICIENCY THROUGH THE ELECTRONIC PROCESS

## OBJECTIVE II

CONTRIBUTE TO THE CREATION OF THE NEW PARADIGM OF SERVICE FOR ENFORCEMENT AGENTS

## OBJECTIVE III

ENSURE DISCLOSURE OF CEEP AND PROMOTE ITS ACTIVITIES THROUGH NEW INFORMATION TECHNOLOGIES AND COMMUNICATION - A LINK BETWEEN THE JUDICIARY, CITIZENS AND BUSINESSES

# OBJECTIVE I - RESULTS ACHIEVED IN 2009/2010

## COOPERATION AMONG THE PLENARY MEMBERS

- ❑ CPEE - SCALING OF THE NUMBER OF ENFORCEMENT AGENTS NEEDED TO MAKE A QUICK ENFORCEMENT ACTION - THE DETERMINATION OF THE NUMBER OF CANDIDATES TO ADMIT TO THE TRAINING PROGRAM (MAY 2009)

(study by DGPJ with data from the Chamber of Solicitors)

- ❑ MAY 2009 = 835 ENFORCEMENT AGENTS
  - ❑ IT WAS NECESSARY TO DOUBLE THE NR. OF ENFORCEMENT AGENTS TO ENSURE A SPEEDIER ENFORCEMENT, THAT INSTEAD OF LASTING 2 YEARS, LASTED 1 YEAR
  - ❑ CPEE DECIDED TO DOUBLE IN A PHASED MANNER OVER THREE YEARS:
- ❑ DEFINITION OF THE NR. OF CANDIDATES TO BE ADMITTED IN THE FIRST ENFORCEMENT AGENTS TRAINING PROGRAM (MAY 2009)
  - ❑ 300 CANDIDATES

# OBJECTIVE I - ACHIEVED RESULTS IN 2009/2010

## COOPERATION BETWEEN CEEP AND THE LISBON FACULTY OF LAW OF THE CATHOLIC UNIVERSITY OF PORTUGAL

- ❑ OCTOBER OF 2009 – APPOINTMENT OF THE FACULTY OF LAW OF THE CATHOLIC UNIVERSITY OF PORTUGAL – SCHOOL OF LISBON AS EXTERNAL AND INDEPENDENT ENTITY
  
- ❑ SINCE 03/12/2009 TO 21/01/2010 (1 MONTH AND 18 DAYS) – FACULTY OF LAW OF THE CATHOLIC UNIVERSITY OF PORTUGAL – SCHOOL OF LISBON EXECUTE AND FINISH THE INICIAL PERIOD – ELABORATION OF THE RIGOROUS NATIONAL AND ANONYMOUS EXAM OF ENFORCEMENT PROCEDURE, EVALUATION OF THE TESTS AND PUBLICATION OF THE FINAL RESULTS, SELECTING THE BEST 300 CANDIDATES
  
- ❑ 21/01/2010 – CEEP SIGNS THE CONCLUSION OF THE INITIAL PERIOD:  
TIME BETWEEN THE DESIGNATION OF THE ENTITY AND THE SELECTION OF 300 CANDIDATES:  
3 MONTHS AND 7 DAYS (since 14/10/2009 to 21/01/2010)

# OBJECTIVE I - ACHIEVED RESULTS IN 2009/2010

INITIAL PERIOD – EXCELLENT PERFORMANCE OF FACULTY OF LAW OF THE CATHOLIC UNIVERSITY OF PORTUGAL – SCHOOL OF LISBON

- ❑ RIGOR IN THE INITIAL SELECTION OF CANDIDATES FOR THE PROFESSION OF ENFORCEMENT AGENT (*Cfr. Recommendations of the European Commission for the Efficiency of Justice - CEPEJ*)
- ❑ SPEED - 1 MONTH AND 18 DAYS (between 03/12/2009 e 21/01/2010)
- ❑ FEBRUARY 2010 - START OF THE FIRST ENFORCEMENT AGENTS TRAINING PROGRAM

# OBJECTIVE I - ACHIEVED RESULTS IN 2009/2010

## EXCELLENT COOPERATION OF THE PLENARY MEMBERS ON THE RESOLUTION OF SITUATIONS UNDER CEEP COORDINATION

### ❑ 2 EXAMPLES:

#### ❑ ELECTRONIC EDICTAL WRIT BY ENFORCEMENT AGENT

❑ SINCE APRIL OF 2010 WERE DONE 31 WRITS.

#### ❑ ELECTRONIC WRIT SENT TO PUBLIC CREDITORS: MINISTRY OF FINANCE AND SOCIAL SECURITY

MINISTRY OF JUSTICE, MINISTRY OF STATE AND FINANCE, MINISTRY OF LABOUR AND SOCIAL SOLIDARITY, SOLICITORS CHAMBER AND CEEP MEMBERS EFFORT – *WORKING GROUP FOR IMPLEMENTATION OF ELECTRONIC WRIT*

# OBJECTIVE I - ACHIEVED RESULTS IN 2009/2010

## CEEP – MINISTRY OF JUSTICE

- ❑ CEEP - ACTS THROUGH THE SOFTWARE OF THE MINISTRY OF JUSTICE (CITIUS) TO COMMUNICATE WITH (JANUARY 2010):
  - ❑ MAGISTRATES
  - ❑ LEGAL REPRESENTATIVES
  - ❑ ENFORCEMENT AGENTS (SOLICITORS / LAWYERS) / BAILIFFS

## CEEP– SOLICITORS CHAMBER

- ❑ CEEP - VIEW THE ACTS COMMITTED BY ENFORCEMENT AGENTS BY ACCESSING THE CHAMBER OF SOLICITORS SOFTWARE (SISAAE) (APRIL 2010)
- ❑ CEEP - STILL UNABLE TO COMMUNICATE WITH ENFORCEMENT AGENTS (SOLICITORS / LAWYERS) THROUGH THE SOFTWARE (SISAAE)

# OBJECTIVE II - ACHIEVED RESULTS IN 2009/2010

## EFFORT (AND EXCLUSIVITY) OF THE PRESIDENT AND 3 EXECUTIVE BOARD MEMBERS

- ❑ CEEP - RIGOROUS ANALYSIS OF INCOMPATIBILITIES AND IMPEDIMENTS OF ENFORCEMENT AGENTS
  - ❑ PROFESSIONAL ETHICS
  - ❑ ETHICAL OBLIGATIONS
  - ❑ NEUTRALITY AND IMPARTIALITY
  
- ❑ CEEP - EFFECTIVE EXERCISE OF DISCIPLINARY AUTHORITY OVER ENFORCEMENT AGENTS
  
- ❑ CEEP - STRICT SUPERVISION AND INSPECTION OF ALL ENFORCEMENT AGENTS
  - ❑ EXTRAORDINARY – SERIOUS CASES: 4
  - ❑ ORDINARY – REGULAR: 689 ONGOING

# OBJECTIVE II - ACHIEVED RESULTS IN 2009/2010

- IMPEDIMENTS, EXCUSES, SUSPICIONS OVER ENFORCEMENT AGENTS
- COMPLAINTS / HOLDINGS
- DISCIPLINARY PROCEDURES
- SUPERVISIONS



## DATA ANALYSIS

- FOR STATISTICAL PURPOSES
- DATA ANALYSIS TO PRESENT RECOMMENDATIONS ON THE EFFICIENCY OF ENFORCEMENT AND TRAINING OF ENFORCEMENT AGENTS TO THE CEEP PLENARY
- PREVENTIVE EFFECT OVER THE ENFORCEMENT AGENTS
- DISSEMINATION TO SIMILAR ENTITIES  
(SEE RECOMMENDATION OF THE EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE – CEPEJ)
- DISCLOSURE TO THE GENERAL PUBLIC  
IN THE ANNUAL ACTIVITIES REPORT - TRANSPARENCY

# OBJECTIVE III - ENSURE DISCLOSURE OF CPEE AND PROMOTE ITS ACTIVITIES THROUGH NEW INFORMATION TECHNOLOGIES AND COMMUNICATION - ACHIEVED RESULTS IN 2009/2010

- CEEP LOGO
- CEEP WEBSITE
- ELECTRONIC FORM ON THE CEEP WEBSITE TO SUBMIT:
  - SUGGESTIONS
  - COMPLAINT (ELECTRONIC COMPLAINT)
- CPEE ELECTRONIC COMMUNICATION THROUGH CITIUS WITH THE COURTS AND LEGAL REPRESENTATIVES
- ELECTRONIC BROCHURE WITH THE POWERS OF CEEP
- DISTRIBUTION OF A POSTER WITH THE POWERS OF CEEP
- CEEP – DISSEMINATION OF THE DECREE-LAW N.º 226/2008, OF 20<sup>TH</sup> NOVEMBER:
  - PARTICIPATION ON THE HANDBOOK OF QUESTIONS AND ANSWERS ABOUT ENFORCEMENT PROCEDURES AND LEGISLATION COMPILATION
  - MEETINGS IN COURTS / COURTS OF ENFORCEMENT (JUDGES AND BAILLIFS)
  - PARTICIPATION IN 23 CONFERENCES / TRAINING SESSIONS
- 18<sup>TH</sup> AND 19<sup>TH</sup> OF JUNE 2010 – CEEP’S INTERNATIONAL CONFERENCE

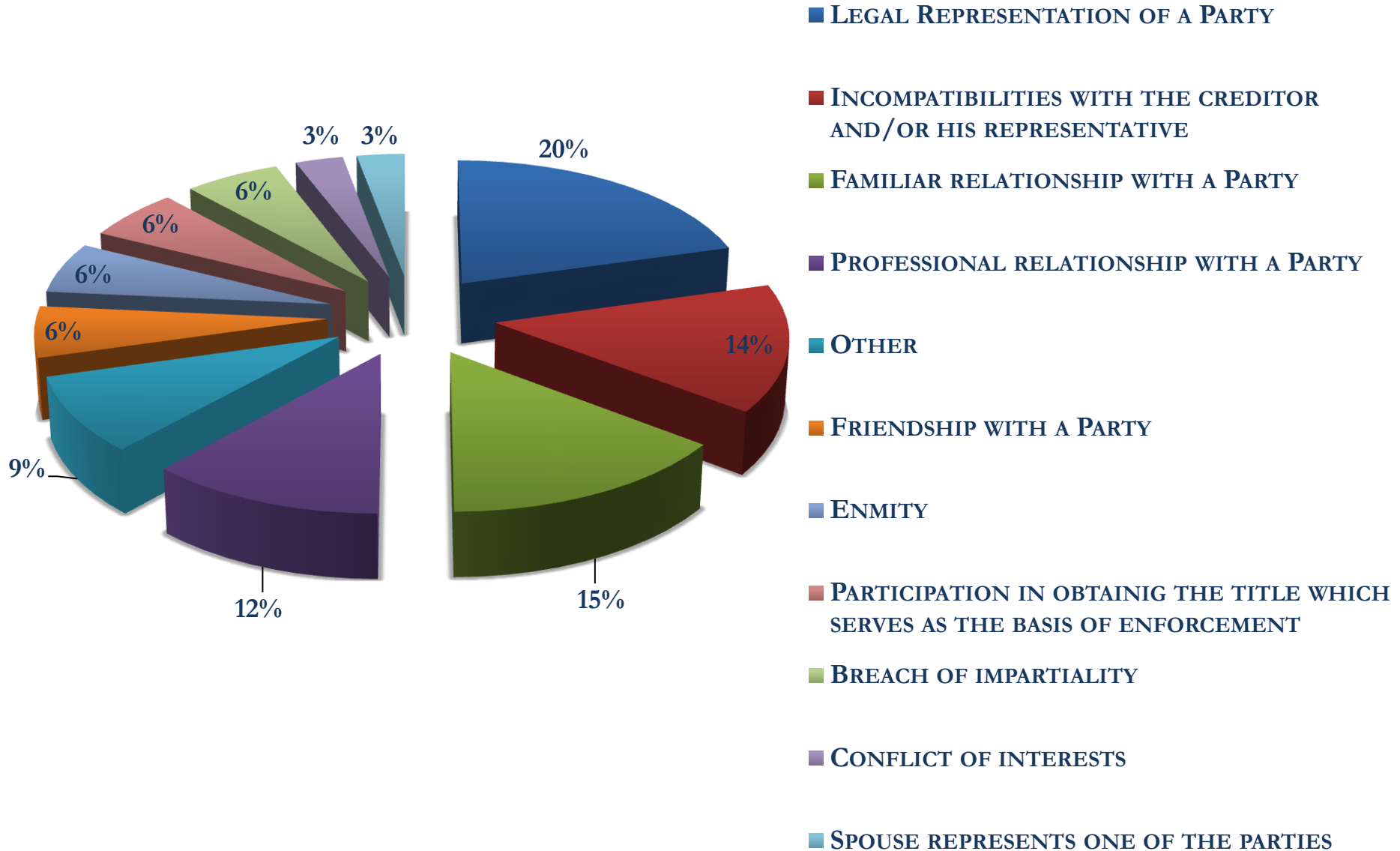
# STATISTICS AND ANALYSIS – EXECUTIVE BOARD

**IMPEDIMENTS, EXCUSES, SUSPICIONS**

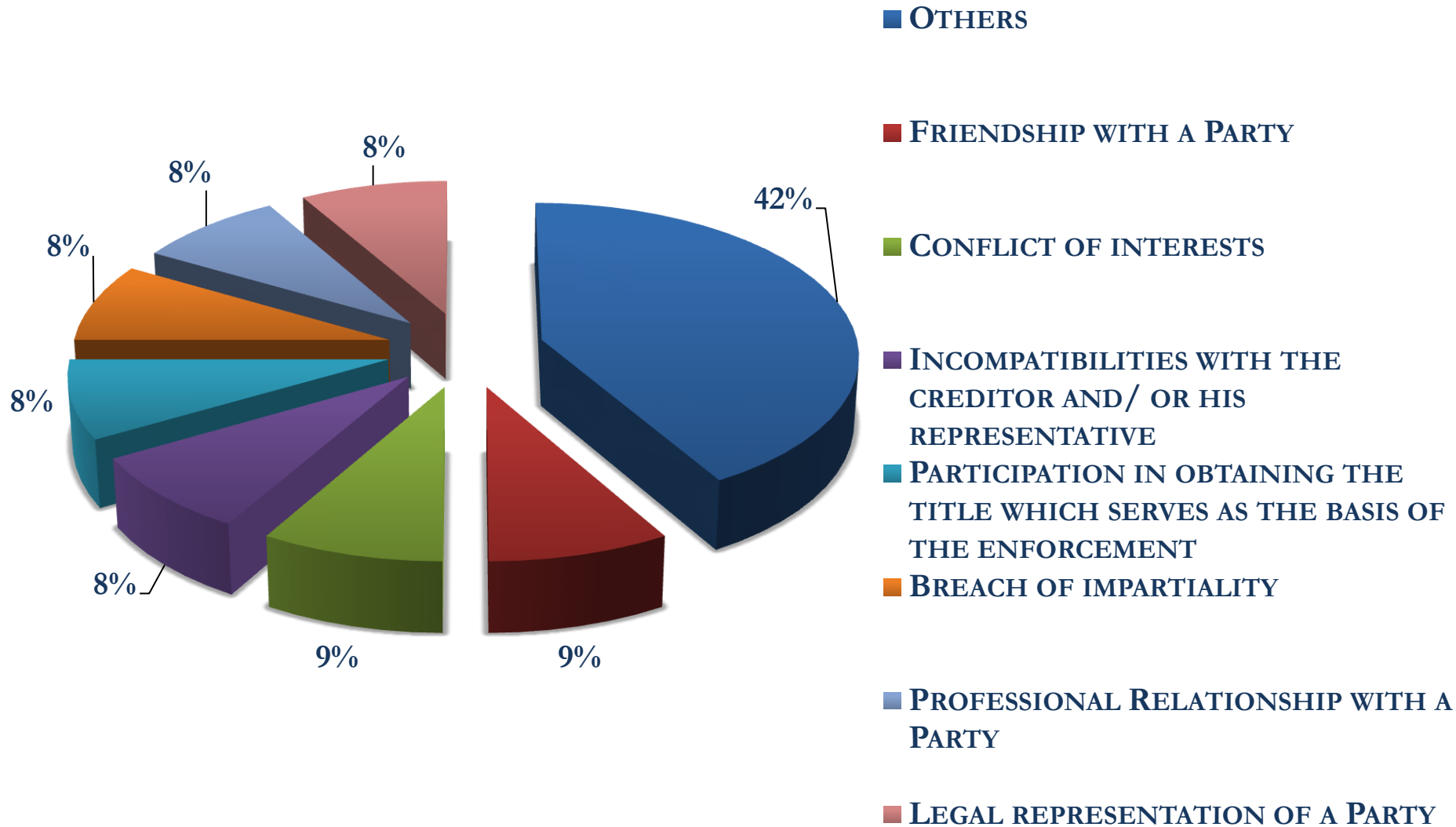
**OVER**

**ENFORCEMENT AGENTS**

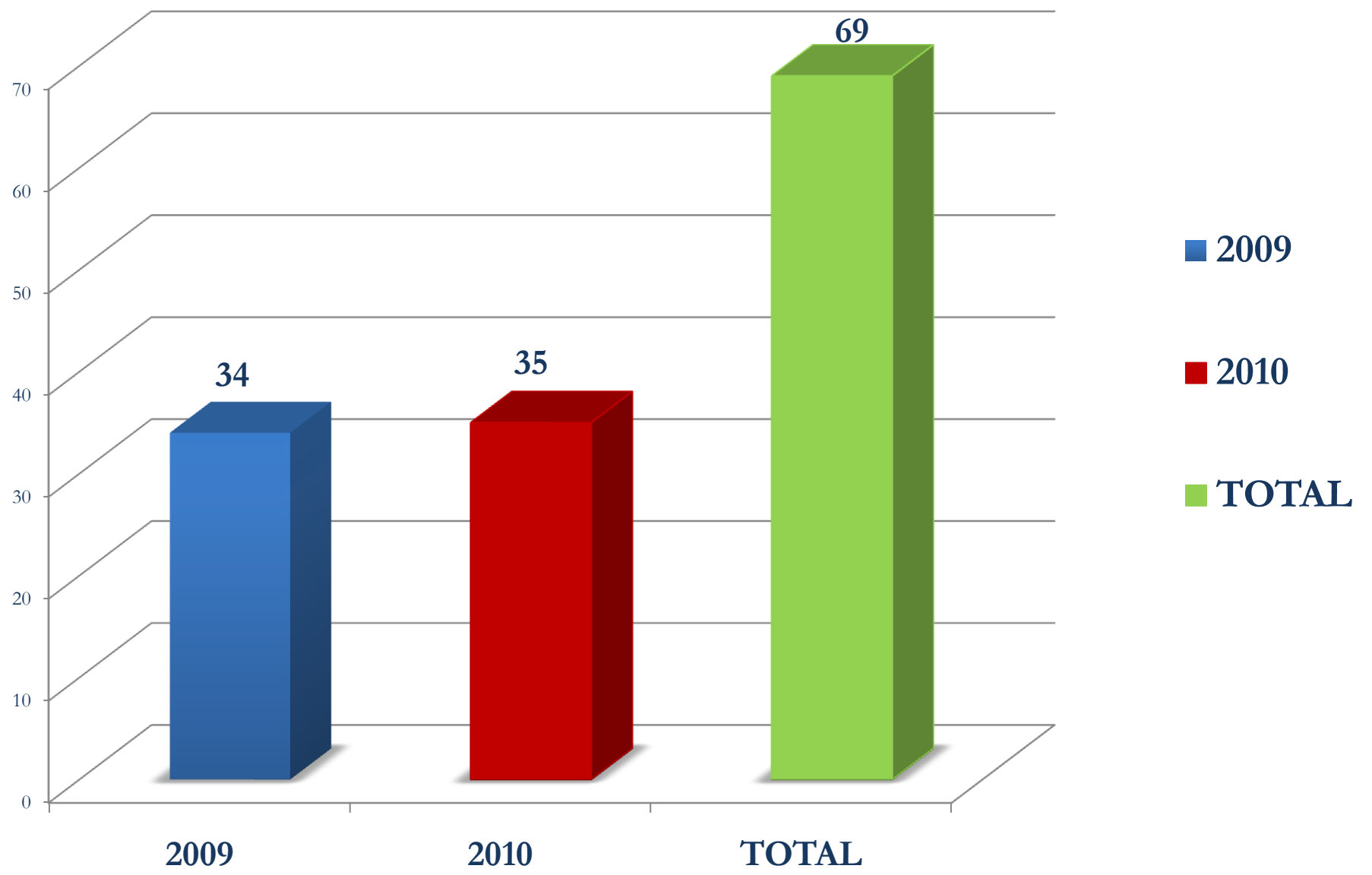
# 2009: ARGUMENTS PRESENTED BY THE EXECUTIVE AGENT



# 1ST QUARTER 2010: ARGUMENTS PRESENTED BY THE ENFORCEMENT AGENT (IN 11 APPLICATIONS FOR REVIEW)



# TOTAL OF IMPEDIMENTS, EXCUSES AND SUSPICIONS ANALYSED BY CEEP



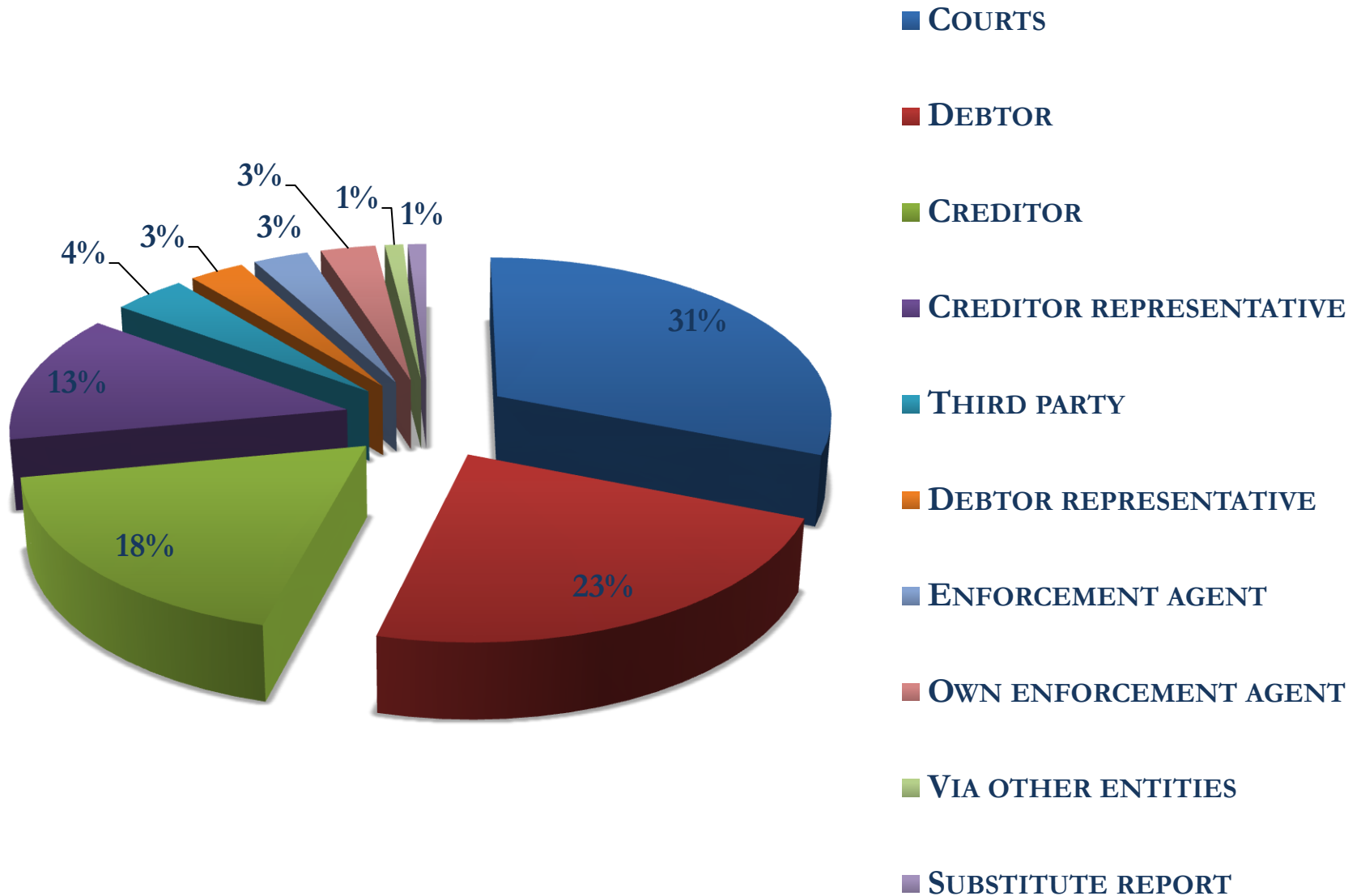
# STATISTICS AND ANALYSIS

## COMPLAINTS OVER THE ACTIVITIES OF ENFORCEMENT AGENTS

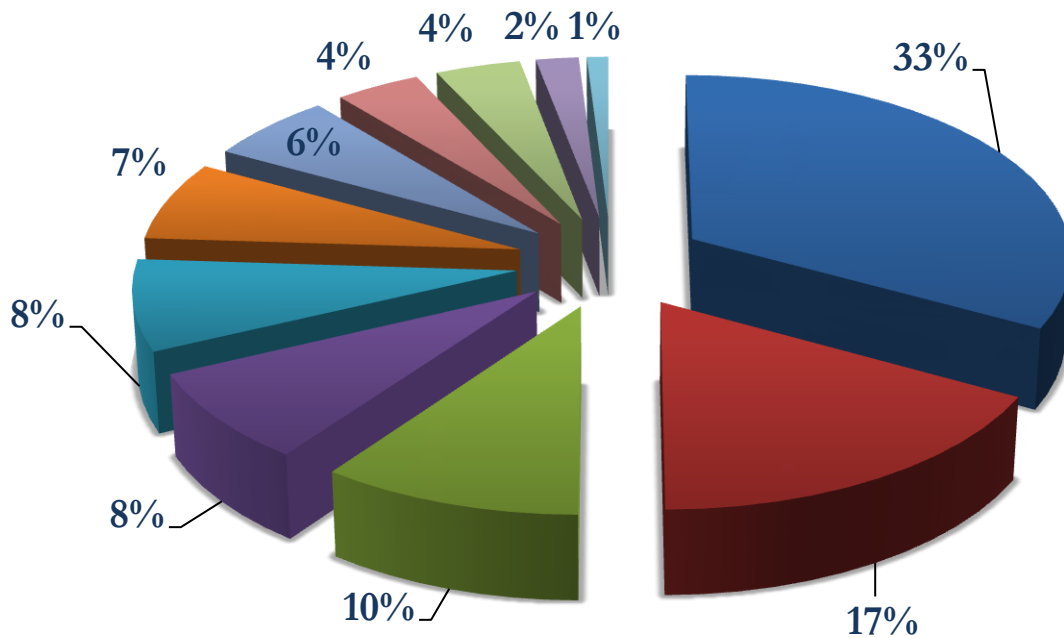
□ TOTAL OF COMPLAINTS = 192

# 2009: CPEE EXAMINED 71 COMPLAINTS

## TYPE OF PLAINTIFF

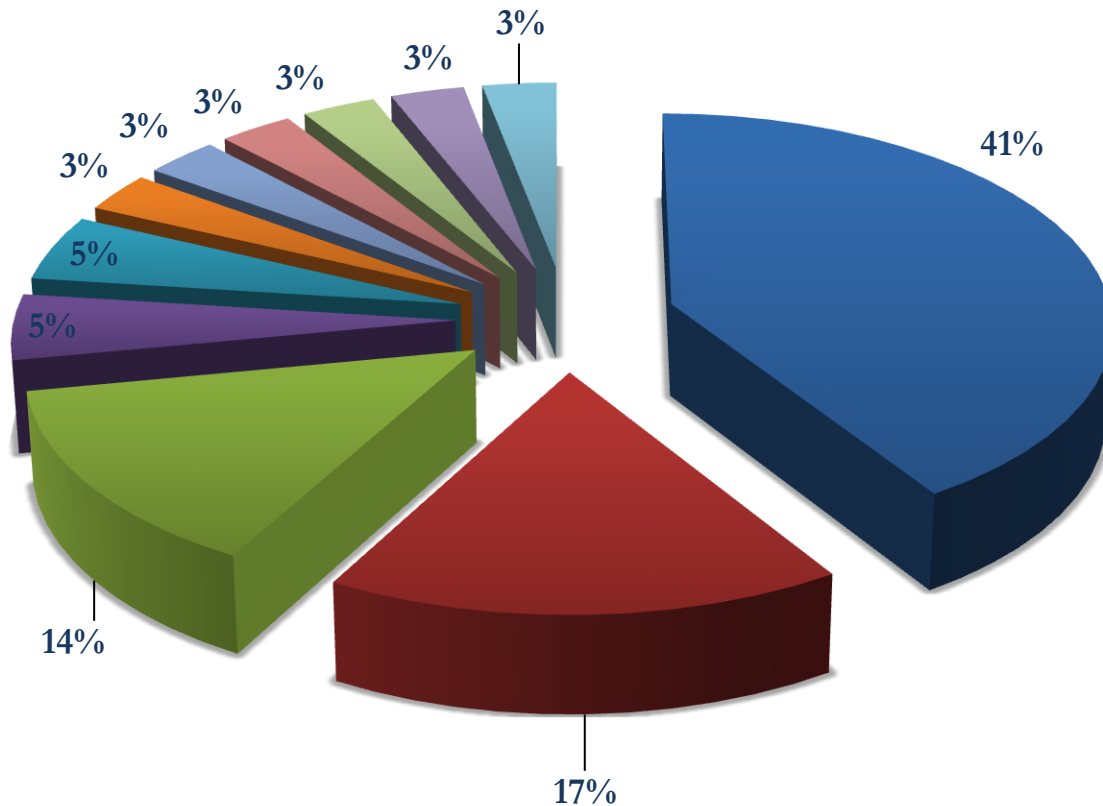


# 2009: ALLEGED FACTS BY PLAINTIFF



- PROCEDURAL ACTION IN BREACH OF DUE DILIGENCE
- FAILURE TO RETURN SUMS OF MONEY / ASSETS
- EXCESSIVE / ILLEGAL ATTACHMENT
- FAILURE TO PERFORM DUE DILIGENCE
- LACK OF RESPONSE TO REQUEST FOR INFORMATION OF ONE OF THE PARTIES
- LACK OF RESPONSE TO THE COURT
- ERROR / FAILURE TO COMPLY WITH STANDARDS / PROCEDURAL FORMALITIES
- CHARGING ILLEGAL FEES

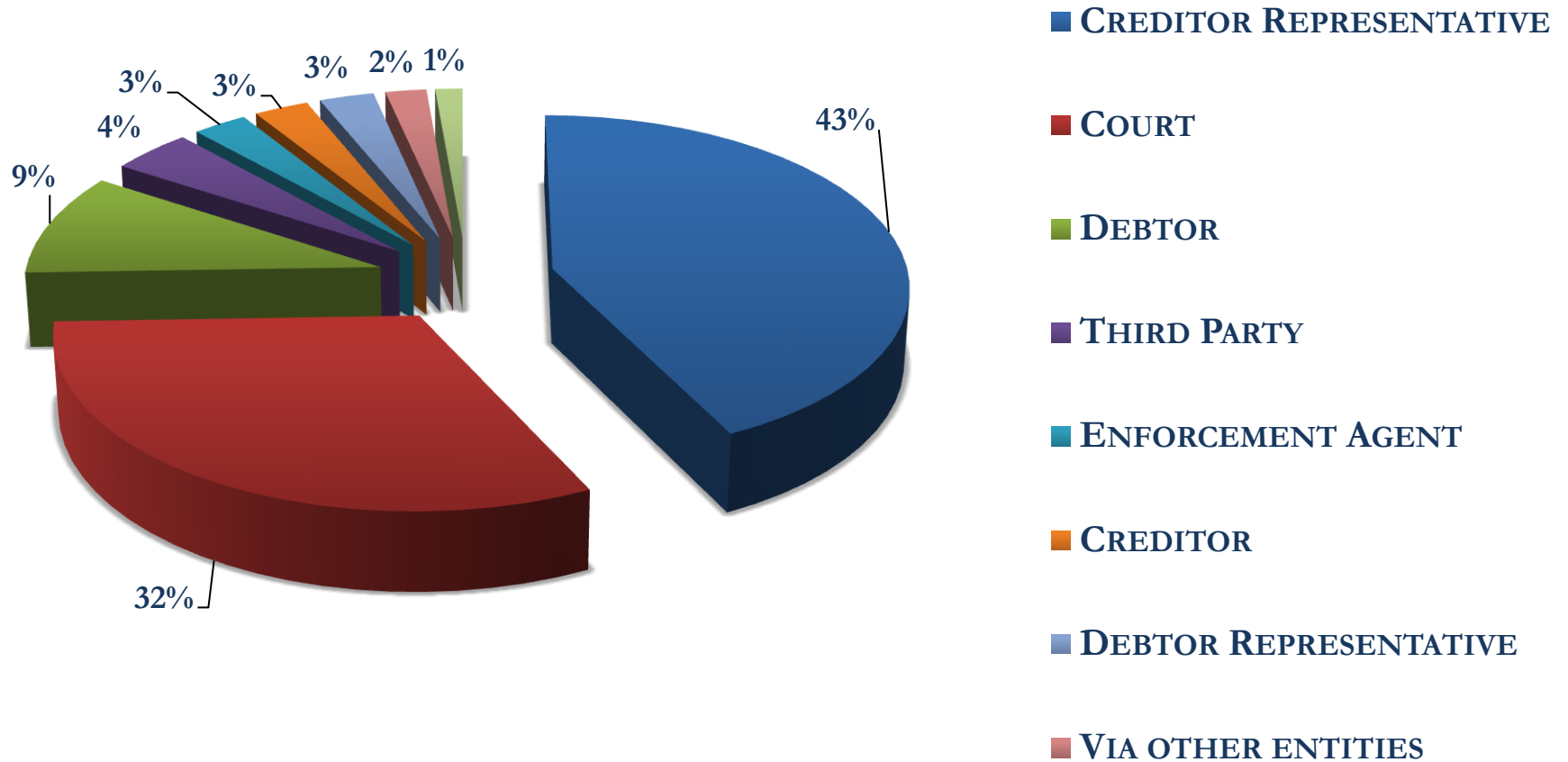
# 2009: DECISIONS OF DISCIPLINARY ACTIONS BY TYPE OF EVIDENCE



- PROCEDURAL ACTION IN BREACH OF DUE DILIGENCE
- FAILURE TO RETURN SUMS OF MONEY / ASSETS
- EXCESSIVE / ILLEGAL ATTACHMENT
- FAILURE TO PERFORM DUE DILIGENCE
- LACK OF RESPONSE TO THE COURT
- LACK OF RESPONSE TO REQUEST FOR INFORMATION OF ONE OF THE PARTIES
- ERROR / FAILURE TO COMPLY WITH STANDARDS / PROCEDURAL FORMALITIES
- CHARGING ILLEGAL FEES

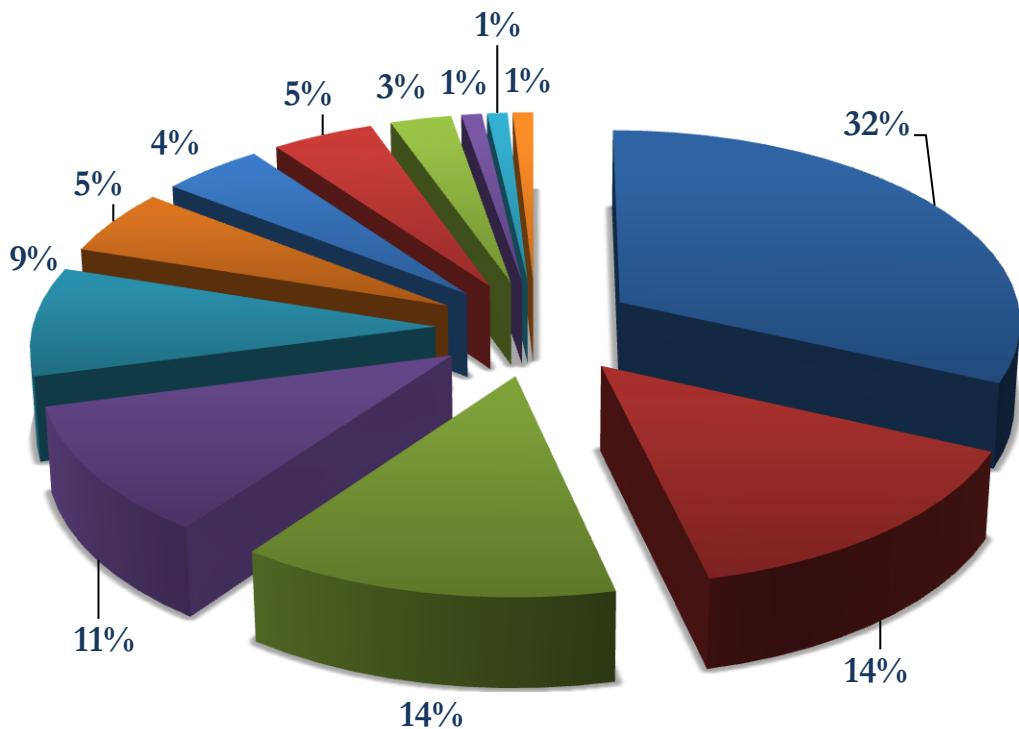
# 1ST QUARTER 2010: CPEE EXAMINED 71 COMPLAINTS

## TYPE OF PLAINTIFF



# 1ST QUARTER 2010:

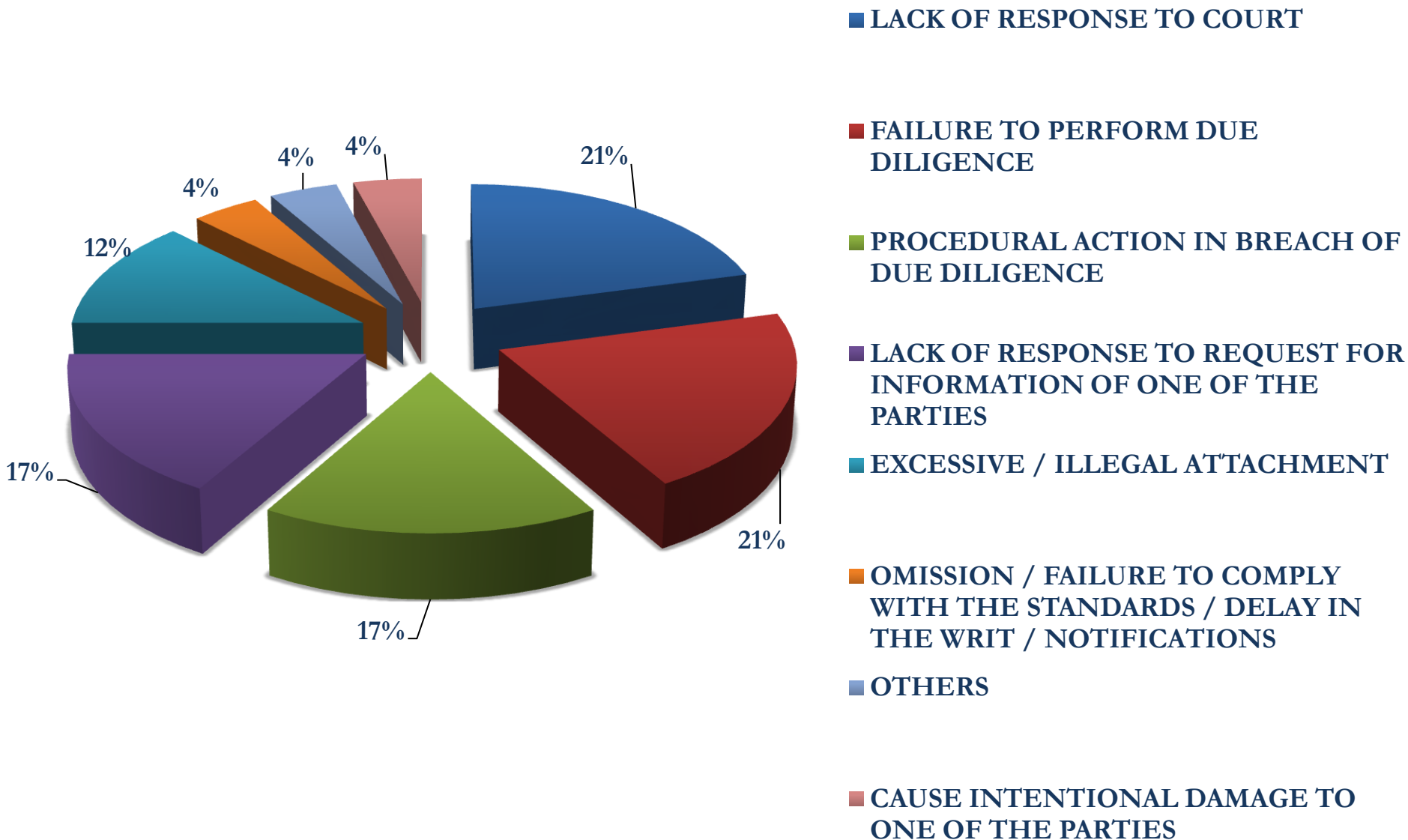
## ALLEGED FACTS BY THE PLAINTIFFS



- LACK OF RESPONSE TO REQUEST FOR INFORMATION OF ONE OF THE PARTIES
- LACK OF RESPONSE TO THE COURT
- PROCEDURAL ACTION IN BREACH OF DUE DILIGENCE
- FAILURE TO PERFORM DUE DILIGENCE
- FAILURE TO RETURN SUMS OF MONEY / ASSETS
- EXCESSIVE / ILLEGAL ATTACHMENT
- CHARGING ILLEGAL FEES
- OMISSION / FAILURE TO COMPLY WITH THE STANDARDS / DELAY IN THE WRIT / NOTIFICATIONS
- CAUSE INTENTIONAL DAMAGE TO ONE OF THE PARTIES
- LACK OF REMISSION OF THE PROCESS TO THE JUDGE

# 1ST QUARTER 2010:

## DISCIPLINARY PROCEEDINGS BY TYPE OF EVIDENCE

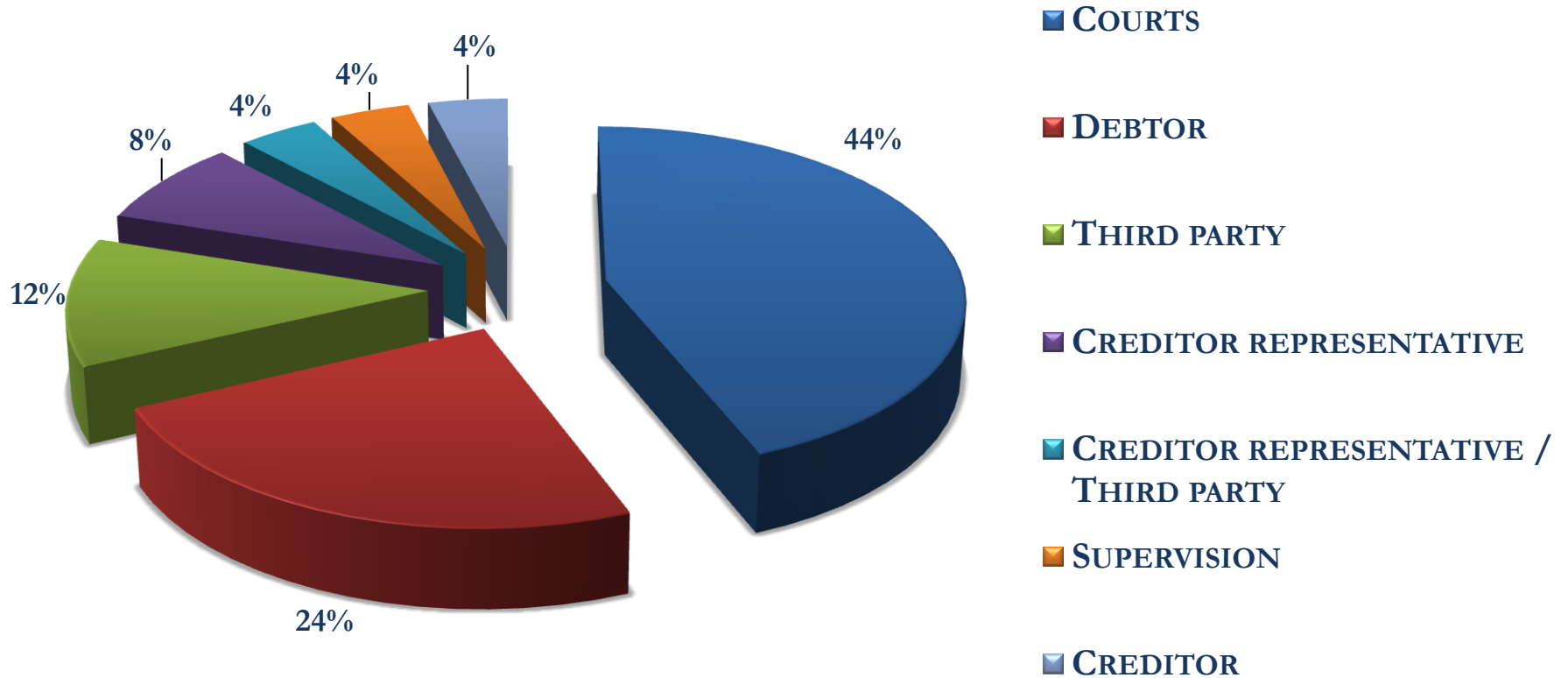


# STATISTICS AND ANALYSIS

## DISCIPLINARY ACTIONS

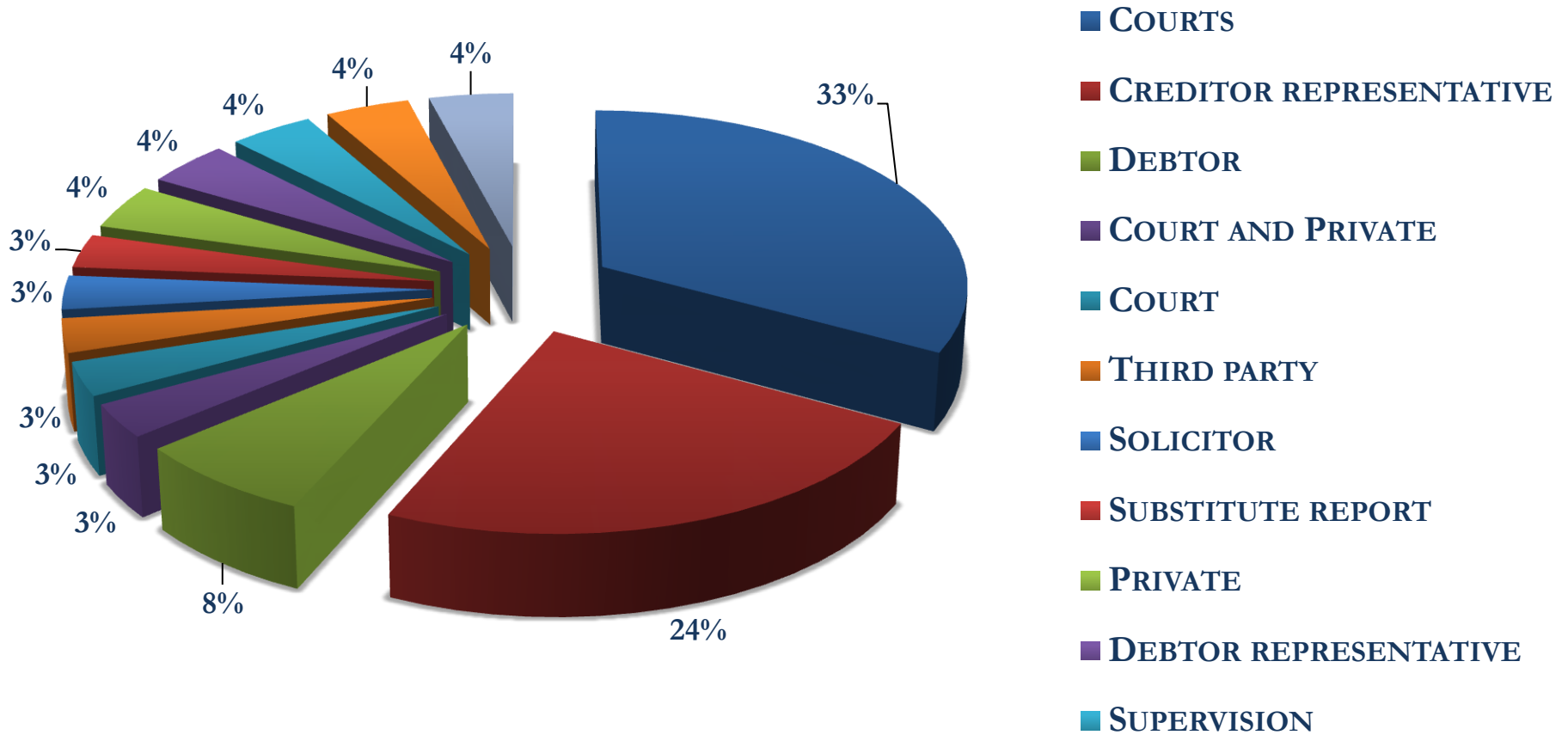
# 2009: CPEE APPLIED 25 DISCIPLINARY ACTIONS

## MAJOR PLAINTIFFS

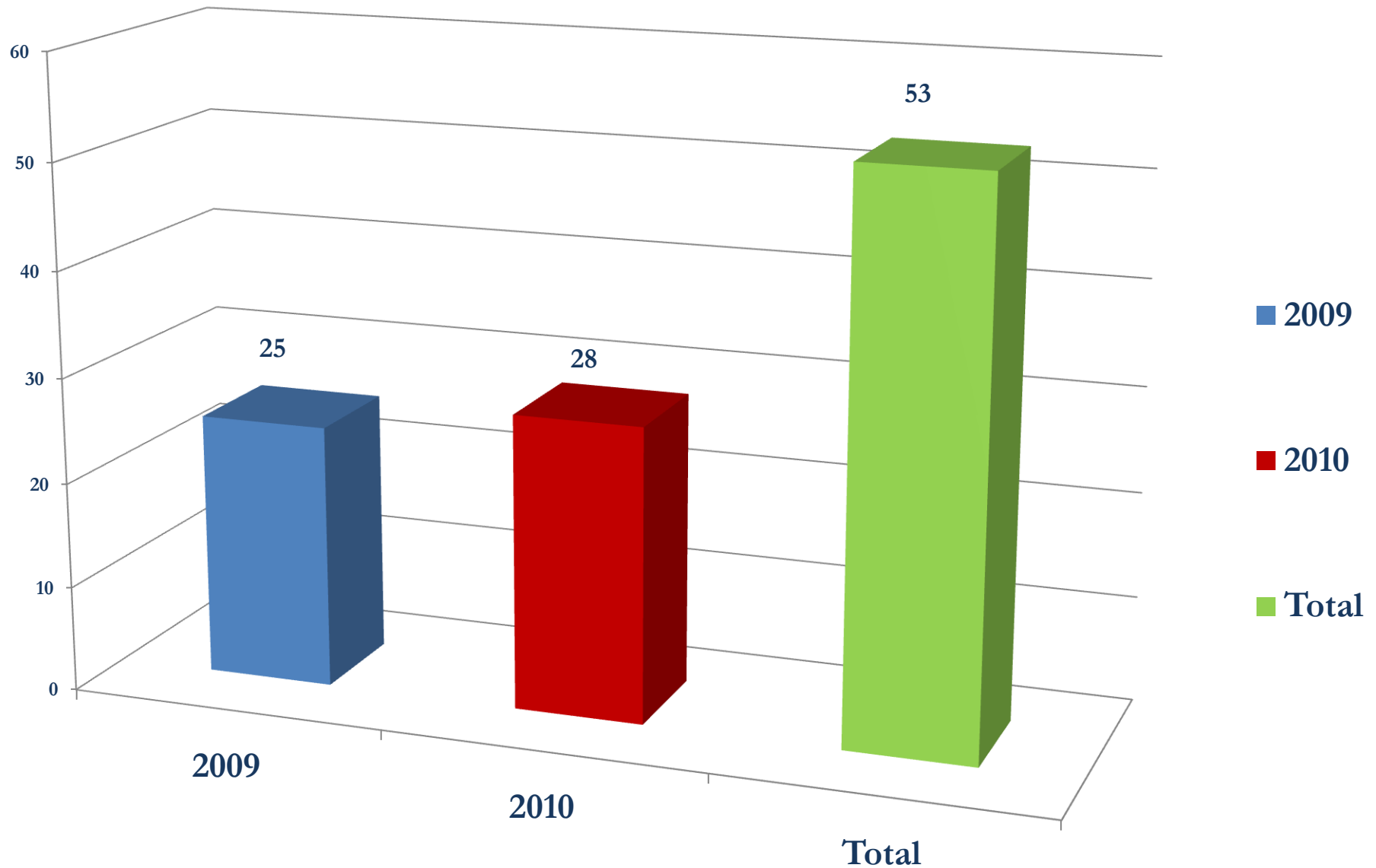


# 1ST QUARTER 2010: CPEE INITIATED 28 DISCIPLINARY ACTIONS

## MAIN PLAINTIFFS



# TOTAL OF DISCIPLINARY PROCEEDINGS INITIATED BY CEEP

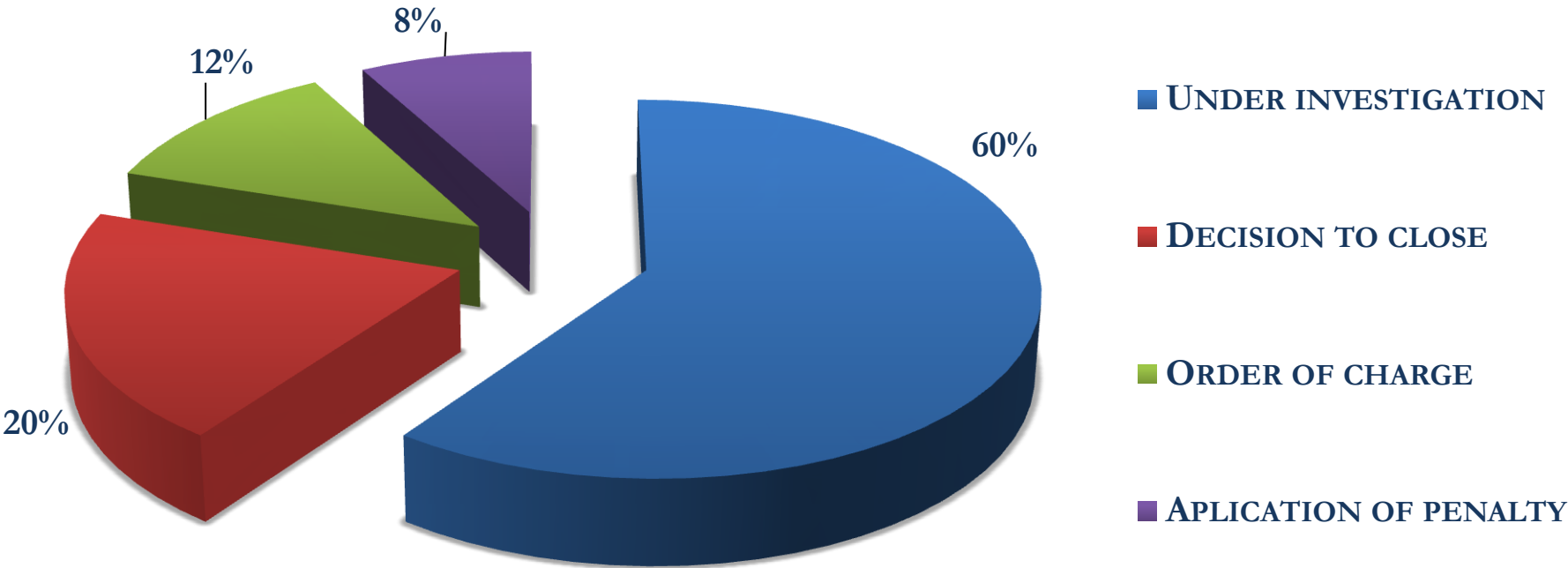


# **MOST FREQUENT EVIDENCE OF DISCIPLINARY BREACH**

## **MOST FREQUENT EVIDENCE WHICH GIVE CAUSE TO A DISCIPLINARY PROCEEDING**

- PROCEDURAL ACTION IN BREACH OF DUE DILIGENCE**
- ERROR / FAILURE TO COMPLY WITH STANDARDS / PROCEDURAL FORMALITIES**
- FAILURE TO RETURN SUMS OF MONEY / ASSETS**
- LACK OF RESPONSE TO THE COURT**
- LACK OF RESPONSE TO REQUEST FOR INFORMATION OF ONE OF THE PARTIES**
- USAGE OF ILLEGAL OU DISPROPORTIONATED MEANS**

# CEEP DECISIONS – DISCIPLINARY PROCEEDINGS



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