



COMMISSION FOR THE EFFICIENCY OF ENFORCEMENT PROCEDURES

2ND INTERNATIONAL CONFERENCE
“PROMOTING THE EFFICIENCY OF ENFORCEMENT PROCEDURES”
AND
WORKSHOP “BEST PRACTICES ON THE ENFORCEMENT AGENTS ACTIVITY”

THE CONTRIBUTION OF CPEE:
2ND YEAR OF ACTIVITY
AND PROPOSALS FOR THE FUTURE

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MULTIMEDIA CENTER OF ESPINHO
24 SEPTEMBER 2011

SUMMARY

1. THE BALANCE OF CPEES ACTIVITY (2 YEARS)

2. PROPOSITIONS FOR THE FUTURE

THE NEED TO REINFORCE CPEES MEANS

MATERIALIZE THE CPEE RECOMMENDATIONS (ENFORCE DECREE
LAW NR. 226/2008, NOVEMBER, 20)

THE REASONS FOR THE PENDING PROCEEDINGS AND THE CPEE
CONTRIBUTE FOR ITS DECREASE: RECOMMENDATIONS /
INSPECTIONS

THE APPROVAL OF MEASURES TO RELIEF THE COURTS

3. CPEE – 2ND SEMESTER 2011

1. CPEEs ACTIVITY FOR (2 YEARS)

FOUNDATIONS FOR THE CLEAR AND INDEPENDENT EXERCISE OF ACTIVITY:



- 1 EXCLUSIVE LOGO
- 1 INTERNET WEBSITE– WWW.CPEE.PT (INFORMATION AVAILABLE TO THE PUBLIC)
- 1 INTERNAL RULE OF CPEES ACTIVITY
- 1 QUESTIONS & RESPONSES GUIDE (COOPERATION WITH DGPJ)
- 1 MANUAL OF PRELIMINARY PROCEDURES AND DISCIPLINARY PROCEDURES OF ENFORCEMENT AGENTS
- 2 MANUALS OF SUPERVISION PROCEDURES OF THE ACTIVITY OF THE ENFORCEMENT AGENT
- RECOMMENDATIONS 2009-2010 TOWARDS THE EFFICIENCY OF ENFORCEMENT PROCEDURES AND THE ENFORCEMENT AGENTS TRAINING
- 2 ANNUAL REPORTS OF ACTIVITY
- 2 CONFERENCES ORGANIZATION – JUNE 2010 AND SEPTEMBER 2011
- PARTICIPATION IN 57 DISCLOSURE ACTIONS/CONFERENCES
- ESTABLISHMENT OF COOPERATION PROTOCOLS WITH 6 ENTITIES

1. CPEEs ACTIVITY FOR (2 YEARS)

PLENARY / PRESIDENT

ISSUING OF 93 RECOMMENDATIONS (2010):

61 ON THE EFFICIENCY OF ENFORCEMENT PROCEDURES

32 ON ENFORCEMENT AGENTS FORMATION

ANALYSIS CRITERIA – ACCORDING TO THE MEMORANDUM OF UNDERSTANDING (MoU)

SUPERVISION OF RECOMMENDATIONS (2011) – V. APPENDIX.

INCREASE OF THE NUMBER OF ENFORCEMENT AGENTS:

ESTABLISHED N.º: + 850 AE IN 3 YEARS

EFFECTIVE INCREASE OF + 500 EA IN 2 YEARS

INCREASED DEMAND TECHNICAL AND ETHICAL QUALITY

WHEN ACCESSING THE ENFORCEMENT AGENT PROFESSION

- CANDIDATES: LAWYERS / SOLICITORS

- CHOSEN EXTERNAL AND INDEPENDENT ENTITY: LAW CATHOLIC UNIVERSITY OF LISBON

208 DECISIONS RELATED TO THE REQUESTS OF 144

ENFORCEMENT AGENTS TO BE SUSPENDED OF RECEIVING OTHER PROCEEDINGS

ISSUING DECISIONS OVER THE READMISSION OF

ENFORCEMENT AGENTS: 21 POSITIVE / 1 ADVERSE

EXECUTIVE BOARD

DECISION OVER 96 REQUESTS RELATED TO LEGAL IMPEACHMENTS

ENFORCEMENT AGENTS EFFECTIVE DISCIPLINE

1535 COMPLAINTS

71 COMPLAINTS (2009)+409 COMPLAINTS (2010)+1055 COMPLAINTS (15.09.2011)

271 COMPLAINTS CONSIDERED / 1264 PENDING

60 FILED COMPLAINTS

6 ENFORCEMENT AGENTS DEPOSED

185 DECISIONS TO SET DISCIPLINARY PROCEEDINGS, JOINED IN 83

DISCIPLINARY PROCEEDINGS ONGOING TOWARDS 105 ENFORCEMENT AGENTS

25 SET IN 2009 / 53 SET IN 2010 / 21 SET IN 2011

17 CLOSED DISCIPLINARY PROCEEDINGS

9 DISCIPLINARY SANCTIONS IMPLEMENTED (1 DISBARMENT)

PREVENTIVE MEASURES:

13 ENFORCEMENT AGENTS SUSPENDED PREVENTIVELY + CUSTOMER ACCOUNTS BLOCK

5 ENFORCEMENT AGENTS SUSPENDED FROM ACCEPTING NEW PROCEEDINGS

INSPECTION OF ALL ENFORCEMENT AGENTS - 731

105 FACE TO FACE INSPECTION (ORDINARY / EXTRAORDINARY)

626 ELECTRONIC INSPECTION (ORDINARY)

9 ENFORCEMENT AGENTS DISTINGUISHED BY CPEE BY

THEIR GOOD PUBLIC SERVICES

AFTER 2009 - THE ELECTRONIC PROCEEDINGS TRANSPARENCY / SPEED / EXPENSES SAVING

In December 2009 - 92% enforcement applications were delivered through CITIUS

Since April 2009 - 11.850 registrations on the Public List of Enforcement Procedures

Since July 2009:

1.489.100 electronic notifications of Enforcement Agents and Creditors Representatives

SINCE JANUARY 2010:

CPEE COMMUNICATES WITH JUDICIAL OPERATORS VIA CITIUS

Since March 26, 2010:

87.491 Communications between lawyers and enforcement agents via CITIUS.


Since April 2010:

**More than 868 Electronic services of the documents to Defendants
(only for pcedures initiated after 31/03/2009)**

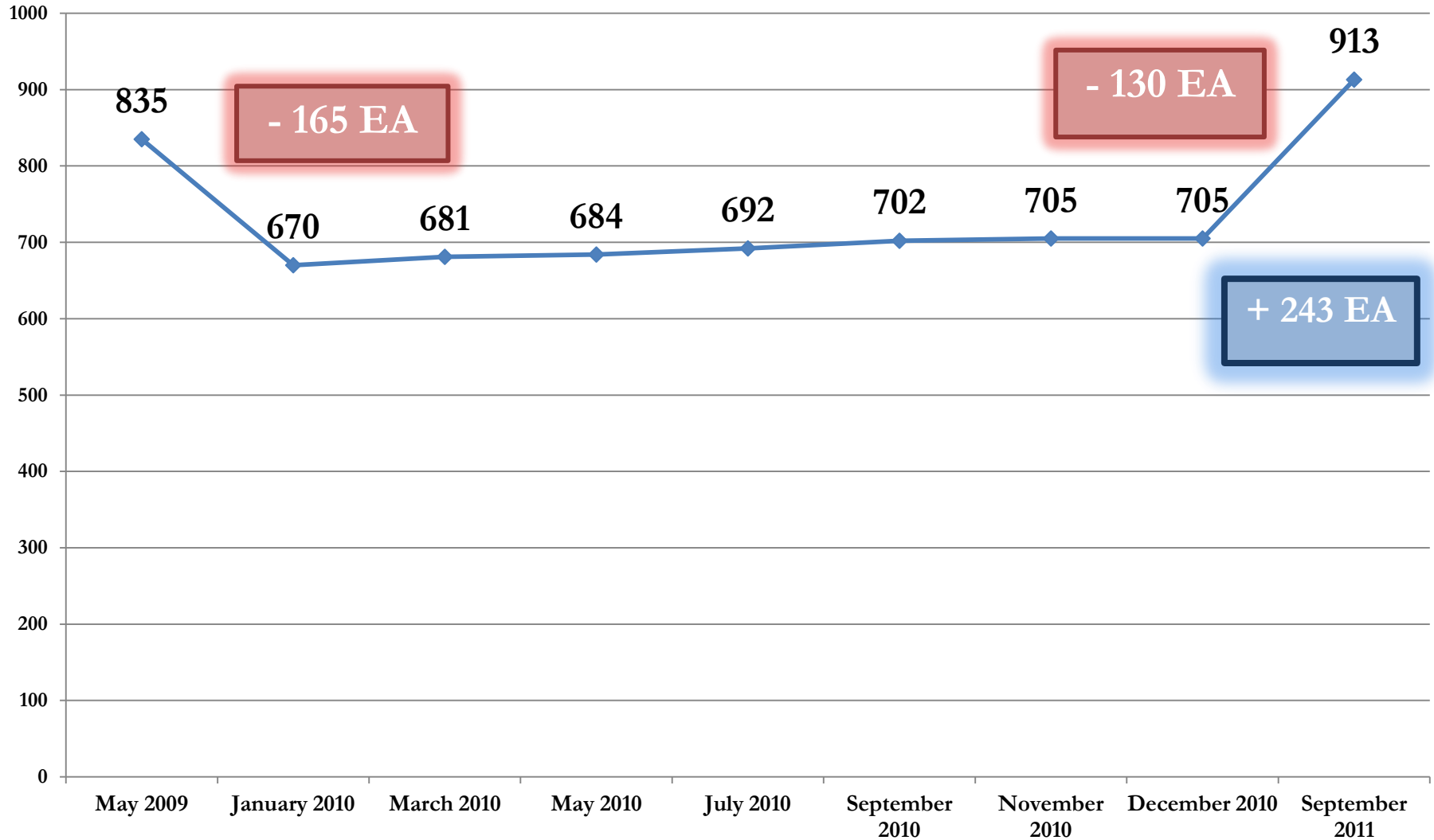
Since January 2011:

Over 5.000 notifications per month / saves about € 320.000 in mail expenses

COMPUTER DEVELOPMENT OF LEGAL SOLUTIONS

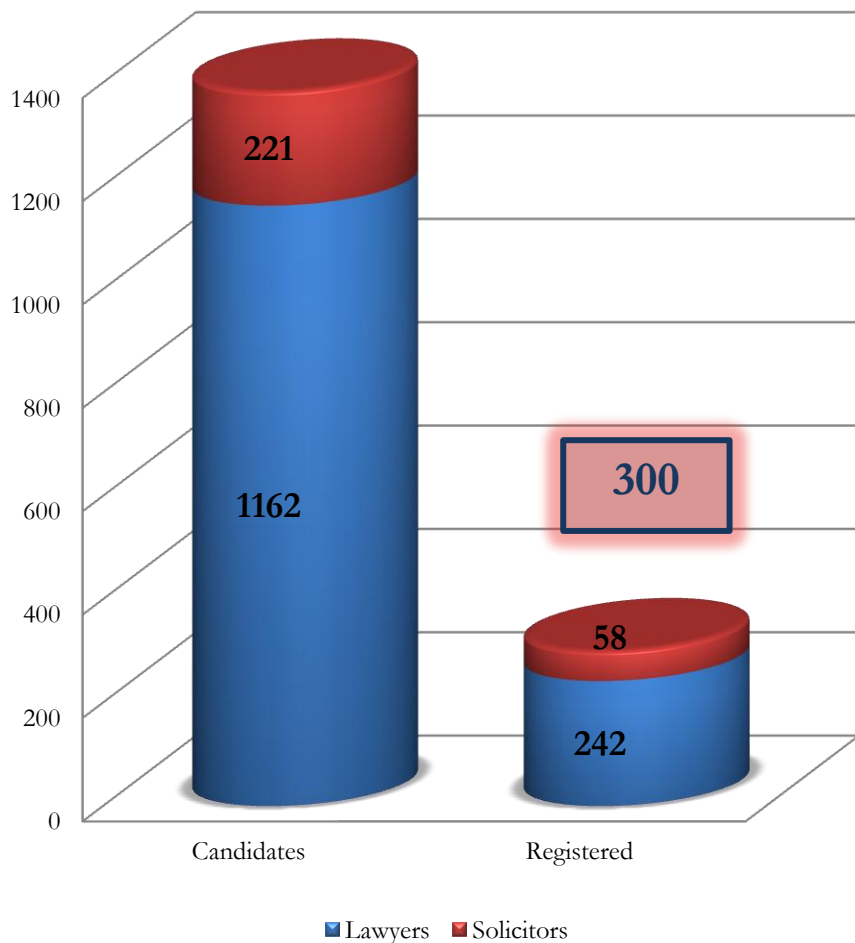
LEGAL SOLUTIONS	ACHIEVEMENT
ELECTRONIC COMMUNICATION INBETWEEN THE ENFORCEMENT AGENTS, COURT AND LAWYERS	
ELECTRONIC COMMUNICATION TO SOCIAL SECURITY AND FINANCES (<u>CPEE WORKING GROUP</u>)	
PUBLIC ELECTRONIC COMMUNICATION	
PUBLICITATION OF THE SALE OF SEIZED ASSETS BY ELECTRONIC ANNOUCEMENT	
DIRECT ACCESS AND THE POSSIBILITY OF CHANGING THE ELECTRONIC RECORD OF PROCEEDINGS BY THE ENFORCEMENT AGENT	
CREATION OF THE PUBLIC LIST OF PROCEEDINGS	
IMMEDIATE EXECUTION OF SENTENCE	
TERMINATION OF THE PROCEDURE THROUGH ELECTRONIC MAILLING OF THE INFORMATION TO COURT	
REPLACEMENT OF ENFORCEMENT AGENT	
ELECTRONIC SEIZURE OF BANK DEPOSITS (<u>CPEE WORKING GROUP</u>)	
SALE ON ELECTRONIC AUCTION	

NR. OF ENFORCEMENT AGENTS

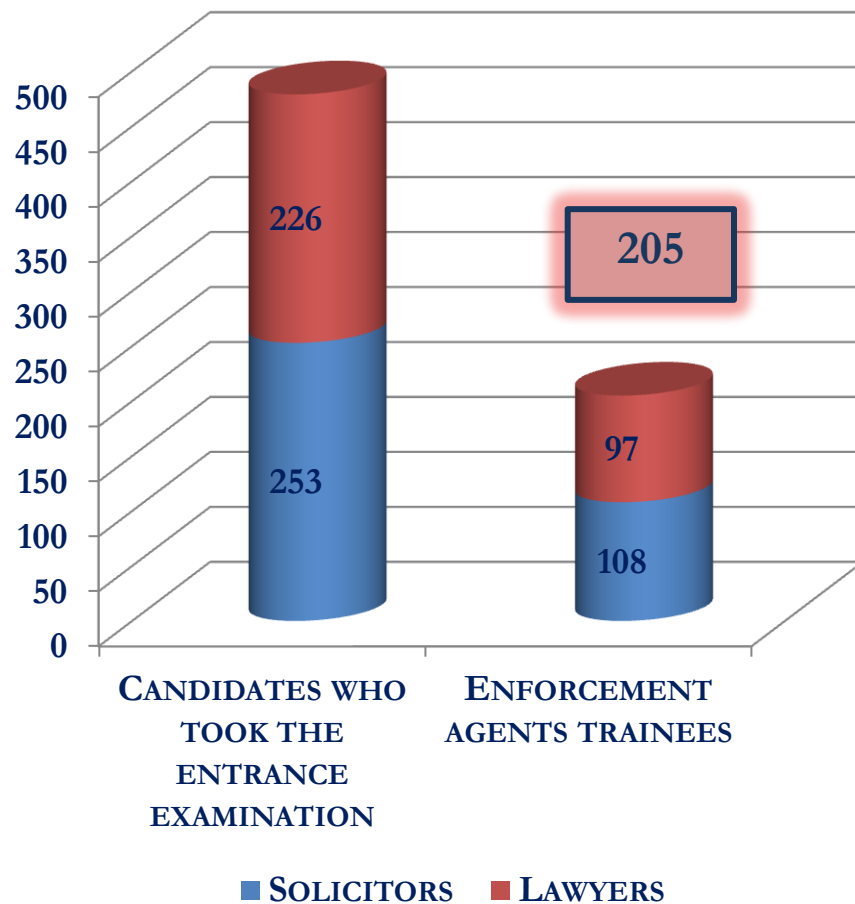


THE 2 ENFORCEMENT AGENTS TRAINING: + 505 TRAINEES

**NATIONAL EXAM 2010
SELECTION FOR THE 1ST TRAINING**



**NATIONAL EXAM 2011
SELECTION FOR THE 2ND TRAINING**

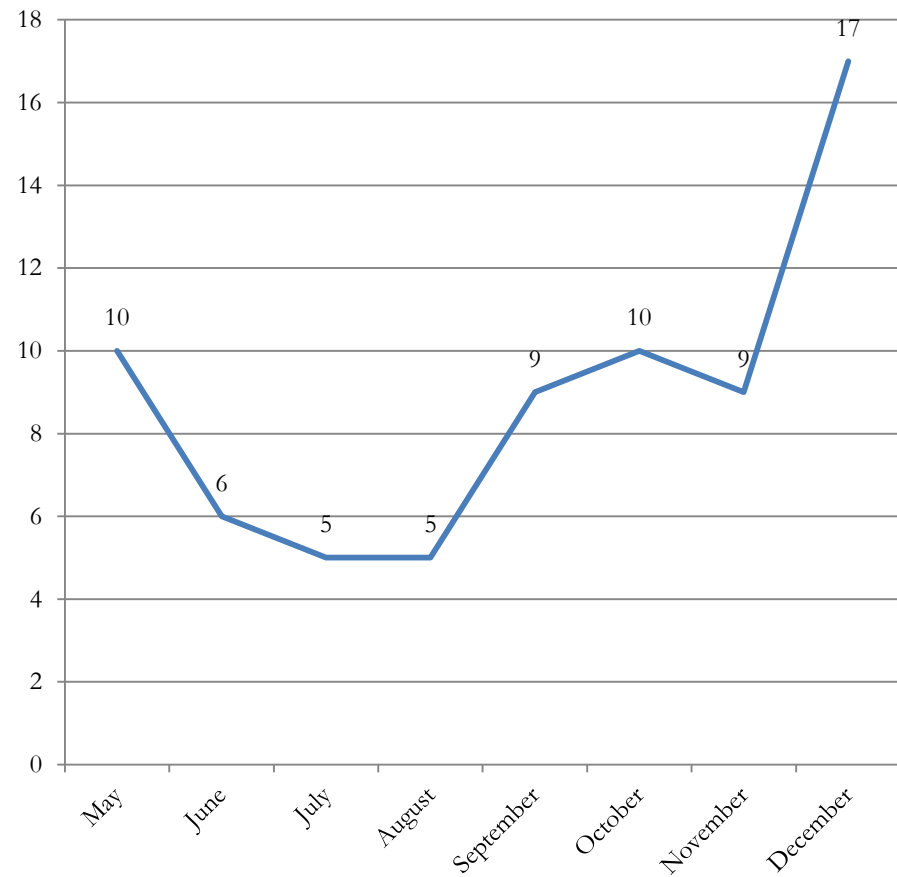


SOURCE: CPEE

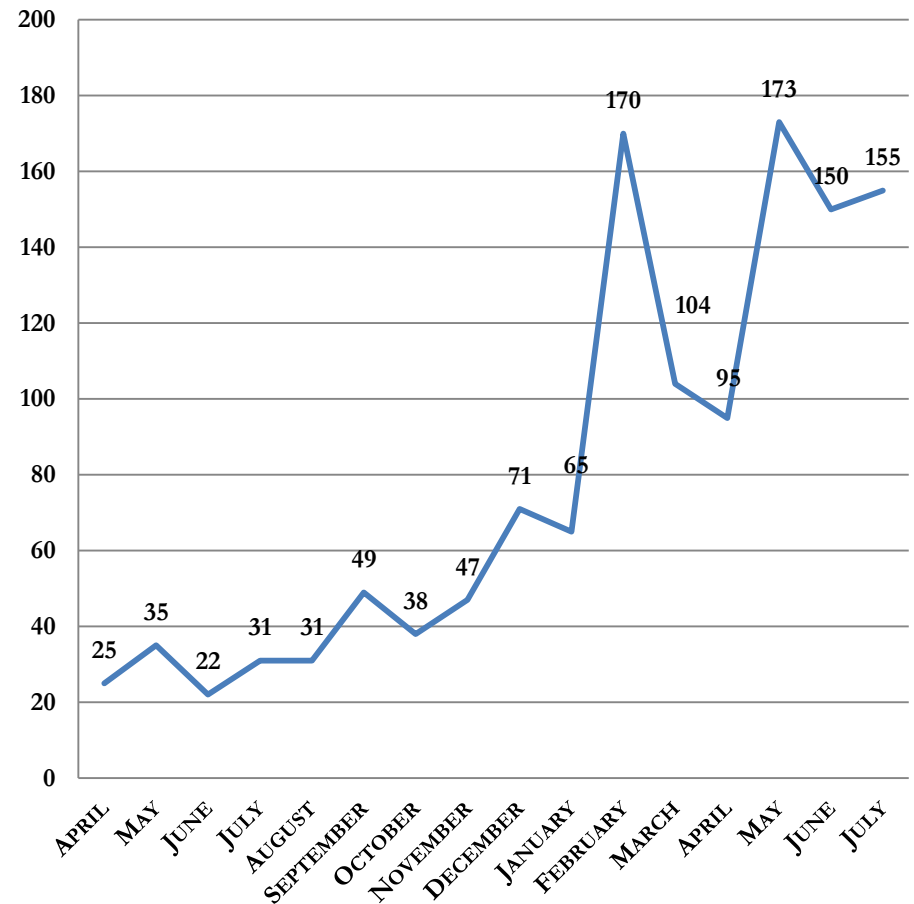
DISCIPLINARY ACTION OF THE ENFORCEMENT AGENT

Nr. OF COMPLAINTS

1st YEAR OF ACTIVITY



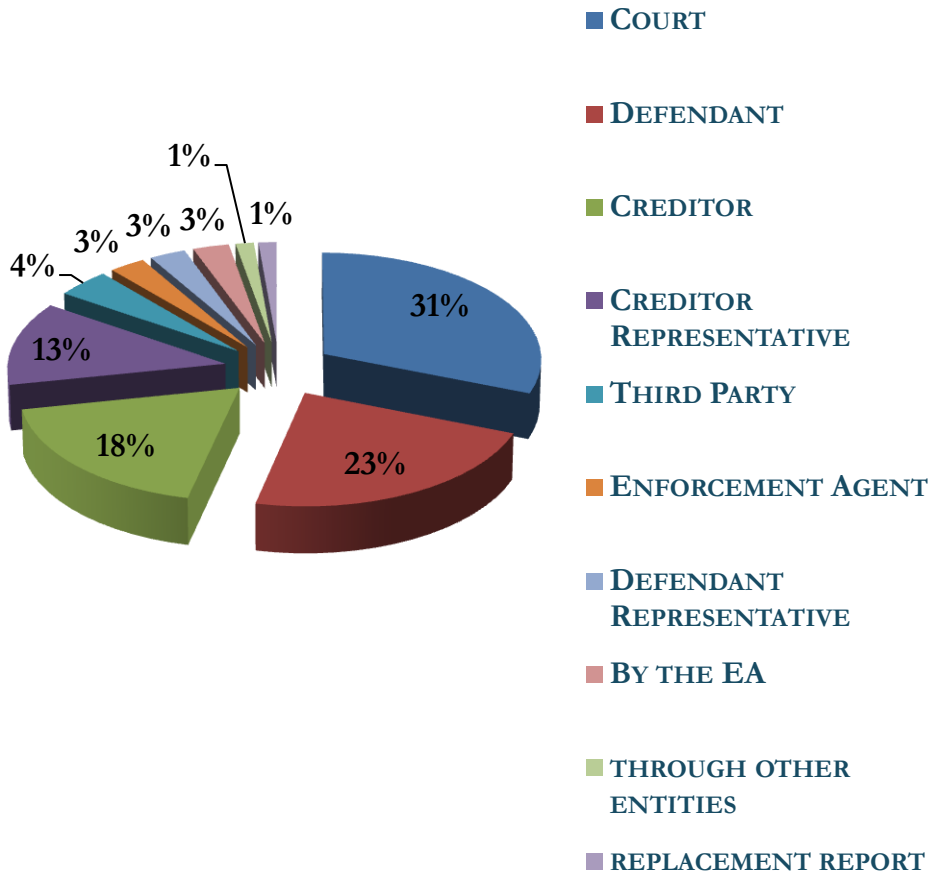
2nd YEAR OF ACTIVITY



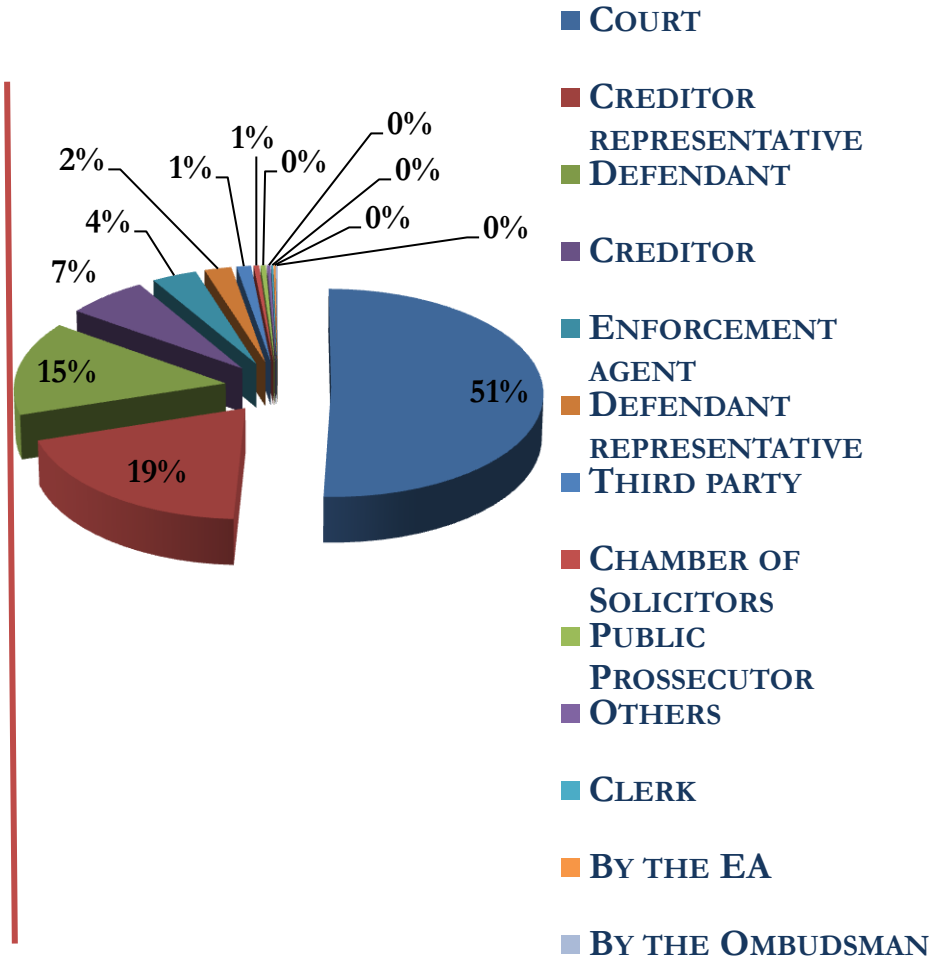
SOURCE: CPEE

PLAINTIFS

1ST YEAR OF ACTIVITY



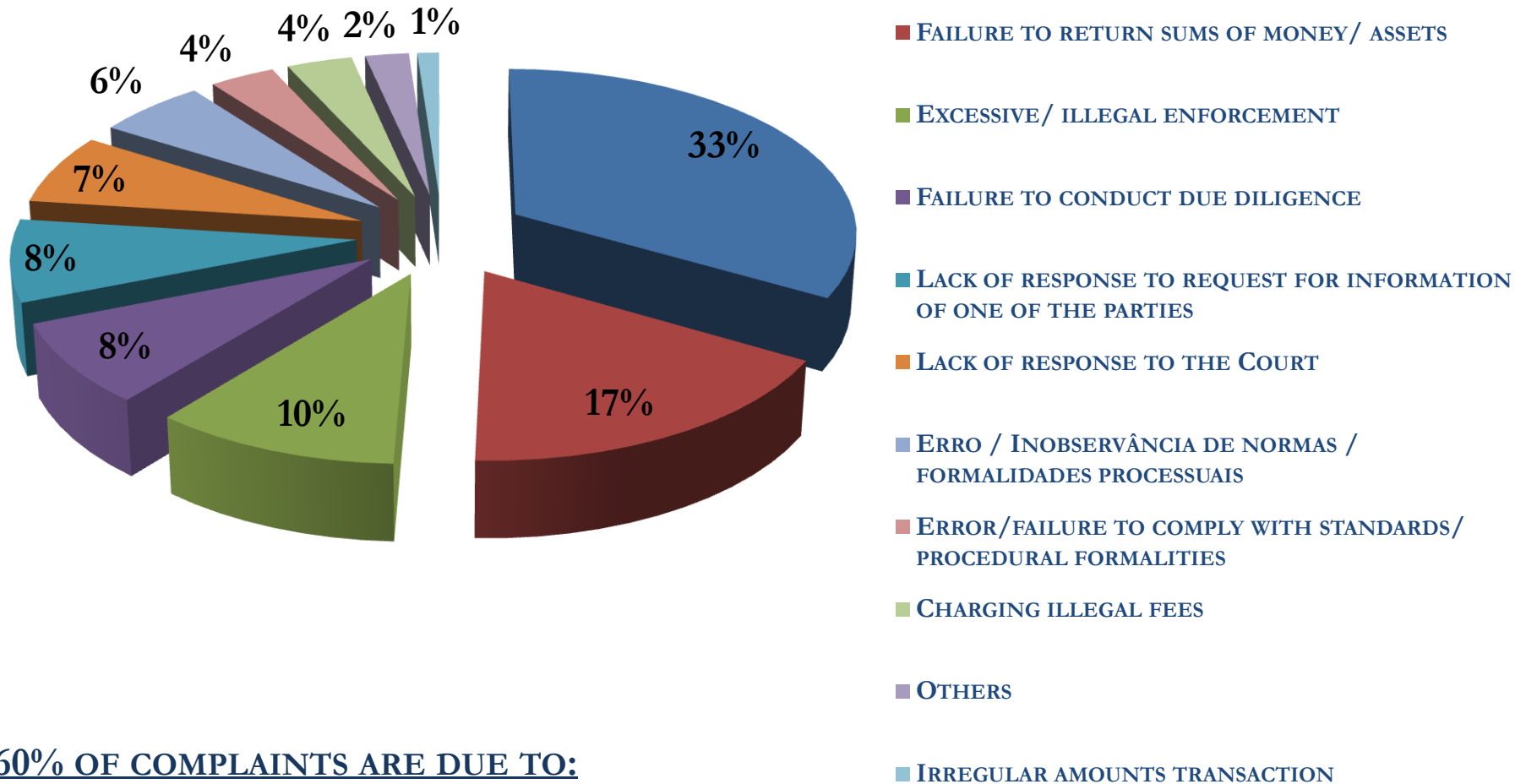
2ND YEAR OF ACTIVITY



REASONS FOR COMPLAINTS

(1ST YEAR OF ACTIVITY)

2009



60% OF COMPLAINTS ARE DUE TO:

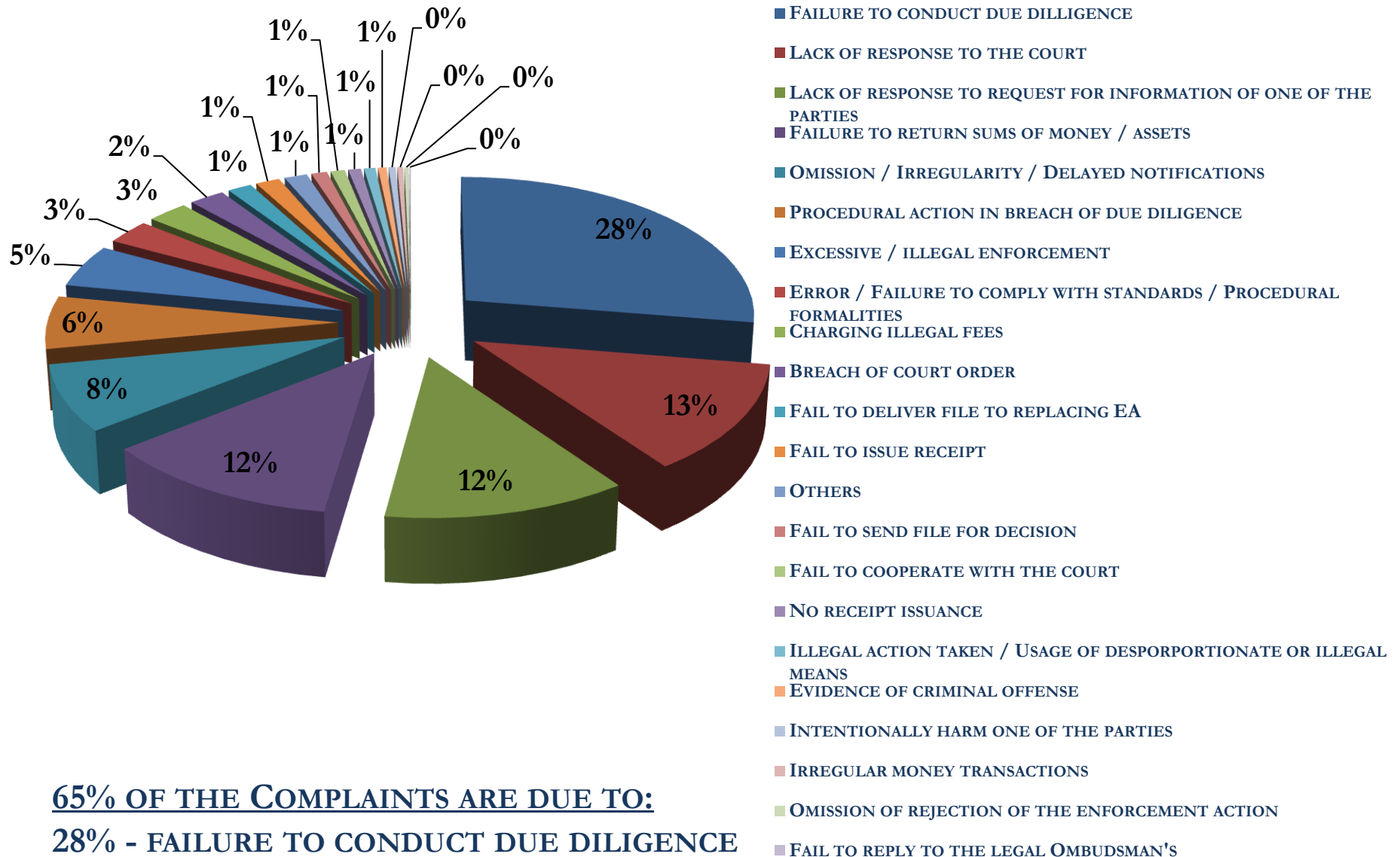
33% - PROCEDURAL ACTION IN BREACH OF DUE DILIGENCE

17% - FAILURE TO RETURN SUMS OF MONEY/ ASSETS

10% - EXCESSIVE/ ILLEGAL ENFORCEMENT/ ATTACHMENT

SOURCE: CPEE

REASONS FOR COMPLAINTS (2ND YEAR OF ACTIVITY)



65% OF THE COMPLAINTS ARE DUE TO:

28% - FAILURE TO CONDUCT DUE DILIGENCE

25% - LACK OF RESPONSE TO THE COURT / PARTIES

12% - FAILURE TO RETURN SUMS OF MONEY / ASSETS

SOURCE: CPEE

COMPLAINTS - ANALYSIS

1ST YEAR OF ACTIVITY

PLAINTIFF:

85% OF COMPLAINTS:

- COURT (44%)
- DEFENDANTS (23%)
- CREDITORS (18%)

ALLEGED FACTS BY PLAINTIFF :

60% OF THE COMPLAINTS ARE ORIGINATED BY:

- 33% VIOLATES THE DUTY OF DUE DILIGENCE AND ZEAL
- 17% FAILURE TO PROMPTLY DELIVER AMOUNTS
- 10% EXCESSIVE / ILLEGAL ENFORCEMENT

2ND YEAR OF ACTIVITY

TYPE OF PLAINTIFF:

85% OF COMPLAINTS :

- COURT (51%)
- CREDITOR REPRESENTATIVE (19%)
- DEFENDANT (15%)

ALLEGED FACTS BY PLAINTIFF :

65% OF THE COMPLAINTS ARE ORIGINATED BY :

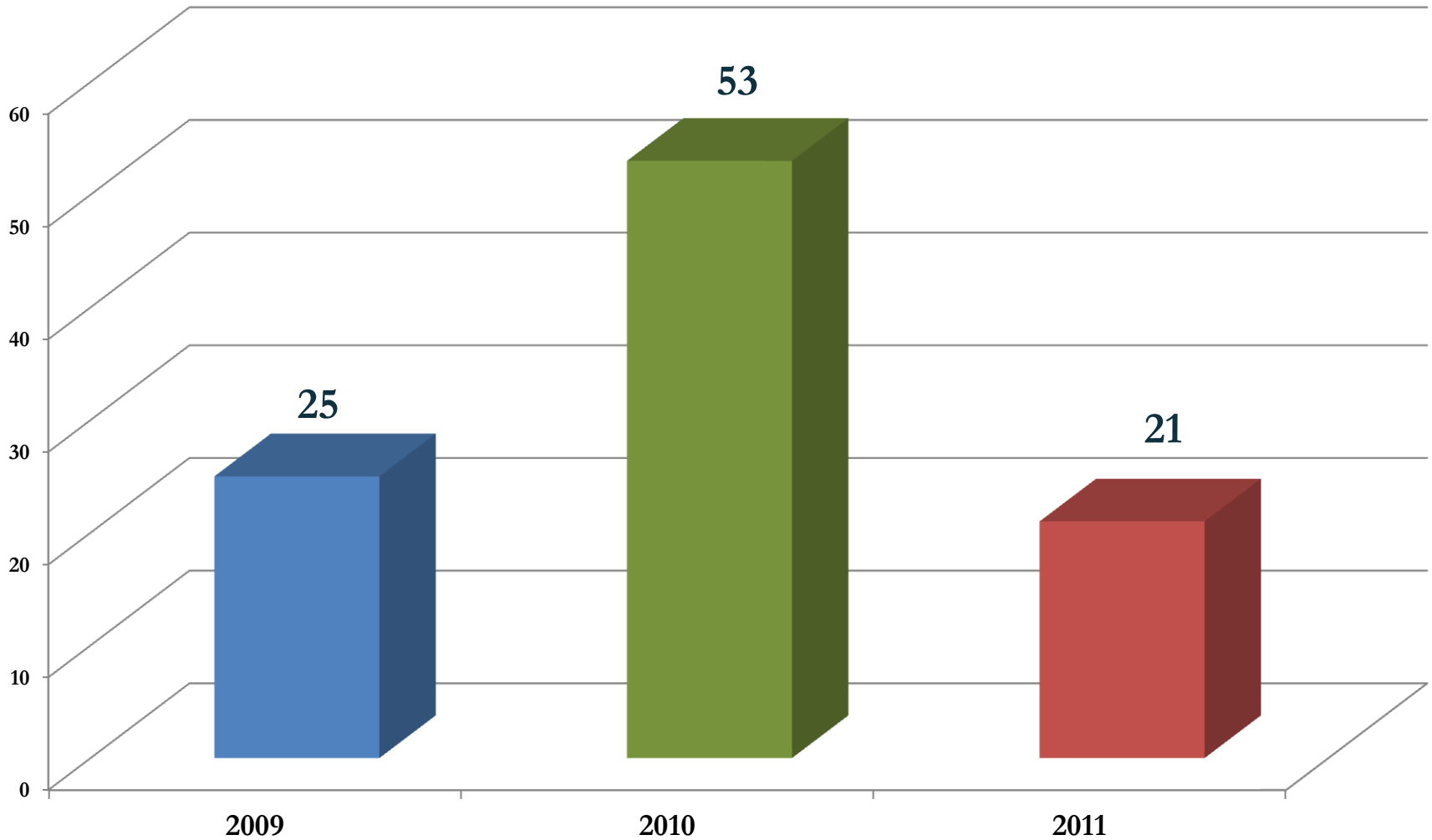
- 28% VIOLATES THE DUTY OF DUE DILIGENCE AND ZEAL
- 25% LACK OF RESPONSE TO THE COURT/PARTIES
- 12% FAILURE TO PROMPTLY DELIVER AMOUNTS

FREQUENT PLAINTIFFS – JUDGES

TYPE OF PROCEEDINGS: ENFORCEMENT PROCEEDINGS INITIATED BEFORE 31.03.2009

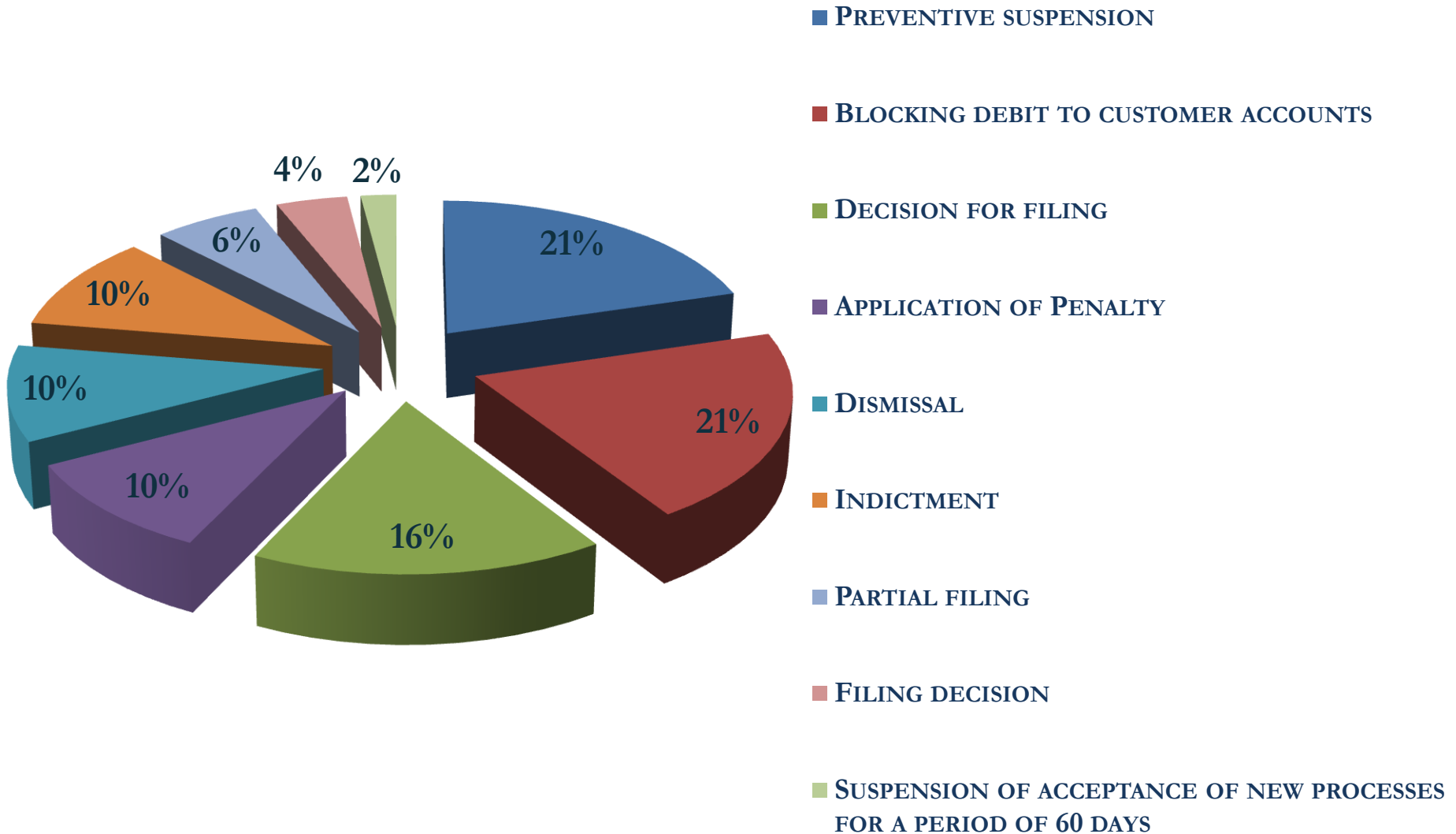
HIGHER TRUST OF COURT JUDGES IN CPEE

185 DISCIPLINARY PROCEEDINGS JOINED TOWARDS 105 ENFORCEMENT AGENTS



SOURCE: CPEE

TOTAL OF CPEE DECISIONS



SOURCE: CPEE

DISCIPLINARY PROCEEDINGS - ANALYSIS

2009

EVIDENCES:

- ❑ 17% VIOLATION OF THE DUTY OF DUE DILIGENCE AND ZEAL
- ❑ 14% FAILURE TO PROMPTLY DELIVER AMOUNTS
- ❑ 8% LACK OF RESPONSE TO THE COURT/PARTIES

2ND YEAR OF ACTIVITY

EVIDENCES :

- ❑ 31 VIOLATIONS OF THE DUTY OF DUE DILIGENCE AND ZEAL
- ❑ 23 VIOLATIONS OF THE ETHICAL OBLIGATIONS

OF THE DISCIPLINARY PROCEEDINGS THAT CAME OUT OF INSPECTIONS PERFORMED BY CPEE,

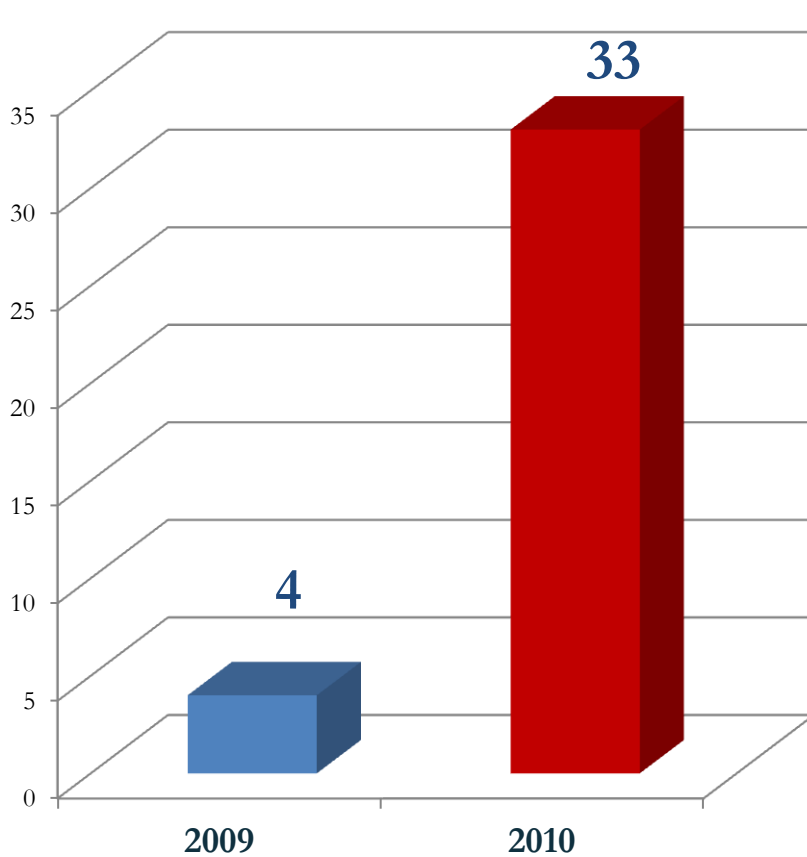
IT WAS FOUND THAT:

- ❑ 14 LACKS OF MAINTENANCE OF THE CUSTOMER-ACCOUNTS
- ❑ 13 IRREGULARITIES ON THE MOVEMENTS OF THE CUSTOMER-ACCOUNTS

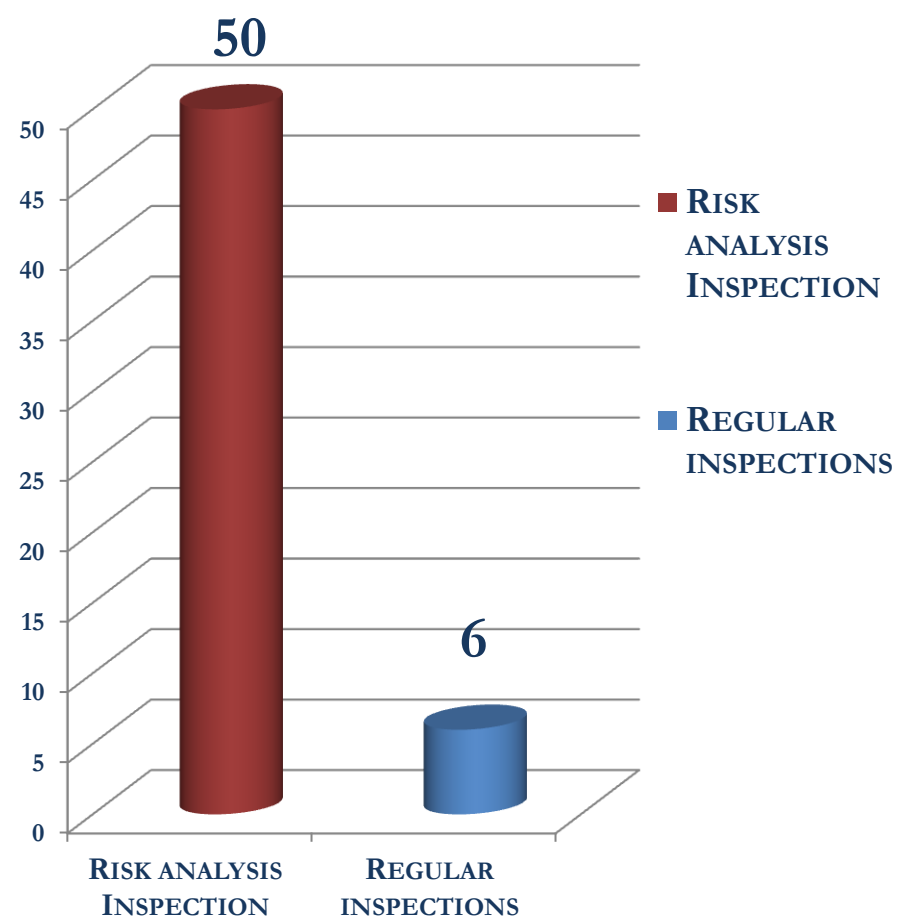
TYPE OF PROCEEDINGS: ENFORCEMENT PROCEEDINGS INITIATED BEFORE 31.03.2009
2009 – THE NEED OF CONTINUOUS AND COMPULSORY TRAINING (SEE CPEE'S RECOMMENDATIONS OF JUNE 2010)
2ND YEAR OF ACTIVITY – WHAT'S NEW ON THE CUSTOMERS-ACCOUNT, AS A RESULT OF SUPERVISION (TROIKA: REINFORCEMENT OF SUPERVISION BY CPEE)

FACE TO FACE INSPECTIONS PERFORMED

1ST YEAR OF ACTIVITY = 37

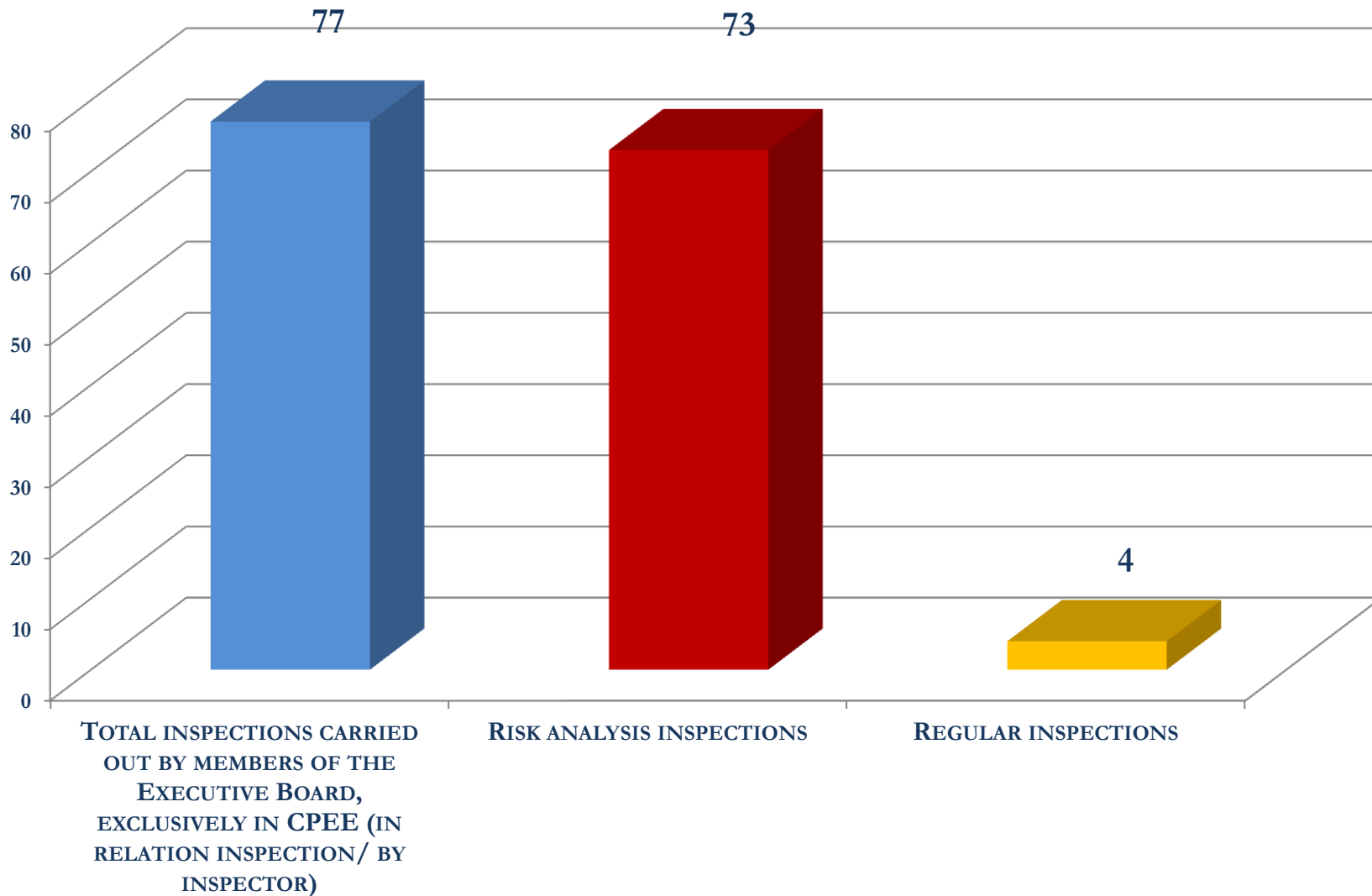


2ND YEAR OF ACTIVITY = 56 (12 Insp/month)



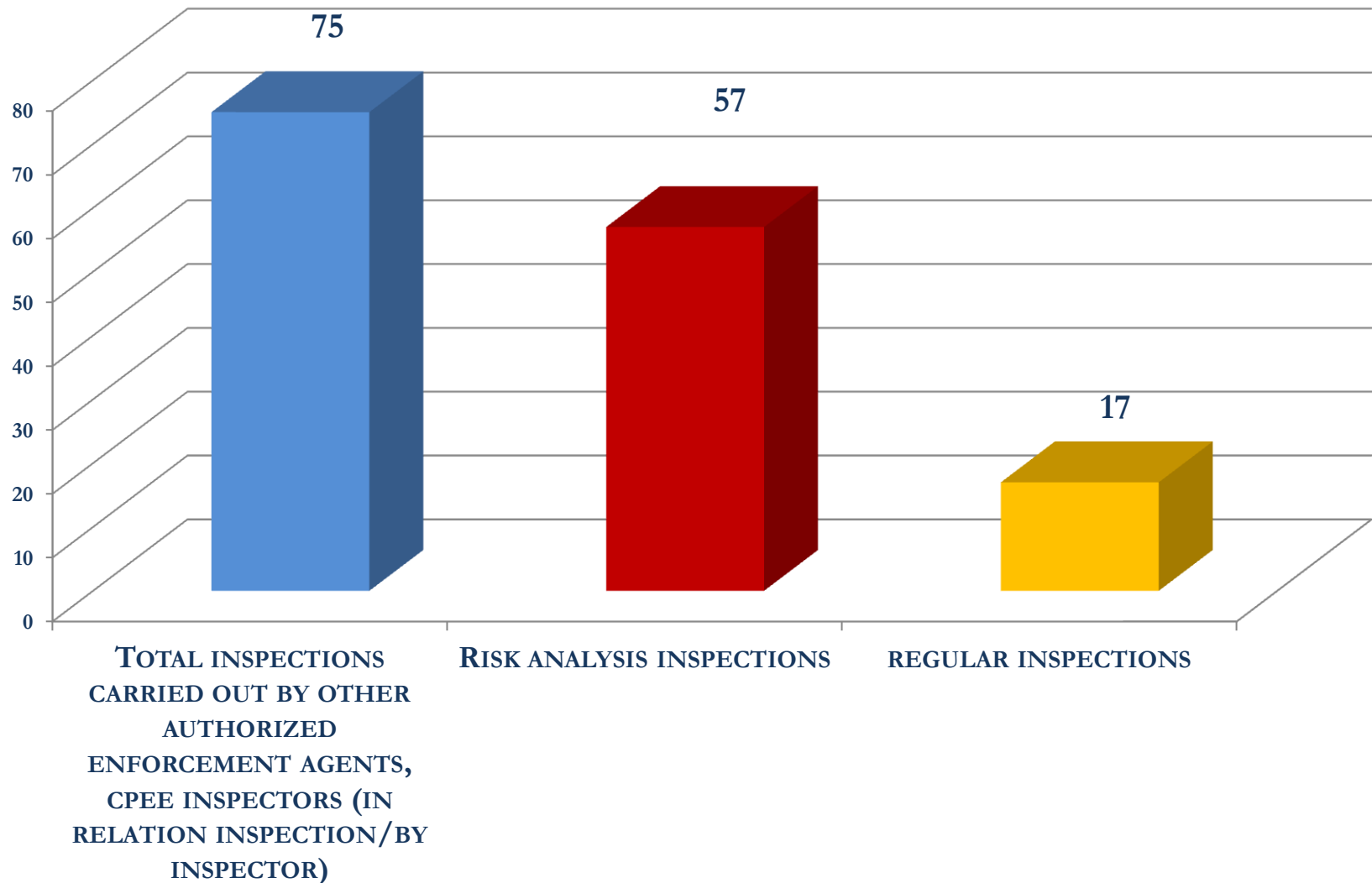
SOURCE: CPEE

FACE TO FACE INSPECTIONS PERFORMED BY THE 3 EXECUTIVE BOARD MEMBERS OF THE CPEE



SOURCE: CPEE

FACE TO FACE INSPECTIONS PERFORMED BY AUTHORIZED ENFORCEMENT AGENTS



SOURCE: CPEE

ANALYSIS – 731 INSPECTION PROCEDURES

105 FACE TO FACE INSPECTIONS

AT THE OFFICE
OF THE
ENFORCEMENT AGENT

- 93 RISK ANALYSIS OR EXTRAORDINARY INSPECTIONS
- 12 REGULAR INSPECTIONS

In 6 months:

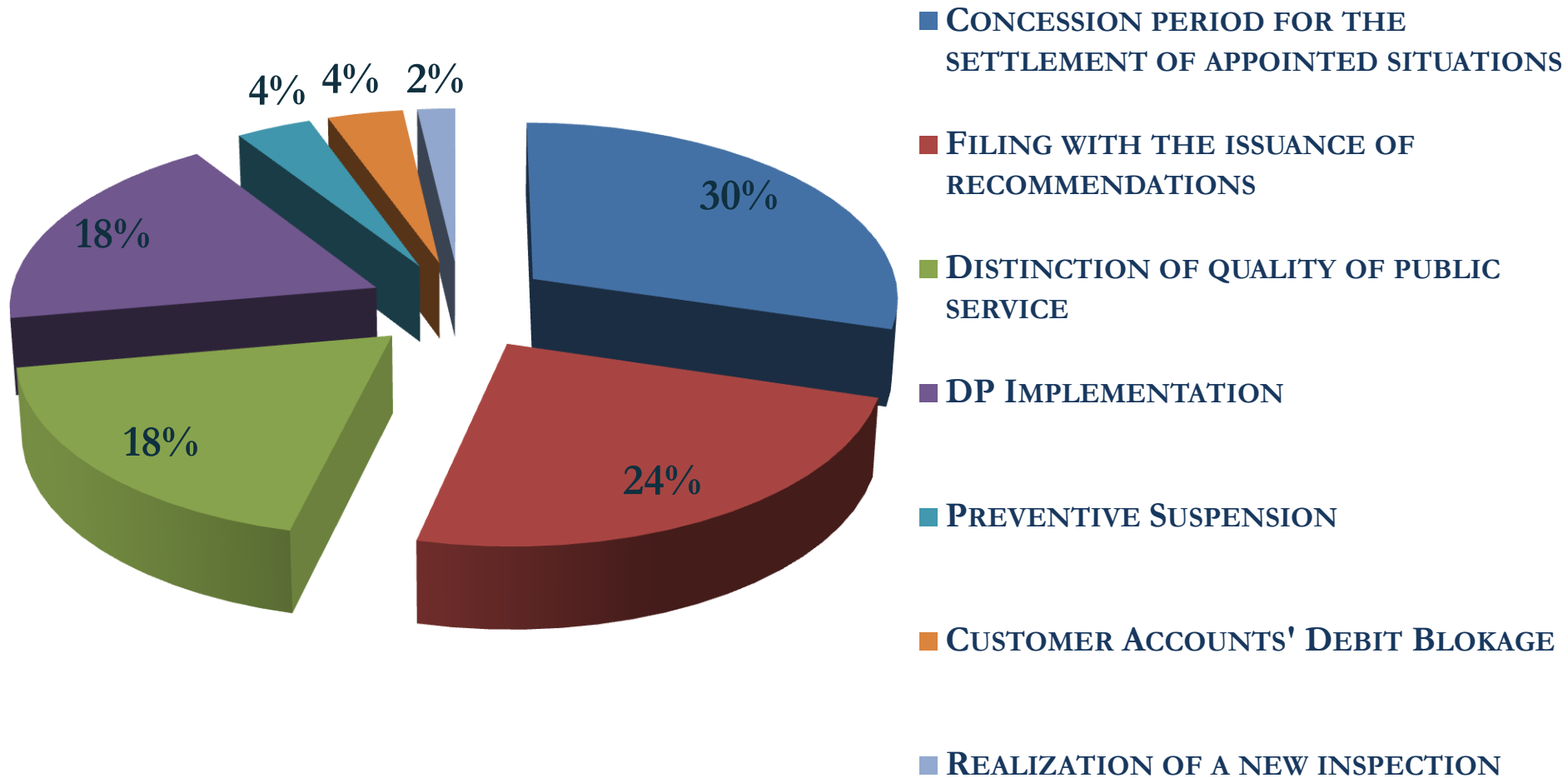
- Each of the 3 Members of the Executive Board of CPEE, exclusively, has performed 25 Inspections (average: 4 per month; 1 per week)
- Each of the Enforcement Agents Inspectors has performed 8

626 ELECTRONIC INSPECTIONS

BY EMAIL

3 ADVANTAGES: FASTER, ECONOMIC AND EFFECTIVE

DECISIONS TAKEN BY CPEE



SOURCE: CPEE

SUMMARY OF CPEES ACTIVITY (2 YEARS)

BEFORE CPEE

- THERE WERE 835 ENFORCEMENT AGENT – MAY 2009: A DGPJ STUDY REVELED THAT 1670 EA WERE NECESSARY FOR THE DOWNSIZING OF DURATION OF THE PROCEDURE 24 MONTHS TO 1 YEAR
- ONLY A SOLICITOR WAS ABLE TO BE AN ENFORCEMENT AGENT, AND IT WAS ONLY NECESSARY THE APPROVAL IN A COURSE ORGANIZED BY THE SOLICITORS CHAMBER.
- LACK OF COLLECTION OF THE NUMBER OF COMPLAINTS ON THE ENFORCEMENT AGENTS:
 - MAGISTRATES OF 200 COURTS
 - 3 BODIES OF THE CHAMBER OF SOLICITORS
- DISCIPLINE WAS SPREAD THROUGH SEVERAL ENTITIES
- NON EXISTENCE OF PROCEEDING GUIDES
- LACK OF CONSISTENCY OF CRITERIA WHEN APPLYING THE DISCIPLINARY DECISIONS
- 8.000 PENDING PROCEEDINGS IN MAY 2009
- LACK OF INSPECTION TO THE ENFORCEMENT AGENTS

AFTER CPEE

- CPEE OPENED 850 VACANCIES
- REGISTERED + 526 ENFORCEMENT AGENTS
- IN APRIL 2011 WERE ADMITTED 270 DEFINITIVE ENFORCEMENT AGENTS
- SOLICITORS AND LAWYERS MAY APPLY TO THE PROFESSION OF ENFORCEMENT AGENT
- ACCESS: INITIAL EXAM ON ENFORCEMENT PROCEDURES + 10 MONTHS TRAINING + FINAL EXAM
- CPEE CENTERS THE COMPLAINTS ACCEPTANCE AND EXECUTES ITS ANALYSIS ALSO TURNING THEM PUBLIC
- CPEE HAS EASED THE SENDING OF A COMPLAINT – BY EMAIL OR BY THE WEBSITE – ELECTRONIC COMPLAINT
- CPEE CENTERS DISCIPLINE
- CPEE HAS APPROVED THE MANUAL OF PRELIMINARY PROCEDURES AND OF DISCIPLINARY PROCEDURES OF ENFORCEMENT AGENTS
- CPEE ENSURES COMPLIANCE WITH THE PRINCIPLE OF EQUAL TREATMENT FOR ALL THE ENFORCEMENT AGENTS (24 DECISIONS)
- IN PORTUGAL, FOR THE FIRST TIME CPEE IS ENSURING THAT ALL ENFORCEMENT AGENTS HAVE BEEN, OR ARE BEING INSPECTED
- CPEE HAS AWARDED 9 ENFORCEMENT AGENTS BY THEIR GOOD PUBLIC SERVICE

2. PROPOSITIONS FOR THE FUTURE PROVIDE CPEE WITH MEANS

“7.3. GIVEN THE PIVOTAL ROLE OF ENFORCEMENT AGENTS IN THE DEBT ENFORCEMENT PROCESS, STRENGTHEN THE LEGAL AND INSTITUTIONAL FRAMEWORK IN LINE WITH INTERNATIONAL PRACTICE WITH A PARTICULAR FOCUS ON THE FINANCING STRUCTURE AND AUTHORITY OF THE OVERSIGHT BODY, INCLUDING ADOPTING A DECREE LAW BY END-DECEMBER 2011 TO ENSURE THE OVERSIGHT BODY’S FULL ACCESS TO THE ENFORCEMENT CASE FILES.”

1ST UP-DATE OF THE MoU (EU-ECB-MIF)

[HTTP://WWW.CPEE.PT/MEDIA/UPLOADS/STORIES/MEMORANDUM-OF-UNDERSTANDING-ON-SPECIFIC-ECONOMIC-POLICY-CONDITIONALTY-1ST-UPDATE .PDF](http://www.cpee.pt/media/uploads/stories/memorandum-of-understanding-on-specific-economic-policy-conditionalty-1st-update.pdf)

1. URGENT: TECHNICAL ADVICE AND SUPPORT AND ADEQUATE FACILITIES
2. UNTIL DECEMBER 2011 - PROVIDE EXCLUSIVE ACCESS TO CPEE FOR THE ELECTRONIC SYSTEMS SUPPORTING THE ACTIVITIES OF ENFORCEMENT AGENTS – AS STATED BY THE 1ST UP-DATE OF THE MoU
3. STRENGTHENING THE CONTROL AND SUPERVISION POWERS OF CPEE
4. FINANCIAL INDEPENDENCE OF CPEE

CPEE: /MEANS

CPEE MAY INVITE OTHER ENTITIES TO PARTICIPATE ON THE EXECRCISE OF ITS LEGAL COMPETENCES	EXECUTIVE BOARD CONSULTING (financial manager: Ministre of Justice)	INSPECTORS GROUP OF CPEE (financial manager:Chamber of Solicitors)	SECRETARIAT
Consediring on the agenda, matters of the competence of administrative jurisdiction: takes part one member appointed by the Board of Administrative Courts	2009: 3 ADVISERS (2 EXPERTS + 1 TECHNICIAN)	2009: ✗	2009: 1 CLERK
Placement on the agenda of issues within the competence of the prosecutor: takes part one member appointed by the Board of the Public Prosecutor	2010: ✗	2010: 4 enforcement agents	2010: 1 CLERK (between Jan./Dec.) + 1 CLERK (between Aug./Dec.)
2010 - PROTOCOL OF COOPERATION WITH The Directorate-General Justice Policy	2011: ✗	2011: 10 enforcement agents	2011: 2 CLERKS
2010 - PROTOCOL OF COOPERATION WITH Superior Institute of Political and Social ciences (ISCSP)			
2010 - PROTOCOL OF COOPERATION WITH Council for Information Technologies in Justice (ITIJ)			
2010 - PROTOCOL OF COOPERATION WITH Enforcement Agents College			
2011 - PROTOCOL OF COOPERATION WITH DIAP of Lisbon			
2011 - PROTOCOL OF COOPERATION WITH DIAP of Coimbra			

CPEE: /MEANS

CPEE FINANCING	MINISTRY OF JUSTICE	CHAMBER OF SOLICITORS
REMUNERATION OF THE PRESIDENT AND OF THE 3 MEMBERS OF THE EXECUTIVE BOARD	✓	
PAYMENT OF MEETINGS ATTENDANCE OF MEMBERS OF THE PLENARY	✓	
PAYMENT OF EXTERNAL ENTITY RESPONSIBLE FOR THE SELECTION OF CANDIDATES AND FINAL EVALUATION OF ENFORCEMENT AGENTS TRAINEE	✓	
TECHNICAL ADVISORY OF THE EXECUTIVE BOARD	✗	
OPERATING EXPENSES AND DAILY FUND		✓
SECRETARIAT		✓✗
CPEE HEADQUARTERS		✓✗
INSPECTIONS		✓✗
ELECTRONIC APPLICATION FOR THE ELECTRONIC PROCESSING AND STATISTICAL PROCESSING OF DISCIPLINARY PROCEEDINGS		✗
INFORMATION AND DISCLOSURE MATERIAL		✗

2. PROPOSITIONS FOR THE FUTURE

REDUCE THE CAUSES OF PENDING PROCEDURES

CONTRIBUTION OF CPEE: recommendations and inspections

CAUSES FOR PROCEEDINGS PENDINGS	RECOMMENDATIONS CPEE JULY 2010
<p>"FALSE PENDINGS" - 5 EXAMPLES:</p> <p>1 - THE CREDITOR DOESN'T PAY FASE 1 TO THE ENFORCEMENT AGENT</p> <p>2 - THE PROCEEDING IS NOT TERMINATED EVEN IF THERE ARE NO ASSETS (BAD DEBTS)</p> <p>3 - THE CREDITOR DOESN'T WANT THE PROCEEDING TO END (DESPITE THE LACK OF ASSETS)</p> <p>4 - THE DEFENDANT IS PAYING HIS DEBT IN MONTHLY PAYMENTS (FOR SEVERAL YEARS)</p> <p>5 - INCONSISTENCY OF INFORMATION BETWEEN COMPUTER SYSTEMS CITIUS AND SISAAE (EX.: PROCESSO FINDO NO ESCRITÓRIO DO AE, MAS ACTIVO NO TRIBUNAL)</p>	<p>1 - FORECAST PREPAYMENT OF PHASE 1 TO THE ENFORCEMENT AGENT</p> <p>2 - THE ENFORCEMENT AGENTS MUST COMPLY WITH THE RULES THAT FORESEE THE EXTINCTION OF PROCEEDINGS IN CASE OF LACK OF ASSETS – IN INSPECTIONS CPEE EVALUATES THE REDUCTION OF PENDING PROCEEDINGS BY THE ENFORCEMENT AGENT AND FIXED-TERM FOR REDUCING THE PENDING OF EA</p> <p>3 - DEVELOPMENT IN THE COMPUTER SYSTEM CITIUS OF A WAY THAT ALLOWS THE PETITIONER TO RENEWAL THE REQUEST ON THE TERMINATED INSTANCE, WITHOUT HAVING TO FILL AND SUBMIT THE NEW PROCEEDING APPLICATION WITH THE CORRESPONDING RENEWAL PROCESS IN SISAAE</p> <p>4 - THE COMPUTER SYSTEM SHOULD NOW DISTINGUISH THE CAUSES OF PENDING PROCEEDINGS</p> <p>5 - EFFECTIVE COOPERATION BETWEEN MANAGERS OF COMPUTER SYSTEMS FOR THE ENHANCEMENT AND IMPROVEMENT OF COMMUNICATION BETWEEN COMPUTER PLATFORMS CITIUS AND SISAAE</p>
<p>GREAT PLAINTIFFS: THE MASS CLAIMS INVADES THE COURTS WITH A LARGE NR. OF PROCESSES BUT RELATED TO SMALL AMOUNT DEBTS (UNTIL 20.000 €)</p>	<p>1) REGULATION OF ARBITRATION IN PROCEEDINGS</p> <p>2) CREATION OF INSTITUTIONALIZED REFERING CENTERS IN THE PROCEEDINGS (11.º to 18.º do Decree-Law nr. 226/2008, 20 November)</p>

2. PROPOSITIONS FOR THE FUTURE

REDUCE THE CAUSES OF PENDING PROCEDURES

CONTRIBUTION OF CPEE: recommendations and inspections

CAUSES FOR PROCEEDINGS PENDINGS	RECOMMENDATIONS OF CPEE – JULY 2010
<p>ENFORCEMENT PROCEEDINGS INTERRUPTION FOLLOWING THE REPLACEMENT OF ENFORCEMENT AGENTS UNDER ENFORCEMENT PROCEEDINGS</p>	<p>DEVELOPING THE CITIUS SOFTWARE, ALLOWING THE CPEE, THE PETITIONER AND THE COURT TO IMPLEMENT THEIR DECISIONS DIRECTLY IN THE COMPUTER APPLICATION CITIUS (WITHOUT A THIRD PARTY INTERVENTION)</p>
<p>ENFORCEMENT PROCEEDINGS INTERRUPTION DUE TO LACK OF INFORMATION FROM THE ENFORCEMENT AGENT REGARDING THE PRESENCE OR ABSENCE OF ACCOMPANYING DECLARATIVE</p>	<p>SYNCHRONIZATION OF CITIUS AND OF SISAAE: A MERE TRANSMISSION OF INFORMATION DATA IN EACH PROCEEDING IN EACH OF THE SYSTEMS, ALLOWS DISPLAYING TO THE ENFORCEMENT AGENT OF REPORTED INCIDENCES IN THE ENFORCEMENT PROCEEDINGS (E.G.: CONSULTATION OF THE ENFORCEMENT ACTION OPPOSITION)</p>
<p>NEED FOR JUDICIAL AUTHORIZATION FOR AN ELECTRONIC ENFORCEMENT PROCEEDING OVER BANK BALANCES</p>	<p>ELIMINATION OF THE NEED TO ISSUE A COURT ORDER AUTHORIZING THE ENFORCEMENT PROCEEDING OVER BANK BALANCES (ART. 861. OF CPC) WHICH WILL PRODUCE PRACTICAL EFFECTS IN THOUSANDS OF LAWSUITS, ALLOWING THE CONTINUATION OF THE PROCESS THAT IMMEDIATELY BEGINS WITH THE ATTACHMENT OF ELECTRONIC BANK BALANCES, WITHOUT JUDICIAL AUTHORIZATION TO THAT EFFECT WHICH WOULD DELAY THE CONTINUATION OF THE CURRENT PROCEEDING AT AN EARLY STAGE AND NECESSARILY THE LENGTH OF TIME UNTIL ITS EXTINCTION</p> <p>MARCH 2011 - CPEE CREATED A WORKING GROUP TO STREAMLINE THE ELECTRONIC ENFORCEMENT OF BANK BALANCES (GT/CPEE- EPA)</p>

2. PROPOSITIONS FOR THE FUTURE MEASURES TO DECONGEST THE COURTS

TO AVOID UNNECESSARY PROCEEDINGS (BAD DEBTS)

1. SPECIFIC RULES FOR GREAT PETITIONERS : ARBITRATION
2. EXTENSION OF THE LIMITATION PERIOD FROM 6 MONTHS TO 3 YEARS ON THE CONTRACTS TO PROVIDE ESSENTIAL PUBLIC SERVICES (THE PERIOD OF 6 MONTHS DOESN'T ALLOW THE DEBTOR TO NEGOTIATE THE DEBT, AND INCREASES NEW PROCEEDINGS)
3. INCREASING OF THE BONDS AT THE MOMENT OF THE CONCLUSION OF THE CONTRACT TO PROVIDE ESSENTIAL PUBLIC SERVICES
4. COMBINATION IN A SINGLE LIST OF THE EXISTENT 3 LISTS: LIST OF THE INDEBTED HELD BY THE FINANCES MINISTRY, LIST OF THE INSOLVENT, AND THE PUBLIC LIST OF PROCEEDINGS – CPEE DISCLOSURES:
[HTTP://WWW.CPEE.PT/LISTAS_PUBLICAS/](http://www.cpee.pt/listas_publicas/)
5. IMPOSSIBILITY OF GRANTING JUDICIAL CREDIT, WHEN AN ENTITY PROVIDES CREDIT TO AN INDEBTED PERSON WHO'S ALREADY REGISTERED IN ONE OF THE 3 LISTS ABOVE

2. PROPOSITIONS FOR THE FUTURE MEASURES TO DECONGEST THE COURTS

INCREASING OF EFICIENCY OF JUDICIAL SYSTEMS

6. CREATION OF AN EFFECTIVE ELECTRONIC MODEL TO MANAGE COURTS, (PROJECT “X” OF THE ENFORCEMENT PROCEDURES COURT IN SINTRA)
7. PROMOTING THE EXTINCTION OF ALL PROCEEDINGS THAT ARE IMPOSSIBLE: ALL PENDING PROCEEDINGS BY LACK OF THE INDEBTED ASSETS
8. SYNCHRONIZATION OF CITIUS AND OF SISAAE
9. CONDUCT A SURVEY OF THE NUMBERS OF PROCEEDINGS WITH DECLARATIVE EXCERPTS; TO CALCULATE THE AVERAGE TIME OF DECLARATIVE PROCEEDINGS RESOLUTION; ESTABLISHMENT OF DECISION DEADLINES, TO BE EVALUATED AIMING A CAREER ADVANCEMENT.
10. MONITORING THE AVERAGE TIME TAKEN BY THE PROCEEDINGS IN EACH COUNTY COURT.
11. ENABLE THE CREDITOR WITH THE CHOICE OF COURT WITH THE LEAST AMOUNT OF TIME TAKEN DURING AN ENFORCEMENT PROCEEDING.

3. CPEE INITIATIVES

SEPTEMBER / DECEMBER 2011

1. 2ND CONFERENCE & WORKSHOP – 2011, SEPTEMBER, 23-24
2. APPROVAL OF THE ENFORCEMENT AGENTS CODE OF ETHICS
3. PUBLICATION OF BEST PRACTICES MANUAL FOR THE ENFORCEMENT AGENT MANUAL
4. LAUNCH PRIZE FOR “BEST PRACTICES IN THE ACTIVITY OF THE ENFORCEMENT AGENT”
5. PRESENTATION OF PROPOSED LEGISLATIVE CHANGE IN RELATION TO THE CPEE: FULL ACCESS TO THE ELECTRONIC PROCESSES AND EXECUTIVES, ADMINISTRATIVE AND FINANCIAL INDEPENDENCE - CONSIDER THE DUTCH MODEL
(1ST UP-DATE OF THE MOU – EU-ECB-MIF)