



(Former Yugoslavian Republic of) Macedonia

The President of the Chamber, Antonio Kostanov, named the situation in FYRO-Macedonia as pure crisis for judicial officers. The cut-down of the tariffs within the last months amount approximately to 30% in general (For amounts under EUR 300 even 80%). This situation provokes the pre-decision of judicial officers in the country to stop their activities in general during next two-three month if the situation would not get better. At the same time the tariffs were reduced for the lawyers, notaries and mediators, too, by approximately 20 to 30%. On top of this, the ministry of justice is ready to suppress the Numerus clausus which the chamber must consider as a direct hit to the free profession of judicial officers. Because of this the 5th anniversary of the establishment of this profession in FYRO-Macedonia could be the last one at the same date. Therefore Mr Kostanov asked the UIHJ and UIHJ-EuroDanube for urgent help. Leo Netten considers the situation in the country as a very complicated one. The UIHJ tries to help and solve problems. He will be present in FYRO-Macedonia and is ready to talk to the responsible state authorities there. Mr Kostanov asked the member states of UIHJ-EuroDanube for help and active cooperation in this "fight with the state" in his country.

Hungary

Miklos Krejniker, President of the national chamber said in his presentation that since the last UIHJ-EuroDanube meeting, there have been some amendments to the Hungarian enforcement act, all of which are related to the inception of a judicial officer's service.

Estonia

Janek Pool, Chairman of the Board of Assembly of Judicial officers, said he was going to inform about the situation in Estonia during the tomorrow's international conference of the Estonian chamber. The fact is that Estonia in election time means it will be necessary to renew or establish new contact and discuss the problems with voted ministry members of government and parliament.

Czech Republic

Mr Podkonicky informed shortly about the situation in the Czech Republic. Currently, the Chamber prepares in cooperation with the Ministry of justice the new Code of judicial proceeding. This should among others cancel the so-called paralleling in executions and simplify some enforcement procedures (e.g. sale of business company share or sale of cooperative flats). Also auctions sales of movables and immovable should also be simplified (flats, houses, lots) and make the whole process of enforcement quicker and more effective. In the middle of February the Chamber organized a discussion on these topics with judges, judicial officers and ministry of justice representatives. The end of discussion is expected in November 2011 and re-enactment up to the end of the year.

The discussion in Tallinn was concluded by Leo Netten. Then Juraj Podkonický thanked the Estonian organizers of the conference for the perfect work and for making the conference in Tallinn possible. He informed he will ask all UIHJ-EuroDanube member states for a report about the situation in their countries because 4 of 11 members were not present in Tallinn.

The next UIHJ-EuroDanube meeting will be held on October 2011 (exact date to be confirmed) in Bucharest (Romania) on occasion of the 10th anniversary of the Chamber's foundation.

For a full report of this UIHJ-EuroDanube session, go to: www.eurodanube.eu

Participation de l'UIHJ au colloque du 7 janvier 2011 à l'Université de Paris X (France)

Leo Netten, président de l'UIHJ, a participé le 7 janvier 2011 à un grand colloque organisé par l'université de Paris Ouest Nanterre La Défense (France) sur le thème de la chute du contentieux de l'impayé contractuel et l'évolution des pratiques de recouvrement



Ce colloque s'est situé dans le prolongement d'un appel d'offres lancé par le groupement d'intérêt public Mission de recherche droit et justice. On constate une chute importante des actions en paiement devant les juridictions en matière contractuelle depuis les années 1993-1994. En effet on est passé de 1 300 000 contentieux contractuels juridictionnels par an à environ 950 000. Pour comprendre les raisons de cette chute et en tirer des connaissances, deux équipes menées par les universités Jean Monnet de Saint-Etienne (France) et de Paris X Nanterre ont mené des recherches sur ce sujet.

Le colloque a donné l'occasion de présenter les travaux de recherche et réfléchir, avec universitaires et professionnels, à ce phénomène de baisse. Il a été placé sous la direction scientifique de Béatrice Thullier, professeur, et Laurence Sinopoli, maître de conférences.

Le président Netten a été invité pour donner le point de vue de la profession d'huissier de justice sur le plan mondial. Béatrice Thullier et Laurence Sinopoli ont évoqué les éléments permettant de comprendre cette chute du contentieux judiciaire, liés à de multiples facteurs tels la crise économique, le développement du recouvrement de créances, le surendettement, les procédures collectives, le coût des procédures ou encore la médiation.

Véronique Leroy-Karpierz (société Coface services) a expliqué comment, selon elle, les sociétés de recouvrement peuvent lutter contre l'impayé.

S'agissant du point de vue des avocats sur la question, Bruno Berger-Perrin, ancien bâtonnier des Hauts-de-Seine, avocat, a évoqué l'évolution du comportement de ce professionnel du droit, notamment eu égard à l'abandon de la culture du « tout-judiciaire ».



Puis les ambiguïtés du règlement amiable des impayés au travers du réaménagement précontentieux du contrat au règlement alternatif d'un litige ont été présentées par Pascal Ancel, professeur à l'université Jean-Monnet de Saint-Etienne.

Ydriss Ziane, maître de conférences à l'Institut d'administration des entreprises Sorbonne Business School, Gregor, Université Paris 1 Panthéon Sorbonne, a ensuite proposé des réflexions d'ordre économique sur le crédit et l'impayé.

Leo Netten a expliqué en quoi l'huissier de justice doit être considéré comme le guichet unique du recouvrement amiable et judiciaire. Il a en particulier rappelé que l'huissier de justice est le seul professionnel à pouvoir gérer le recouvrement de créances dans son intégralité, depuis la phase amiable, en contactant directement le débiteur afin d'obtenir un règlement ou octroyer des délais de

paiement, jusqu'à l'exécution, en passant par l'obtention d'un titre exécutoire. Ainsi, l'huissier de justice se positionne sur le marché comme l'interlocuteur privilégié et unique de tout créancier, qu'il soit un particulier, un grand donneur d'ordres ou un institutionnel.

Enfin, Daniel Lebeau, maître de conférences à l'Université Paris Ouest Nanterre La Défense, a traité du clair-obscur de l'exécution civile.

Ce colloque très intéressant et particulièrement vivant a su mettre l'accent sur des données factuelles relatives à la chute du contentieux. Pour ce qui concerne la profession, il aura permis de démontrer une fois de plus le rôle central de l'huissier de justice dans le recouvrement de créances et dès lors sa participation active dans cette chute du contentieux, au bénéfice du service public de la justice, de l'économie et des justiciables.

The UIHJ takes part in a Paris Ouest University seminar (France)

Leo Netten, President of the UIHJ, took part on January 7th, 2011 in a large seminar organized by the University of Paris Ouest Nanterre La Defense (France) on the topic of the fall of litigation of unpaid contractual debts and the evolution of the practices of debt collecting

This conference was in the prolongation of a tender launched by the Research Law and Justice Mission Group. There is an important drop of court litigations relating to payment of debts in contractual matter since the years 1993-1994. Indeed the 1.300.000 jurisdictional contractual disputes per annum in these years are now down to approximately 950 000. To understand the reasons of this decline and to draw some conclusions, two teams led by the universities Jean Monnet of Saint-Etienne (France) and Paris Ouest Nanterre La Defense undertook research on this subject.

The conference gave the opportunity to present the works and to reflect, with academics and professionals, on this phenomenon. It was placed under the scientific department of Beatrice Thullier, Professor at Law, and Laurence Sinopoli, university lecturer.

President Netten was invited to give the point of view of the occupation of judicial officer at world level. Beatrice Thullier and Laurence Sinopoli evoked the elements to understand this fall of the litigations, dependent on multiple factors such as

the economic crisis, the development of debt collecting, excessive debts, bankruptcy procedures, cost of procedures or mediation.

Veronique Leroy-Karpierz (Coface Services Company) explained how, according to her, debt collecting agencies can fight against unpaid debts. Being the point of view of lawyers on the question, Bruno Berger-Perrin, past President of the Hauts-de-Seine District Bar association, lawyer, evoked the evolution of the behavior of this law professional, in particular with regard to the abandonment of the "all-judicial" culture.

Then ambiguities of amicable settlement of unpaid debts through readjustment of pre-litigation period of the contract to alternative dispute resolutions were presented by Pascal Ancel, professor at Law at the Jean-Monnet University of Saint-Etienne.

Ydriss Ziane, university lecturer at the Sorbonne Business School, Gregor, University Paris 1 Pantheon Sorbonne, then proposed some reflections of economic order on debts and unpaid debts. Leo Netten explained why the judicial officer must

be regarded as the one-stop shopping of amicable and judicial debt covering. He recalled in particular that the judicial officer is the only professional able to manage the debt covering in his entirety, from the amicable phase, by dealing directly with the debtor in order to obtain a payment or to grant terms of payment, until enforcement, through the enforceable title. Thus, on the market the judicial officer is the privileged and single interlocutor of any creditor, whether he is a private individual, a large client or an institutional.

Lastly, Daniel Lebeau, university lecturer at the University Paris Ouest Nanterre La Defense, treated the "chiaroscuro" of civil enforcement.

This very interesting and particularly lively conference managed to stress factual data relating to the fall of court litigation. Concerning the profession, it made possible once again to show the central role of the judicial officer in the debt collecting process and consequently his active participation in this fall of court litigation, for the benefit of the public service of justice, the economy and the citizens.