(UPPER LEFT) Judge of the High Commercial Court Mario Vukelić introduced his idea six year ago – creation of a web page which would contain all information on bankruptcy procedures including the assets which are offered for sale. It is only typical for Croatia that this idea should not be realized for six whole years, although it is not a large sum of money that is required and it would not be realized even now if it weren't for international donations collected by Dražen Komarica from Judge's Web.

(UPPER RIGHT) **JUDGE MARIO VUKELIĆ** is one of judicial pioneers in informatization. He also created the web page of the High Commercial Court, but with praises there were also questions why is he as a judge dealing in IT in the first place. In the design of software intended for courts, the key role, along with IT experts, must belong to judges themselves because they have the best knowledge of the problems which the courts are facing – he says. He is also involved in the project of integrated case management system which should create a revolution in court case management in Croatia. He also participates in World Bank projects, European Council Commission for the Efficiency of Justice and is a member of the International Insolvency Institute.

(MIDDLE OF THE PAGE) Publishing of judicial practice is one of the cornerstones of legal security

## One stop for bankruptcies

JUDICIAL PRACTICE Six years from the idea to the realization of the program

Judge Vukelić is the author and editor of the web page where a lot of information on bankruptcy procedures, bankruptcy trustees as well as information on property and equipment offered for sale can be found.

### 70 public notices

There are already 70 public notices posted on the web from all over Croatia. Among them, for instance, the sale of land owned by Agan Kamen from Split, which will be performed by the end of February.

- The web enables a complete review of the assets sold in all bankruptcy procedures in Croatia, all in one place as a one-stop web shop. This should result in better sales and thus better satisfaction of creditors – says judge Vukelić.

He adds that buyers can immediately, and free of charge, check data on the assets offered because each notice is linked to the land registry, cadastre, court registry and court database on bankruptcy trustees and the proceeding court.

- Together with the public notices, we wish to publish a number of additional documents such as: excerpts from land registry and cadastre, drawings, photographs, value estimate of assets, court expert reports, etc – explains our collocutor, pointing out that the posting of a public notice is free of charge.

Creditors, who have often doubted their bankruptcy trustees, would soon be able to select a trustee from the list containing not only names, but also any information a trustee alone would provide, from education to managing bankruptcy procedures. According to the new Bankruptcy Act, bankruptcy trustees are selected by the bankruptcy judge, but the creditors' assembly may, although this is rarely done, select somebody else, even someone who is not on the list.

### **Complete review**

At the web page, which can be located on the Judge's Web site, a complete systemized review of the judicial practice of the High Commercial Court relating to bankruptcy procedures from 1994 until today can be found.

- Publishing judicial practice on the internet is one of the cornerstones of legal security because it provides information on how particular legal issues have been adjudicated in other cases – points out Vukelić.

Part of this web page is already being translated into English and there are plans to cooperate with experts from the International Insolvency Institute, World Bank and other bankruptcy-related institutions.

### Quarrels over achieved prices

Many objections, sometimes justified, have been made concerning the procedure of selling the bankruptcy estate. Thereat the pattern is almost typical: for the seller and its creditors the realized purchase price is too low, and for the buyer too high. The difference between the estimated value and the price realized by sale is often a point of dispute between the creditors and the bankruptcy trustee. The achieved price may be higher, which is rare, or lower, which is unfortunately more common, than the estimated value. This is the reason why creditors sometimes doubt the regularity of the sale. Regardless of all the property value evaluation methods: accounting, financial, mathematic, dynamic or other, the market value of any property is the price which was realized by selling that property on the market, and it is not determined by the Bankruptcy Act, but by the law of supply and demand – says judge Vukelić

Sudac Visokog trgovačkog suda Mario Vukelić prije šest godina predstavio je svoju ideju, stvaranje web stranice, na kojoj bi bili svi podaci o stečajevima, uključujući i imovinu koja se nudi na prodaju. Samo je hrvatskim prilikama slično da punih šest godina ta ideja ne bude realizirana, iako nije riječ o velikom novcu, a realizacije ne bi bilo ni sada, da nije bilo međunarodnih donacija koje je prikupio Dražen Komarica iz Sudačke mreže.

#### SILVANA PERICA

silvana.perica@vecernji.net

Sudac Vukelić autor je i urednik stranice, na



### SUDAC MARIO VUKELIĆ

jedan je od sudačkih pionira informatizacije. Kreirao je i web Visokog trgovačkog suda, ali je uz pohvale bilo i nerazumijevanja zašto se kao sudac uopće bavi informatikom. U kreiranju informatičkih programa za sudove, kaže, uz informatičare odlučnu ulogu moraju imati upravo suci, jer najbolje poznaju probleme sudova. Sudjeluje i u projektu Integriranog upravljanja sudskim predmetima, koji bi trebao donijeti revoluciju u upravljanju sudskim predmetima u Hrvatskoj. Surađuje u projektima Svjetske banke, Komisije Vijeća Europe za efikasnost pravosuđa, član je Međunarodnog stečajnog

# One stop za stečajeve

## SUDSKA PRAKSA Šest godina od ideje do realizacije programa

stečajnim upraviteljima, a tu su i podaci o nekretninama i opremi koja se nudi na prodaju.

### 70 oglasa

Na webu je već 70 oglasa, sa svih strana Hrvatske. Među njima, primjerice, oglašena je i prodaja zemljišta u vlasništvu Agan Kamena u Splitu, što će se obaviti do kraja veljače.

Web omogućuje sveobuhvatan pregled imovine koja se prodaje u svim stečajnim postupcima u Hrvatskoj, sve na jednom mjestu, kao one stop web- stitom bazom podataka o nja do rada i vođenja ste-

kojoj se može naći puno shop. Rezultat bi trebala stečajnim upraviteljima i čajnih postupaka. Stečajpodataka o stečajevima, biti bolja prodaja, a time sudu koji vodi postupak.

> Objava sudske prakse na internetu jedan je od temelia pravne sigurnosti

odmah, i to besplatno, provjeriti podatke o imovini koja se nudi jer je svaki oglas linkovima povezan s gruntovnicom, katastrom, sudskim registrom, te vla-

i veće namirenje vjerovni- - Uz oglase želimo objavka - kaže sudac Vukelić. ljivati i niz priloga, kao što

su izvaci iz zemljišnih knjiga i katastra, nacrte. fotografije, vrijednoprociene sti, vještačke nalaze i slično - objašnjava naš sugovornik, ističući kako je objava oglasa besplatna.

Dodaje kako kupci mogu Ubuduće bi i vjerovnici, koji su često sumnjali u stečajne upravitelje, mogli birati s liste na kojoj nisu samo gola imena, nego i svi podaci koje sam upravitelj da o sebi, od školova-

ne upravitelje i po novom Stečajnom zakonu, naime, bira stečajni sudac, ali skupština vjerovnika može, ali to čini rijetko, izabrati nekog drugoga, pa i nekoga koga nema na listi.

### Cieloviti pregled

Na stranici, koju možete pronaći preko Sudačke mreže, objavljen je i sistematizirani, cjeloviti pregled sudske prakse Visokog trgovačkog suda u stečajnim postupcima od 1994. godine do danas.

Objava sudske prakse na internetu jedan je od temelja pravne sigurnosti, jer daje informaciju kako je o pojedinim pravnim pitanjima već suđeno u drugim predmetima - ističe Vukelić.

Dio ovog weba već se prevodi na engleski, a u planu je suradnja sa stručnjacima Međunarodnog stečajnog instituta, Svjetske banke i drugim institucijama povezanim sa stečajevima.

## Svađe o postignutoj cijeni

- Mnogi prigovori, ponekad i opravdani, upućeni su na postupak prodaje stečajne mase. Pri tome je obrazac gotovo tipičan: prodavatelju i vjerovnicima je postignuta cijena preniska, a kupcu previsoka. Razlika između procijenjene vrijednosti i cijene postignute prodajom, često je točka prijepora između vjerovnika i stečajnog upravitelja. Postignuta cijena može biti viša, što je rjeđe, ili niža ,što je nažalost češći slučaj, u odnosu

na procijenjenu vrijednost. Zato vjerovnici ponekad sumnjaju i u regularnost prodaje.

Neovisno o svim metodama prociene vrijednosti imovine: knjigovodstvenim, financijskim, matematičkim, dinamičkim ili drugim, tržna vrijednost neke imovine je cijena koja je postignuta prodajom stvari na tržištu, a nju ne određuje Stečajni zakon nego zakon ponude i potražnje - kaže sudac Vukelić.