**BASIC INFORMATION**

### A. Basic Project Data

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<th>Country</th>
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<td>Justice for Business Project</td>
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<td>Investment Project Financing</td>
<td>Ministry of Finance</td>
<td>Ministry of Justice</td>
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Proposed Development Objective(s)

The Project Development Objective is to improve the business regulatory procedures and justice service standards for businesses.

Components

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**PROJECT FINANCING DATA (US$, Millions)**

### SUMMARY

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<thead>
<tr>
<th>Description</th>
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<td>of which IBRD/IDA</td>
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### DETAILS

**World Bank Group Financing**

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B. Introduction and Context

Country Context

1. Despite recent improvements, the Croatian economic recovery after the 2008 crisis remains slower and weaker than in other CEE countries. The process of convergence resumed in 2015, but at a much slower pace than before the crisis, and it has not yet been sufficient to compensate for the divergence during the recession. As a result, in 2017, the last year for which the data are available, Croatia was the only country in the CEE region, besides Slovenia, whose relative GDP per capita had not yet reached the pre-crisis ratio. While growth is projected to remain positive around 2.5 percent over the medium-term, these projections are not enough to revive, let alone accelerate, the pace of convergence with other countries in the European Union.

2. Going forward, the improvement of the business environment and the transformation of the state are paramount to reinvigorating economic convergence. The success in reshaping how businesses interact with government will very much depend on the policy makers’ determination to redefine the role of the state in the economy, as well as remove binding constraints for the private sector to thrive. This particularly refers to the state’s role as a regulator, to steer competition, and its ability to provide the required services to enforce those regulations. Moreover, as the guarantor of the rule of law, the state bears responsibility to effectively provide justice services to resolve disputes and to provide predictability, dynamism and trust for citizens and businesses.

Sectoral and Institutional Context

3. Weak public sector performance increases inefficiencies and costs for government and adversely affects the business environment. Croatia’s public sector performance lags EU peers across most governance indicators. Insufficient coordination and cooperation between agencies and levels of government impairs policy coherence and results in the fragmentation of government-to-business services. In turn, this raises administrative costs for government and reduces the quality, effectiveness and sustainability of services delivery for businesses. The Worldwide Governance Indicators rate Croatia the worst in the EU for regulatory quality and among the worst in other key public sector governance indicators.\(^1\) In the Global Competitiveness Index Croatia also scores persistently below the average in terms of the quality of its public institutions.\(^2\)

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\(^1\) [https://info.worldbank.org/governance/wgi/](https://info.worldbank.org/governance/wgi/)

\(^2\) Out of the 141 countries ranked in the 2019 report, Croatia was placed 77th on the overall institutional pillar.
4. **Businesses in Croatia face a cumbersome business environment that inhibits competitiveness and private sector growth.** According to the Doing Business 2020, the country currently ranks 51st (out of 190 economies), among the lowest ranked in the EU. In some critical areas, such as the Starting a Business and Dealing with Construction Permits indicators the ranking was 114th and 150th, respectively. The regulatory hurdles are also reflected in Croatia’s low ranking in the Burden of Government Regulation indicator (139th out of 141 economies) in the World Economic Forum’s 2019 Global Competitiveness Index, as are the low performance in critical aspects related to dispute resolution. The average time to decisions in litigious and bankruptcy cases before first instance commercial courts, for example, is 391 days in litigious and 373 days in bankruptcy cases. The length of court proceedings in 2018 for first instance civil litigious and commercial litigious cases was 390 days and 374 days respectively, while the 2016 Council of Europe average length was estimated at 233 days with a median value of 192 days.4

5. **Burdensome procedures to start and operate a business in Croatia impose high compliance costs on businesses.** According to the World Bank’s Enterprise Survey (2013), Croatian managers spent on average 19.6 hours per week dealing with different government regulations – equivalent to half the 40 hours work-week. Croatia was the 16th worst performer on this metric among 139 countries captured by the survey.

6. **Furthermore, the regulation of professions in Croatia is highly restrictive.** The Organization for Economic Co-operation and Development (OECD), found that product market regulations (PMR) and the regulation of professions in Croatia is more restrictive than in peer countries. For example, there are more requirements to provide professional services than in 53 out of 57 countries covered by internationally comparable indicators collected by the OECD and the World Bank. The European Semester 2019 assessment for Croatia5 contains recommendations on liberalization of professions. The Croatian Government has committed to reforms in the letter to the Eurogroup outlining their commitment to implement the Euro.

7. The inefficiencies related to the regulation of professions are present in all sectors in Croatia, and particularly in the construction sector, which contributes 5.1% to the overall GDP and 7% of the total number of employees.6 Construction is the sector with the largest negative contribution to aggregate productivity growth in the country.7 It also has strong linkages to the tourism sector, which is the most important source of value added for the Croatian economy. However, the combination of burdensome procedures to obtain construction permits and the overregulation of building professionals impose high compliance costs on businesses and undermine the sector’s growth potential.

8. **Inefficiency, unpredictability, and delays in court processing of commercial cases are the other significant impediment to businesses in Croatia.** A 2017 study by the European Commission’s Joint Research Centre identifies correlations between the improvement of court efficiency and the growth rate of the economy. By measuring the length of judicial proceedings and accessibility to justice services, the report concluded that lengthy civil proceedings can impose constraints to economic activity. By using data from the “2016 EU Justice Scoreboard” and Structural Business Statistics, the study finds strong correlation between the length of

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7 Policy Note for Croatia: Growth, Competitiveness and Innovation (July 2019)
proceedings - a proxy for efficiency of the judiciary - and firm performance.\textsuperscript{8} Such a link has also been demonstrated in the specific case of Croatia, where a comparative research study found a positive correlation between the rule of law and institutional performance and their effects on economic performance and growth. Inefficiencies in the justice sector are commonly driven by a combination of factors that include the highly congested system due to the legacy of backlog cases and the inability to cope with incoming cases within reasonable time; the limited use of available online and automated services; other procedural aspects related to the processing of cases, hearings and adjournments; and the inadequacies of court physical facilities.

9. Croatia has a large and dense court network, which is compounded by the low quality of physical facilities in most court houses across the country. This leads to inadequate conditions for judges and other actors to perform their duties in a more effective and efficient way. Most of the courts and public attorneys’ offices are housed in deteriorated physical infrastructure due to lack of maintenance and investments. As a result, there is an insufficient number of courtrooms and judicial chambers, spaces for circulation and waiting areas are inadequate and even unsafe for victims and other users, and facilities for archives and supporting equipment are in very poor conditions. The last major investment in judicial infrastructure was in the 70s when several courts were built under very different conditions and specifications of services. At this point, the inadequate infrastructure has become an important constraint to the delivery of proper services in the justice sector.

10. In sum, a strong business environment that is needed for competitiveness and private sector development, is limited by several constraints. A major constraint is the high administrative burden of interacting with government. Specifically, the high regulatory barriers for market entry, the lack of transparency and the misallocation of resources. Another major constraint is the lack of efficiency of the justice services which mainly results from the limited use of e-government services, the substantial delays in dispute resolution of commercial cases, and the sub-optimal court facilities that hinder judicial service provision. Figure 1 summarizes these major constraints.

C. Proposed Development Objective(s)

Development Objective(s) (From PAD)
The Project Development Objective is to improve the business regulatory procedures and justice service standards for businesses.

Key Results
11. The Project’s achievement of the PDO will be measured via the following indicators:
   - \textit{Improvement of business regulatory procedures}

\textsuperscript{8} Bajun Marijana, The Quality of Governance and Economic Growth in Croatia, Faculty of Economics, Zagreb, 2005.
- Time and number of procedures to register an LLC (measured as percentage reduction in time and reduction in the number of procedures);
- Number of procedures to obtain a construction permit (measured as percentage reduction in the number of procedures);
- Percentage of licensed activities with information on licensing requirements published online in the informational portal;

**Improvement of justice services for businesses**

- Time (average length) to first instance decisions in litigious and bankruptcy cases before commercial courts;
- Court users’ and stakeholders’ satisfaction with respect to the quality of justice service delivery in the four selected courts (citizen engagement indicator).

D. Project Description

12. **The Justice for Business Project has two components.** Component 1 is a results-based component that supports implementation of interventions which are expected to reduce the administrative burden for businesses in their interaction with government. Component 2 combines results-based financing to support improvements in the delivery of justice services with emphasis on those provided to businesses, with direct investment supporting the rehabilitation and renovation of selected court facilities for better on-site court performance. Additionally, support will be provided to project management and technical assistance for the implementation of the results-based financing interventions. The World Bank loan will finance both the results-based interventions as well as the direct investments, while the GoC will finance required technical assistance activities. The GoC will allocate funding for technical assistance activities from its own budget or through other parallel programs. The Bank team will monitor implementation of such activities as part of the project implementation support.

**Component 1 – Reducing the administrative burden for businesses to interact with government (results-based component, EUR 25MM)**

**Subcomponent 1.1. Removing regulatory barriers for market entry and operation**

13. This subcomponent addresses regulatory barriers for market entry and operation. It focuses on simplifying and automating the complex and costly procedures to start and operate a business aiming at reducing transaction costs and improving transparency through the implementation of the following activities:

(a) **Implementation of an Integrated Business Registration Platform (known as START).** The creation of the “START” platform will enable registration of Limited Liability Companies (LLCs) through a single procedure that can be completed online. This will significantly reduce the time and cost to register a limited liability company (LLC), which is the most frequent company form in Croatia. To further integrate registration procedures, the “START” platform will be expanded to also enable online registration of key changes to the status of LLCs such as change of name, address, directors, activity, voluntary liquidation etc. In order to consolidate existing parallel entry points to registration services, single points of contact will be designated to serve as the only physical access points to business registration services for LLCs. This will make registration services more cost effective for government as well. This activity will be led by MoECC.
(b) **Licensing requirements are published online, and selected licenses are digitalized.** An inventory of licensing requirements to start or operate a business activity will be consolidated and published in one source of information that will be available online – an informational licensing platform. In addition, the licensing procedures for a number of business activities will be fully automated. To that end, the E-Government Infrastructure will include a business process management tool. Making procedures and requirements for businesses to formally operate a business transparent and digitalized will increase predictability for investors and reduce rent-seeking opportunities. This activity will be led by MoECC.

**Subcomponent 1.2. Simplifying construction permitting and improving market functioning in the construction sector**

14. **This subcomponent seeks to simplify the construction process for investors and contractors and improve availability of construction services.** It includes two activities:

(a) **Simplification of construction permitting and full implementation of the E-Dozvola, an online platform for construction permits.** Issuance of construction permits will be automated through the E-Dozvola. Additional simplification of processes in obtaining a construction permit will be implemented. This is expected to lower transaction costs, improve transparency and strengthen predictability in obtaining a construction permit. Full implementation of the E-Dozvola is expected to increase the system’s geographic coverage by allowing building professionals in the City of Zagreb – where the bulk of construction activity takes place - to submit applications online. Moreover, it is expected to address the existing implementation challenges such as the lack of awareness in the private sector, the lack of customer support for users of the online solution, the lack of digital signatures for professionals and the uneven capacity in the building authorities outside of Zagreb. This activity will be led by the MoCPP.

(b) **Removing regulatory barriers to provide architecture and engineering services.** The requirements for professional services providers will be aligned with international best practice, limiting the scope of professional chamber membership, price regulation, exclusive rights, and other regulations. The changes are expected to decrease the cost and complexity of the construction process. This activity will be led by the MoCPP.

**Component 2 – Improving justice services for businesses (combined direct investment and results-based component, EUR 73.1MM)**

15. **The objective of this component is to support the improvement of justice services along its service delivery chain, resulting in more effective services and better user experience for businesses and other stakeholders.** The component includes four subcomponents, which together will contribute to a systemic approach to improving court performance to provide better and expedited administration of justice by optimizing business processes, speeding up service delivery by taking advantage of existing ICT support systems, unclogging the case management system, and enhancing quality of the services through better and agile physical facilities. To this aim, the component will reimburse relevant government expenditures associated with the achievement of agreed targets in results areas under the first two subcomponents and will provide direct financing to support
project management, technical assistance activities, monitoring and evaluation and direct investment for the rehabilitation of court buildings under the latter two subcomponents.

**Subcomponent 2.1. Expanding the use of electronic services in the justice sector**

16. This subcomponent seeks to increase the level of uptake of electronic online services in the justice sector both internally by justice sector operators (e.g., judges, staff, prosecutors) as well as by external users (citizens, businesses and lawyers representing their clients). By doing so, it will help decongest the provision of onsite services and accelerate response times of courts and other administrative procedures required by justice sector agencies. The project will reimburse government expenditures against the achievement of targets related to increased uptake of e-Justice tools. Specifically, the following results areas will be monitored through DLIs: (i) Increased number of courts integrated in ICMS, focusing on integration of first instance misdemeanor and administrative courts, many of which currently operate either in their own CMS or offline without taking advantage of the integrated e-system adding on processing time and impacting on the overall integrity of the automated system. Expansion of ICMS to all courts will represent a major step forward in modernizing judicial services for both businesses and all citizens by developing e-governance in courts; and (ii) Increased number of courts using e-communication system. These activities will be led by the MoJ and implemented in cooperation with relevant courts.

**Subcomponent 2.2. Accelerating the resolution of commercial disputes**

17. This subcomponent focuses on addressing the effectiveness of the judiciary to resolve commercial disputes, as one of the most pressing issues affecting the business environment. By first unclogging the case management system from the existing significant backlog, court efforts can be focused on tackling current commercial cases more efficiently. For this, the following two initiatives have been prioritized for support under this subcomponent:

a) **Reducing the court backlog of cases older than 10 years**, which will be focused on resolving longstanding commercial cases that continue to disrupt economic activities. Accelerating the resolution of these cases is expected to significantly reduce the backlog by almost half during the project timespan. A database of old cases has been created (presiding judge, activities undertaken, reasons for lack of resolution, and planned time limits for case resolution and reasons for the inability to resolve a case within the planned period). Further analytics will be supported by the creation of a database of cases for protection of the right to trial in reasonable time. This activity will be monitored by the MoJ and implemented in cooperation with municipal and commercial courts.

b) **Reducing the average time to first instance decisions in litigious and bankruptcy cases before commercial courts**, which is a critical precondition to raise the effectiveness level of the justice system to secure legal certainty for economic players and prevent further accumulation of backlog cases in the future. Based on standards set based on European Court of Human Rights case-law and the Council of Europe recommendations, targets for an appropriate level of responsiveness of Croatian courts in this area have been agreed with the courts. To achieve these targets, the MoJ in addition to

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help maximizing utilization of ICT tools, will implement procedural reforms alleviating unnecessary burden of judges, further equalizing workload among judges, and providing instruments to harmonize judicial interpretations and other supporting tools. This activity will be monitored by the MoJ and implemented in cooperation with commercial courts.

**Subcomponent 2.3. Rehabilitation and upgrading of selected court facilities**

18. **This subcomponent will finance the physical rehabilitation of selected courts to meet international standards of service allowing for better court performance and user experience.** Improved conditions of the judicial facilities will enhance business experience and confidence in the judiciary and will introduce the concept of agile infrastructure in the justice sector, which complements the modernization efforts aiming at decongesting the provision of justice services and upgrading the service standards. The court facilities that will benefit from renovation, rehabilitation and upgrading under this component are the Zagreb Municipal Court and the judicial facilities in Vinkovci, Kutina and Varazdin. These courts were selected based on their level of caseload, their focus on business activities, and the need to reach remote areas. The subcomponent will support both functional and construction designs and implementation of rehabilitation works.

**Subcomponent 2.4. Strengthening Public Investment Management practices in the judiciary**

19. **This subcomponent aims at strengthening public investment management practices in the judiciary in order to optimize infrastructure spending and allow for savings to be redirected to service modernization.** This will contribute to more effective utilization of the MoJ’s capital budget and will allow for stronger engagement of international partners in improving judicial infrastructure. It will also allow the development of standard investment projects designs for the planning, rehabilitation and maintenance of justice courts. These standard investment projects are pre-defined investment projects that can be replicated using prototypes with common technical standards across the country in different environments with small variations. This practice is expected to reduce the time and cost in the design, procurement and execution of regional and municipal justice investment projects across the country. Overall, such cost savings will allow redirecting resources towards modernization of services and improving the user experience. Support will be provided to the Strategic Planning Directorate and its Sector for Judicial Infrastructure Department in the MoJ, as well as to Court Presidents, who also play a role in the investment planning system and are responsible for maintenance of judicial infrastructure. The project will complement ongoing initiatives supported by the European Social Fund and its Justice Modernization Project (Project One), which provides financing for the development and implementation of a comprehensive ERP system. Bank support under this subcomponent will offer technical assistance and sharing of best practices in investment management in the judiciary to complement these efforts as necessary.

**Additional support to Project Management and for Technical Assistance (EUR 3.9 MM)**

20. **These activities will support overall project management and provide technical assistance required for the implementation of the above two components including:**

   a) **Support to the operations of the Project Implementation Unit (PIU) and monitoring and evaluation (M&E) activities.** This includes hiring of required specialized personnel to carry out technical supervision of infrastructure rehabilitation activities as well as to ensure compliance with procurement, safeguards and financial reporting requirements. M&E functions will provide effective
oversight of the reform process and specifically of the completion of agreed DLIs. The project will provide support to develop required M&E instruments, such as surveys and impact evaluations, as well as the establishment and financing of the verification procedures for the results-based activities that would then be used to trigger associated disbursements.

b) Technical assistance activities to complement ongoing support provided by other development partners and the European Commission in areas relevant to the two project components. These additional technical assistance funds are expected to be used to cover potential gaps, not available through own resources or externally funded programs, towards the achievement of the DLIs and the PDO. These TA funds will also be used to provide support to carry out the citizen engagement and change management activities related to Components 1 and 2.

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Summary of Assessment of Environmental and Social Risks and Impacts

Environmental and Social Risks and Impacts are assessed as moderate and is predominately linked to direct investment supporting rehabilitation and renovation of four existing court buildings. There is no environmental and social risk under the results-based component and financing as the six Disbursement Linked Indicators (DLIs) are primarily aimed to: (i) streamline and improve the existing regulations measures to (ii) remove barriers for businesses to market entry and operation in line with 2019 National Reform Program; (iii) further simplify online construction permitting on the existing online construction platform (e-dozvola); (iv) increase the uptake of existing judicial e-services and the use of case management cases towards “paperless courts”; and (v) increase the use of the existing case management systems to reduce time in court decisions and backlog cases. The existing regulations are mainly related to ICT solutions/tools, automation and digitalization improvements of already adopted legal framework for implementing policies. As such, they do not trigger any environmental and social risks and will not cause any negative environmental and social impact. Positive impact under DLIs is expected in improving the business environment and reducing administrative burden for businesses. Potential environmental and social risks and impacts of the planned interior upgrade/renovation works of physical infrastructure in Zagreb Municipal Court, and judicial facilities in Vinkovci, Kutina and Varazdin are predictable, expected to be temporary and reversible, low in magnitude, and site specific. The Bank team visited all four locations and reviewed available projects designs and cost estimates for each of the facility. Of the ten Environment and Social Standards (ESSs), six are relevant: ESS 1) Assessment and Management of Environmental and Social Risks and Impacts; ESS 2) Labor & Working Conditions; ESS 3) Resource Efficiency and Pollution Prevention and Management; ESS 4) Community Health and Safety; ESS 8) Cultural Heritage; and ESS 10) Stakeholder Engagement and Information Disclosure. The pre-appraisal mission carried out in December 2019, proposed the following improvements in each of the courts:

For Zagreb:
- Increasing the number of courtrooms and judges’ chambers by using the space on the 7th floor and rationalizing
spaces on floors 1 to 6, including utilization of the mezzanine/gallery area. Introducing the new archiving system and IT system to improve the space use and increase usable office floor areas in the basement, with the possible activation of a third entrance in the basement level;

- Streamlining service delivery by co-locating registries, which are currently spread across the building in one floor (if possible), such as the 1st floor and/or ground floor by utilizing the extra space generated by the new gallery (mezzanine); Potential gallery space (mezzanine) on the ground floor, about 400-600 Square Meter;
- Providing two separate and wider entrances to the building (one for users and the other for judges and staffs), and providing signage on the outside and inside of the building and on each floor to improve user’s accessibility and safety of courts;
- Improving the user interface and stakeholder services on the ground floor by designing a multi-purpose family and children friendly corner, with café, IT kiosk, and lawyer-litigant consultation areas, among other services.

For Varazdin:

- Carrying out of a full set of architectural design for all types of courts and offices: civil; misdemeanor; commercial; and state attorney offices to improve the working spaces of judges, and service delivery to citizens (families, children, victims etc.) and justice stakeholders (state attorneys, lawyers etc.). Also, designing an internal and external signage;
- Reviewing the space use for archives and exploring options for streamlining and digitalization. Attic to be converted to an additional floor of approximately 2400 Square Meter in order to increase work space available for judges.

For Kutina:

- Retrofitting some 100 Square Meter on the ground to improve multipurpose services to users such as through set up of a IT kiosk and consultation room;
- Improving the entrance and universal access for people with reduced.

For Vinkovci:

- Remodeling the top floor (attic, approximately 400-500 Square Meter) to provide space to misdemeanor court judges;
- Improving universal access by providing a disabled person’s access ramp, installing an elevator and setting up a citizens’ waiting room offering multiple purpose services such as information kiosk, and space for attorney-client consultation;
- Consolidating all criminal court functions on the right side of the building, by proving a separate new entrance to the criminal court, retrofitting courtrooms to meet EU standards, and bringing the criminal registry to the right side to streamline workflow.

E. Implementation

Institutional and Implementation Arrangements

21. Comprehensive implementation arrangements will ensure both oversight of the operation and sector-wide reforms. Such institutional arrangements will ensure both the strategic alignment of the Project with wider GoC reform agenda and efficient management of the day-to-day activities under the project. The implementation arrangements consist of the following (see Figure 4): (a) a high level Decision Body for J4B, chaired by the Deputy Prime Minister and comprised of Ministers of 4 line ministries directly involved in project implementation (MoJ, MoEEC, MoCPP and MOF), (b) J4B Working Group, comprised of State Secretaries from the 4 line ministries and Advisor to the Prime Minister, (c) Project Implementation Unit (PIU) overseen by a Project Director, and (d) Implementation Teams (IT) in 3 line ministries (MoEEC, MoJ, MoCPP). Furthermore, the World Bank is exploring
with the counterparts the possibility of establishing an advisory committee consisting of stakeholder representatives (judges, lawyers and citizens) in order to advice the Decision Body and the Working Group.

**Figure 4: Project Implementation Arrangements**
Srdjan Svircev  
Senior Public Sector Specialist

**Borrower/Client/Recipient**

Ministry of Finance

**Implementing Agencies**

Ministry of Justice  
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Assistant Minister  
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|                     | Andreja Marusic  
|                     | Srdjan Svircev |

**Approved By**

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