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BOSNIA-HERZEGOVINA

**BiH BANKRUPTCY
AND LIQUIDATION LAWS:**

Status Report on Bankruptcy/ Liquidation Website Accession Activities

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USAID FOSTERING AN INVESTMENT AND LENDER-FRIENDLY ENVIRONMENT (FILE)

BiH NEW BANKRUPTCY AND LIQUIDATION LAWS

Bankruptcy Implementation Program

STATUS REPORT ON BANKRUPTCY/LIQUIDATION WEBSITE ACCESSION ACTIVITIES

INTRODUCTION

The overall objective of USAID's FILE project is to improve the investing and lending environment in Bosnia and Herzegovina (BiH) by strengthening the ability of its judiciary to handle commercial matters efficiently, and improving the effectiveness of BiH's bankruptcy and collateral law regime, in particular.

For bankruptcy especially, public awareness of our Project's activities and benefits and close cooperation with our key local partners are important steps toward achieving our objective. A free exchange of relevant bankruptcy information, promoting both professional and public education, and an exchange of ideas about controversial and not well-understood matters are a part of this process.

As identified in FILE's earlier research, a dedicated **website** is a very desirable means through which accurate general information can be presented to a broad segment of the public and more sophisticated reference materials can be made available to specialists. FILE's Task order specifically contemplates that a website where matters related to bankruptcy training, pilot cases and resource materials can be posted.

A well-conceived and maintained website along these lines can keep the public informed, involve professionals in a continuing dialogue, and engage the active participation of local partners in the bankruptcy system. Accordingly, FILE's intention is to establish a sustainable, easy to access, user-friendly web-base resource that shares critical information on the bankruptcy regime and project experiences with a broad range of stakeholders, including the general public.

The intended website should facilitate professional networking among key practitioners while providing them permanent and reliable resource materials and facilitating media access to frequent reports on bankruptcy cases and issues, more reliable than those that are currently presented to the BiH public.

ACTIVITIES UNDERTAKEN

FILE already has researched existing websites sponsored by local institutions and agencies that have apparent relevance to bankruptcy and liquidation and/or provide apparent access to our target audiences.

Based on this research, FILE considered partnering with certain organizations, as detailed in our earlier website analysis report submitted to USAID. However, the existing websites which seemed most appropriate for a partnering arrangement (i.e., those sponsored by the Judicial Training Center (JTC) and High Judicial and Prosecutorial Council (HJPC)) made little or no effort toward adapting their site to make it amenable for the bankruptcy uses intended – the JTC’s website is still not operational and HJPC has undergone structural changes that resulted in change of focus in their work.

Other existing websites which FILE considered, including some which posted business and commercial legislation, contained very little information on bankruptcy and liquidation.

CONCLUSIONS

No websites were significantly revamped to provide information on bankruptcy and liquidation or support the need for relevant educational information. As an alternative to partnering with an existing website sponsor, FILE also considered making arrangements which would place different information and resource materials on different websites, but this alternative promised to be less effective and entailed complicated updating and maintenance requirements.

For these reasons FILE intends to create its own website, where bankruptcy and liquidation information, as well as collateral law and other project information can be posted. Further to the development this website, FILE’s Bankruptcy Law team, Public Education and Communication Specialist and Chemonics’s project management team together with its IT department, identified the following content-related concerns that need to be addressed:

- Specification of desired website contents
- Identification of key stakeholders
- Immediate and long terms goals and expectations of the website
- Frequency of the website update
- Workflow

Technical issues and requirements are also under consideration, suggesting selection criteria for choosing an IT consultant/Solution provider for installation of the website:

- What system technology will be used? (operating system, etc.)
- Are there any size transfer limits?
- What is SLA , response time, support hours, uptime?

- What kind of physical connection do they have to the internet? (connection speed, line types)
- Space allocation and what are the steps to upgrade to more?
- Are there any size transfer limits?
- Do they provide FTP service?
- Security?
- Construction time needed?
- What services maintenance includes?
- List of references and other sites hosted?
- Price List

As for the website's actual content, FILE's Bankruptcy Law Team already has developed much of the material which can and should be posted as soon as the site is otherwise ready to become operational:

- Manual for Bankruptcy Trustees
- Timeline of the Bankruptcy Procedure
- Judge's Benchbook
- Guidebook for Appraisers
- Financial Workbook and Skill Builder for Bankruptcy Judges
- Company Manager's Bankruptcy Checklist
- Creditor's Bankruptcy Checklist
- Additional Supplemental Charts (Bankruptcy Overview; Preliminary Phase; Opening of Bankruptcy Proceeding; Main Phase; Reorganization Plan; Liquidation Proceeding)
- Court Forms
- Bankruptcy Briefing Program (Talking Points)
- Examination Syllabus (Questions and Answers for Trustee Certification)
- Program of 8 Training Sessions for Trustees
- Program of 8 Training Sessions for Appraisers
- Trustee's Integrated Reporting System (TIRES) - worksheets

Further refinement and development of these and additional materials will continue for the life of the Project.

The website development/construction process will continue along the direction outlined above, with FILE's actual website becoming operational as indicated in FILE's July-December '04. workplan.