

CLIR TRADE INDICATORS - SUMMARY				
	SUBSTANTIVE AREA	Ref.	Score	%
1	COMPANY AND CORPORATE GOVERNANCE	1305	786	60%
2	CONTRACT	1545	840	54%
3	REAL PROPERTY	1215	632	52%
4	SECURED TRANSACTIONS	1195	395	33%
5	BANKRUPTCY	1420	763	54%
6	COMPETITION	1180	840	71%
7	COMMERCIAL DISPUTE RESOLUTION	1770	828	47%
8	COURT ADMINISTRATION	1325	555	42%
9	FOREIGN DIRECT INVESTMENT	1435	919	64%
10	INTERNATIONAL TRADE	1195	688	58%
11	FLOWS OF GOODS AND SERVICES	3585	1766	49%
12	FLOWS OF MONEY	1180	724	61%
13	FLOWS OF PEOPLE	1055	702	67%
14	FINANCIAL CRIMES	1760	930	53%
15	INTELLECTUAL PROPERTY RIGHTS	2105	1325	63%
AGGREGATE TOTALS for all areas		23270	12693	55%

CLIR TRADE INDICATORS - SUMMARY BY DIMENSION

#	AREA	LEGAL FRAMEWORK	IMPLEMENTING INSTITUTIONS	SUPPORTING INSTITUTIONS	SOCIAL DYNAMICS	AVERAGE
1	COMPANY	62%	53%	61%	61%	60%
2	CONTRACT	76%	35%	60%	49%	54%
3	REAL PROPERTY	68%	61%	19%	45%	52%
4	SECURED TRANSACTIONS	61%	25%	19%	26%	33%
5	BANKRUPTCY	77%	49%	37%	40%	54%
8	COMPETITION	73%	72%	68%	71%	71%
6	COMMERCIAL DISPUTE RESOLUTION	75%	42%	43%	44%	47%
7	COURT ADMINISTRATION	52%	32%	56%	37%	42%
10	FOREIGN DIRECT INVESTMENT	67%	70%	59%	61%	64%
9	INTERNATIONAL TRADE	66%	47%	47%	61%	58%
11	FLOWS OF GOODS AND SERVICES	63%	45%	44%	43%	49%
12	FLOWS OF MONEY	67%	64%	61%	54%	61%
13	FLOWS OF PEOPLE	85%	69%	76%	45%	67%
14	FINANCIAL CRIMES	69%	45%	38%	52%	53%
15	INTELLECTUAL PROPERTY	76%	61%	48%	47%	63%
	AVERAGE	69%	51%	49%	49%	55%

CLIR TRADE INDICATORS - SUMMARY				
	SUBSTANTIVE AREA	Ref.	Score	%
1	COMPANY	1305	786	60%
	1. Legal Framework	370	230	62%
	2. Implementing Institutions	190	101	53%
	3. Supporting Institutions	230	141	61%
	4. Social Dynamics	515	314	61%
2	CONTRACT	1545	840	54%
	1. Legal Framework	400	303	76%
	2. Implementing Institutions	350	121	35%
	3. Supporting Institutions	250	151	60%
	4. Social Dynamics	545	265	49%
3	PROPERTY	1215	632	52%
	1. Legal Framework	290	196	68%
	2. Implementing Institutions	290	178	61%
	3. Supporting Institutions	105	20	19%
	4. Social Dynamics	530	238	45%
4	SECURED TRANSACTIONS	1195	395	33%
	1. Legal Framework	280	171	61%
	2. Implementing Institutions	235	59	25%
	3. Supporting Institutions	170	32	19%
	4. Social Dynamics	510	133	26%
5	BANKRUPTCY	1420	763	54%
	1. Legal Framework	470	362	77%
	2. Implementing Institutions	320	158	49%
	3. Supporting Institutions	220	81	37%
	4. Social Dynamics	410	162	40%
6	COMPETITION	1180	840	71%
	1. Legal Framework	265	194	73%
	2. Implementing Institutions	200	143	72%
	3. Supporting Institutions	155	105	68%
	4. Social Dynamics	560	398	71%
7	COMMERICAL DISPUTE RESOLUTION	1770	828	47%
	1. Legal Framework	220	165	75%
	2. Implementing Institutions	605	254	42%
	3. Supporting Institutions	260	111	43%
	4. Social Dynamics	685	298	44%
8	COMMERCIAL COURT ADMINISTRATION	1325	555	42%
	1. Legal Framework	385	201	52%
	2. Implementing Institutions	485	154	32%
	3. Supporting Institutions	170	95	56%
	4. Social Dynamics	285	105	37%

9	FOREIGN DIRECT INVESTMENT	1435	919	64%
	1. Legal Framework	405	273	67%
	2. Implementing Institutions	260	181	70%
	3. Supporting Institutions	210	124	59%
	4. Social Dynamics	560	341	61%
10	INTERNATIONAL TRADE	1195	688	58%
	1. Legal Framework	335	221	66%
	2. Implementing Institutions	180	85	47%
	3. Supporting Institutions	230	109	47%
	4. Social Dynamics	450	273	61%
11	FLOWS OF GOODS AND SERVICES	3585	1766	49%
	1. Legal Framework	940	589	63%
	2. Implementing Institutions	1520	682	45%
	3. Supporting Institutions	730	324	44%
	4. Social Dynamics	395	171	43%
12	FLOWS OF MONEY	1180	724	61%
	1. Legal Framework	205	137	67%
	2. Implementing Institutions	505	323	64%
	3. Supporting Institutions	160	97	61%
	4. Social Dynamics	310	167	54%
13	FLOWS OF PEOPLE	1055	702	67%
	1. Legal Framework	210	179	85%
	2. Implementing Institutions	235	161	69%
	3. Supporting Institutions	280	213	76%
	4. Social Dynamics	330	149	45%
14	FINANCIAL CRIMES	1760	930	53%
	1. Legal Framework	540	372	69%
	2. Implementing Institutions	445	202	45%
	3. Supporting Institutions	315	119	38%
	4. Social Dynamics	460	237	52%
15	INTELLECTUAL PROPERTY RIGHTS	2105	1325	63%
	1. Legal Framework	970	733	76%
	2. Implementing Institutions	425	258	61%
	3. Supporting Institutions	230	110	48%
	4. Social Dynamics	480	224	47%
AGGREGATE TOTALS for all areas		23270	12693	55%
	1. Legal Framework	6285	4326	69%
	2. Implementing Institutions	6245	3060	49%
	3. Supporting Institutions	3715	1832	49%
	4. Social Dynamics	7025	3475	49%

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Commercial Law and Institutional Reform and Trade Development Indicators

1.1	LEGAL FRAMEWORK: COMPANY	Ref.	Score	%
Incorporation forms and mechanics		90	43	48%
1	Company law provides for:			
	a. joint stock companies;	5	5	
	b. limited liability companies;	5	0	
	c. limited partnerships;	5	5	
	d. general partnerships;	5	5	
	e. sole proprietorships; and	5	5	
	f. corporations	5	0	
2	Procedures for registration and de-registration of companies are published, non-discretionary, non-discriminatory and easy to understand.	10	3	
3	Company law provides appropriate flexibility for shareholders to establish or amend by-laws and charters as needed.	10	7	
4	Company law permits companies to adopt general purposes rather than requiring explicit statements of each economic activity to be pursued.	10	3	
5	Generally, no specific investment or state approvals are required to set up a general purpose business.	10	3	
6	Minimum capital requirements for establishing a company are reasonable and do not discourage legitimate entrepreneurial activity.	10	5	
7	Registration and licensing are handled separately for general purpose companies, and license procedures are transparent, commercially reasonable, non-discretionary, non-discriminatory, and required for reasonably few activities.	10	2	
Shareholder Rights		115	87	76%
8	Shareholders have the following rights:			
	a. to participate in shareholders' meetings, in person or by proxy;	10	9	
	b. to propose resolutions for voting;	5	3	
	c. to vote in person or by proxy;	10	10	
	e. to nominate and vote for directors, using cumulative voting;	5	1	
	f. to participate in profits in the form of dividends;	10	10	
	g. to assert claims upon liquidation of the company;	5	5	
	h. to alienate shares without undue encumbrance;	5	3	
	i. to exercise pre-emptive rights on the offering of new shares;	5	2	
	j. to redeem their shares at market value in limited situations involving fundamental changes or transactions;	5	2	
	k. to bring suit on behalf of the company ("shareholder derivative suits") if the company management does not act to protect the company's interests; and	10	5	
	l. to inspect the company's general ledger and other records, as well as the share registry of the company upon reasonable notice and with a minimum shareholding of 5-10%.	5	4	
9	For shares with voting rights, all shares of the same class must be treated equally ("one share/one vote" principal is respected).	10	8	
10	The law establishes and permits expansion of super-majority voting requirements for fundamental changes or transactions.	10	10	
11	The law provides shareholders with the legal means to enforce the rights described above.	10	5	

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1.1	LEGAL FRAMEWORK: COMPANY	Ref.	Score	%
12	Liability of shareholders in corporations for the obligations or debts of the company is limited, absent fraud or other serious abuse by shareholders.	10	10	
Creditor Rights		20	8	40%
13	Contracts with third parties (including employees and creditors) are adequately enforceable against the company.	10	4	
14	Creditors are adequately protected from fraud, self-dealing and preferential transfers by obtaining redress from personal assets of officers and shareholders ("piercing the corporate veil") in appropriate circumstances.	10	4	
Agency Law		15	10	67%
15	Existing legislation permits the parties to establish freely the rights and obligations between principal and agent.	5	4	
16	Independent of the agency agreement, third parties are protected by the apparent authority granted to the agent.	5	4	
17	The authority granted to representatives, including members of the board, shareholders, employees, or others, are recognized throughout Central American countries without need of additional notarial procedures.	5	2	
Officers, Directors and Governance		90	58	64%
18	The company law is generally compatible with international standards of corporate governance in establishing mechanisms for:			
	a. strategic guidance of the company;	5	4	
	b. effective monitoring of management by the board; and	5	4	
	c. accountability of the board to the company and shareholders.	10	7	
19	Company directors and senior officers are legally required to avoid activities that create a conflict with the interests of the company or the shareholders, such as involvement in competing businesses.	10	5	
20	Standards of care ("fiduciary duties") are defined for directors and officers.	10	5	
21	Company directors may be held personally liable for actions that are harmful to the interests of the company.	10	7	
22	The law requires that an external auditor review and approve the company's annual financial statements.	10	5	
23	Companies are required to make timely, regular and accurate disclosures of all material matters regarding the corporation, including the financial situation, performance, ownership and governance of the company.	10	5	
24	Company charters and bylaws are legally enforceable.	10	8	
25	The law requires an adequate system of share registration.	10	8	
Definition of Implementing Institution		40	24	60%
26	The law clearly defines:			
	a. the institution or institutions responsible for implementation of laws relating to company registration and oversight; and	10	7	
	b. the roles, responsibilities and operational procedures of each relevant institution.	10	7	
27	The law requires that the institution(s) render decisions relating to the law:			
	a. based on published laws, regulations and standards; and	10	5	
	b. through written documentation clearly setting forth the basis for the decision.	10	5	
TOTAL FOR LEGAL FRAMEWORK: COMPANY		370	230	62%

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1.2	IMPLEMENTING INSTITUTIONS: COMPANY	Ref.	Score	%
Company Registry: Organization		70	33	47%
1	The Company Registry, or other institution responsible for registration of companies, has the following characteristics:			
	a. a clearly defined mandate to implement the company law;	5	2	
	b. sufficient professional and administrative staffing to carry out its mandate;	5	3	
	c. sufficient authority and support to carry out its mandate, including clear policy statements, and support from the government;	5	3	
	d. sufficient funding through state budget, fees collected, or a combination of both to maintain its equipment and services;	5	3	
	e. detailed internal regulations and operating procedures; and	5	2	
	f. an active staff training and development program utilizing appropriate training materials, guidebooks or procedural manuals to improve staff competency and service.	5	2	
2	The government, the Registry and the end users have a generally consistent approach in understanding the Registry's role and functions.	10	6	
3	The Registry has adopted a "customer-oriented" approach to fulfilling its mandate.	10	4	
4	The Registry is sufficiently decentralized to enable users throughout the country to have reasonable access.	10	4	
5	The Registry has an active, current web site, including contact information, registration requirements, and relevant legal materials.	10	4	
Company Registry: Operations		60	22	37%
6	Primary Services: The registration of companies			
	a. The Registry distributes (or makes available for a nominal fee) copies of all procedures, relevant laws, government regulations, fee schedules and other information governing registration and any other activities;	5	1	
	b. The procedures for registration or de-registration are transparent, clear and consistent;	5	2	
	c. The manner in which the Registry executes the registration procedures is perceived by the end users to be transparent, non-discretionary, non-discriminatory and bribe-free;	5	2	
	d. When rejecting a registration, the Registry provides a written explanation based on published law and regulations;	5	2	
	e. Approval procedures for names and logos are transparent, clear, consistent and easily understood;	5	3	
	f. Fees for services are relatively inexpensive and do not act as a constraint to registration;	5	3	
	g. The registration process is computerized;	5	3	
	h. The business community considers the cost and procedures for registration reasonable; and	5	3	
	i. It takes no more than 5 business days to register a Joint Stock Company.	5	0	
7	Secondary Services			
	a. The Registry produces and publishes periodic newsletters, reports or other informational pieces intended to increase end-user awareness;	5	2	
	b. The Registry maintains and publishes statistics on new company formation, liquidations, and amendments to company charters; and	5	1	
	c. The Registry provides reasonable public access to company registration records.	5	0	

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1.2	IMPLEMENTING INSTITUTIONS: COMPANY	Ref.	Score	%
Courts		60	46	77%
8	Courts are empowered to hear the following kinds of suits:			
	a. suits against the Company Registry for failure to comply with laws governing company registration;	5	4	
	b. suits by shareholders on behalf of the company against the company's officers or directors (shareholder derivative suits);	10	10	
	c. suits by shareholders against the company;	5	10	
	d. suits by a company against individuals or other companies for breach of contract; and	5	5	
	e. suits by creditors (including employees) against a company for debts owed.	5	5	
9	The business community considers the courts generally competent to hear suits relating to companies and company law.	10	2	
10	If companies obtain decisions through Alternative Dispute Resolution mechanisms (including arbitration, mediation and reconciliation), there exists procedures for their enforcement and courts will enforce the decisions of the body resolving the dispute.	10	2	
11	Companies have the right to appeal government actions against them through the court system.	10	8	
TOTAL FOR IMPLEMENTING INSTITUTIONS: COMPANY		190	101	53%

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1.3	SUPPORTING INSTITUTIONS: COMPANY	Ref.	Score	%
Government Entities		45	18	40%
1	End-users find that notary services for company registration and other needs under company law are:			
	a. not overly expensive;	5	2	
	b. readily available throughout the country; and	5	4	
	c. not overly complex or burdensome.	5	3	
2	Registries of names, copyrights, trademarks, patents and other intellectual property are up-to-date and readily accessible to the business community.	10	5	
3	Courts maintain readily accessible, up-to-date public records on bankruptcy, judgments and other issues affecting the creditworthiness of companies.	10	2	
4	The government regularly collects and maintains data on company registrations, liquidations, and other statistics of interest to policy makers and the private sector.	10	2	
Professional Associations		40	14	35%
5	Accountants apply Generally Accepted Accounting Principles (GAAP) or other internationally-recognized standards and norms to audits of company books and records.	10	4	
6	Lawyers' associations have specialized groups dedicated to company law issues.	10	0	
7	Relevant professional associations regularly propose amendments and modifications to the content and implementation of company laws.	10	5	
8	Professional associations are generally satisfied with operations of the Company Registrar and have a collaborative working relationship with the officials of the Registrar.	10	5	
Specialized Services		95	71	75%
9	Filing and registration services are available through banks and other private-sector service providers at a cost and quality that end users consider reasonable.	10	8	
10	Specialized publishers, in collaboration with the Company Registry and professional associations, develop and print standardized forms for most common transactions.	10	7	
11	Universities, foundations and think tanks regularly examine and issue reports and opinions on content and enforcement of company laws.	10	2	
12	Management consultants provide services to company boards needing assistance.	10	8	
13	Seminars and conferences on company law and new company formation are available and are conducted on a for-pay basis - i.e., not funded by foreign donor agencies.	10	5	
14	A recognized stock exchange exists, with the following characteristics:			
	a. it has clear, transparent and consistent rules and procedures for transactions, defined in law and/or regulation;	5	5	
	b. it has well-defined sanctions for non-compliance with the rules and procedures, and the power to enforce the sanctions;	5	5	
	c. it enforces sanctions in a non-discriminatory, non-discretionary and transparent manner;	5	4	
	d. it certifies and decertifies brokers and other agents;	5	5	
	e. the business community is generally satisfied with the operations and performance of the stock exchange; and	5	5	
	f. officials of the exchange regularly issue opinions on matters of company law.	5	5	

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1.3	SUPPORTING INSTITUTIONS: COMPANY	Ref.	Score	%
15	Private-sector transfer agents provide services to larger companies such as share registry, shareholder meeting support, proxy services and other assistance at a reasonable cost.	5	4	
16	Stock brokers are available and offer services on a competitive basis.	10	8	
Trade and Special Interest Groups		50	38	76%
17	Banking associations, business groups and chambers of commerce actively monitor company law practice and developments, and issue opinions and appeals for change based on the results of monitoring.	10	8	
18	Foreign investor associations provide input to policy makers and business associations on international standards in company law.	10	8	
19	The national media report regularly and accurately on matters related to company law, giving the business community and general public a greater understanding of company-related issues.	10	7	
20	Associations of corporate officers and directors exist and provide support for best practices in corporate governance.	10	9	
21	General private sector confidence in company law environment is demonstrated by dynamic growth in new company formation.	10	6	
TOTAL FOR SUPPORTING INSTITUTIONS: COMPANY		230	141	61%

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1.4	SOCIAL DYNAMICS: COMPANY LAW	Ref.	Score	%
Market for Improved Laws		285	180	63%
Demand for Improved Laws		100	63	63%
Government		30	20	67%
1	At least one high-level government official is knowledgeable of modern company law and works to advance issues related to it in each of the following:			
	a. the legislature;	5	4	
	b. the ministry responsible for company law policy;	5	4	
	c. the Company Registrar; and	5	2	
	d. the ministry responsible for promotion of foreign investment.	5	4	
2	International lending institutions and donor agencies provide assistance to or condition loans upon reform of company law.	10	6	
Private Sector		70	43	61%
3	Professional associations:			
	a. have specialized sections or committees dedicated to company law or policy issues;	5	5	
	b. have established formal mechanisms with policy makers for providing input and feedback on company law issues;	5	4	
	c. regularly provide substantive input and feedback (including studies, statistics, policy documents, etc.) to policymakers on company law issues;	5	3	
	d. regularly provide draft laws, comments on regulations, suggested amendments and similar input to lawmakers on company law issues; and	5	3	
	e. conduct programs and events for their members and the general public to promote better understanding of the need for and benefits of modern company law.	5	4	
4	Trade and special interest groups:			
	a. have specialized sections or committees dedicated to company law or policy issues;	5	3	
	b. have established formal mechanisms with policy makers for providing input and feedback on company law issues;	5	3	
	c. regularly provide substantive input and feedback (including studies, statistics, policy documents, etc.) to policymakers on company law issues;	5	3	
	d. regularly provide draft laws, comments on regulations, suggested amendments and similar input to lawmakers on company law issues; and	5	2	
	e. conduct programs and events for their members and the general public to promote better understanding of the need for and benefits of modern company law.	5	3	
5	Banks, pension fund managers and investor associations actively lobby for more efficient company law.	10	5	
6	Universities offer courses on company law issues that generally support modernization in accordance with international standards and best practices.	10	5	
Supply of Improved Laws		185	117	63%
Government		105	65	62%
7	The government has created an environment generally supportive of growth in limited liability companies, including:			
	a. clearly stated policies promoting company law reform;	5	3	
	b. active initiatives to combat abuse of majority shareholder positions that compromise the rights of minority shareholders and creditors; and	5	3	

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1.4	SOCIAL DYNAMICS: COMPANY LAW	Ref.	Score	%
	c. an annual legislative agenda for company policy reform that is actively pursued.	5	3	
8	A specialized administrative unit has been established to review existing or proposed laws and regulations with the aim of reducing the cost and complexity of starting a company.	10	3	
9	The government (through a specialized unit or otherwise) has the technical capacity to draft laws and regulations necessary for improved company law policy.	10	5	
10	The Government provides for meaningful private sector participation in the company law reform process by:			
	a. making copies of laws, regulations, instructions, application forms and similar subsidiary instruments readily available (e.g., in bookstores) to the business community or other end user;	10	6	
	b. providing the business community with meaningful notice of and opportunity to comment on draft <i>laws or legislative amendments</i> affecting company law:		6	
	1. before they are submitted for legislative approval, and	10	6	
	2. before they become effective; and	10	6	
	c. providing the business community with meaningful notice of and opportunity to comment on draft <i>implementing regulations</i> :			
	1. before they are submitted for legislative approval; and	10	6	
	2. before they become effective.	10	6	
11	Formal mechanisms for soliciting input from the business and professional community for formulating and amending company law policy:			
	a. have been established by the government;	5	3	
	b. are actively used by the government; and	5	3	
	c. according to the business and professional communities, generally satisfy private sector demand for providing input.	10	6	
Private Sector		80	52	65%
12	The business and professional communities perceive the legal and regulatory environment generally to be:			
	a. stable, as evidenced by:			
	1. infrequent changes to relevant laws and regulations, and	5	4	
	2. a relative lack of conflicting laws and regulations;	5	4	
	b. predictable, as evidenced by relative consistency in interpretation and enforcement of major laws and regulations.	10	6	
	c. transparent in that equal treatment is generally accorded for end users in similar positions and circumstances.	10	5	
13	The business and professional communities perceive the laws and regulations issued by the government to be relatively:			
	a. precise in that they can be generally read and understood by a business person (or end user) and provide adequate indication of what is required hereunder;	10	5	

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1.4	SOCIAL DYNAMICS: COMPANY LAW	Ref.	Score	%
	b. complete in that they address the main needs of the business community and do not contain significant gaps; and	10	6	
	c. responsive to their needs as reflected in "favorable" (e.g., pro-business) policy measures.	10	6	
14	The business and professional communities generally feel that they have a meaningful role to play in shaping policy reform in area of company law.	10	8	
15	The business and professional communities generally feel that the state is effectively meeting basic needs for legal reform in the area of company law.	10	8	
Market for Effective Implementing Institutions		160	78	49%
Demand for Effective Implementing Institutions		70	38	54%
Government		40	21	53%
16	At least one high level government official with responsibility for implementation of company law has broad knowledge of the issues and works toward more efficient and effective provision of services by the Company Registrar.	10	8	
17	The director of the Company Registrar is committed to improving services and responsiveness to end-user needs.	10	4	
18	A formal mechanism exists for reviewing the performance and effectiveness of the Company Registrar on a regular basis (at least annually).	10	3	
19	International lending institutions and donor agencies have instituted assistance programs with the government to upgrade and improve the Company Registrar.	10	6	
Private Sector		30	17	57%
20	The business community understands and generally agrees with the service mandate of the Company Registrar.	10	6	
21	The business community regularly uses the services of the Company Registrar.	10	6	
22	In service areas where the Company Registrars are weak, the private sector offers competing or replacement services to fill the gap.	10	5	
Supply of Effective Implementing Institutions		90	40	44%
Government		40	10	25%
23	The Company Registrar actively utilizes:			
	a. an internal plan, reviewed annually, for improving services provided to the private sector and government;	5	1	
	b. a system of accountability for its performance to the government institution responsible for its oversight; and	5	1	
	c. a mechanism for obtaining feedback from the private sector on the cost and quality of its services.	10	3	
24	The Company Registrar provides a written basis for all decisions made based on existing, published law.	10	2	
25	The Company Registrar makes all regulations, forms, applications and other important documents and information easily available to the end-users, for no more than a nominal cost.	10	3	
Private Sector		50	30	60%
26	End-users feel that the manner in which the Company Registrar executes its mandate:			
	a. transparent;	5	3	
	b. non-discretionary;	5	3	
	c. non-discriminatory; and	5	3	
	d. reasonably priced.	5	3	

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1.4	SOCIAL DYNAMICS: COMPANY LAW	Ref.	Score	%
27	End-users feel that they have adequate opportunities to provide feed-back to the Company Registrar on its performance.	10	3	
28	The general business and professional communities consider to be decisions made by the Company Registrar to be:			
	a. predictable for similar facts and circumstances;	5	4	
	b. appropriate under existing law;	5	3	
	c. understandable; and	5	4	
	d. generally supportive of liberalized trade.	5	4	
Market for Supporting Institutions		70	56	80%
Demand for Supporting Institutions		40	32	80%
29	Private sector supporting institutions provide services needed for an efficient operation of companies and improvement of company law in each of the following sectors:			
	a. professional associations;	10	8	
	b. specialized services;	10	8	
	c. trade and special interest groups; and	10	8	
30	For specialized services, there are generally competing service providers.	10	8	
Supply of Supporting Institutions		30	24	80%
31	The business community generally considers the supporting institutions for subject matter area to be adequate in facilitating or supporting the implementation of the framework law in terms of:			
	a. number of institutions; and	10	8	
	b. quality of institutions.	10	8	
32	A sufficient mass of private sector associations supports modern, free-market company law principles to counterbalance opposing forces.	10	8	
SUB-TOTAL -- DEMAND		210	133	63%
SUB-TOTAL -- SUPPLY		305	181	59%
TOTAL FOR SOCIAL DYNAMICS: COMPANY		515	314	61%

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2.1	LEGAL FRAMEWORK: CONTRACT	Ref.	Score	%
Contract Formation		190	158	83%
1	One or more laws of national application (such as a Civil Code, Commercial Code, or Law of Obligations) are in place and establish a framework for contract law.	10	10	
2	The framework laws clearly define:			
	a. the elements of an enforceable commercial contract; and	10	9	
	b. the remedies available for breach of contract.	10	8	
3	The framework laws make distinctions between business/commercial contracts and contracts involving non-merchants.	10	9	
4	Related laws concerning specific types of contracts are consistent with the framework law, including contracts related to:			
	a. land ownership;	10	9	
	b. secured transactions; and	10	9	
	c. company law.	10	9	
5	The framework laws recognize freedom of contracts between all parties (natural and legal persons, foreign parties).	10	10	
6	For commercial purposes, state-owned enterprises have rights and obligations similar to private persons with respect to contracts to which they are parties.	10	10	
7	The framework laws provide clear requirements for the special form of some contracts (e.g., notarization, written form, execution at special exchanges).	10	7	
8	The framework laws substantially conform to emerging international standards:			
	a. with respect to commercial transactions (sale and purchase agreements);	10	7	
	b. with respect to intangible property; and	10	7	
	c. with respect to real property.	10	7	
9	The framework laws support market-oriented commercial practices such as trade usage or industry standards for commercial contracts.	10	7	
10	Contracting parties are free to agree on customized terms including:			
	a. liquidated damages;	10	8	
	b. choice of forum;	10	8	
	c. choice of law; and	10	8	
	d. other remedies.	10	8	
11	The country is a party to the UN Convention on the International Sale of Goods.	10	8	
Remedies and Enforcement		110	81	74%
12	The framework laws guarantee:			
	a. equal contract enforcement rights to natural and legal persons (including governmental and quasi governmental entities); and	10	8	
	b. enforcement of any contract that is not contrary to law, even if not explicitly permitted or otherwise regulated by law.	10	10	
13	Relevant supporting legislation enacted to facilitate the implementation and enforcement of contract laws is in place, including:			
	a. procedural law;	10	5	
	b. regulation of notary services; and	10	6	
	c. enforcement of judicial and arbitral awards including foreign judgments and awards.	10	3	
14	The framework laws provide for adequate legal remedies including:			
	a. liquidated damages;	10	7	

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2.1	LEGAL FRAMEWORK: CONTRACT	Ref.	Score	%
	b. specific performance; and	10	8	
	c. money damages.	10	10	
15	The framework laws provide clear measures for calculating monetary damages.	10	6	
16	Courts or other appropriate government entities have the authority to enforce judgements.	10	8	
17	The country is a signatory to the U.N. Convention on the Enforcement of Foreign Arbitral Awards.	10	10	
Definition of Implementing and Supporting Institutions		100	64	64%
18	The law clearly defines:			
	a. the institution or institutions responsible for interpretation and enforcement of contracts and contract law (including courts and administrative tribunals);	10	8	
	b. the roles, responsibilities and operational procedures of each relevant institution;	10	8	
	c. the procedures for bringing a claim to enforce a contract; and	10	8	
	d. the standards and procedures for appealing a decision.	10	8	
19	The law requires that the implementing institutions render decisions relating to the law:			
	a. based on published laws, regulations and standards; and	10	3	
	b. through written documentation clearly setting forth the basis for the decision.	10	3	
20	The law clearly defines:			
	a. the role and responsibilities of notaries;	10	8	
	b. the type of contracts and contract-related documents that must be notarized;	10	8	
	c. the requirements and formalities of notarization; and	10	8	
	d. the fee schedule for notarization.	10	2	
TOTAL FOR LEGAL FRAMEWORK: CONTRACTS		400	303	76%

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2.2	IMPLEMENTING INSTITUTIONS: CONTRACTS	Ref.	Score	%
Courts: Organization		120	54	45%
1	The laws that establish the courts as implementing institutions:			
	a. clearly identify the courts as the institution for resolving commercial contract disputes;	10	10	
	b. provide a clear mandate for the court's jurisdiction; and	10	9	
	c. define relevant procedures or mandate development of relevant procedures for resolving civil commercial disputes.	10	4	
2	The courts have the following characteristics:			
	a. a clearly defined mandate to interpret, apply, and enforce contract law;	10	8	
	b. sufficient staffing to carry out their mandate;	10	2	
	c. sufficient authority and support to carry out their mandate, including clear policy statements and support from the government;	10	4	
	d. sufficient funding through the state budget, fees collected, or a combination of both to maintain its equipment and services;	10	3	
	e. salaries are sufficient to attract and retain qualified judges;	10	3	
	f. salaries are sufficient to attract and retain qualified administrative staff; and	10	3	
	g. detailed internal regulations and operating procedures.	10	3	
3	There is general consistency in the understanding of the role of the courts among the government, the courts and the end users.	10	3	
4	The courts have an active, current web site, including contact information and relevant legal materials pertaining to civil litigation.	10	2	
Courts: Operations		170	49	29%
5	Courts are established and effectively resolve contract disputes.	10	3	
6	Courts consistently render decisions:			
	a. based on published laws, regulations and standards; and	10	2	
	b. through written documentation clearly setting forth the basis for the decision in both fact and law.	10	2	
7	Courts have experience with the application of relevant international conventions and the substantive law of other forums	10	2	
8	Courts are willing to apply the substantive law chosen by the parties in contract disputes.	10	7	
9	Courts are willing to consider evidence of custom, trade usage, or international practice when resolving contract disputes.	10	7	
10	The business community generally finds that the Courts:			
	a. are competent to decide contract disputes and enforce judgements;	10	3	
	b. decide cases in accordance with the law and facts of the case;	10	2	
	c. are transparent in their decision-making process;	10	2	
	d. are unbiased toward foreigners in disputes with nationals; and	10	2	
	e. calculate damages in a fair and transparent manner.	10	2	
11	Court fees for commencing a lawsuit are relatively inexpensive and do not act as a disincentive for parties to use the courts for contract disputes.	10	7	
12	Courts encourage settlement by the parties through such means as arbitration, mediation or reconciliation.	5	4	
13	If parties obtain decisions through alternative dispute resolution mechanisms (including arbitration, mediation and reconciliation), courts will enforce the decisions of the body that has resolved the dispute.	10	4	
14	The court docket is computerized.	10	0	

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2.2	IMPLEMENTING INSTITUTIONS: CONTRACTS	Ref.	Score	%
15	The Courts maintain and publish reports of their decisions and make these readily available to the public.	10	0	
16	The Courts provide reasonable public access to litigation records.	10	0	
17	The Courts collect and maintain performance data and statistics, which are made available to the public.	5	0	
Government Contracts and Administrative Decisions		60	18	30%
18	Administrative bodies that handle commercial disputes between the government and private sector:			
	a. operate according to clear, transparent, published rules and procedures;	10	3	
	b. make their rules and procedures available to the public;	10	3	
	c. issue written decisions based on the published, established law; and	10	3	
	d. actually decide in favor of the private sector parties a reasonable percentage of cases, according to professionals (lawyers, judges, legal analysts) who monitor decisions.	10	3	
19	Private sector parties who have contract disputes with the government are generally satisfied with the fairness of the administrative bodies.	10	3	
20	Decisions of the administrative bodies can be appealed to the court system.	10	3	
TOTAL FOR IMPLEMENTING INSTITUTIONS: CONTRACTS		350	121	35%

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2.3	SUPPORTING INSTITUTIONS: CONTRACTS	Ref.	Score	%
Government Entities		60	23	38%
1	If notarization is required to validate or to make a contract enforceable, contracting parties consider notaries to be reasonably available and accessible.	10	6	
2	Notary fees are considered reasonable by end-users and do not discourage the formation of contracts.	10	6	
3	Notaries are reasonably familiar with the standards prescribed by the Civil Code and related laws for written agreements.	10	6	
4	The government customs authorities have clear and articulated standards related to import and export of goods that can be incorporated into written agreements.	10	3	
5	Bailiffs have sufficient authority to enforce judicial decisions.	10	1	
6	The business community considers bailiffs to be effective at enforcing decisions.	10	1	
Professional Associations		50	19	38%
7	Professional associations, including those for lawyers, accountants, and other professions dealing in contract issues, support contract law development by proposing changes and refinements to the Civil Code and related commercial laws.	10	4	
8	Lawyers' associations have engaged in legal education and training programs for members of the bar concerning the Civil Code and related commercial laws.	10	3	
9	Lawyers' associations have specialized groups dedicated to contract law issues.	10	2	
10	Professors have published academic treatises or interpretations of the Civil Code to provide courts and lawyers with guidance.	10	5	
11	The Law school curriculum includes components on domestic contract law and the Civil Code as well as international conventions and practices.	10	5	
Specialized Services		70	53	76%
12	An experienced group of commercial arbitrators is developing within the jurisdiction.	10	8	
13	Private sector commercial arbitration services are available as an alternative to Courts.	10	8	
14	Specialized publishers have published the following materials:			
	a. reference material relating to the Civil Code and contract law;	10	8	
	b. books containing specimen contracts; and	10	8	
	c. periodicals and other publications that report regularly and accurately on matters related to contract law in order to give the business community and the public a great understanding of commercial matters.	10	8	
15	Universities increasingly deal with issues of contract law in support of the development of a market economy.	10	8	
16	Certification and inspection services have adopted uniform standards and procedures that can be easily incorporated into commercial contracts.	10	5	
Trade and Special Interest Groups		70	56	80%
17	Trade and industry associations have affiliations with international trade organizations and are involved in the harmonization of contract and commercial law and practice with international standards.	10	8	

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2.3	SUPPORTING INSTITUTIONS: CONTRACTS	Ref.	Score	%
18	Trade and industry associations (including chambers of commerce, bankers associations and business groups) have developed standardized or "form" contracts.	10	8	
19	Standardized contracts that have been developed conform to international commercial standards (for example, International Chamber of Commerce standards or guidelines).	10	8	
20	Standardized contracts provide for specific remedies in the event of breach that are perceived as effective by end users.	10	8	
21	The media has increased its reporting of business and commercial matters and court decisions.	10	8	
22	Foreign investor associations provide input to policymakers and other trade associations on international standards in commercial contracting.	10	8	
23	Trade and industry associations are informed in technology developments as they relate to contract law and have advocated new commercial practices and reforms to existing law to accommodate changes (e.g., digital signatures).	10	8	
TOTAL FOR SUPPORTING INSTITUTIONS: CONTRACTS		250	151	60%

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2.4	SOCIAL DYNAMICS: CONTRACTS	Ref.	Score	%
Market for Improved Laws		305	173	57%
Demand for Improved Laws		105	66	63%
Government		30	22	73%
1	At least one high-level government official in each of the following areas is knowledgeable of issues of contract law and works toward an efficient contract law:			
	a. the legislature;	5	4	
	b. the ministry responsible for promotion of investment;	5	5	
	c. the Ministry of Justice; and	5	4	
	d. the Courts.	5	0	
2	International lending institutions and donor agencies provide assistance to or condition loans upon reform of the courts in their capacity to adjudicate and enforce contract disputes.	10	9	
Private Sector		75	44	59%
3	Professional associations:			
	a. have specialized sections or committees dedicated to contract law and enforcement issues;	5	3	
	b. have established formal mechanisms with policy makers for providing input and feedback on contract law and enforcement issues;	5	3	
	c. regularly provide substantive input and feedback (including studies, statistics, policy documents, etc.) to policymakers on contract law and enforcement issues;	5	2	
	d. regularly provide draft laws, comments on regulations, suggested amendments and similar input to lawmakers on contract law and enforcement issues; and	5	2	
	e. conduct programs and events for their members and the general public to promote better understanding of the need for and benefits of more efficient contract law and enforcement.	5	2	
4	Trade and special interest groups:			
	a. have specialized sections or committees dedicated to standardization of common contract clauses and terms;	5	3	
	b. have established formal mechanisms with policy makers for providing input and feedback on contract law and enforcement issues;	5	2	
	c. regularly provide substantive input and feedback (including studies, statistics, policy documents, etc.) to policymakers in support of adopting international harmonized standards in commercial and trade contracts;	5	1	
	d. regularly provide draft laws, comments on regulations, suggested amendments and similar input to lawmakers on contract law and enforcement issues;	5	1	
	e. conduct programs and events for their members and the general public to promote better understanding of the benefits of international harmonized standards for commercial contracts; and	5	3	
	f. use standardized forms and contracts in their areas of commercial activity.	5	4	
5	Associations of foreign investors (including bi-lateral chambers of commerce) lobby for adoption of international norms and standards in common commercial contracts.	10	8	
6	Universities offer courses on commercial contract law.	10	10	

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2.4	SOCIAL DYNAMICS: CONTRACTS	Ref.	Score	%
	Supply of Improved Laws	200	107	54%
	Government	120	56	47%
7	The government has created an environment generally supportive of efficient contract law and enforcement, including:			
	a. use of standardized forms for government procurement of goods and services;	5	3	
	b. adoption of a modern collateral law;	5	0	
	c. implementation of an ongoing program of improved judicial efficiency;	5	1	
	d. creation of the judiciary as an independent branch of government;	5	0	
	e. clearly stated policies regarding the rule of law; and	5	1	
	f. active anti-corruption initiatives to combat corrupt practices involving government procurement.	5	4	
8	A specialized administrative unit has been established to oversee judicial reform.	10	3	
9	The government (through a specialized unit or otherwise) has the technical capacity to draft laws and regulations necessary for more efficient contract law.	10	8	
10	The Government provides for meaningful private sector participation in the legal reform process by:			
	a. making copies of laws, regulations, instructions, application forms and similar subsidiary instruments readily available (e.g., in bookstores) to the business community or other end user;	10	7	
	b. providing the business community with meaningful notice of and opportunity to comment on draft <i>laws or legislative amendments</i> affecting contract law and enforcement:			
	1. before they are submitted for legislative approval, and	10	5	
	2. before they become effective; and	10	5	
	c. providing the business community with meaningful notice of and opportunity to comment on draft <i>implementing regulations</i> :			
	1. before they are submitted for legislative approval, and	10	5	
	2. before they become effective.	10	5	
11	Formal mechanisms for soliciting input from the business and professional community for formulating and amending trade policy:			
	a. have been established by the government;	5	3	
	b. are actively used by the government; and	5	3	
	c. according to the business and professional communities, generally satisfy private sector demand for providing input.	10	3	
	Private Sector	80	51	64%
12	The business and professional communities perceive the legal and regulatory environment generally to be:			
	a. stable, with stability evidenced by:			
	1. infrequent changes to relevant laws and regulations, and	5	3	
	2. a relative lack of conflicting laws and regulations.	5	3	
	b. predictable, evidenced by relative consistency in interpretation and enforcement of major laws and regulations; and	10	5	

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2.4	SOCIAL DYNAMICS: CONTRACTS	Ref.	Score	%
	c. transparent in that equal treatment is generally accorded for parties to contracts in similar positions and circumstances.	10	5	
13	The business and professional communities perceive the laws and regulations issued by the government and affecting contract law to be relatively:			
	a. precise in that they can be generally read and understood by a business person (or end user) and provide adequate indication of what is required thereunder;	10	7	
	b. complete in that they address the main needs of the business community and do not contain significant gaps; and	10	7	
	c. responsive to their needs as reflected in "favorable" (e.g., pro-business) policy measures.	10	7	
14	The business and professional communities generally feel that they have a meaningful role to play in shaping policy reform in area of contract law.	10	7	
15	The business and professional communities generally feel that the state is effectively meeting basic needs for legal reform in the area of contract law.	10	7	
Market for Effective Implementing Institutions		180	54	30%
Demand for Effective Implementing Institutions		80	42	53%
Government		40	20	50%
16	A high-level government official with responsibility for implementation of this area of law champions the cause of more efficient and effective provision of services by the courts.	10	4	
17	The country's highest court is committed to improving services and responsiveness to litigants throughout the judicial system.	10	4	
18	A formal mechanism exists for reviewing the performance and effectiveness of the judicial system on a regular basis (at least annually).	10	2	
19	International lending institutions and donor agencies have instituted assistance programs with the government to upgrade and improve the courts.	10	10	
Private Sector		40	22	55%
20	The business community understands and agrees with the mandate of the courts with respect to contract interpretation and enforcement.	10	4	
21	Professional associations, trade organizations and special interest groups actively pressure the courts to improve their services.	10	8	
22	The business community regularly uses the courts to settle contract disputes.	10	3	
23	In subject matter areas where the courts are not considered adequate, the private sector offers competing or replacement dispute resolution services to fill the gap.	10	7	
Supply of Effective Implementing Institutions		100	12	12%
Government		50	12	24%
24	The courts actively utilize:			
	a. an internal plan, reviewed annually, for improving the administration of justice and enforcement of contracts;	5	2	
	b. a system of accountability for its performance to the government institution responsible for court oversight; and	5	2	

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2.4	SOCIAL DYNAMICS: CONTRACTS	Ref.	Score	%
	c. a mechanism for obtaining feedback from the private sector on the cost and quality of services.	10	2	
25	Courts provide a written basis for all decisions made based on existing, published law, and the facts of the case.	10	1	
26	Courts makes all regulations, forms, applications and other important documents and information necessary for using the courts available to litigants.	10	1	
27	Courts provide expedited enforcement proceedings for claims involving non-payment of debt.	5	2	
28	Bailiffs effectively enforce judgments against recalcitrant debtors.	5	2	
	Private Sector	50		0%
The provision of services and execution of functions is considered satisfactory by the				
29	End-users feel that the manner in which the courts decide cases and enforce contracts is:			
	a. transparent;	5	1	
	b. non-discretionary;	5	1	
	c. non-discriminatory; and	5	1	
	d. reasonably priced.	5	1	
30	Litigants feel that they have adequate opportunities to provide feed-back to the institution on its performance.	10	4	
31	The general business and professional communities consider decisions made by the courts to be:			
	a. predictable for similar facts and circumstances;	5	3	
	b. appropriate under existing law;	5	3	
	c. understandable; and	5	3	
	d. generally supportive of a market-oriented economy.	5	3	
	Market for Supporting Institutions	60	38	63%
	Demand for Supporting Institutions	40	26	65%
32	Private sector supporting institutions exist and support more efficient contract law in each of the following sectors:			
	a. professional associations;	10	6	
	b. specialized services; and	10	6	
	c. trade and special interest groups.	10	6	
33	For specialized services, there are generally competing service providers.	10	8	
	Supply of Supporting Institutions	20	12	60%
34	The business community generally considers the supporting institutions for subject matter area to be adequate in meeting its needs in facilitating or supporting the implementation of the framework law in terms of:			
	a. number of institutions; and	10	6	
	b. quality of institutions.	10	6	
	SUB-TOTAL -- DEMAND	225	134	60%
	SUB-TOTAL -- SUPPLY	320	131	41%
	TOTAL FOR SOCIAL DYNAMICS: CONTRACTS	545	265	49%

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3.1	LEGAL FRAMEWORK: REAL PROPERTY	Ref.	Score	%
Ownership of Real Property		80	67	84%
1	The law provides that private persons and legal entities can own land and other real property (including the right to exclusive possession, exclusive use, and alienation), as follows:			
	a. citizens and domestic legal entities can own land and other real property used for residential, commercial, and industrial purposes;	10	10	
	b. foreign citizens and foreign legal entities can own land and other real property used for residential, commercial, and industrial purposes;	10	7	
	c. citizens and domestic legal entities can own agricultural land (and land shares if applicable); and	10	10	
	d. foreign citizens and foreign legal entities can own agricultural land (and land shares if applicable).	5	0	
2	The law requires the privatization of:			
	a. over 50 percent of all residential, commercial, and industrial real property, and provides incentives to relevant government bodies to carry out privatization; and	10	10	
	b. over 50 percent of all agricultural land.	10	10	
3	The law provides:			
	a. that persons and legal entities can own property in common (including apartment owners organized in condominium associations);	10	10	
	b. for a well-defined regime of easements and other servitudes that affect real property; and	5	5	
	c. for a clear, but limited, authority of the state to terminate real property rights. Rights can be so terminated only for clear public purposes, and with payment of full market value as compensation.	10	5	
Transfers of Real Property		50	32	64%
4	The law allows owners of land and other real property to sell, lease, donate, exchange, and bequeath all, or portions of, their interests.	10	7	
5	Owners of land and other real property may sell, lease, donate, exchange, and bequeath their interests without permission from a public official.	5	3	
6	Owners of land and other real property may sell or lease their interests at a freely negotiated price.	10	10	
7	The law provides for a streamlined procedure for transactions in land and other real property which minimizes the number of documents necessary, and which requires the signature of only the parties and the notary.	5	1	
8	The law safeguards the interests of heirs who are late in registering their inheritance of land and other real property.	5	3	
9	Appraisal, survey, notary, registration and other transaction costs are affordable, do not represent an excessive proportion of the transaction value, and do not preclude conclusion of real property deals.	10	5	
10	The law does not impose a minimum lease period for the lease of agricultural land.	5	3	
Registration of Legal Rights to Real Property		60	35	58%
11	The law on registration provides:			
	a. that legal rights arise from the moment of registration;	10	5	
	b. for registration of ownership rights, lease rights, and encumbrances on real property (mortgages, servitudes, tax liens, etc.);	10	10	
	c. for protection of the interests of owners and others whose interests are registered;	10	5	

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3.1	LEGAL FRAMEWORK: REAL PROPERTY	Ref.	Score	%
	d. for protection of the interests of buyers who rely upon the real property registry;	10	5	
	e. for registration of land and buildings together (unified registry);	5	5	
	f. a document for the land owner which certifies his registered legal rights; and	10	5	
	g. access to registration information by interested parties.	5	0	
Mortgage of Real Property		40	29	73%
12	The law on mortgage provides:			
	a. for the ability to pledge real property, including agricultural land, as collateral to secure a loan;	10	10	
	b. a list of essential items in mortgage agreement (description of rights being mortgaged, appraisal, description of obligation being secured);	5	5	
	c. for the mortgagor to transfer his mortgaged real property, subject to a due-on sale clause;	5	3	
	d. for secondary mortgages and mortgage bonds/mortgage-backed securities;	5	3	
	e. fair and efficient foreclosure rules that do not unduly discourage mortgage lending; and	10	5	
	f. that any special rules to protect mortgagors (restrictions on eviction, restrictions on bank ownership, etc.) be limited so as not to unduly discourage mortgage lending.	5	3	
Land Use and Zoning		30	18	60%
13	Land use and zoning law:			
	a. permits a wide range of development within defined use categories;	10	8	
	b. permits local government bodies the latitude to re-categorize real property to reflect local conditions;	5	5	
	c. does not attempt to regulate for "rational use" other nebulous concepts which can lead to corrupt practices;	5	0	
	d. does not penalize non-use of agricultural land; and	5	2	
	e. penalizes violations in proportion to the harm, and does not include confiscation as a remedy.	5	3	
General/Miscellaneous		30	15	50%
14	Real property taxation should:			
	a. be based upon market value;	10	5	
	b. strike a balance between encouraging property development, raising revenue, and not driving cash-poor people to sell under duress;	10	5	
	c. define collection and enforcement mechanisms; and	5	3	
	d. direct most resulting revenue to local budgets (this would also encourage local government support for privatization).	5	2	
TOTAL FOR LEGAL FRAMEWORK: REAL PROPERTY		290	196	68%

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3.2	IMPLEMENTING INSTITUTIONS: REAL PROPERTY	Ref.	Score	%
	Real Property Registry	115	89	77%
1	The Real Property Registry has the following programmatic characteristics:			
	a. the Registry has a clear mandate to register legal rights to real property, including clear support from the state;	10	10	
	b. the Registry's core function of registering legal rights is not diluted by other responsibilities which divert its resources and attention;	10	10	
	c. the Registry utilizes a clear procedure that minimizes the discretion of registry officials to deny registration arbitrarily;	5	3	
	d. the Registry registers both land and buildings together;	10	10	
	e. the Registry's records are organized by land parcel, with each parcel having a unique identification number; and	10	5	
	f. the Registry is sufficiently decentralized so that users may have access, and that local offices may make registration decisions without requiring higher-level approvals.	5	5	
2	The Real Property Registry has the following organizational characteristics:			
	a. sufficient staffing to carry out its mandate;	5	5	
	b. sufficient funding from the state budget or fees for services rendered;	5	5	
	c. it has, or has immediate access to, sufficient technical capacity to carry out its functions competently and in a timely manner;	5	5	
	d. detailed internal regulations and operating procedures; and	5	3	
	e. an active staff training and development program to improve professionalism and competence.	5	3	
3	The Real Property Registry has the following operational characteristics:			
	a. the Registry publishes materials to inform the public about the Registry's functions and how to use the system;	5	5	
	b. the procedure for the Registry accepting an application for registration of a right, reviewing it, and registering it (or declining to do so) is clear and transparent;	10	10	
	c. the process of registration of a legal right is carried out quickly;	10	5	
	d. the Registry charges affordable fees that do not discourage use of the system; and	10	5	
	e. interested parties can receive extracts from the Registry.	5	0	
	Zoning and Land Use Regulatory Authority	110	35	32%
4	The authority has the following programmatic characteristics:			
	a. land use rules and construction norms are based upon on legitimate social needs and interests;	10	5	
	b. the public has input into defining the characteristics of different types of zones (residential, mixed-use, commercial, etc.), and the drawing of the zoning map; and	10	5	
	c. zoning and land use activities are primarily carried out at the local (city) level.	10	10	
5	The authority has the following organizational characteristics:			
	a. sufficient staffing to carry out its mandate;	5	3	
	b. sufficient funding from the state budget or fees for services rendered;	5	2	
	c. sufficient technical capacity to carry out its functions competently and in a timely manner;	5	3	
	d. detailed internal regulations and operating procedures; and	5	4	
	e. an active staff training and development program to improve professionalism and competence.	5	3	

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3.2	IMPLEMENTING INSTITUTIONS: REAL PROPERTY	Ref.	Score	%
6	The authority has the following operational characteristics:			
	a. the authority provides ample information to the public about proposed changes in the zoning map, the requirements for gaining approval of a land use or construction project, and the regulations surrounding use of one's real property;	10	0	
	b. the number of government bureaucracies which are required to give approval to a land use (construction) application is not excessive;	10	0	
	c. the requirements for gaining final land use (construction) approval, and the steps along the way, are clear and unambiguous;	10	0	
	d. an applicant for a land use approval receives the decision in writing. If the decision is negative, a written explanation is also provided;	10	0	
	e. the construction industry, and the general public, feel that decisions on land use requests are made in a timely manner, are based upon legitimate social interests, and are not dependent upon the payment of bribes; and	5	0	
	f. enforcement actions to penalize violations of land use norms come only after notice and an opportunity to remedy the violation have been provided.	10	0	
	Courts	65	54	83%
7	Courts hear and decide real property disputes in a timely manner, and are affordable to the public.	10	5	
8	Courts are empowered and legally competent to hear and decide:			
	a. contract claims regarding real property transactions;	10	10	
	b. issues arising out of the registration process;	10	10	
	c. foreclosures on mortgage real property;	10	10	
	d. disputes arising out of the processes of enforcing land use norms, approving land use (construction) applications; and	5	5	
	e. other issues, such as boundary disputes and conflicts between members of condominium associations.	5	5	
9	Land owners, land users, and the professionals in the real property community generally find that the courts decide cases in accordance with the law and in an independent and impartial manner.	10	4	
10	In case court access is expensive and too time consuming, an extra-judicial system for conflict resolution exists which is reasonably quick, moderately priced, and delivers fair results.	5	5	
TOTAL FOR IMPLEMENTING INSTITUTIONS: REAL PROPERTY		290	178	61%

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3.3	SUPPORTING INSTITUTIONS: REAL PROPERTY	Ref.	Score	%
Government Entities		10	3	30%
1	Participants in real property transfer deals view notary services as appropriate and affordable.	5	3	
2	The taxing authority is able to carry out or access mass appraisals of real property for taxation purposes.	5	0	
Professional Associations		35	5	14%
3	Real property brokerage groups:			
	a. have developed methods (such as multiple listing services) to bring together large numbers of buyers and sellers/lessors and lessees; and	10	3	
	b. gather and disseminate information on prices for real property and trends in the market.	10	0	
4	Lawyers' associations have specialized groups dedicated to real property legal issues.	5	0	
5	Associations of mortgage bankers have developed legally secure systems and methods, including model forms, for use in completing mortgage transactions.	10	2	
Specialized Services		20	2	10%
6	Real property appraisers participate in the market, and value real property using internationally-recognized appraisal methods.	10	0	
7	Specialized publishers collaborate with notaries, registration authorities, and lawyers to prepare and make available standardized forms for most common real property transactions.	5	2	
8	Real property surveyors participate in market activity, and use internationally-recognized survey methods.	5	0	
Trade and Special Interest Groups		40	10	25%
9	Private farmers' associations:			
	a. monitor implementation of real property law as it affects their members and rural society in general, and propose amendments to laws to advance farmers' prospects;	5	5	
	b. gather and disseminate information about land prices, lease rates, and numbers of transactions; and	10	0	
	c. facilitate provision of legal assistance to low-income rural landowners.	5	0	
10	Local media provides extensive coverage of real property issues and the real property market, and does so in a way that invites interest and participation from all socio-economic groups.	10	5	
11	Mortgage banker associations, construction firm trade groups, and mortgage broker associations monitor real property law and practice, and make recommendations for needed change.	10	0	
TOTAL FOR SUPPORTING INSTITUTIONS: REAL PROPERTY		105	20	19%

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3.4	SOCIAL DYNAMICS: REAL PROPERTY	Ref.	Score	%
Market for Improved Laws		230	134	58%
Demand for Improved Laws		90	61	68%
Government		10	2	20%
1	One or more high-level public officials publicly champion private ownership of land and other real property, and development of an active market in such property.	10	2	
Private Sector		80	59	74%
2	A significant proportion of the population, as evidenced by sample surveys:			
	a. has expressed support for private ownership of non-agricultural real property, including transactions and mortgage; and	10	10	
	b. has expressed support for private ownership of agricultural land, including transactions and mortgage.	10	10	
3	Financial institutions, real estate brokers, and construction firms actively lobby the government for laws to enable development and operation of a modern real property market.	10	10	
4	Professional associations:			
	a. have specialized committees dedicated to real property issues;	5	2	
	b. have established formal mechanisms with the policy apparatus for providing input and feedback on real property issues, and regularly do so;	5	2	
	c. regularly suggest changes to existing laws and regulations, and provide commentary on draft laws and regulations; and	5	2	
	d. conduct events for their members and the general public to promote understanding of the benefits of a market-based real property market.	5	5	
5	Trade and special interest groups:			
	a. have specialized committees dedicated to real property issues;	5	2	
	b. have established formal mechanisms with the policy apparatus for providing input and feedback on real property issues, and regularly do so;	5	2	
	c. regularly suggest changes to existing laws and regulations, and provide commentary on draft laws and regulations; and	5	2	
	d. conduct events for their members and the general public to promote understanding of the benefits of a market-based real property market.	5	2	
6	Universities offer courses on real property law that supports a market-oriented system.	10	10	
Supply of Improved Laws		140	73	52%
Government		60	36	60%
7	The government has created an environment generally supportive of a real property market, including:			
	c. clearly stated policies in support of private control over possession, use, and transfer of real property; and	5	5	
	d. an actively pursued annual legislative agenda for reform and modernization of the real property legal regime.	5	3	
8	The government has the technical capacity to draft laws and regulations needed for a market-based real property system.	10	8	
9	The government provides for meaningful private sector participation in the legal reform process by:			

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3.4	SOCIAL DYNAMICS: REAL PROPERTY	Ref.	Score	%
	a. making copies of laws, regulations, and related materials readily available to professionals and participants in the real property market; and	10	10	
	b. providing real property professionals (brokers, mortgage bankers, builders, etc.) with meaningful notice of and opportunity to comment on draft laws and implementing regulations affecting the real property market before they are submitted for legislative action.	10	2	
10	Formal mechanisms for soliciting input from the real property professionals for formulating and amending real property law and policy:		2	
	a. have been established by the government;	5	2	
	b. are actively used by the government; and	5	2	
	c. according to the real property professionals, generally satisfy private sector demand for providing input.	10	2	
	Private Sector	80	37	46%
11	The user groups and the professional community perceive the legal and regulatory environment with regard to private ownership and markets in real property to be:			
	a. stable, as demonstrated by an absence of drastic changes to relevant laws and regulations;	10	8	
	b. predictable, as evidenced by relative consistency in interpretation and enforcement of laws and regulations; and	10	5	
	c. transparent, in that fairness and equal treatment is generally accorded for end users in similar positions and circumstances.	10	2	
12	The user groups and the professional community perceive the legal and regulatory environment with regard to private ownership and markets in real property to be:			
	a. precise in that they can be generally read and understood by a user, and provide adequate indication of what is required;	10	5	
	b. complete in that they address the main needs of the market, and do not contain significant gaps; and	10	5	
	c. responsive to their needs as reflected in favorable policy measures.	10	5	
13	The user groups and the professional community generally feel that they have a meaningful role to play in developing the legal base for private ownership and the real property market.	10	2	
14	The user groups and the professional community generally feel that the government is meeting the basic needs for legal reform in the area of private ownership and the real property market.	10	5	
	Market for Effective Implementing Institutions	210	46	22%
	Demand for Effective Implementing Institutions	70	14	20%
	Government	40	4	10%
15	One or more high-level public officials with responsibility for implementation of the law on registration of real property rights champion the cause of the real property registry providing efficient and effective services.	10	2	
16	A formal mechanism exists for reviewing the performance and effectiveness of the real property registry on a regular basis (at least annually).	10	0	
17	One or more high-level public officials with responsibility for zoning and land use regulation champions the cause of carrying out needed land use and zoning regulatory activities in such a way as to serve the end users, and enable profitable private sector capital investment.	10	2	

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3.4	SOCIAL DYNAMICS: REAL PROPERTY	Ref.	Score	%
18	A formal mechanism exists for reviewing the performance and effectiveness of the zoning and land use regulatory authority on a regular basis (at least annually).	10	0	
	Private Sector	30	10	33%
19	The user groups and the real property industry understand and agree with the service mandate of the real property registry.	10	2	
20	The user groups and the real property industry regularly use the real property registry.	10	5	
21	The user groups and the real property industry understand, and generally agree with, the mandate of the zoning and land use regulatory authority.	5	1	
22	The user groups and the real property industry regularly seek the needed approvals and carried out the measures required by the zoning and land use regulatory authority.	5	2	
	Supply of Effective Implementing Institutions	140	32	23%
	Government	45	0	0%
23	The real property registry actively utilizes:			
	a. an internal plan, reviewed annually, for improving services which it provides;	5	0	
	b. a system of accountability for its performance to the government agency responsible for its oversight, and to the general public; and	5	0	
	c. a mechanism for obtaining feedback from the private sector on the cost and quality of its services.	10	0	
24	The real property registry provides a written basis for all decisions made based upon existing, published laws and regulations.	10	0	
25	The zoning and land use regulatory authority actively utilizes:			
	a. an internal plan, reviewed annually, for improving services which it provides, and its regulatory methods;	5	0	
	b. a system of accountability for its performance to the government agency responsible for its oversight, and to the general public; and	5	0	
	c. a mechanism for obtaining feedback from the private sector on the cost and quality of its services, and of its overall performance in relation to private sector needs.	5	0	
	Private Sector	95	32	34%
26	Users of the real property registry feel that the manner in which it provides its services is:			
	a. transparent;	5	2	
	b. not arbitrary;	5	2	
	c. non-discriminatory; and	5	2	
	d. reasonably priced.	5	2	
27	Users of the real property registry feel that they have adequate opportunities to provide feedback to the real property registry on its performance.	10	0	
28	The real property professional community consider the decisions made by the real property registry:			
	a. predictable under similar facts and circumstances;	5	2	
	b. reasonable and appropriate under existing law;	5	2	
	c. understandable; and	5	2	
	d. protective of legally valid rights and interests in real property.	5	2	
29	Market actors who interact with the zoning and land use regulatory authority feel that the manner in which it carries out its mandate is:			
	a. transparent;	5	2	

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3.4	SOCIAL DYNAMICS: REAL PROPERTY	Ref.	Score	%
	b. not arbitrary; and	5	2	
	c. non-discriminatory.	5	2	
30	Market participants and the real property professional community feel that they have adequate opportunities to provide feedback to the zoning and land use regulatory authority on its performance	5	2	
31	The real property professional community thinks that the decisions made by the zoning and land user regulatory authority:			
	a. are predictable under similar facts and circumstances;	5	2	
	b. are generally reasonable and appropriate under existing law;	5	2	
	c. are understandable; and	5	2	
	d. strike an appropriate balance between private rights to use land and social interests and needs.	10	2	
Market for Supporting Institutions		90	58	64%
Demand for Supporting Institutions		70	43	61%
32	Private sector supporting institutions provide services needed for an active market in real property in each of the following sectors:			
	a. professional associations;	10	1	
	b. specialized services; and	10	1	
	c. trade and special interest groups.	10	1	
33	Within each region (municipality, district, etc.) services are provided on a competitive basis by more than one:			
	a. real property broker;	10	10	
	b. mortgage lender;	10	10	
	c. real property appraiser;	5	5	
	d. notary; and	10	10	
	e. surveyor.	5	5	
Supply of Supporting Institutions		20	15	75%
34	The end users and the real property professional community considers the supporting institutions for each special task to be adequate in facilitating or supporting the framework law in terms of:			
	a. number of institutions; and	10	10	
	b. quality of institutions.	10	5	
SUB-TOTAL -- DEMAND		230	118	51%
SUB-TOTAL -- SUPPLY		300	120	40%
TOTAL FOR SOCIAL DYNAMICS: REAL PROPERTY		530	238	45%

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4.1	LEGAL FRAMEWORK: COLLATERAL	Ref.	Score	%
Forms of Collateral		140	94	67%
1	The Collateral Law recognizes and provides for:			
	a. direct personal guarantees;	10	10	
	b. third-party guarantees;	10	10	
	c. bank guarantees;	10	10	
	d. non-possessory pledges in tangibles;	10	4	
	e. property interests that allow holders to execute against secured property;	10	4	
	f. general (or generic) description of items subject to security interests;	10	1	
	g. pledges which cover after-acquired property; and	10	5	
	h. values expressed in foreign currency.	10	10	
2	The Collateral Law recognizes and provides for specialized pledges on:			
	a. accounts receivable;	10	10	
	b. shares;	10	10	
	c. specified groups of goods or objects;	10	5	
	d. warehouse receipts and other documents of title;	10	10	
	e. agricultural produce;	5	2	
	f. livestock; and	5	2	
	g. an enterprise as a going concern.	10	1	
Establishment and registration		50	33	66%
3	The Collateral Law clearly defines:			
	a. the requirements for establishing a secured interest;	10	5	
	b. the procedures for registering a secured interest;	10	5	
	c. priorities and their legal basis; and	10	5	
	d. rights of third-party, bona fide purchasers.	10	8	
4	The Collateral Law separately defines and delineates the use of possessory pledges.	10	10	
Enforcement Procedures		50	25	50%
5	The Collateral Law specifies mechanisms and procedures for:			
	a. judicial enforcement, including accelerated enforcement proceedings;	10	2	
	b. self help;	10	1	
	c. satisfaction or extinction of secured interests; and	10	10	
	d. sales of secured property.	10	2	
6	The Collateral Law specifies responsibility for unauthorized disposal of the collateralized property by the debtor.	10	10	
Definition of Implementing Institution: Collateral Registry		40	19	48%
7	The law clearly defines:			
	a. the institution or institutions responsible for implementation; and	10	10	
	b. the roles, responsibilities and operational procedures of each relevant institution.	10	5	
8	The law requires that the institution(s) render decisions relating to the law:			
	a. based on published laws, regulations and standards; and	10	2	
	b. through written documentation clearly setting forth the basis for the decision.	10	2	
TOTAL FOR LEGAL FRAMEWORK: COLLATERAL		280	171	61%

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4.2	IMPLEMENTING INSTITUTIONS: COLLATERAL	Ref.	Score	%
Collateral Registry: Organization		70	20	29%
1	The Collateral Registry, or other institution responsible for registration of collateral, has the following characteristics:			
	a. a clearly defined mandate to implement collateral law;	5	5	
	b. sufficient staffing to carry out its mandate;	5	1	
	c. sufficient authority and support to carry out its mandate, including clear policy statements and support from the government;	5	1	
	d. sufficient funding through state budget, fees collected, or a combination of both to maintain its equipment and services;	5	1	
	e. detailed internal regulations and operating procedures; and	5	1	
	f. an active staff training and development program utilizing appropriate training materials, guidebooks or procedural manuals to improve staff competency and service.	5	1	
2	There is general consistency in understanding the Registry's role and functions among the government, the Registry and the end users.	10	1	
3	The Registry has a "customer-oriented" approach to fulfilling its mandate.	10	1	
4	The Registry is sufficiently decentralized to enable users throughout the country to have reasonable access.	10	7	
5	The Registry has an active, current, web site, including contact information, registration requirements, and relevant legal materials.	10	1	
Collateral Registry: Operations		110	25	23%
6	With respect to the Registry's primary services, i.e the registration of collateral:			
	a. The Registry distributes (or makes available for a nominal fee) copies of all procedures, relevant laws, government regulations, fee schedules and other information governing registration and any other activities of the Registry;	10	1	
	b. The procedures for registration or de-registration are transparent, clear and consistent;	10	3	
	c. The manner in which the Registry executes the registration procedures is perceived by the end users to be transparent, non-discretionary, non-discriminatory and free from bribery;	10	2	
	d. When rejecting a registration, the Registry provides a written explanation based on published law and regulations;	10	1	
	e. The Registry provides certified copies of records for a nominal fee;	5	5	
	g. The registration process is computerized;	5	1	
	h. Records contain sufficient data for identification of the debtors or their legal successors;	10	3	
	i. Records clearly indicate priority of security interests;	10	3	
	j. The cost and procedures for registration are perceived as reasonable by the business community; and	10	2	
	k. It takes no more than one day to register a collateral interest in movables.	10	1	
7	With respect to secondary services, the Registry:			
	a. produces and publishes periodic newsletters, reports or other informational pieces for end-users;	5	1	
	b. maintains and publishes statistics on total entries in various collateral categories (e.g. vehicles, other equipment, floating liens on generic goods, etc.); and	5	1	

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4.2	IMPLEMENTING INSTITUTIONS: COLLATERAL	Ref.	Score	%
	c. The Registry provides reasonable public access to collateral registration records.	10	1	
Courts		55	14	25%
8	Courts are empowered to hear:			
	a. suits against the Collateral Registry for failure to comply with laws governing collateral registration;	5	5	
	b. claims, including accelerated claims, for execution on collateral for non-payment; and	5	1	
	c. injunctions against or damages for inappropriate use of self-help mechanisms.	5	3	
9	The business community considers the courts generally competent to hear suits relating to collateral law.	10	1	
10	The business community generally finds that the courts decide cases:			
	a. in accordance with clear, published laws, regulations and standards;	5	1	
	b. without regard to the nationality or residence of the litigants;	5	1	
	c. in a transparent manner evidenced through published decisions; and	10	1	
	d. independently, without regard to inappropriate political pressures or non-judicial considerations.	10	1	
TOTAL FOR IMPLEMENTING INSTITUTIONS: COLLATERAL		235	59	25%

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4.3	SUPPORTING INSTITUTIONS: COLLATERAL	Ref.	Score	%
Government Entities		40	14	35%
1	Notary services for Collateral registration and other needs under Collateral law are perceived by end users as:			
	a. relatively inexpensive;	5	1	
	b. sufficiently available throughout the country; and	5	5	
	c. not overly complex or burdensome.	5	1	
2	The business community perceives that enforcement agents (e.g., bailiffs):			
	a. possess adequate authority to execute judgments against collateral; and	5	1	
	b. are effective in enforcing judgments against collateral.	10	1	
3	Creditors do not generally resort to extra-legal enforcement mechanisms (e.g., thuggery) to enforce their interests in a debtor's property.	10	5	
Professional Associations		40	13	33%
4	Accountants apply Generally Accepted Accounting Principles (GAAP) or other internationally recognized standards and norms to valuations of collateralized property.	10	8	
5	Lawyers' associations have specialized groups dedicated to Collateral Law issues.	10	2	
6	Professional associations regularly propose amendments and modifications to the content and implementation of Collateral Laws.	10	1	
7	Professional associations are generally satisfied with operations of the Collateral Registry and have a collaborative working relationship with the officials of the Registry.	10	2	
Specialized Services		40	0	0%
8	Filing and registration services are available through banks and other private-sector service providers at a cost and quality considered reasonable by the end users.	10	1	
9	Universities, foundations and think tanks regularly examine and issue reports and opinions on content and enforcement of Collateral Law.	10	1	
10	Specialized publishers, in collaboration with the Collateral Registry and professional associations, develop and make available standardized forms for most common transactions.	10	1	
11	Seminars and conferences on Collateral law and new Collateral formation are available and are conducted on a for-pay basis - i.e., not funded by foreign donor agencies.	10	1	
Trade and Special Interest Groups		50	5	10%
12	Banking associations, business groups and chambers of commerce actively monitor Collateral law practice and developments, and issue opinions and appeals for change based on the results of monitoring	10	1	
13	Local media have the knowledge and training to effectively report on Collateral Law issues.	5	1	
14	Foreign investor associations provide input to policy makers and business associations on international standards in Collateral Law.	10	1	
15	Specialized professional publications report regularly and accurately on matters related to Collateral law, giving the business community and general public a greater understanding of Collateral-related issues.	10	1	

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4.3	SUPPORTING INSTITUTIONS: COLLATERAL	Ref.	Score	%
16	General private sector confidence in Collateral Law environment is demonstrated by dynamic growth in the use of collateral transactions as a source of corporate financing.	15	1	
TOTAL FOR SUPPORTING INSTITUTIONS: COLLATERAL		170	32	19%

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4.4	SOCIAL DYNAMICS: COLLATERAL	Ref.	Score	%
Market for Improved Laws		280	91	33%
Demand for Improved Laws		100	17	17%
Government		30	3	10%
1	At least one high-level government official is knowledgeable of, and works toward, the cause of a modern collateral system.	10	1	
2	Elected politicians regularly espouse positions supporting adoption and implementation of a modern collateral system.	10	1	
3	International lending institutions and donor agencies provide assistance to or condition loans upon reform of the Collateral Law regime.	10	1	
Private Sector		70	14	20%
4	Professional associations:			
	a. have specialized sections or committees dedicated to Collateral Law or secured-lending issues;	5	1	
	b. have established formal mechanisms with policy makers for providing input and feedback on Collateral Law issues;	5	1	
	c. regularly provide substantive input and feedback (including studies, statistics, policy documents, etc.) to policymakers on Collateral Law issues;	5	1	
	d. regularly provide draft laws, comments on regulations, suggested amendments and similar input to lawmakers on Collateral Law issues; and	5	1	
	e. conduct programs and events for their members and the general public to promote better understanding of the benefits of a modern collateral system.	5	1	
5	Trade and special interest groups:			
	a. have specialized sections or committees dedicated to Collateral Law or secured-lending issues;	5	1	
	b. have established formal mechanisms with policy makers for providing input and feedback on Collateral Law issues;	5	1	
	c. regularly provide substantive input and feedback (including studies, statistics, policy documents, etc.) to policymakers on Collateral Law issues;	5	1	
	d. regularly provide draft laws, comments on regulations, suggested amendments and similar input to lawmakers on Collateral Law issues; and	5	1	
	e. conduct programs and events for their members and the general public to promote better understanding of the benefits of a modern collateral system.	5	1	
6	Financial institutions, other lenders, and equipment and vehicle vendors actively lobby the government to improve the collateral-lending system.	10	1	
7	Universities offer courses on Collateral Law and secured lending that support market-oriented collateral systems.	10	3	
Supply of Improved Laws		180	74	41%
Government		100	62	62%
8	The government has created an environment generally supportive of liberalized collateral, including:			
	a. stable macroeconomic policy;	5	4	
	b. freely convertible currency;	5	5	
	c. clearly stated policies promoting enforcement of secured transaction contracts; and	5	1	
	d. an annual legislative agenda for reform and modernization of the commercial lending sector, including collateral lending, that is actively pursued.	5	1	
9	The government (through a specialized unit or otherwise) has the technical capacity to draft laws and regulations necessary to improve collateral policy.	10	10	

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4.4	SOCIAL DYNAMICS: COLLATERAL	Ref.	Score	%
10	The Government provides for meaningful private sector participation in the legal reform process by:			
	a. making copies of laws, regulations, instructions, application forms and similar subsidiary instruments readily available (e.g., in bookstores or online) to the business community or other end user;	10	10	
	b. providing the business community with meaningful notice of and opportunity to comment on draft laws or legislative amendments affecting collateral and secured lending:			
	1. before they are submitted for legislative approval, and	10	7	
	2. before they become effective; and	10	7	
	c. providing the business community with meaningful notice of and opportunity to comment on draft <i>implementing regulations</i> :			
	1. before they are submitted for legislative approval.	10	7	
	2. before they become effective.	10	7	
11	Formal mechanisms for soliciting input from the business and professional community for formulating and amending collateral and secured lending policy:			
	a. have been established by the government;	5	1	
	b. are actively used by the government; and	5	1	
	c. according to the business and professional communities, generally satisfy private sector demand for providing input.	10	1	
	Private Sector	80	12	15%
12	The business and professional communities perceive the legal and regulatory environment with regard to collateral generally to be:			
	a. stable, as evidenced by:			
	1. infrequent changes to relevant laws and regulations; and	5	1	
	2. a relative lack of conflicting laws and regulations.	5	1	
	b. predictable, as evidenced by relative consistency in interpretation and enforcement of major laws and regulations.	10	1	
	c. transparent, in that equal treatment is generally accorded for end users in similar positions and circumstances.	10	1	
13	The business and professional communities perceive the laws and regulations issued by the government with respect to collateral to be relatively:			
	a. precise because they can be generally read and understood by a business person (or end user) and provide adequate indication of what is required thereunder;	10	2	
	b. complete in that they address the main needs of the business community and do not contain significant gaps; and	10	2	
	c. responsive to their needs as reflected in "favorable" (e.g., pro-business) policy measures.	10	2	
14	The business and professional communities generally feel that:			
	a. they have a meaningful role to play in shaping policy reform in the area of collateral; and	10	1	
	b. the state is effectively meeting basic needs for legal reform in the area of collateral.	10	1	
	Market for Effective Implementing Institutions	160	33	21%
	Demand for Effective Implementing Institutions	70	8	11%
	Government	40	5	13%

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4.4	SOCIAL DYNAMICS: COLLATERAL	Ref.	Score	%
15	At least one high-level government official responsible for the implementation of Collateral Law has a broad knowledge of the issues and works toward more efficient and effective provisions of services by the Collateral Registry.	10	1	
16	The director of the Collateral Registry is committed to improving services and responsiveness to end-user needs.	10	1	
17	A formal mechanism exists for reviewing the performance and effectiveness of the Collateral Registry on a regular basis (at least annually).	10	1	
18	International lending institutions and donor agencies have instituted assistance programs with the government to upgrade and improve the Collateral Registry.	10	2	
Private Sector		30	3	10%
19	The business community understands and generally agrees with the service mandate of the Collateral Registry.	10	1	
20	The business community regularly uses the services of the Collateral Registry.	10	1	
21	In service areas where the Collateral Registry or enforcement agents are weak, the private sector offers competing or replacement services to fill the gap.	10	1	
Supply of Effective Implementing Institutions		90	25	28%
Government		40	11	28%
22	The Collateral Registry actively utilizes:			
	a. an internal plan, reviewed annually, for improving services provided to the private sector and government;	5	1	
	b. a system of accountability for its performance to the government institution responsible for its oversight; and	5	1	
	c. a mechanism for obtaining feedback from the private sector on the cost and quality of its services.	10	1	
23	The Collateral Registry provides a written basis for all decisions made based on existing, published law.	10	1	
24	The implementing institution makes all regulations, forms, applications and other important documents and information available to the end-users.	10	7	
Private Sector		50	14	28%
The provision of services and execution of functions is considered satisfactory by the				
25	End-users feel that the manner in which the Collateral Registry supplies services is:			
	a. Transparent;	5	1	
	b. non-discretionary;	5	1	
	c. non-discriminatory; and	5	1	
	d. reasonably priced.	5	2	
26	End users feel that they have adequate opportunities to provide feed-back to the Collateral Registry on its performance.	10	1	
27	The general business and professional communities consider to be decisions made by the Collateral Registry to be:			
	a. predictable for similar facts and circumstances;	5	2	
	b. appropriate under existing law;	5	2	
	c. Understandable; and	5	3	
	d. generally supportive of liberalized collateral.	5	1	

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4.4	SOCIAL DYNAMICS: COLLATERAL	Ref.	Score	%
Market for Supporting Institutions		70	9	13%
Demand for Supporting Institutions		40	4	10%
28	Private sector supporting institutions provide services needed for an efficient operation of collateral and improvement of collateral law in each of the following sectors:			
	a. professional associations;	10	1	
	b. specialized services; and	10	1	
	c. trade and special interest groups.	10	1	
29	For specialized services, there are generally competing service providers.	10	1	
Supply of Supporting Institutions		30	5	17%
30	The business community generally considers the supporting institutions for Collateral law to be adequate in facilitating or supporting the implementation of the law in terms of:			
	a. number of institutions; and	10	2	
	b. quality of institutions.	10	2	
31	A sufficient mass of private sector associations supports a free-market collateral system to counterbalance any groups that might unduly restrict or burden secured lending.	10	1	
SUB-TOTAL -- DEMAND		210	29	14%
SUB-TOTAL -- SUPPLY		300	104	35%
TOTAL FOR SOCIAL DYNAMICS: COLLATERAL		510	133	26%

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5.1	LEGAL FRAMEWORK: BANKRUPTCY	Ref.	Score	%
Bankruptcy Law		90	86	96%
1	A nationally applicable bankruptcy law is in force	10	10	
2	No direct conflict exists between the bankruptcy law and related laws concerning secured transactions and collateral.	10	10	
3	The law provides an efficient balance among stakeholders in controlling the process (e.g., secured lenders, unsecured lenders, the debtor, employees, the government and shareholders).	10	10	
4	The bankruptcy law does not make a distinction between foreign creditors/debtors and domestic parties.	5	5	
5	The role of the courts or implementing institutions is clearly defined in the bankruptcy law.	10	10	
6	The assets that are subject to the bankruptcy law and those that are excluded are clearly defined.	10	10	
7	The law does not treat for-profit and non-for-profit entities differently for the purposes of bankruptcy.	5	10	
8	The following persons are within the scope of the bankruptcy law:			
	a. natural persons;	5	5	
	b. legal persons; and	5	5	
	c. state-owned or controlled enterprises.	5	5	
9	The laws regarding bankruptcy or other legislation deals with insolvency of financial institutions.	5	5	
10	Prior indebtedness can be expunged through operation of the bankruptcy law.	10	1	
Commencement of Proceedings and the Filing of Claims		115	87	76%
11	The triggering events for initiating bankruptcy proceedings are clearly defined.	10	10	
12	The bankruptcy law primarily employs a liquidity/cash flow standard for insolvency (insolvency is triggered when the debtor is unable to meet its liabilities as they fall due).	5	5	
13	The bankruptcy law also recognizes a balance-sheet test as a trigger criterion.	5	1	
14	The bankruptcy law places an obligation on the debtor to initiate proceedings when insolvent.	10	1	
15	The bankruptcy law or related legislation also provides sanctions if the debtor fails to initiate proceedings when insolvent.	5	1	
16	A governmental agency (public prosecutor's office or, for regulated entities like financial institutions, the relevant regulatory agency) has the right to initiate proceedings.	10	10	
17	The law limits the discretion of the courts or other implementing institution in deciding whether to commence bankruptcy proceedings.	5	3	
18	A bankruptcy proceeding starts with the filing of an insolvency petition.	5	5	
19	The law protects debtors against creditors filing specious or abusive petitions that could result in harm to the debtor enterprise.	5	5	
20	The bankruptcy law clearly defines a "claim."	10	10	
21	The claims determination procedure:			
	a. is open to all creditors and does not impose additional costs for filing of claims;	5	5	
	b. establishes clear order and priority for claims;	10	6	
	c. provides sufficient data that allows for the identification of the property of the debtor and the legal successor; and	5	5	

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5.1	LEGAL FRAMEWORK: BANKRUPTCY	Ref.	Score	%
	d. provides for identification of the debtor's secured transactions.	5		
22	The creditor has the right to set-off mature claims against the debtor that arose before the filing of the petition.	5	5	
23	If secured creditors are involved, the collateral is valued at the time of the opening of the proceedings.	5	5	
24	The secured creditor can request a release of the collateral if it is not adequately protected.	5	5	
25	The part of a secured claim not recovered through the sale of the collateral is recognized as an unsecured claim.	5	5	
Reorganization		60	8	13%
26	The laws regarding bankruptcy allow for reorganization whereby a majority of the creditors can reach a settlement with the debtor that is binding on all creditors.	10	1	
27	The laws regarding bankruptcy encourage reorganization of companies whose liquidation value is less than the value of the going concern.	10	1	
28	The laws regarding bankruptcy allow for debt forgiveness in reorganization situations.	5	1	
29	No more than a two-thirds majority vote of the shareholders is required for approval of a reorganization plan.	5	1	
30	The voting requirements for creditor approval of a reorganization proposal are defined in the bankruptcy laws.	5	1	
31	The laws regarding bankruptcy provide for a stay of legal proceedings by all creditors during a reorganization.	10	1	
32	The laws regarding bankruptcy require an expert opinion regarding the feasibility of a reorganization plan.	5	1	
33	The bankruptcy law provides for the concept of a "debtor in possession", where the debtor continues to operate the enterprise on a day-to-day basis, but under close supervision of a bankruptcy administrator ("Administrator").	10	1	
Liquidation		205	181	88%
34	The bankruptcy law provides for the appointment of an Administrator (e.g., liquidator or trustee) during liquidation proceedings.	10	10	
35	The role of the Administrator is clearly defined in the bankruptcy law.	10	10	
36	The duties of the Administrator include the authority to:			
	a. investigate the debtor's financial affairs;	5	5	
	b. verify the claims of all creditors;	5	5	
	c. dispose of the assets through liquidation;	10	10	
	d. distribute proceeds of a liquidation;	5	5	
	e. review suspect transactions and challenge them;	10	10	
	f. reject or assume pre-insolvency contracts, so long as the contract has not been fully or substantially executed by the parties involved;	5	5	
	g. assign contractual rights, even in the case of a contractual "non-assignment" clause; and	5	5	
	h. take on all rights of the directors and the role of the management of the debtor.	10	10	
37	The bankruptcy law or related legislation requires Administrators to have special qualifications (e.g., license, experience as an accountant or financial professional).	5	1	
38	Creditors have a right to propose and recommend an Administrator.	5	5	

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5.1	LEGAL FRAMEWORK: BANKRUPTCY	Ref.	Score	%
39	The courts have the authority to formally appoint and monitor the work of the Administrator.	5	5	
40	Creditors, either through a credit committee or collectively during a creditor's meeting, have the right to dismiss and replace the court-appointed Administrator with its own appointee.	5	5	
41	The Administrator can be held liable and disqualified in the event that he breaches his fiduciary duties.	10	10	
42	There is a specific government body which regulates Administrators.	5	5	
43	The law creates a presumption that certain transactions between a debtor and third parties are reviewable and voidable including:			
	a. transactions between related parties (i.e., not at arm's length);	10	10	
	b. below fair (market) value; and	10	10	
	c. anticipatory or fraudulent transfers.	10	10	
44	The exclusion period for voidable transfers is defined to be six months or more.	5		
45	Secured claims have first priority during bankruptcy proceedings (even over the cost of proceedings, government taxes, employee wages).	10	10	
46	The following transactions are protected from interference by the Administrator or the court:			
	a. transactions concluded in the normal course of business prior to the filing of the petition.	5	5	
	b. asset transfers made prior to the filing of the petition and in exchange for consideration equal to the fair market value of the asset transferred.	5	5	
47	Directors or management of the company may be held liable for:			
	a. continuing to do business before a company is declared legally insolvent if they have knowledge that the company has no reasonable prospect of meeting its obligations;	5	5	
	b. providing false or inaccurate information to the Administrator or creditors; and	5	5	
	c. permitting reviewable or voidable transactions.	10	10	
48	The Administrator has the power to sell and dispose of the debtor's assets without court approval in most cases.	5		
49	The bankruptcy law protects a foreign currency creditor against inflation when it provides for conversion of the debt into local currency.	5	2	
50	The bankruptcy law provides for:			
	a. a public auction; and	5	1	
	b. a private sale of assets in the case of liquidation of the debtor enterprises.	5	2	
TOTAL FOR LEGAL FRAMEWORK: BANKRUPTCY		470	362	77%

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5.2	IMPLEMENTING INSTITUTIONS: BANKRUPTCY	Ref.	Score	%
Courts: Organization		55	40	73%
1	The laws establishing implementing institutions in bankruptcy proceedings:			
	a. clearly identify the which courts are responsible for overseeing bankruptcy cases;	5	5	
	b. clearly define jurisdiction; and	5	5	
	c. define relevant procedures for judicial oversight of bankruptcy proceedings.	5	5	
2	The Bankruptcy Court, or other institution responsible for the implementation of the bankruptcy law, has the following characteristics:			
	a. a clearly defined mandate to implement the bankruptcy law;	5	5	
	b. sufficient staffing to carry out its mandate;	5	2	
	c. sufficient authority and support to carry out its mandate, including clear policy statements and support from the government;	5	4	
	d. sufficient funding through the state budget, fees collected, or a combination of both to maintain its equipment and services; and	5	2	
	e. detailed internal regulations and operating procedures; and	5	3	
	f. an active staff training and development program utilizing appropriate training materials, guidebooks or procedural manuals to improve staff competency and service.	5	3	
3	There is a general consistency in the understanding of the role of the Bankruptcy Courts among the government, the courts and end users (creditors, shareholders, management).	5	5	
4	The Bankruptcy Courts maintain an active web site that includes contact information, bankruptcy filing requirements, and related legal materials.	5	1	
Courts: Operations		155	64	41%
5	Bankruptcy Courts are established and operating effectively with respect to :			
	a. commencement of bankruptcy proceedings; and	10	7	
	b. closure of liquidation proceedings.	10	7	
6	Judges who oversee bankruptcy cases:			
	a. are knowledgeable about the bankruptcy law; and	5	5	
	b. have received enough training and experience to develop an expertise in bankruptcy procedures.	5	5	
7	The Bankruptcy Courts provide access (free or for a nominal fee) to copies of all procedures, relevant laws, government regulations, fee schedules and other relevant information concerning the commencement and completion of bankruptcy procedures.	5	2	
8	The procedures for the commencement and the closure of bankruptcy proceedings are easily understood, transparent and consistently applied.	10	8	
9	When rejecting a claim, the Bankruptcy Courts provide a written explanation based on published laws and regulations.	10	1	
10	Creditors and the debtors perceive the Bankruptcy Courts as effective in overseeing reorganization proceedings and settlement discussions between the parties.	10	2	
11	The business community perceives the Bankruptcy Courts and the judiciary as interpreting the bankruptcy law in a consistent manner.	10	2	
12	Judges and court personnel receive training and continuing education concerning implementation of the bankruptcy law.	5	3	

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5.2	IMPLEMENTING INSTITUTIONS: BANKRUPTCY	Ref.	Score	%
13	The business community considers the Bankruptcy Courts as knowledgeable about bankruptcy law.	5	3	
14	The business community does not perceive of delays or backlog in bankruptcy proceedings as a problem.	5	4	
15	The business community believes that the assessment of claims is done in a fair and transparent manner, and consistent with regulations.	10	3	
16	The Bankruptcy Courts have used their enforcement powers effectively with respect to:			
	a. debtors who have not filed for bankruptcy as required by the bankruptcy law;	5	1	
	b. management of the company for activities done in violation of the bankruptcy law; and	5	1	
	c. administrators who have violate relevant provisions of the bankruptcy law or other ancillary regulations.	N/A	N/A	
17	The business community generally perceives that the sale of assets is done in a fair and transparent manner, and consistent with regulations.	10	2	
18	The Bankruptcy Courts provide sufficient salaries to attract and retain qualified bankruptcy judges.	5	2	
19	The costs associated with bankruptcy proceedings (e.g., courts costs and the Administrator's fees) are not a disincentive for creditors to file a bankruptcy petition with the Court.	5	2	
20	The bankruptcy filing system is computerized.	5	1	
21	The Bankruptcy Courts maintain and publish reports of bankruptcy decisions and make these readily available to the public.	10	1	
22	The Bankruptcy Courts provide reasonable access to bankruptcy records, including petitions and claims.	5	1	
23	The Bankruptcy Courts collect data on bankruptcy proceedings and make the information readily available to end users.	5	1	
Administrators: Organization		45	31	69%
24	The laws establishing Administrators as an implementing institution for reorganization and liquidation proceedings:			
	a. clearly identify Administrators as an institution for directly overseeing reorganization and liquidation procedures;	5	5	
	b. provide a clear explanation of the powers and authorities of the Administrator;	5	5	
	c. define relevant procedures for the appointment of Administrators (by the Bankruptcy Courts or creditors); and	5	5	
	d. designate a primary government body or the Bankruptcy Courts as the entity responsible for monitoring and regulating Administrators.	5	5	
25	Administrators (as an institutional grouping) have the following characteristics:			
	a. a clearly defined mandate to oversee the reorganization or liquidation of an insolvent entity;	5	5	
	b. sufficient staffing to carry out their mandate;	5	1	
	c. sufficient authority and support to carry out their mandate; and	5	2	
	d. sufficient funding, through the state budget, fees, collected or a combination of both, to maintain its services.	5	1	
26	There is a general consistency in the understanding of the role of Administrators among the government, the Bankruptcy Courts, the Administrators and end users (creditors, shareholders, management).	5	2	

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5.2	IMPLEMENTING INSTITUTIONS: BANKRUPTCY	Ref.	Score	%
Administrator: Operations		65	23	35%
27	There is a sufficient number of qualified Administrators available for appointment during bankruptcy proceedings.	5	1	
28	There is a growing number of qualified Administrators who have previous experience or relevant expertise and credentials.	5	2	
29	The business community perceives Administrators as fair and efficient in the fulfillment of their duties.	10	2	
30	Generally, Administrators have used their powers effectively to:			
	a. investigate the debtor's financial affairs;	5	1	
	b. verify the claims of all creditors;	5	2	
	c. dispose of assets in a liquidation proceeding;	5	2	
	d. distribute the proceeds of a liquidation proceeding;	5	2	
	e. review suspect transactions and challenge them;	5	2	
	f. reject or assume pre-insolvency contracts;	5	2	
	g. assign contractual rights;	5	2	
	h. take on the role of directors and management of the debtor; and	5	2	
	i. sell the debtor's property in a public auction or judicial proceeding.	5	3	
TOTAL FOR IMPLEMENTING INSTITUTIONS: BANKRUPTCY		320	158	49%

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5.3	SUPPORTING INSTITUTIONS: BANKRUPTCY	Ref.	Score	%
Government Entities		55	16	29%
1	The business community perceives that enforcement agents (e.g., bailiffs) possess adequate authority to execute judgments against the debtor estate.	5	2	
2	The business community perceives that enforcement agents (e.g., bailiffs) are effective in enforcing judgments against the bankrupt party's property.	10	2	
3	The supply of qualified notaries is sufficient to meet the business community's demand with respect bankruptcy filings.	5	5	
4	Creditors do not generally resort to extra-legal enforcement mechanisms to enforce their interest in a debtor's property.	10	2	
5	A Prosecutor initiates bankruptcy proceedings against debtors.	5	3	
6	Courts and/or company registries maintain readily accessible-to-date public records on bankruptcy, judgments and other issues relating to bankruptcy and creditworthiness of natural and legal persons.	10	1	
7	The Collateral Registrar maintains records that are easily accessible concerning pledges on a debtor's estate.	10	1	
Professional Associations		30	15	50%
8	Professional associations, including associations for accountants, lawyers and bankers, support bankruptcy law development by proposing changes and refinements to the bankruptcy law and related commercial laws.	5	3	
9	Lawyers' associations engage in legal education and training programs for members of the bar concerning the bankruptcy law and related legislation.	5	3	
10	Accountants apply generally accepted accounting principles (GAAP) or other internationally- recognized standards and norms to asset valuations of insolvent economic entities.	5	3	
11	Lawyers' associations have specialized groups to advocate on behalf of bankruptcy law issues.	5	3	
12	Administrators (liquidators, trustees) have formed a professional or trade association.	10	3	
Specialized Services		135	50	37%
13	The practice of bankruptcy law is emerging as a specialized practice of law among law firms and individual practitioners.	10	5	
14	Filing and registration services available through banks and other private-sector service providers are considered adequate and reasonably priced.	10	1	
15	Seminars and conferences on bankruptcy law and procedure are available and are conducted on a for-pay basis (i.e., not funded by foreign donor agencies).	5	2	
16	Appraisal or accounting firms are perceived by the business community as providing fair valuation of debtor assets.	10	5	
17	Appraisal firms use GAAP or IAS, or some other internationally recognizable standard when providing appraisal of the value of debtor assets.	5	3	
18	Universities (law faculties, business schools) increasingly deal with issues of bankruptcy in support of the development of a market economy.	10	5	
19	Professors have published academic treatises or interpretations of bankruptcy law to provide courts and lawyers with guidance in implementing the law.	5	2	
20	Management consultants provide services to the management of debtor companies with respect to reorganization and exit strategies (pre insolvency as well as during reorganization).	5	2	

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5.3	SUPPORTING INSTITUTIONS: BANKRUPTCY	Ref.	Score	%
21	If private repossession of collateral is permitted, private enforcement agents (repossession companies) are actively involved in repossessing property.	10	2	
22	Private repossession companies follow the relevant legal procedures and are perceived as fair in their enforcement of creditors' rights as balanced against the rights of the debtor.	10	2	
23	Trade and industry associations have affiliations with international organizations and are involved in the harmonization of bankruptcy law and practice with international standards.	10	2	
24	Foreign investor associations provide input to policy makers and other trade associations on international standards in bankruptcy.	10	6	
25	The media sufficiently reports bankruptcy cases and court decisions.	10	3	
26	Trade and industry associates are informed about technological developments as they relate to bankruptcy and commercial law and have advocated new commercial practices and reforms to existing law to accommodate changes (e.g., electronic filing of petition)	10	6	
27	Bankers' associations and other credit institutions remain actually involved in promoting the interest of secured creditors by advocating reform of bankruptcy legislation.	5	3	
28	General private sector confidence in bankruptcy law environment is demonstrated by consistent use of bankruptcy procedures when necessary (rather than looking for some extra-judicial or informal procedures for debt recovery).	10	1	
TOTAL FOR SUPPORTING INSTITUTIONS: BANKRUPTCY		220	81	37%

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5.4	SOCIAL DYNAMICS: BANKRUPTCY	Ref.	Score	%
Market for Improved Laws		210	102	49%
Demand for Improved Laws		60	16	27%
Government		20	16	80%
1	At least one high-level government official recognizes the need for, and works toward, bankruptcy reform in the legislature, responsible ministry and the courts.	10	8	
2	International lending institutions and donor agencies provide assistance to or condition loans upon reform of the bankruptcy law regime.	10	8	
Private Sector		40		0%
3	Professional associations, trade and special interest groups:			
	a. have specialized sections or committees dedicated to bankruptcy law or policy issues;	5	3	
	b. have established formal mechanisms with policy makers for providing input and feedback on bankruptcy-related issues;	5	3	
	c. regularly provide substantive input and feedback (including draft laws and regulations, studies, statistics, policy documents, etc.) to policymakers on bankruptcy-related issues; and	5	2	
	d. conduct programs and events for their members and the general public to promote better understanding of the benefits of improved bankruptcy policies and practices.	5	2	
4	Financial institutions and other creditors actively lobby for improved bankruptcy laws and practices.	10	5	
5	Universities offer courses on bankruptcy-related issues that generally support compliance with international norms and best practices in bankruptcy.	10	5	
Supply of Improved Laws		150	86	57%
Government		70	42	60%
6	The government has created an environment generally supportive of improved bankruptcy law and practices, including:			
	a. clearly stated policies that government will not bail out creditors or debtors in bankruptcy situations; and	5	1	
	b. active initiatives to combat fraudulent transfers and other abuses of creditors' rights.	5	1	
7	The government (through a specialized unit or otherwise) has the technical capacity to draft laws and regulations necessary for improved bankruptcy laws.	10	10	
8	The Government provides for meaningful private sector participation in the legal reform process by:			
	a. making copies of laws, regulations, instructions, application forms and similar subsidiary instruments readily available (e.g., in bookstores) to the business community or other end users;	10	2	
	b. providing the business community and the public with meaningful notice of, and opportunity to comment on, draft <i>laws or legislative amendments</i> affecting creditors' rights, insolvency and other bankruptcy issues:			
	1. before they are submitted for legislative approval; and	10	8	
	2. before they become effective.	10	8	
	c. providing the business community with meaningful notice of and opportunity to comment on draft <i>implementing regulations</i> :			
	1. before they are submitted for legislative approval; and	10	6	
	2. before they become effective.	10	6	

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5.4	SOCIAL DYNAMICS: BANKRUPTCY	Ref.	Score	%
	Private Sector	80	44	55%
9	The business and professional communities perceive the bankruptcy legal and regulatory environment generally to be:			
	a. stable, as evidenced by:			
	1. infrequent changes to relevant laws and regulations, and	5	3	
	2. a relative lack of conflicting laws and regulations;	5	2	
	b. predictable, as evidenced by relative consistency in interpretation and enforcement of major laws and regulations; and	10	2	
	c. transparent, in that equal treatment is generally accorded for end users in similar positions and circumstances	10	2	
10	The business and professional communities perceive the bankruptcy laws and regulations to be relatively:			
	a. precise in that they can be generally read and understood by a bankruptcy professional and provide adequate indication of what is required thereunder;	10	8	
	b. complete in that they address the main needs of the business community and do not contain significant gaps; and	10	8	
	c. responsive to their needs as reflected in "favorable" (e.g., pro-business) policy measures.	10	8	
11	The business and professional communities generally feel that they have a meaningful role to play in shaping policy reform in area of bankruptcy.	10	8	
12	The business and professional communities generally feel that the state is effectively meeting basic needs for legal reform in the area of bankruptcy.	10	3	
	Market for Effective Implementing Institutions	130	42	32%
	Demand for Effective Implementing Institutions	50	15	30%
	Government	30	15	50%
13	At least one high-level government official responsible for implementation of the Bankruptcy law recognizes the need for and works toward the cause of more efficient and effective provision of services by the Bankruptcy Courts.	10	10	
14	The officials in charge of Bankruptcy Courts are committed to improving services and responsiveness to end-user needs.	10	3	
15	A formal mechanism exists for reviewing the performance and effectiveness of the Bankruptcy Courts and Administrators on a regular basis (at least annually).	10	2	
	Private Sector	20		0%
15	The business community regularly uses the services of the Bankruptcy Courts and Administrators.	10	1	
16	In service areas where the Bankruptcy Courts and Administrators are weak, the private sector offers competing or replacement services to fill the gap.	10	1	
	Supply of Effective Implementing Institutions	80	27	34%
	Government	30	9	30%
17	The Bankruptcy Courts actively utilize:			
	a. an internal plan, reviewed annually, for improving services provided to the private sector and government;	5	2	
	b. a system of accountability for its performance to the government institution responsible for its oversight; and	5	2	
	c. a mechanism for obtaining feedback from the private sector on the cost and quality of its services.	10	2	

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5.4	SOCIAL DYNAMICS: BANKRUPTCY	Ref.	Score	%
18	The Bankruptcy Courts make all regulations, forms, applications and other important documents and information available to end-users.	10	3	
	Private Sector	50	18	36%
The provision of services and execution of functions is considered satisfactory by the private sector in the following ways:				
19	End-users feel that the manner in which the Bankruptcy Courts and Administrators supply services are:			
	a. transparent;	5	2	
	b. non-discretionary;	5	2	
	c. non-discriminatory; and	5	2	
	d. reasonably priced.	5	2	
20	End-users feel that they have adequate opportunities to provide feed-back to the Bankruptcy Courts on their performance.	10	2	
21	The general business and professional communities consider decisions made by the Bankruptcy Courts to be:			
	a. predictable for similar facts and circumstances;	5	2	
	b. appropriate under existing law;	5	2	
	c. Understandable; and	5	2	
	d. generally supportive of international standards and best practices in bankruptcy law.	5	2	
Market for Supporting Institutions		70	18	26%
Demand for Supporting Institutions		40	12	30%
22	Private sector supporting institutions provide services needed for an effective bankruptcy system in each of the following sectors:			
	a. professional associations;	10	3	
	b. specialized services; and	10	3	
	c. trade and special interest groups.	10	3	
23	For specialized services, there are generally competing service providers.	10	3	
Supply of Supporting Institutions		30	6	20%
24	The business community generally considers the supporting institutions for subject matter area to be adequate in facilitating or supporting the implementation of the framework law in terms of:			
	a. number of institutions; and	10	2	
	b. quality of institutions.	10	2	
25	A sufficient mass of private sector associations supports an effective bankruptcy system counterbalance groups who lobby for bailouts and special privileges.	10	2	
SUB-TOTAL -- DEMAND		150	43	29%
SUB-TOTAL -- SUPPLY		260	119	46%
TOTAL FOR SOCIAL DYNAMICS: BANKRUPTCY		410	162	40%

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6.1	LEGAL FRAMEWORK: COMPETITION	Ref.	Score	%
Principal Definitions		105	81	77%
1	The country has law dealing with competition in place.	10	10	
2	There exists functioning, transparent, and non-arbitrary processes for the issuance of regulations that laws on competition may require. Any clauses in the competition laws calling for additional regulations have been thoroughly addressed through regulations.	10	2	
3	The competition law clearly defines:			
	a. monopolies;	5	5	
	b. cartels;	5	5	
	c. general rules regarding prohibited practices, behavior and structures;	5	3	
	d. prohibited anti-competitive behavior by government entities; and	5	2	
e. exceptions to otherwise prohibited behavior.	5	2		
4	The competition law specifically prohibits:			
	a. price-fixing;	10	10	
	b. bid-rigging;	10	10	
	c. customer allocation;	5	5	
	d. geographic allocation;	5	5	
	e. output restriction;	5	5	
	f. exclusive dealing contracts;	5	5	
	g. tying contracts; and	5	5	
h. import and export cartels.	5	2		
5	The laws on competition distinguish between vertical and horizontal agreements.	5	5	
6	The laws on competition establish increased scrutiny level for vertical and horizontal mergers of firms with higher market shares.	5	0	
Enforcement and Sanctions		70	36	51%
7	The competition law provides rights for private parties as well as the government to seek termination of prohibited practices.	10	5	
8	The legal framework promotes consumer protection.	5	5	
9	Sanctions for violations of the law (e.g., civil penalties, criminal liability) are sufficient to compel compliance and are actively enforced.	10	7	
10	The competition law specifically permits break-up of privatized firms that abuse their historically dominant position or fail to adopt competitive practices within a few years of privatization.	10	7	
11	The legal framework permits prosecution of state bodies for anti-competitive acts.	5	2	
12	The competition law has clear and simple criteria for screening of proposed mergers and acquisitions.	10	0	
13	The competition law permits an efficiency exception for appropriate collaboration and mergers.	10	0	
14	The legal framework recognizes internationally accepted protections for intellectual property as an exception to anti-competitive practices.	10	10	
Natural Monopolies		20	15	75%
15	A legal structure exists for identifying and regulating natural monopolies.	10	10	
16	The legal framework establishes specialized supervision agencies for natural monopolies.	10	5	
Government Practices		20	12	60%
17	The legal framework restricts the right and capacity of central and local authorities to establish and support monopolies.	5	2	
18	The legal framework promotes open competition in government procurement.	5	5	

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6.1	LEGAL FRAMEWORK: COMPETITION	Ref.	Score	%
19	The overall legal framework does not create or permit unnecessary licensing or market entry restrictions favoring incumbents.	10	5	
Definition of Implementing Institution		50	50	100%
20	The law clearly defines:			
	a. the institution or institutions responsible for implementation of laws relating to investment, including foreign investment; and	10	10	
	b. the roles, responsibilities and operational procedures of each relevant institution.	10	10	
21	The law requires that the institution(s) render decisions relating to the laws on competition:			
	a. based on published laws, regulations and standards; and	10	10	
	b. through written documentation clearly setting forth the basis for the decision, in both law and fact.	10	10	
22	Law provides for judicial review of the decisions of the competition / anti-monopoly agency	10	10	
TOTAL FOR LEGAL FRAMEWORK: COMPETITION		265	194	73%

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6.2	IMPLEMENTING INSTITUTIONS: COMPETITION	Ref.	Score	%
Implementing Institution: Organization		75	55	73%
1	Implementing institutions dealing with the laws on competition are established and operational.	10	10	
2	The institutions responsible for implementation of the competition laws have the following characteristics:			
	a. a clearly defined mandate to implement the competition law;	5	5	
	b. sufficient professional and administrative staffing to carry out its mandate;	5	3	
	c. sufficient authority and support to carry out its mandate, including clear policy statements and support from the government;	5	3	
	d. sufficient funding through state budget, fees collected, or a combination of both to maintain its equipment and services;	5	3	
	e. clearly delineated parameters and authority with respect to other government bodies whose actions and decisions directly affect competition policy and enforcement;	5	4	
	f. detailed internal regulations and operating procedures; and	5	5	
	g. an active staff training and development program utilizing appropriate training materials, guidebooks or procedural manuals to improve staff competency and service.	5	3	
3	There is general consistency in understanding the implementing institution's role and functions among the government, the implementing institution and the end users.	10	7	
4	The implementing agency has:			
	a. adopted a "customer-oriented" approach to fulfilling its mandate;	5	4	
	b. an active, current web site, including contact information and relevant legal materials;	5	4	
	c. access to economists with sufficient experience to provide appropriate economic analysis; and	5	2	
	d. access to statisticians with sufficient experience to provide appropriate statistical analysis.	5	2	
Implementing Institution: Operations		70	55	79%
5	The implementing institution has implemented formal mechanisms and procedures for receiving, evaluating and investigating private sector complaints of anti-competitive activity.	10	10	
6	The implementing institution maintains active contacts with counterpart organizations in other countries to ensure compliance with international standards.	5	4	
7	The implementing institution distributes (or makes available for a nominal fee) copies of all procedures, relevant laws, government regulations, fee schedules and other information its work and the implementation of competition policy.	10	4	
8	The implementing institution actively enforces competition law and policy.	10	8	
9	When enforcing the competition law, the implementing institution is perceived by the business community and consumers to operate:			
	a. consistently in accordance with published law governing its operations;	5	4	
	b. in a transparent manner;	5	4	
	c. in a non-discriminatory manner;	5	4	
	d. independently of inappropriate political influence; and	5	5	

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6.2	IMPLEMENTING INSTITUTIONS: COMPETITION	Ref.	Score	%
	e. effectively.	5	4	
10	The implementing institution collects data or information relevant to the subject matter of its mandate and makes this information readily available to end users.	5	5	
11	The implementing institution has an effective public education program for both private sector and government counterpart groups, including periodic newsletters, programs and presentations.	5	3	
Independent Regulators		45	25	56%
12	A separate institution exists and is functioning for regulation of natural monopolies.	10	5	
13	In regulating natural monopolies, the regulator is perceived by the business community and consumers to operate:			
	a. consistently in accordance with published law governing its operations.	5	3	
	b. in a transparent manner.	5	3	
	c. in a non-discriminatory manner.	5	3	
	d. independently of inappropriate political influence.	5	3	
	e. effectively.	5	3	
14	The regulator is sufficiently funded and staffed to carry out its mandate.	10	5	
Courts		10	8	80%
15	Courts consistently adjudicate appeals involving the implementing institution and regulator in a transparent, impartial manner.	5	4	
16	Courts make decisions regarding competition issues independently, without regard to inappropriate political pressures or non-judicial considerations.	5	4	
TOTAL FOR IMPLEMENTING INSTITUTIONS: COMPETITION		200	143	72%

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6.3	SUPPORTING INSTITUTIONS: COMPETITION	Ref.	Score	%
Government Entities		40	26	65%
1	Ministries or government agencies with responsibility for the following areas assist and support the implementing institution in its work:			
	a. economic growth and development;	5	3	
	b. administration of justice;	5	3	
	c. trade and trade policy;	5	3	
	d. foreign direct investment; and	5	3	
	e. government procurement.	10	7	
2	The entity responsible for privatization collaborates with the implementing institution to ensure competitive privatization.	10	7	
Professional Associations		40	28	70%
3	Professional associations:			
	a. monitor anti-competitive practices;	5	4	
	b. have established mechanisms for reporting anti-competitive behavior to the relevant implementing institution; and	10	7	
	c. provide information to the public in support of a more competitive commercial environment.	5	4	
4	Economists regularly publish articles supporting market-oriented competition policy.	10	6	
5	Lawyers' associations have specialized groups dedicated to competition law issues.	10	7	
Specialized Services		40	29	73%
6	Independent monitoring services exist that track economic trends by industry.	10	6	
7	Universities, foundations and think tanks issue reports and opinions on competition law enforcement.	10	7	
8	Universities offer courses in economics and law that support the principle of market-orient competition.	10	10	
9	Management consultants assist companies to comply with competition law restrictions.	10	6	
Trade and Special Interest Groups		35	23	66%
10	The national media report on:			
	a. anti-competitive business practices and the impact of such practices;	5	5	
	b. the functions and performance of the implementing institution; and	5	3	
	c. how consumers can report or help to halt anti-competitive practices.	5	3	
11	Non-governmental organizations (including consumer protection organizations), business associations and chambers of commerce:			
	a. monitor anti-competitive practices and competition law development;	5	3	
	b. actively interact with the implementing institution to report violations and concerns; and	5	3	
	c. have established mechanisms for providing input to policymakers on competition law issues.	5	3	
12	Associations of entrepreneurs monitor and report to government on anti-competitive barriers to market entry.	5	3	
TOTAL FOR SUPPORTING INSTITUTIONS: COMPETITION		155	105	68%

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6.4	SOCIAL DYNAMICS: COMPETITION	Ref.	Score	%
Market for Improved Laws		320	227	71%
Demand for Improved Laws		125	87	70%
Government		55	40	73%
1	One or more high-level government officials champion the cause of free-market competition in each of the following:			
	a. legislature;	5	3	
	b. the ministry responsible for competition policy;	5	3	
	c. the implementing institution;	5	3	
	d. the entity responsible for privatization; and	5	3	
	e. the office responsible for government procurement.	5	3	
2	Elected officials regularly espouse positions supporting free-market competition policies.	10	5	
3	Foreign governments seek to include the country in bi-lateral or multilateral agreements on competition law and policy, or seek to enforce existing agreements.	10	10	
4	International lending institutions and donor agencies provide assistance to or condition loans upon reform of the competition law regime.	10	10	
Private Sector		70	47	67%
5	Professional associations:			
	a. have specialized sections or committees dedicated to competition law or policy issues;	5	3	
	b. have established formal mechanisms with policy makers for providing input and feedback on competition-related issues;	5	3	
	c. regularly provide substantive input and feedback (including studies, statistics, policy documents, etc.) to policymakers on competition-related issues;	5	3	
	d. regularly provide draft laws, comments on regulations, suggested amendments and similar input to lawmakers on competition-related issues; and	5	3	
	e. conduct programs and events for their members and the general public to promote better understanding of the benefits of liberalized competition policies.	5	3	
6	Trade and special interest groups:			
	a. have specialized sections or committees dedicated to competition law or policy issues;	5	3	
	b. have established formal mechanisms with policy makers for providing input and feedback on competition-related issues;	5	3	
	c. regularly provide substantive input and feedback (including studies, statistics, policy documents, etc.) to policymakers on competition-related issues;	5	3	
	d. regularly provide draft laws, comments on regulations, suggested amendments and similar input to lawmakers on competition-related issues; and	5	3	
	e. conduct programs and events for their members and the general public to promote better understanding of the benefits of liberalized competition policies.	5	3	
7	Entrepreneurs and industry associations actively lobby for improved competition policy.	10	7	
8	Universities offer courses on competition-related issues that generally support market-oriented competition.	10	10	
Supply of Improved Laws		195	140	72%
Government		115	86	75%

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6.4	SOCIAL DYNAMICS: COMPETITION	Ref.	Score	%
9	The government has created an environment generally supportive of free-market competition, including:			
	a. large scale privatization;	5	3	
	b. small scale privatization;	5	3	
	c. stable macroeconomic policy;	5	4	
	d. freely convertible currency;	5	4	
	e. clearly stated policies promoting free-market competition;	5	3	
	f. active anti-corruption initiatives to combat corrupt practices involving anti-competitive practices; and	5	5	
	g. an annual legislative agenda for competition policy reform that is actively pursued.	5	4	
10	The government (through a specialized unit or otherwise) has the technical capacity to draft laws and regulations necessary for improved competition policy.	10	5	
11	The Government provides for meaningful private sector participation in the legal reform process by:			
	a. making copies of laws, regulations, instructions, application forms and similar subsidiary instruments readily available (e.g., in bookstores) to the business community or other end user;	10	8	
	b. providing the business community with meaningful notice of and opportunity to comment on draft laws or legislative amendments affecting competition:			
	1. before they are submitted for legislative approval, and	10	8	
	2. before they become effective; and	10	8	
	c. providing the business community with meaningful notice of and opportunity to comment on draft <i>implementing regulations</i> :			
	1. before they are submitted for legislative approval, and	10	8	
	2. before they become effective.	10	8	
12	Formal mechanisms for soliciting input from the business and professional community for formulating and amending competition policy:			
	a. have been established by the government;	5	4	
	b. are actively used by the government; and	5	4	
	c. according to the business and professional communities, generally satisfy private sector demand for providing input.	10	7	
	Private Sector	80	54	68%
13	The business and professional communities perceive the legal and regulatory environment generally to be:			
	a. stable, as stability evidenced by:			
	1. infrequent changes to relevant laws and regulations, and	5	5	
	2. a relative lack of conflicting laws and regulations;	5	4	
	b. predictable, evidenced by relative consistency in interpretation and enforcement of major laws and regulations; and	10	7	
	c. transparent in that equal treatment is generally accorded for end users in similar positions and circumstances.	10	7	
14	The business and professional communities perceive the laws and regulations issued by the government to be relatively:			
	a. precise in that they can be generally read and understood by a business person (or end user) and provide adequate indication of requirements thereunder;	10	6	
	b. complete in that they address the main needs of the business community and do not contain significant gaps; and	10	6	

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6.4	SOCIAL DYNAMICS: COMPETITION	Ref.	Score	%
	c. responsive to their needs as reflected in "favorable" (e.g., pro-business) policy measures.	10	6	
15	The business and professional communities generally feel that they have a meaningful role to play in shaping policy reform in area of competition.	10	7	
16	The business and professional communities generally feel that the state is effectively meeting basic needs for legal reform in the area of competition.	10	6	
Market for Effective Implementing Institutions		170	122	72%
Demand for Effective Implementing Institutions		80	56	70%
Government		40	29	73%
17	One or more high level government officials with responsibility for implementation champion the cause of more efficient and effective provision of services by the implementing institution.	10	6	
18	The director of the implementing institution is committed to improving services and responsiveness to end-user needs.	10	7	
19	A formal mechanism exists for reviewing the performance and effectiveness of the implementing institution on a regular basis (at least annually).	10	6	
20	International lending institutions and donor agencies have instituted assistance programs with the government to upgrade and improve the implementing institution.	10	10	
Private Sector		40	27	68%
21	The business community understands and agrees with the service mandate of the implementing institution.	10	7	
22	Professional associations, trade organizations and special interest groups that favor liberalized trade actively pressure the implementing institution more actively than protectionist groups to apply the laws in a manner favoring their positions.	10	7	
23	The business community regularly uses the services of the implementing institution.	10	7	
24	In service areas where the implementing institutions are weak, the private sector offers competing or replacement services to fill the gap.	10	6	
Supply of Effective Implementing Institutions		90	66	73%
Government		40	31	78%
25	The implementing institution actively utilizes:			
	a. an internal plan, reviewed annually, for improving services provided to the private sector and government;	5	5	
	b. a system of accountability for its performance to the government institution responsible for its oversight; and	5	4	
	c. a mechanism for obtaining feedback from the private sector on the cost and quality of its services.	10	7	
26	The implementing institution provides a written basis for all decisions made based on existing, published law.	10	7	
27	The implementing institution makes all regulations, forms, applications and other important documents and information available to the end-users.	10	8	
Private Sector		50	35	70%
28	End-users feel that the manner in which the implementing institution supplies services is:			
	a. transparent;	5	4	
	b. non-discretionary;	5	4	
	c. non-discriminatory; and	5	4	
	d. reasonably priced.	5	5	

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6.4	SOCIAL DYNAMICS: COMPETITION	Ref.	Score	%
29	End-users feel that they have adequate opportunities to provide feed-back to the institution on its performance.	10	5	
30	The general business and professional communities consider decisions made by the implementing institution to be:			
	a. predictable for similar facts and circumstances;	5	4	
	b. appropriate under existing law;	5	3	
	c. understandable; and	5	3	
	d. generally supportive of liberalized competition.	5	3	
Market for Supporting Institutions		70	49	70%
Demand for Supporting Institutions		40	28	70%
31	The private sector creates supporting institutions as needed to provide services required for effective competition and a competition environment in each of the following areas:			
	a. professional associations;	10	6	
	b. specialized services; and	10	6	
	c. trade and special interest groups.	10	6	
32	For specialized services, there are generally competing service providers.	10	10	
Supply of Supporting Institutions		30	21	70%
33	Private sector supporting institutions provide services needed for an open, competitive economy in each of the following sectors:			
	a. number of institutions; and	10	7	
	b. quality of institutions.	10	7	
34	A sufficient mass of private sector associations supports free-market competition principles to counterbalance anti-competitive interests.	10	7	
SUB-TOTAL -- DEMAND		245	171	70%
SUB-TOTAL -- SUPPLY		315	227	72%
TOTAL FOR SOCIAL DYNAMICS: COMPETITION		560	398	71%

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7.1	LEGAL FRAMEWORK: COMMERCIAL DISPUTE RESOLUTION	Ref.	Score	%
Law on courts and civil procedure		80	53	66%
1	Framework law or laws are in place:			
	a. law on courts and the judiciary;	10	10	
	b. civil procedure;	10	10	
	c. execution (enforcement) of judgments;	10	2	
	d. administrative procedure; and	10	2	
	e. access to court or government records.	10	1	
2	The law on courts or other related framework law clearly sets forth the types of commercial disputes over which the court (or courts) have jurisdiction.	10	8	
3	There are framework laws conferring jurisdiction on specialized courts of different types of commercial/economic disputes (e.g., bankruptcy, tax, commercial courts).	10	10	
4	The term economic dispute (or commercial dispute) is clearly defined in the framework law such that lawyers and business entities would understand for what types of business-related disputes and injuries they could bring a lawsuit.	10	10	
Commencement of proceedings		50	45	90%
5	The relevant law on civil procedure (or other relevant framework law) provides clear procedures for commencing a lawsuit relating to commercial or economic disputes.	10	10	
6	The costs for filing a claim are outlined in the civil procedures law or related regulations or decrees.	10	10	
7	The relevant laws on civil procedure or evidence provide parties with clear guidance on the type of evidence that is admissible in a commercial dispute.	10	6	
8	The law on civil procedure (or other related law) clearly provides the standards and procedures by which a judgment concerning a commercial dispute may be appealed.	10	9	
9	Any monetary threshold for initiating a lawsuit is included in a framework law or related administrative regulations or rules.	10	10	
Definition of Implementing and Supporting Institutions		30	15	50%
10	The law clearly defines:			
	a. the institution or institutions responsible for the resolution of commercial disputes (including courts and administrative tribunals); and	5	3	
	b. the roles, responsibilities and operational procedures of each relevant institution.	5	2	
11	The law requires that the implementing institution(s) render decisions relating to the law:			
	a. based on published laws, regulations and standards;	5	5	
	b. through written documentation clearly setting forth the basis for the decision; and	5	1	
	c. with a reasonable time frame	5	3	
12	The law clearly defines the role of bailiffs or other types of government administrators responsible for enforcing court judgments.	5	1	

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7.1	LEGAL FRAMEWORK: COMMERCIAL DISPUTE RESOLUTION	Ref.	Score	%
Law(s) on Arbitration and Enforcement of Arbitral Awards		60	52	87%
13	A framework law is in place permitting parties to use arbitration to resolve commercial disputes.	10	10	
	a. The law permits foreign as well as domestic parties to use arbitration to resolve commercial disputes.	5	5	
	b. The law sets forth the qualifications and terms of appointment for arbiters.	5	5	
14	A framework law allows courts to enforce foreign arbitral awards.	10	2	
15	The procedures by which a foreign arbitral award may be enforced in a domestic court are clearly outlined in the relevant law.	10	10	
16	The procedures by which a domestic arbitral award may be enforced in a domestic court are clearly outlined in the relevant law.	10	10	
17	The country is a signatory to the 1958 New York Convention on the recognition and enforcement of foreign arbitral awards.	10	10	
TOTAL FOR LEGAL FRAMEWORK: COMMERCIAL DISPUTE RESOLUTION		220	165	75%

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7.2	IMPLEMENTING INSTITUTIONS: COMMERCIAL DISPUTE RESOLUTION	Ref.	Score	%
Courts: Organization		70	39	56%
1	The laws that identify the courts as implementing institutions:			
	a. clearly define the courts as the institutions for resolving enumerated types of commercial disputes;	5	5	
	b. provide a clear mandate for each type of court's jurisdiction including:			
	i. threshold value of claims that can be brought in the court, and	5	5	
	ii. the types of parties who may bring suit (natural and/or legal persons);	5	5	
	c. ensure there are no ambiguities between, or perceived overlapping jurisdictions for, different types of disputes such as tax, bankruptcy, etc; and	5	0	
	d. define relevant procedures or mandate development of relevant procedures for resolving civil commercial disputes.	5	5	
2	The courts have the following characteristics:			
	a. clearly defined mandate to resolve commercial disputes;	5	5	
	b. sufficient staffing (judicial and administrative) to carry out their mandate;	10	1	
	c. sufficient authority and support (from the government) to carry out their mandate, including clear policy statements; and	10	5	
	d. sufficient funding through the state budget, fees collected or a combination of both to maintain its equipment and services at an adequate level.	10	4	
3	There is a general consistency in the understanding of the role of the courts in commercial dispute resolution among the government, the courts and end users.	10	4	
Courts: Operations		115	33	29%
4	The business community generally finds that courts:			
	a. are competent to decide commercial (economic) disputes and to enforce judgments;	5	0	
	b. decide cases in accordance with the relevant law, in an unbiased and transparent manner, regardless of whether parties are domestic or foreign entities; and	10	0	
	c. are a meaningful alternative if informal or alternative methods of dispute resolution fail to provide a desirable outcome for a party.	5	2	
5	The business community tends to be aware of major commercial disputes that are in the courts and how such cases have been resolved.	5	5	
6	Courts are established and operating effectively with respect to resolving commercial contract disputes.			
	a. courts are able to resolve commercial disputes brought before them efficiently, in a timely manner, and are able to manage their caseload;	5	2	
	b. courts have detailed internal regulations and operating procedures; and	5	2	
	c. court fees for commencing a proceeding are relatively inexpensive and do not act as a disincentive for parties to use the courts to resolve disputes.	5	3	
7	The salaries of the administrative staff are sufficient to attract and retain qualified staff.	5	0	

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7.2	IMPLEMENTING INSTITUTIONS: COMMERCIAL DISPUTE RESOLUTION	Ref.	Score	%
8	The court filing system and docket is computerized.	10	1	
9	The business community finds it relatively simple to commence a lawsuit and to file litigation papers with the relevant court.	10	5	
10	The business community perceives that the courts administrative officers are efficient and well organized.	5	0	
12	The courts maintain and provide reasonable public access to, in terms of procedures and costs, litigation records and decisions, to all parties to a dispute, as well as third parties.	10	0	
13	The courts have an active, current web site, including contact information and relevant legal materials pertaining to civil litigation.	5	0	
14	Courts are willing to enforce domestic and foreign arbitral awards.	10	4	
15	Courts have experience with the application of relevant international treaties and conventions and the substantive law of other fora.	10	2	
16	Courts encourage (or require) parties to attempt settlement through such means as mediation, arbitration or conciliation prior to a lawsuit being adjudicated.	10	7	
The Judiciary		50	16	32%
17	The business community perceives that judges:			
	a. have adequate knowledge and experience to resolve commercial disputes;	5	1	
	b. are aware of recent developments and changes to commercial laws; and	5	1	
	c. handle commercial cases in a fair, and impartial manner.	10	2	
18	Judges receive relevant training and education relating to commercial dispute resolution.	10	3	
19	Judges have adequate resources (treatises, legislative materials and other references) to assist them with legal research relating to commercial law.	10	2	
20	Judges salaries are adequate to recruit and retain qualified personnel.	10	7	
Administrative Tribunals: Organization		85	37	44%
21	The laws that identify administrative tribunals or bodies that are implementing institutions (e.g., for resolving disputes relating government entities – tax disputes, licensing disputes, competition related complaints):			
	a. clearly define administrative tribunals or commissions as the institutions for resolving enumerated types of commercial disputes;	5	3	
	b. provide a clear mandate for each tribunal’s jurisdiction including threshold value of claims that can be brought in the court, the types of parties who may bring suit (natural and/or legal persons), and nature of complaints that may be brought before the tribunal;	10	3	
	c. remove any ambiguities or perceived overlapping jurisdictions for different types of disputes such as tax, bankruptcy, etc; and	10	1	
	d. define relevant procedures or mandate development of relevant procedures for resolving administrative commercial (economic) disputes.	10	5	
22	Administrative tribunals have the following characteristics:			
	a. clearly defined mandate to resolve administrative commercial disputes;	5	3	
	b. sufficient staffing to carry out their mandate;	5	1	
	c. sufficient authority and support (from the state) to carry out their mandate, including clear policy statements; and	5	2	

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7.2	IMPLEMENTING INSTITUTIONS: COMMERCIAL DISPUTE RESOLUTION	Ref.	Score	%
	d. sufficient funding through the state budget, fees collected or a combination of both to maintain its equipment and services at an adequate level.	5	1	
23	There is a general consistency in the understanding of the role of administrative tribunals in commercial dispute resolution among the government, the tribunals and end-users.	10	5	
24	Administrative tribunals operate according to a common or unified set of administrative procedures or rules such as a uniform administrative procedures act.	10	5	
25	The interrelationship between administrative tribunals and courts is also clearly set forth in relevant framework laws (e.g., when decisions of a tribunal may or must be appealed to a court of law).	10	8	
Administrative Tribunals: Operations		125	48	38%
26	The business community generally finds that administrative tribunals:			
	a. are competent to decide commercial (economic) disputes and are able to enforce any decisions or remedies that the tribunal orders;	10	5	
	b. decide cases in accordance with the relevant law in an transparent and unbiased manner regardless of whether parties are domestic or foreign entities;	10	4	
	c. provide a meaningful alternative process if informal or alternative methods of dispute resolution fail to provide a desirable outcome for a party; and	10	4	
	d. will not lead to future adverse treatment by the relevant government ministry because a business decided to challenge a ministerial decision before the tribunal.	10	5	
27	The procedures by which administrative tribunals operate are known by members of the legal community.	10	8	
28	The business community tends to use tribunals frequently for challenging administrative decisions rather than simply leaving a grievance unresolved.	5	2	
29	Administrative tribunals are established and operating effectively, as demonstrated by:			
	a. the ability to resolve commercial disputes brought before them efficiently, in a timely manner, and are able to manage their caseload;	5	2	
	b. following, reviewing and revising as needed detailed internal regulations and operating procedures; and	5	2	
	c. maintaining fees for commencing a proceeding at a relatively reasonable level so as to not act as a disincentive for parties to use the tribunals to resolve disputes.	5	4	
30	It is not necessary to retain a lawyer to bring a claim before an administrative tribunal.	10	5	
31	In addition to administrative tribunals, other ministries have established alternative or informal means of dispute resolution (e.g., conciliation, mediation, hearings by mail, ombudsman).	5	1	
32	The salaries of tribunal staff are sufficient to attract and retain qualified personnel.	10	2	
33	The business community finds it relatively simple to file a claim challenging major types of administrative decisions (e.g., tax, licensing, zoning, antitrust).	5	1	

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7.2	IMPLEMENTING INSTITUTIONS: COMMERCIAL DISPUTE RESOLUTION	Ref.	Score	%
34	The administrative tribunals maintain and provide reasonable public access to, in terms of procedures and costs, litigation records and decisions, to all parties to a dispute, as well as third parties.	10	1	
35	Ministries or tribunals have active, current web sites, including contact information and relevant legal materials pertaining to procedures for filing claims or grievances.	5	1	
36	Administrative tribunals maintain and publish their decisions and make them available to the public for free or at a relatively low cost.	10	1	
Administrative Tribunals: Operations		95	53	56%
37	There is one or more court or chambers of arbitration established within the jurisdiction.	10	5	
38	Arbitration courts (chambers) are currently in operation and handle arbitration matters between domestic as well as foreign and domestic parties.	10	5	
39	The business community generally finds:			
	a. arbitration is a viable alternative for resolving commercial disputes; and	5	5	
	b. arbitration courts render decisions in a fairly and impartially, according to relevant law, and that they provide reasoned bases for their decisions; and	10	5	
	c. the relevant courts will enforce arbitral awards.	10		
40	There is a sufficient supply of qualified local arbitrators who participate in domestic and international arbitration proceedings.	5	1	
41	The chamber of commerce or other organization that hosts the arbitration court provides:			
	a. training for arbitrators;	5	2	
	b. certification or licensing of arbitrators; and	5	3	
	c. training/outreach for the business community about arbitration.	5	1	
42	The cost of commencing arbitration proceedings is not a disincentive to using arbitration as a means for resolving disputes.	5	4	
43	Domestic business parties include arbitration clauses within their contracts.	10	10	
44	There are lawyers that have experience with commercial arbitration.	5	3	
45	The rules of procedure of the arbitration courts are in accordance with relevant international standards and best practice.	10	9	
Small Claims Courts		30	6	20%
46	In addition to traditional civil courts or commercial courts, the jurisdiction has established small claims courts or other less formal courts for resolving smaller value claims (including commercial disputes).	10	2	
47	Business parties find that such courts render their decisions in a fair and impartial manner and are efficient at adjudicating small value claims.	10	2	
48	The business community is aware of the existence of small claims courts.	5	1	
49	The procedures for the filing a claim in small claims court are easy to understand and fees to do so are reasonable.	5	1	
Mediation		35	22	63%
50	Courts and trade associations provide mediation as a means of alternative dispute resolution for commercial disputes.	10	7	
51	The business community uses mediation as an alternative means of resolving commercial disputes.	5	5	

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7.2	IMPLEMENTING INSTITUTIONS: COMMERCIAL DISPUTE RESOLUTION	Ref.	Score	%
52	The manner in which mediation is conducted and mediation agreements are enforced is governed by the relevant framework laws, regulations, or a uniform or model act concerning alternative dispute resolution generally or mediation specifically.	10	8	
53	There is an adequate supply of professional mediators available to help resolve commercial disputes who possess relevant knowledge and experience relating to commercial disputes (e.g., experience with business, law, dispute resolution).	10	2	
TOTAL FOR IMPLEMENTING INSTITUTIONS: COMMERCIAL DISPUTE RESOLUTION		605	254	42%

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7.3	SUPPORTING INSTITUTIONS: COMMERCIAL DISPUTE RESOLUTION	Ref.	Score	%
	Bailiffs (or other institution responsible for enforcing court judgments)	105	28	27%
1	The institution responsible for enforcing court judgments, often the "Bailiff's office," is vested with clear authority from the courts (or ministry of justice) for enforcing court judgments.	10	1	
2	The bailiff's office has adequate staffing to enforce judgments arising from commercial disputes.	10	1	
3	Bailiffs enforce judgments in a consistent and fair manner.	10	0	
4	The procedures for court enforcement of a judgment are clearly outlined in the relevant law or in court procedure	10	4	
5	The cost of enforcing a judgment is minimal so as to encourage parties to enforce judgments.	5	1	
6	The measures by which a bailiff may enforce judgments are clearly outlined in the relevant law or in court procedures (e.g., freezing assets, seizing property, garnishing wages, etc.).	10	7	
7	Bailiffs execute judgments in accordance with the law and in a peaceable manner.	10	2	
8	Bailiffs receive adequate training in order to perform their duties.	10	1	
9	Bailiffs are familiar with their duties and responsibilities as set forth by law or regulation.	10	1	
10	Bailiffs are subject to licensing or another type of credentialing process.	10	6	
11	The business community perceives the institution of the bailiff to be a reliable and effective at enforcing judgments.	5	1	
12	Bailiffs have a professional membership organization that provides educational and training opportunities to its members.	5	3	
	Attorneys/Legal Profession/Bar Associations	90	57	63%
13	There is an established bar association that includes lawyers who represent the business community in commercial disputes.	10	10	
14	The business community believes that there are an adequate number of lawyers who have an expertise in commercial dispute resolution.	5	3	
15	Lawyers' associations have specialized groups related to commercial law and/or commercial dispute resolution.	5	4	
16	Lawyers' associations hold continuing legal education and training programs to educate members about commercial legal developments and commercial dispute resolution.	10	4	
17	Lawyers' associations hold continuing legal education and training programs to educate members about alternative dispute resolution including arbitration	10	4	
18	Law school curricula include components on commercial law and different means of commercial dispute resolution.	10	5	
19	Professors have published academic treatises books or practice commentary on commercial law (including the civil code and the different means of commercial dispute resolution:	10	7	
20	There is an adequate supply of attorneys who can represent:			
	a. small and medium size enterprises;	5	4	
	b. larger domestic enterprises;	5	3	
	c. multinational enterprises; and	5	2	
	d. sole proprietors.	5	4	

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7.3	SUPPORTING INSTITUTIONS: COMMERCIAL DISPUTE RESOLUTION	Ref.	Score	%
21	The business community finds it relatively easy to retain an attorney for commercial dispute resolution.	10	7	
Trade and Special Interest Groups		40	19	48%
22	Trade and industry associations provide information to members about commercial litigation, arbitration and legal representation in contract disputes.	10	5	
23	Trade and industry associations educate their members about the various methods of resolving commercial disputes including litigation, mediation, arbitration, and self-enforcement of contracts.	10	5	
24	Trade and industry associations provide lists of attorneys or law firms that can provide assistance to their members.	5	3	
25	Trade and industry associations publish pamphlets, books or other publications that provide members with a basic overview of commercial/business law.	5	1	
26	Trade and industry associations (e.g., bankers associations, securities brokers associations, chambers of commerce) offer alternative dispute resolution services for their members (e.g., have an internal mediation or arbitration scheme).	5	1	
27	Foreign investor associations provide input to policymakers and other trade associations with respect to international standards in commercial dispute resolution (including arbitration).	5	4	
Specialized Services		25	7	28%
28	An experienced group of commercial arbitrators and mediators is developing within the jurisdiction.	10	5	
29	Specialized legal publishers have published material such as form books or practice commentary on the various aspects of commercial dispute resolution, including contracts litigation, administration law and practice, and commercial arbitration.	5	1	
30	Specialized publishers circulate periodicals that report regularly and accurately on matters relating to civil litigation and commercial dispute resolution in order to give the business community and the public a better understanding of commercial matters.	5	1	
31	Specialized services have developed to help creditors trace debtor's assets to assist with enforcement of judgments.	5	0	
TOTAL FOR SUPPORTING INSTITUTIONS: COMMERCIAL DISPUTE RESOLUTION		260	111	43%

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7.4	SOCIAL DYNAMICS: COMMERCIAL DISPUTE RESOLUTION	Ref.	Score	%
Market for Improved Laws -Total		275	142	52%
Demand for Improved Laws - Total		125	53	42%
Demand for Improved Laws - Government		35	24	69%
1	High level government officials are knowledgeable of and have taken tangible steps to improve the efficiency of commercial dispute resolution in each of the following:			
	a. legislature;	5	5	
	b. ministry of justice; and	5	3	
	c. the courts.	5	2	
2	International financial institutions and donor agencies provide assistance to or condition loans upon reform of the courts in their capacity to adjudicate contract disputes.	10	7	
3	International financial institutions and donor agencies insist on the use of international commercial arbitration as a means of resolving contract disputes with the government.	10	7	
Demand for Improved Laws - Private Sector		90	29	32%
4	Trade and industry associations:			
	a. have specialized sections or committees focused on commercial litigation and alternative dispute resolution including commercial arbitration;	5	1	
	b. have established formal mechanisms with policy makers for providing input and feedback on commercial litigation, and alternative dispute resolution including commercial arbitration;	10	4	
	c. regularly provide substantive input and feedback (including studies, statistics, research documents) in support of adopting international harmonized standards for on commercial litigation, and alternative dispute resolution including commercial arbitration;	10	4	
	d. regularly provide comment on draft laws, regulations, and suggested amendments to lawmakers on commercial litigation or arbitration related issues; and	10	5	
	e. conduct programs and events for their members and the general public to promote better understanding of the benefits of commercial litigation, and alternative dispute resolution including commercial arbitration.	5	1	
	f. have sought to develop industry-specific means of commercial dispute resolution, such as specially trained mediators or arbitrators who have a high-level understanding of the subject matter.	5	1	
5	Associations of foreign investors (including bi-lateral chambers of commerce) lobby for the adoption of international norms and standards for:			
	a. commercial litigation (e.g., rules governing forum selection, choice of law, jurisdiction, service of process); and	5	1	
	b. commercial arbitration.	5	1	
6	Bar associations:			
	a. have specialized sections or committee dedicated to commercial litigation and arbitration;	5	2	
	b. have established formal mechanisms with policy makers for providing input on commercial litigation and arbitration issues;	10	2	
	c. regularly provide comment on draft laws, regulations, suggested amendments and similar inputs to lawmakers on commercial litigation and arbitration issues; and	10	3	

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7.4	SOCIAL DYNAMICS: COMMERCIAL DISPUTE RESOLUTION	Ref.	Score	%
	d. conduct programs and events for their members and the general public to promote better understanding and the needs and benefits of commercial litigation and commercial arbitration.	5	1	
7	Law school faculty or other qualified members of academia regularly publish commentary or speak on needed developments, recent decisions, or draft laws and regulations in the field of commercial dispute regulation.	5	3	
Supply of Improved Laws - Total		150	89	59%
Supply of Improved Laws - Government		80	63	79%
8	The government has created an environment generally supportive of efficient commercial dispute resolution, including:			
	a. implementation of an ongoing plan of improved court/judicial efficiency with respect to civil procedure, administrative law and procedure, as well as resources for judicial and court reform;	10	5	
	b. active anti-corruption initiatives to combat corrupt practices involving government ministries involved in commercial/economic activity; and	10	7	
	c. enactment of legislation to support use of alternative dispute resolution as an alternative to commercial litigation.	10	8	
9	The government (through a specialized unit or the Ministry of Justice) has the technical capacity to draft laws and regulations necessary for more efficient commercial dispute resolution.	10	10	
10	The government provides for meaningful private sector participation in the legal reform process regarding commercial dispute resolution by:			
	a. publishing laws, regulations, instructions, rules of procedure available to the business community or other end users; and	10	7	
	b. providing the business and legal communities with meaningful notice and opportunity to comment on draft laws, legislative amendments, or implementing regulations affecting commercial dispute resolution throughout the legislative and rule-making process.	10	8	
11	Formal mechanisms for soliciting input from the business and professional community for formulating and amending commercial dispute resolution policy (or related policies dealing with commercial and business laws) (e.g., through consultative groups, business dialogues or roundtables, working groups, expert committees):			
	a. have been established and are actively used by the government; and	10	10	
	b. according to the business and professional communities, are generally satisfying private sector demand for input.	10	8	
Supply of Improved Laws - Private Sector		70	26	37%
12	The business and professional communities perceive the legal and regulatory environment for commercial litigation and administrative dispute resolution (for commercial disputes between business entities and the government) generally to be:			
	a. stable, as evidenced by infrequent changes and/or a lack of conflicting laws and regulations;	10	5	
	b. predictable, evidenced by relative consistency in interpretation and enforcement of major laws and regulations; and	10	3	
	c. transparent in that equal treatment is generally accorded for the parties in dispute.	10	2	

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7.4	SOCIAL DYNAMICS: COMMERCIAL DISPUTE RESOLUTION	Ref.	Score	%
13	The business and professional communities perceive the laws and regulations issued by the government and affecting commercial litigation and administrative dispute resolution (for commercial disputes between business entities and the government) to be relatively:			
	a. precise in that they can be generally read and understood by a businessperson (or end user) and provide adequate indication of what is required under the law;	10	4	
	b. complete in that they address the main needs of the business community and do not contain significant gaps or ambiguities; and	10	4	
	c. responsive to their needs as reflected in favorable (e.g., pro-business) policy measures.	10	4	
14	The business and professional communities generally feel that they have a meaningful role to play in shaping policy in the area of commercial dispute resolution.	10	4	
Market for Effective Implementing Institutions - Total		340	142	42%
Demand for Effective Implementing Institutions - Total		115	74	64%
Demand for Effective Implementing Institutions - Government		60	43	72%
15	One or more high level government officials with responsibility for implementation is knowledgeable of and works for the cause of more efficient and effective provision of services by the courts.	10	10	
16	The highest court that deals with commercial disputes (e.g., the Supreme Court) is committed to improving services and responsiveness to commercial litigants.	10	10	
17	The highest court that deals with commercial disputes is committed to reviewing the performance of the judiciary and to dealing with any problems that may arise related to malfeasance, corruption or breach of any code of ethics.	10	10	
18	A formal mechanism exists for reviewing the performance and effectiveness of the judicial system on a regular basis (at least annually).	10	2	
19	The government (or the courts) maintains statistics concerning commercial disputes, such as data on different types of economic disputes, the number of cases that settle before being formally adjudicated, and enforcement and execution of judgments, and makes these statistics available to the public.	10	1	
20	International lending institutions and donor agencies have instituted assistance programs with the government to upgrade and improve the courts and the judiciary, administrative tribunals, commercial arbitration services and those charged with enforcement of decisions.	10	10	
Demand for Effective Implementing Institutions - Private Sector		55	31	56%
21	The business community understands and uses courts' commercial dispute resolution mechanisms.	10	2	
22	Trade and industry associations actively pressure the courts to improve their services.	5	2	
23	The business community utilizes the following mechanisms as an alternative to resolving commercial disputes in the courts:			
	a. relational contracting (i.e., business entities contract with parties with whom they have a prior relationship or affiliation);	5	4	

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7.4	SOCIAL DYNAMICS: COMMERCIAL DISPUTE RESOLUTION	Ref.	Score	%
	b. use of self-enforcing contracts (e.g., creditors requiring prepayment for goods and services, letters of credit, barter);	5	4	
	c. third party or reputation enforcement (i.e., alerting other business parties or business community when a counter party to contract has failed to perform or breached a contract);	5	4	
	d. informal settlement between parties; and	5	5	
	e. alternative dispute resolution (mediation or arbitration).	5	3	
24	The business community regularly uses commercial arbitration or other forms of alternative dispute resolution to resolve disputes.	10	4	
25	The business community regularly challenges government decisions concerning economic activities before administrative tribunals.	5	3	
Supply of Effective Implementing Institutions - Total		225	68	30%
Supply of Effective Implementing Institutions - Government		75	20	27%
26	The courts and administrative tribunals maintain:			
	a. an internal organizational and accountability plan, reviewed regularly, for improving and evaluating the administration of justice with respect to commercial or economic disputes;	5	1	
	b. an external system of accountability for its performance to the government institution responsible for court oversight; and	5	1	
	c. a mechanism for obtaining feedback from end users about the cost and quality of services.	5	1	
27	The courts are engaged in active efforts to:			
	a. improve the case management and court record keeping processes; and	5	0	
	b. provide end users with a user-friendly system for filing claims and commencing cases.	5	0	
28	The judiciary is engaged in active efforts to train and educate judges concerning changes in commercial laws and commercial dispute resolution.	10	2	
29	Courts and administrative tribunals make all regulations, forms, applications, and rules of procedure available to litigants and the public.	10	2	
30	Courts and administrative tribunals provide a written basis for all decisions made, based on existing, published laws.	10	2	
31	Administrative tribunals are engaged in active efforts to:			
	a. ensure end users that the process for filing and administrative claim is simple and easy;	5	2	
	b. educate the public of their right to challenge a government decision through use of an administrative hearing or adjudication;	5	3	
	c. ensure that disputes involving government related decisions are resolved in a timely fashion, in accordance with mandated time frames; and	5	3	
	d. ensure that end users are ware of any rights of appeal that they may have to another tribunal or to a court.	5	3	
Supply of Effective Implementing Institutions - Private Sector		150	48	32%
32	The business community feels that the manner in which the courts resolve commercial disputes are:			
	a. transparent, unbiased, in accordance with law, and predictable for similar facts and circumstances;	10	0	
	b. reasonably speedy, efficient, and understandable (i.e., the number of steps or procedures required is not cumbersome); and	10	0	
	c. generally supportive of a market economy.	10	5	
33	The legal community feels that the manner in which the courts resolve commercial disputes are:			

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7.4	SOCIAL DYNAMICS: COMMERCIAL DISPUTE RESOLUTION	Ref.	Score	%
	a. transparent, unbiased, in accordance with law, and predictable for similar facts and circumstances;	10	0	
	b. reasonably speedy, efficient, and understandable (i.e., the number of steps or procedures required is not cumbersome); and	10	0	
	c. generally supportive of a market economy.	10	7	
34	Business entities that are litigants feel that they have adequate opportunity to provide feedback to the courts and the judiciary on their performance, either directly to the courts or through a trade or professional organization which regularly communicates with the courts.	10	2	
35	The business and professional communities feel that the courts are doing an adequate job of disseminating information and decisions relating to major commercial (economic) cases.	10	4	
36	In subject matters where the courts are not considered adequate, the private sector offers competing or replacement dispute resolution services to fill the gap.	10	7	
37	The business community feels that the manner in which administrative tribunals resolve commercial disputes involving a government entity is:			
	a. transparent, unbiased, in accordance with law, and predictable for similar facts and circumstances;	10	2	
	b. reasonably speedy, efficient, and understandable (i.e., the number of steps or procedures required is not cumbersome); and	10	2	
	c. generally supportive of a market economy.	10	8	
38	The legal community feels that the manner in which administrative tribunals resolve commercial disputes involving a government entity is:			
	a. transparent, unbiased, in accordance with law, and predictable for similar facts and circumstances;	10	2	
	b. reasonably in its fees, speedy, efficient, and understandable (i.e., the number of steps or procedures required is not cumbersome); and	10	2	
	c. generally supportive of a market economy.	10	7	
Market for Efficient Supporting Institutions		70	14	20%
Demand for Effective Supporting Institutions - Total		25	8	32%
Demand for Effective Supporting Institutions - Government		20	3	15%
39	The government is actively involved in advocating reform of the process for enforcing judgments including reform of the entity tasked with enforcing court judgments, often called the "bailiff."	10	1	
40	The government monitors and as assists as needed with the with proper enforcement of administrative awards and decisions by the relevant government ministries.	10	2	
Demand for Effective Supporting Institutions - Private Sector		5	5	100%
41	The business community perceives a need for reform in the procedures for enforcing judgments and administrative awards.	5	5	
Supply of Effective Supporting Institutions - Total		45	6	13%
Supply of Effective Supporting Institutions - Government		25	1	4%
42	The entities tasked with enforcing court judgments, or "bailiffs," are actively trying to:			
	a. improve the timing/speed with which judgments are enforced;	5	0	
	b. make the enforcement process more efficient (less cumbersome);	5	0	
	c. enforce court judgments in a way that maximizes monetary recovery and minimizes the chance of debtor default or wasting of assets;	5	1	

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7.4	SOCIAL DYNAMICS: COMMERCIAL DISPUTE RESOLUTION	Ref.	Score	%
	d. secure additional resources to provide more efficient service; and	5	0	
	e. provide training and ongoing assessment of staff performance.	5	0	
Supply of Effective Supporting Institutions - Private Sector		20	5	25%
43	The business community generally considers that bailiffs:			
	a. are adequately staffed and trained to provide efficient service;	5	0	
	b. enforce judgments in a fair, transparent, and timely manner (i.e., free of corruption);	5	0	
44	The private sector is developing as, or is already considered, a source of qualified mediators and arbiters.	5	3	
45	The private sector has legitimate means to enforce or assist in the enforcement of decisions made through (both public and private) commercial dispute resolution, such as collection agencies.	5	2	
SUB-TOTAL -- DEMAND		265	135	51%
SUB-TOTAL -- SUPPLY		420	163	39%
TOTAL FOR SOCIAL DYNAMICS: COMMERCIAL DISPUTE RESOLUTION		685	298	44%

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8.1	LEGAL FRAMEWORK: COURT ADMINISTRATION	Ref.	Score	%
General Legislation		160	96	60%
1	Framework laws governing the establishment and administration of courts clearly establish and define:			
	a. separate roles and responsibilities of the Ministry of Justice, Judiciary and any other government entity charged with court oversight or operations.	10	10	
	b. the principle of judicial independence from political or extra-legal influence in the adjudication of claims and cases.	10	10	
	c. a budgetary process for the establishment and maintenance of the courts and the court system that is free from political influence that can be used to martial extra-legal influence.	10	7	
	d. geographical and subject matter jurisdiction for each type of court.	10	8	
	e. the bases for appellate review of decisions, which includes irregularities in court administration (judicial misconduct and procedural due process) and other limits of such review.	10	10	
	f. that professional staffing of the judiciary is in the control of judiciary, including that relevant personnel such as judges and court administration executives have the power to hire, remove, etc personnel as needed.	10	9	
2	Funding of the judicial system meets the system's needs.	10	6	
3	Jurisdiction for commercial disputes is effectively concentrated in only one category of courts (such as commercial courts or commercial divisions of general courts) to permit efficient use of judicial resources.	10	5	
4	A uniform Civil Procedure Code is in force and defines practices and procedures to be implemented and followed in each type of court throughout a jurisdictional area.	10	7	
5	There is no significant disparity between the requirements of the Code of Civil Procedure and the procedures actually used by courts.	10	2	
6	The law on civil procedure (or other related law) clearly provides the standards and procedures by which a judgment concerning a commercial dispute may be appealed.	10	8	
7	Laws governing court operations include norms to ensure that courts are transparent and accountable within accepted international norms.	10	3	
8	The relevant laws establish a clear system of judicial oversight for the courts at all levels.	10	2	
9	Judges have the power to levy sanctions against parties as needed to sufficiently control the proceedings and avoid abuses of the system by the parties.	10	1	
10	The process of selection of judges at all levels is transparent and accountable, and clearly established by law.	10	1	
11	Separate, specialized rules of procedure govern bankruptcy and other specialized commercial litigation.	10	7	
Laws and Regulations Governing Commencement of proceedings		40	29	
12	The relevant law on civil procedure (or other relevant framework law) provides clear procedures for commencing a lawsuit relating to commercial or economic disputes.	10	10	
13	The costs for filing a claim are outlined in the civil procedures law or related regulations or decrees.	10	8	
14	The relevant laws on civil procedure or evidence provide parties with clear guidance on the type of evidence that is admissible in a commercial dispute.	10	4	

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8.1	LEGAL FRAMEWORK: COURT ADMINISTRATION	Ref.	Score	%
15	Any monetary threshold for initiating a lawsuit is included in a framework law or related administrative regulations or rules and is reasonable so as to not discourage the filing of a lawsuit simply because of exorbitant filing fees.	10	7	
Laws governing enforcement of judgments:		45	15	
16	The framework laws require that judges produce written decisions setting forth the legal and factual bases for all decisions.	10	7	
17	Laws governing enforcements of judgments:			
	a. Define specific procedures for attachment of cash, accounts, intangibles, movable property, and real property.	5	1	
	b. Adequately define the roles of bailiffs (or similar judicial officers) in the enforcement process.	5	2	
	c. establish a market-oriented system of auctions and evaluations.	5	1	
	d. provide for the use of self-enforcing judgment orders instead of new and separate actions for enforcement.	5	1	
18	The framework laws provide for judicial enforcement of domestic and foreign arbitral awards, and establish the procedures for such enforcement.	5	2	
19	The framework laws establish a system of sanctions for delays and failure to comply with procedure, rules or court orders, which, if applied, provide sufficient disincentives to discourage inappropriate behavior by parties and their attorneys.	10	1	
Laws governing service of process issues		25	15	
20	The framework laws provide reasonable requirements for service of judicial papers (e.g., summonses, subpoenas, notices, orders) to minimize mistakes, avoidance, and fraud, including:			
	a. delivery to a designated agent for service for natural and legal persons.	5	4	
	b. service to an officially registered or contractually agreed upon address.	5	4	
	c. service by post.	5	3	
	d. service by the parties or their delegates.	5	3	
	e. severe sanctions for fraudulent assertions regarding whether documents were delivered or received.	5	1	
Court Rules		65	31	48%
21	Rules of court, promulgated by a central authority (e.g., MOJ, Supreme Court, National Judicial Council) set forth uniform administrative and procedural requirements for internal operations of courts.	10	5	
22	The rules of court adequately address specialized needs of different categories of	10	6	
23	Court rules allow for the possibility of both oral and written proceedings.	5	5	
24	Hearings for cases are scheduled in a manner that ensures they are an efficient use of judges' and parties' time, court resources, and are of sufficient duration and probity to move the proceedings forward.	10	2	
25	Court procedures permit for expedited processes for simple cases.	10	2	
26	Each court is independently authorized to issue local, non-substantive rules regarding discretionary practices and procedures arising from the size, location, or local needs of the court users.	10	7	
27	Rules regarding the procedures for submission of evidence are clearly stated.	5	3	
28	The rules of court permit the introduction and use of technological tools such as faxes, e-mails, and computers.	5	1	
Scope of Laws on Court Administration		50	15	30%

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8.1	LEGAL FRAMEWORK: COURT ADMINISTRATION	Ref.	Score	%
29	Together, the framework laws, court rules and other regulations establish adequate, reasonable and affordable procedures for:			
	a. case initiation, including indexation and registration.	5	4	
	b. scheduling and calendaring.	5	4	
	c. document generation and processing.	5	1	
	d. hearings.	5	1	
	e. time limits on case disposition and closure.	5	3	
	f. enforcement of court orders.	5	1	
	g. file, document and property management.	5	0	
	h. court fees.	5	0	
	i. security of information.	5	0	
	j. reports and statistics for management.	5	1	
TOTAL FOR LEGAL FRAMEWORK: COURT ADMINISTRATION		385	201	52%

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8.2	IMPLEMENTING INSTITUTIONS: COURT ADMINISTRATION	Ref	Score	%
Court Management		50	22	
1	There is a specialized unit or individual specifically responsible for administration of commercial courts.	5	2	
2	Within each commercial court, there is at least one qualified judge or other court professional explicitly responsible for proper management and administration of the court.	10	9	
3	Judges are not overburdened with administrative tasks and decisions which could be more efficiently performed by administrative personnel.	10	5	
4	Local courts have input in the process of establishing the judicial system's budget.	5	3	
5	On a local basis, courts perform sufficient self monitoring to ensure efficient administration of cases.	10	2	
6	Salaries and benefits are sufficient to attract and maintain qualified administrative professionals.	10	1	
Case Management System		245	79	32%
7	<u>Forms control</u> . The commercial courts utilize an efficient, uniform and easily understood system of standardized forms with common data elements presented in a set format for filings, pleadings, transfer of cases, orders, judgments and other actions.	10	3	
8	<u>Records Control</u> . The commercial courts utilize a record control system with the following elements:			
	a. The case initiation system creates a unique numerical indicator for each new case filed.	5	5	
	b. Each court has a docket or register of action that provides a chronological record of initial cases or subsequent actions as they occur, including additional filings or completed events such as hearings.	5	4	
	c. Cases are cross indexed alphabetically by party names with the docket so that case records can be researched and identified by name, date, and docket number.	5	2	
	d. File folders are created, either electronically or by hand, and marked with the unique indicator and style of case upon initiation of an action and are used for chronological maintenance of all documents filed during the case.	5	2	
	e. Each court has a central filing system organized chronologically by year and case number for safekeeping file folders.	5	4	
	f. Removal and return of file folders is logged with information sufficient to locate the folder.	5	4	
9	<u>File, Document and Property Management</u> . The commercial courts effectively manage their files, documents and evidentiary property (e.g. charts, exhibits, samples) through utilization of a system with the following characteristics:			
	a. Cases are housed in folders or other adequate containers and stored in an orderly manner.	5	4	
	b. New documents are placed in the appropriate folder in a timely and accurate manner; new property is effectively stored and tracked for timely retrieval.	5	2	
	c. There is a record system for tracking folders that are out of place.	5	3	
	d. The rate of record loss or misplacement is low.	5	1	
10	<u>Scheduling and Calendaring</u> : The commercial courts effectively utilize a system for scheduling and calendaring events, with the following characteristics:			

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8.2	IMPLEMENTING INSTITUTIONS: COURT ADMINISTRATION	Ref	Score	%
	a. The system reasonable enables the responsible scheduler(s) to avoid over- or under-scheduling of available judges.	5	3	
	b. The system identifies and flags deadlines arising from orders or statute.	5	1	
	c. The system permits efficient production of calendars for internal and external (public) publication, including hearings, deadlines for filings, responses, service of documents and other judicial activities.	5	2	
	d. The court president or other court administrator regularly uses the schedules and calendars to manage judicial performance and sanction parties for missing deadlines.	5	0	
	e. Courts have sufficient incentive and capacity to collect fees and taxes associated with initiating a case, filing documents, etc.	5	5	
	f. service of process for all court documents is executed in a expeditious and accountable manner.	5	1	
	g. The case information management systems is fully automated .	10	0	
11	<u>Document Generation</u> : The commercial courts utilize a system for automatic (or immediate, in a manual system) generation of court-initiated notices, reminders, standardized orders and other ministerial documents.	5	1	
12	<u>Hearings</u> . The case management system provides for immediate issuance and delivery of summons and notices to all parties when hearing dates are set.	10	3	
13	<u>Hearings</u> . Courts are able to have records made of hearings and have the capacity to maintain such records. Such records are done in a manner which ensures they accurately and completely reflect the proceedings.	10	0	
14	<u>Case Disposition and Closure</u> : The commercial courts effectively employ standardized procedures for disposition and closure of cases, with the following characteristics:			
	a. dispositions are entered in the docket within a reasonable time frame.	5	4	
	b. deadlines for appeals, compliance or other time sensitive actions are calendared.	5	1	
	c. upon passage of deadlines, the case is closed by the court and records sent to a central filing system.	5	1	
	d. if the case remains open for appeal or otherwise, court records and registries are adequately updated to show the status of the case and location of folders.	5	1	
	e. no case is closed until all outstanding fees are paid or otherwise satisfied.	5	4	
	f. a system is in place for public notice and distribution of decisions.	5	1	
15	<u>Enforcement</u> . The commercial courts effectively utilize an enforcement system with the following characteristics:			
	a. Commercial court judges regularly issue self-enforcing judgments and orders which can be enforced upon request of the judgment creditor upon its terms without need for commencement of new actions.	5	1	
	b. Bailiffs and other appropriate court personnel direct attachment and seizure of property in a timely manner.	5	1	
	c. Police are available and provide assistance when seizure or repossession requires police intervention.	5	4	
	d. Auctions are announced in a timely manner and conducted in a market-oriented manner to ensure that the highest values are obtained.	5	1	
	e. Property held by or on behalf of the court is safeguarded effectively with minimum wear or damage.	5	1	

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8.2	IMPLEMENTING INSTITUTIONS: COURT ADMINISTRATION	Ref	Score	%
16	<u>Financial Records</u> : The case management system is effectively used to manage payment of court fees related to each case, with the following characteristics:			
	a. Court clerks or computer applications accurately calculate all fees applicable to a case and notify all relevant parties.	5	1	
	b. Personnel cannot effectively by-pass the system for rent seeking.	5	0	
	c. Receipts are posted in the case folder and given to the party making payment.	5	0	
	d. The system is used to track revenues from fees for each case, each court, and the court system.	5	0	
17	<u>Security</u> . The case management system provides adequate security in the following areas:			
	a. Files, documents and properties are reasonably secure from theft or "disappearance".	5	0	
	b. Confidential information is securely protected through restrictions on access and sanctions for breaches.	5	1	
	c. Archival and back-up systems protect electronic data within the case management system.	5	0	
18	<u>Reports</u> : The commercial courts (and, as applicable, other judicial or government agencies) collect data and produce management reports and statistics utilizing a system with the following characteristics:			
	a. Permanent indexes are available for case number, litigant name, type of action, and judge (at a minimum) and are consistently updated in a timely manner.	5	1	
	b. Case management reports are produced on a periodic basis (not less than quarterly) for judges and court presidents, which show pending motions, number of cases received and resolved, cases pending, time spent writing decision, time between hearings, treatment of parties, rates of appeal, time between case opening and first motion, and time between case opening and closing, etc.	5	1	
	c. Appeals reports are produced at least monthly to identify appeals filed, appeals pending, appellate court orders (e.g., affirmed, denied, redressed) and aging analysis.	5	4	
	d. Funds are effectively tracked and reported through daily reconciliation reports, and reports fees assessed and collected, outstanding fees, and amount of fees by type of case, among others.	5	0	
	e. These assessments are standardized across courts to allow for broad comparison,	5	0	
	f. Ministry and judiciary officials, court presidents, and judges regularly use the reports to improve management of cases, identify problem areas, and set goals and objectives to improve judicial performance.	5	1	
Court Personnel and Facilities		190	53	28%
19	Sufficient number of courts exist throughout the country so that individuals have adequate access are not overly burdened in trying to engage the court system.	10	7	
20	The commercial courts have the following:			
	a. sufficient number of properly-trained attorneys in a support of a judge's work, such as law clerks, to meet judge's needs.	10	6	

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8.2	IMPLEMENTING INSTITUTIONS: COURT ADMINISTRATION	Ref	Score	%
	b. a human resources department for hiring and firing non-judicial employees, determining salaries, and conducting regular performance reviews for all non-judicial personnel. Judges and court administrators are sufficiently empowered to remove non- and under-performing personnel.	10	4	
	c. a financial manager who prepares and manages an approved budget effectively to ensure prompt payment of court obligations and effective use of transparent, competitive procurement procedures for goods and services.	10	3	
	d. a facilities manager who ensures reasonable upkeep of the courts and judicial facilities.	10	3	
	e. training programs to ensure adequate training for new and existing administrators and other employees.	10	2	
	f. a "customer service" approach to stakeholders, including provision of court rules and a formal mechanism for obtaining feedback from users.	10	0	
	g. sufficient staffing to provide services without unnecessary delays and excessive backlogs.	10	2	
	h. a program of performance review for all judges based on published standards for professional performance.	10	0	
	i. sufficient access to legal materials (laws, regulations, opinions, journals, treatises, forms) to meet the reasonable needs of judges and their support staffs.	10	3	
	j. adequate security for court personnel.	10	7	
	k. training programs for judges and administrators in case management, general management, time management, and similar topics designed to enhance managerial capacity of judges.	10	6	
	l. sufficient court room space and judge's chambers to meet needs.	10	4	
21	Information technology capacity:			
	a. courts have the capacity for employing and improving computerized court management systems	10	1	
	b. court staff at all levels have sufficient training in computer systems	10	1	
	c. there are sufficient information technology specialists to support court computer systems.	10	1	
	d. IT equipment is sufficient to meet needs.	10	0	
	e. Court systems are sufficiently interconnected to ensure sharing of information.	10	1	
22	A clear and standard procurement system exists throughout the court system to efficiently order needed supplies and equipment	10	2	
TOTAL FOR IMPLEMENTING INSTITUTIONS: COURT ADMINISTRATION		485	154	32%

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8.3	SUPPORTING INSTITUTIONS: COURT ADMINISTRATION	Ref.	Score	%
Governmental		70	55	79%
1	The executive and legislative branches each have a specialized department dedicated to ongoing reform and improvement of court administration.	10	10	
2	Efforts to reform the court system are coordinated across branches of government as well as the private sector.	10	8	
3	The judiciary has an administrative office or other unit responsible for overall oversight and management of the courts.	10	8	
4	Governmental entities involved in court administration have a system for analyzing needs and proposing reforms together.	10	7	
5	The Ministry of Justice has a formal mechanism for obtaining input and feedback from the judiciary regarding need for legal and practical reforms in court administration.	10	7	
6	There is an active Judges' Association that regularly analyzes and makes recommendations for improvement of court administrative functions.	10	6	
7	For legislative reforms, there is a formal mechanism for obtaining input from all interested stakeholders, and the unit responsible for drafting new laws or amendments actively seeks input from those affected.	10	9	
Professional		70	32	46%
8	The Bar Association has a formal mechanism for identifying needs for reform of court administration and communicating their recommendations to the courts and entities in charge of judicial reform.	10	3	
9	There exists a professional association for judges who represent judges interests before the government and other relevant bodies.	5	5	
10	Law schools and/or relevant professional associations and trade schools specialize in court administration issues for those who works with judges and other legal professionals to bring about reform and ensure that practitioners properly administer the court system.	10	4	
11	The public notaries have an active association or working group that collaborates with the judiciary and other legal professionals to provide input on reform needs.	5	3	
12	The legal community has the capacity to develop and conduct programs of continuing legal education for judges and lawyers on court administration issues and conducts such programs as needed.	10	5	
13	Court clerks have an active association in which they can exchange information on best practices and provide ongoing training and education for their members.	10	5	
14	There is a national judicial council responsible for the oversight of judges and which provides specialized and standardized training in court administration as well as in the rules and operations of specialized courts (as needed).	10	5	
15	Enforcement agents have an active association that provides ongoing training for its members and actively seeks improvement in the enforcement law and practice.	10	2	
Specialized Groups and Business Associations		30	8	27%
16	One or more schools or management organizations has the capacity to develop courses and train judges in modern management techniques and administrative disciplines such as budgeting, accounting for courts, and human resources.	10	5	

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8.3	SUPPORTING INSTITUTIONS: COURT ADMINISTRATION	Ref.	Score	%
17	There are enough competent technology service providers (including local programmers and equipment sellers) to obtain quality services for the courts on a competitive basis.	10	2	
18	One or more business organizations effectively tracks court administration issues affecting the cost and quality of judicial services and lobbies for reforms.	5	0	
19	A foreign investors association, bi-lateral chamber of commerce or similar association actively analyzes court administration issues and recommends adoption of international best practices.	5	1	
TOTAL FOR SUPPORTING INSTITUTIONS: COURT ADMINISTRATION		170	95	56%

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8.4	SOCIAL DYNAMICS: COURT ADMINISTRATION	Ref.	Score	%
Government involvement		155	73	47%
1	High level government officials are knowledgeable of and have taken tangible steps to improve court administration each of the following:			
	a. legislature;	5	1	
	b. ministry of justice; and	5	1	
	c. the courts.	5	3	
2	The government has created an environment generally supportive of efficient court administration, including:			
	a. implementation of an ongoing plan of improved court/judicial efficiency with respect to civil procedure, administrative law and procedure, as well as resources for judicial and court reform;	10	3	
	b. active anti-corruption initiatives to combat corrupt practices involving government ministries involved in commercial/economic activity; and	10	4	
3	The government has the technical capacity to draft laws and regulations necessary for more efficient court administration.	10	10	
4	The government provides for meaningful private sector participation in the legal reform process regarding court administration by:			
	a. publishing laws, regulations, instructions, rules of procedure available to the business community or other end users;	10	9	
	b. providing the business and legal communities with meaningful notice and opportunity to comment on relevant draft laws, legislative amendments, or implementing regulations.	10	5	
5	The business and professional communities are satisfied with private sector ability to participate in the process input.	10	2	
6	The highest court that deals with commercial disputes (e.g., the Supreme Court) is committed to improving services and responsiveness to commercial litigants.	10	7	
7	The highest court that deals with commercial disputes is committed to reviewing the performance of the judiciary and to dealing with any problems that may arise related to malfeasance, corruption or breach of any code of ethics, raised by parties or others	10	7	
8	Relevant parts of the government are attempting to educate the public of their right to challenge a government decision through use of the legal system	5	4	
9	Governments work with international lending institutions and donor agencies to institute assistance programs with the government to upgrade and improve the courts and the judiciary, and related other officials.	10	10	
10	The government is actively involved in advocating reform of the process for enforcing judgments including reform of the entity tasked with enforcing court judgments, often called the "bailiff."	10	2	
11	The government monitors and assists as needed with the with proper enforcement of administrative awards and decisions by the relevant government ministries.	10	5	
12	The entities tasked with enforcing court judgments, or "bailiffs," are actively trying to:			
	a. improve the timing/speed with which judgments are enforced;	5	0	
	b. make the enforcement process more efficient (less cumbersome);	5	0	
	c. enforce court judgments in a way that maximizes monetary recovery and minimizes the chance of debtor default or wasting of assets;	5	0	
	d. secure additional resources to provide more efficient service; and	5	0	

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8.4	SOCIAL DYNAMICS: COURT ADMINISTRATION	Ref.	Score	%
	e. provide training and ongoing assessment of staff performance.	5	0	
Trade/Attorney/Judges associations and private sector involvement		130	32	25%
13	Trade and legal industry associations:			
	a. have specialized sections or committees focused on commercial litigation and court administration.	5	4	
	b. have established formal mechanisms with policy makers for providing input and feedback on issues related to court administration	5	3	
	c. regularly provide substantive input and feedback (including studies, statistics, research documents) on draft laws, regulations, and suggested amendments to lawmakers in in support of adopting uniform, high-level standards of court administration	5	4	
	d. conduct programs and events for their members and the general public to promote better understanding the court system and how to use it.	5	3	
14	The business and professional communities perceive the laws and regulations issued by the government and affecting court administration to be:			
	a. sufficient to create a predictable, transparent and accountable system;	10	0	
	b. precise in that they can be generally read and understood by a businessperson (or end user) and provide adequate indication of what is required under the law;	10	1	
	c. complete in that they address the main needs of the business community and do not contain significant gaps or ambiguities;	10	2	
	d. responsive to their needs as reflected in favorable (e.g., pro-business) policy measures.	10	1	
15	The business community does not find the requirements put in place by rules of court administration so onerous as to be dissuaded from using the courts.	10	1	
16	The business and legal communities feel that the courts operate in a manner that is:			
	a. transparent, unbiased, in accordance with law, and predictable for similar facts and circumstances; and	10	0	
	b. reasonably speedy, efficient, and understandable (i.e., the number of steps or procedures required is not cumbersome); and	10	0	
17	Business entities that are litigants feel that they have adequate opportunity to provide feedback to the courts and the judiciary on their performance, either directly to the courts or through a trade or professional organization which regularly communicates with relevant parts of the system	10	0	
18	The business and professional communities feel that the courts are doing an adequate job of disseminating information and decisions relating to major commercial (economic) cases.	10	6	
19	The business community generally considers that bailiffs:			
	a. are adequately staffed and trained to provide efficient service;	5	0	
	b. enforce judgments in a fair, transparent, and timely manner (i.e., free of corruption);	5	0	
20	The private sector is developing as, or is already considered, a source of qualified mediators and arbiters.	5	5	
21	The private sector has legitimate means to enforce or assist in the enforcement of decisions made through (both public and private) commercial dispute resolution, such as collection agencies.	5	2	
TOTAL FOR SOCIAL DYNAMICS: COURT ADMINISTRATION		285	105	37%

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9.1	LEGAL FRAMEWORK: FOREIGN DIRECT INVESTMENT	Ref.	Score	%
Equal Treatment of Foreign Investors		85	69	81%
1	Laws have been enacted that provide a legal framework for direct investment, including special provisions for foreign direct investment.	10	10	
2	Investment laws contain the following characteristics:			
	a. the principle of "open admission" to foreign investors;	5	4	
	b. no unduly complicated or cumbersome admission requirements (as determined by the investors); and	5	5	
	c. national treatment for foreign investors regarding:	5	5	
	1. protection of person and property,			
	2. granting of business licenses, import and export permits and authorizations to employ persons.	5	5	
3	Exceptions to any rules of national treatment are clearly spelled out.	10	8	
4	A maximum of 10% preferential treatment is accorded to national suppliers in government procurement.	5	4	
5	Foreign investors may freely invest in any area of economic activity other than those reserved to the state as areas of national security in keeping with international norms.	10	6	
6	There is no requirement of local participation in the ownership of companies or property, except in areas reserved to the state, if any.	10	2	
7	The government does not require foreign investors to meet performance targets in terms of output or price of goods and services in order to maintain their investments (except in the context of concession contracts based on performance)	10	10	
8	The legal regime for investment does not discriminate <i>in favor of</i> foreign investors <i>against</i> local investors.	10	10	
Repatriation and Transfer of Assets		30	30	100%
9	The investment framework freely permits:			
	a. regular, periodic transfer of the wages and savings of foreign personnel;	10	10	
	b. transfer of offshore of net (after tax) revenues realized from the investment; and	10	10	
	c. free transfer of net proceeds on liquidation of investment (except in cases of foreign exchange exigencies).	10	10	
Expropriation and Legislative Changes		40	36	90%
10	The investment framework expressly prohibits expropriation except under prescribed circumstances in keeping with generally accepted principles of international law.	10	10	
11	In the event of expropriation, the law provides for just, adequate and speedy compensation.	10	8	
12	The law clearly defines the mechanism or methodology for determining what constitutes "adequate" compensation in the event of expropriation.	10	8	
13	The law, regulations or approvals of investment provide guarantees against legislative changes that substantially impair protections extended to investors.	10	10	

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9.1	LEGAL FRAMEWORK: FOREIGN DIRECT INVESTMENT	Ref.	Score	%
Dispute Resolution		60	40	67%
14	The legal framework for investment and contract permit flexibility in the following areas:			
	a. selection mechanism for dispute resolution;	10	10	
	b. choice of forum;	10	8	
	c. choice of substantive law to be applied; and	10	5	
	d. choice of procedural laws or rules.	10	5	
15	The country is a signatory to 1958 UN Convention on the Recognition & Enforcement of Foreign Arbitral Awards (New York Convention).	10	10	
16	Domestic law governing international arbitration is consistent with UNCITRAL Model Law on International Arbitration.	10	2	
Investment Treaties and International Conventions		80	29	36%
17	The country has a bilateral investment treaty (BIT) or similar agreement in force with the following:			
	a. European Union;	10	0	
	b. United States;	10	0	
	c. Neighboring countries; and	10	10	
	d. Other significant trading partners.	10	6	
18	The International Center for the Settlement of Investment Disputes (ICSID) Convention has been ratified.	10	10	
19	The Multilateral Investment Guarantee Agency (MIGA) Convention has been ratified.	10	0	
20	An Overseas Private Investment Corporation (OPIC) program (i.e., finance and political risk insurance) is in operation.	10	1	
21	An Export-Import (EXIM) program is in operation.	10	2	
Ancillary Laws and Other Relevant Provisions		70	38	54%
22	Foreign investors consider the following laws, legal restrictions or requirements to be generally sufficient or appropriate:			
	a. the tax regime;	5	1	
	b. limitations on foreign exchange accounts;	5	5	
	c. protection of intellectual property rights;	5	1	
	d. minimum capital requirements for companies or investments;	5	3	
	e. collateral and secured transactions; and	5	3	
	f. customs and tariff regimes.	5	3	
23	Visa requirements for expatriate personnel are not viewed by foreign investors as onerous.	10	6	
24	There are no direct export subsidies.	10	10	
25	Qualification for investment incentives is clearly defined according to clear, measurable standards.	10	4	
26	Only the investment incentives, not the investments themselves, are subject to approval.	10	2	
Definition of Implementing Institution		40	31	78%
27	The law clearly defines:			
	a. the institution or institutions responsible for implementation of laws relating to investment, including foreign investment; and	10	10	
	b. the roles, responsibilities and operational procedures of each relevant institution.	10	8	
28	The law requires that the institution(s) render decisions relating to the law:			
	a. based on published laws, regulations and standards; and	10	8	

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9.1	LEGAL FRAMEWORK: FOREIGN DIRECT INVESTMENT	Ref.	Score	%
	b. through written documentation clearly setting forth the basis for the decision.	10	5	
TOTAL FOR LEGAL FRAMEWORK: FOREIGN DIRECT INVESTMENT		405	273	67%

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9.2	IMPLEMENTING INSTITUTIONS: FOREIGN DIRECT INVESTMENT	Ref.	Score	%
Foreign Investment Agency: Organization		60	49	82%
1	The agency responsible for the promotion of investment and approval of investment incentives, has the following characteristics:			
	a. a clearly defined mandate to implement the foreign investment law;	5	5	
	b. sufficient staffing to carry out its mandate;	5	4	
	c. sufficient authority and support to carry out its mandate, including clear policy statements and support from the government;	5	5	
	d. sufficient funding through state budget, fees collected, or a combination of both to maintain its equipment and services;	5	3	
	e. detailed internal regulations and operating procedures; and	5	3	
	f. an active staff training and development program utilizing appropriate training materials, guidebooks or procedural manuals to improve staff competency and service.	5	3	
2	There is general consistency in understanding the agency role and functions among the government, the agency and the end users.	10	10	
3	The agency has adopted a "customer-oriented" approach to fulfilling its mandate.	10	8	
4	The agency has an active, current web site, including contact information, registration, application or other requirements, and relevant legal materials.	10	8	
Foreign Investment Agency: Procedures and Basic Operations		85	59	69%
5	Primary Services: Assistance to foreign investors:			
	a. The agency distributes (or makes available for a nominal fee) copies of all procedures, relevant laws, government regulations, fee schedules and other information governing registration of investments, approval of investment incentives and any other relevant activities;	5	5	
	b. The procedures for registration (if such is required) or application for incentives are transparent, clear and consistent;	5	5	
	c. The manner in which the agency executes the approval or registration procedures is transparent, non-discretionary, non-discriminatory and relatively bribe free;	5	3	
	d. When rejecting an application, the agency provides a written explanation based on published law and regulations;	5	5	
	e. Approval procedures for investment incentives and licenses are transparent, clear, predictable, consistent and simple;	5	3	
	f. Investors consider fees for services to be reasonable and not a constraint to investment;	5	5	
	g. The application and registration processes are computerized;	5	5	
	h. The foreign investor community considers the cost and procedures for registration reasonable;	5	3	
	i. Once investors have provided all necessary documentation and information, it takes less than a month to obtain a decision on the approval or rejection of an application for investment incentives; and	5	4	
	j. If the agency does not reject a completed application within 30 days of receipt, it is automatically approved.	5	1	
6	Secondary Services			
	a. The agency produces and publishes periodic newsletters, reports or other informational pieces intended to increase end-user awareness;	5	5	
	b. The agency maintains and publishes statistics on foreign investment, including for different branches and sectors of the economy; and	5	3	

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9.2	IMPLEMENTING INSTITUTIONS: FOREIGN DIRECT INVESTMENT	Ref.	Score	%
	c. The agency provides reasonable public access to all registration and approval decisions.	5	2	
7	The agency maintains active contacts and exchanges with counterpart organizations in other countries.	10	2	
8	The agency coordinates effectively with ministries and other government entities involved in matters affecting foreign investment.	10	8	
Foreign Investment agency: Enforcement of Specific Legal Provisions		65	53	82%
9	In applying relevant law, the agency:			
	a. does not discriminate against foreign investors;	10	10	
	b. does not discriminate against local investors; and	10	10	
	c. provides written justification for its decisions to deny approval or registration based on published laws, regulations and standards.	10	6	
10	In the opinion of foreign investors, the agency (or other relevant institution) efficiently processes approvals or other documentation required for repatriation of salaries, profits and assets. (Note: award full score if not required)	10	8	
11	In the opinion of domestic and foreign investors, the agency regularly applies provisions of bi-lateral investment treaties (BITs) and similar agreements in a consistent, clear, non-discretionary and non-discriminatory manner.	10	8	
12	The agency interacts with other authorities to ensure enforcement and application of investment laws and the terms of incentive approvals.	10	10	
13	In court cases involving foreign investors, the agency provides or otherwise makes available any documentation needed by the courts or litigants in a timely manner.	5	1	
Courts		50	20	40%
14	Courts and other relevant administrative bodies consistently adjudicate disputes involving foreign investors:			
	a. in accordance with clear, published laws, regulations and standards; and	10	3	
	b. without regard to the nationality or residence of the litigants, unless explicitly required by law.	10	10	
15	Courts consistently adjudicate appeals from administrative decisions in a transparent, impartial manner.	10	2	
16	Courts recognize and enforce foreign judgments and arbitral awards.	10	1	
17	Courts make decisions independently, without regard to inappropriate political pressures or non-judicial considerations.	10	4	
TOTAL FOR IMPLEMENTING INSTITUTIONS: FOREIGN DIRECT INVESTMENT		260	181	70%

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9.3	SUPPORTING INSTITUTIONS: FOREIGN DIRECT INVESTMENT	Ref.	Score	%
Government Entities		50	25	50%
1	In the opinion of foreign investors, notary services are:			
	a. relatively inexpensive;	5	4	
	b. readily available throughout the country; and	5	5	
	c. not overly complex or burdensome.	5	2	
2	Registries of names, copyrights, trademarks, patents and other intellectual property are up-to-date and readily accessible to the business community.	10	2	
3	The government regularly collects and maintains data on foreign investment, including registration, levels of investment, employment, liquidation, and other statistics of interest to policy makers and the private sector.	10	8	
4	In the opinion of foreign investors, the Customs Service:			
	a. properly applies the customs and tariff laws to their imports and exports;	5	1	
	b. does not require unduly burdensome registration, application or filing procedures; and	5	1	
	c. is generally supportive when investors need assistance or clarification regarding the clearance of goods or payments of tariffs and duties.	5	2	
Professional Associations		55	32	58%
5	Foreign investors find that there is an adequate supply of local accountants who understand and apply Generally Accepted Accounting Principles (GAAP) or other internationally recognized standards and norms.	10	2	
6	Lawyers' associations have specialized groups dedicated to foreign investment law issues.	10	2	
7	Foreign investors consider lawyers who can assist with matters related to their investment and businesses to be:			
	a. sufficient in quantity;	5	5	
	b. professionally competent; and	5	5	
	c. reasonably priced.	5	5	
8	Economists and statisticians provide investors and policymakers with useful information on the impact of or need for foreign direct investment.	10	5	
9	Professional associations regularly hold meetings, seminars, or other events to promote better understanding of issues relating to foreign investment.	10	8	
Specialized Services		55	29	53%
10	Foreign investors consider filing and registration services to be:			
	a. sufficient in quantity;	5	5	
	b. professionally competent; and	5	2	
	c. reasonably priced.	5	4	
11	Management consulting, public relations, market research and similar firms facilitate inbound foreign direct investment.	10	4	
12	Universities, foundations and think tanks regularly examine and issue reports and opinions on content and enforcement of foreign investment laws and the overall investment environment.	10	4	
13	Foreign investors are able to verify the creditworthiness of local investors, purchasers, and business debtors through credit rating services.	10	2	
14	Debt collection services:			
	a. are available through the private sector; and	5	5	
	b. do not resort to extra-legal enforcement mechanisms (e.g., thuggery).	5	3	
Trade and Special Interest Groups		50	38	76%
15	Banking associations, business groups and chambers of commerce:			

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9.3	SUPPORTING INSTITUTIONS: FOREIGN DIRECT INVESTMENT	Ref.	Score	%
	a. actively monitor foreign investment law practice and developments; and	5	5	
	b. issue opinions and appeals for change based on the results of monitoring.	5	5	
16	Foreign investor associations provide input to policy makers and business associations on international standards in foreign investment law and the investment environment.	10	7	
17	The local media report on matters related to investment law, giving the business community and general public a greater understanding of investment-related issues from a free market perspective.	10	8	
18	Foreign investors can satisfy local insurance needs through domestic insurance providers.	10	3	
19	One or more established foreign investors' associations actively seek improvements in the investment environment.	10	10	
TOTAL FOR SUPPORTING INSTITUTIONS: FOREIGN DIRECT INVESTMENT		210	124	59%

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9.4	SOCIAL DYNAMICS: FOREIGN DIRECT INVESTMENT	Ref.	Score	%
Market for Improved Laws		320	191	60%
Demand for Improved Laws		115	61	53%
Government		45	28	62%
1	At least one high-level government official from each of the following is knowledgeable of issues surrounding foreign direct investment and works to increase foreign investment :			
	a. the legislature;	5	2	
	b. the ministry responsible for FDI policy; and	5	5	
	c. the implementing institution.	5	5	
2	Elected politicians regularly espouse positions supporting liberalized FDI policies.	10	2	
3	Foreign governments seek to conclude and enforce bi-lateral investment treaties (BITs) or similar agreements.	10	4	
5	International lending institutions and donor agencies provide assistance to or condition loans upon reform of the investment environment.	10	10	
Private Sector		70	33	47%
6	Professional associations:			
	a. have specialized sections or committees dedicated to FDI law or policy issues;	5	2	
	b. have established formal mechanisms with policy makers for providing input and feedback on FDI-related issues;	5	2	
	c. regularly provide substantive input and feedback (including studies, statistics, policy documents, etc.) to policymakers on FDI-related issues;	5	2	
	d. regularly provide draft laws, comments on regulations, suggested amendments and similar input to lawmakers on FDI-related issues; and	5	2	
	e. conduct programs and events for their members and the general public to promote better understanding of the benefits of an improved environment for foreign and domestic investment.	5	2	
7	The business community is well represented by trade and special interest groups who benefit from increased FDI or an improved investment environment.	10	5	
8	Trade and special interest groups:			
	a. have specialized sections or committees dedicated to FDI law or policy issues;	5	3	
	b. have established formal mechanisms with policy makers for providing input and feedback on FDI-related issues;	5	3	
	c. regularly provide substantive input and feedback (including studies, statistics, policy documents, etc.) to policymakers on FDI-related issues;	5	3	
	d. regularly provide draft laws, comments on regulations, suggested amendments and similar input to lawmakers on FDI-related issues; and	5	3	
	e. conduct programs and events for their members and the general public to promote better understanding of the benefits of an improved environment for foreign and domestic investment.	5	5	
9	Universities offer courses on issues related to improving the investment climate for foreign and domestic investment.	10	1	
Supply of Improved Laws		205	130	63%
Government		125	82	66%
10	The government has created an environment generally supportive of an environment conducive to FDI, including:			
	a. large scale privatization;	5	2	

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9.4	SOCIAL DYNAMICS: FOREIGN DIRECT INVESTMENT	Ref.	Score	%
	b. small scale privatization;	5	2	
	c. stable macroeconomic policy;	5	5	
	d. freely convertible currency;	5	5	
	e. clearly stated policies promoting FDI;	5	5	
	f. active anti-corruption initiatives to combat corrupt practices involving FDI; and	5	2	
	g. an annual legislative agenda for FDI policy reform that is actively pursued.	5	2	
11	A specialized administrative unit has been established to review existing or proposed laws and regulations with the aim of reducing the regulatory burden on investors.	10	5	
12	The government (through a specialized unit or otherwise) has the technical capacity to draft laws and regulations necessary for improved FDI policy.	10	10	
13	The Government provides for meaningful private sector participation in the legal reform process by:			
	a. making copies of laws, regulations, instructions, application forms and similar subsidiary instruments readily available (e.g., to private sector publishers, through bookstores, on a web site) to foreign and domestic investors;	10	8	
	b. providing foreign and domestic investors with meaningful notice of and opportunity to comment on draft laws or legislative amendments affecting FDI:			
	1. before they are submitted for legislative approval, and	10	10	
	2. before they become effective; and	10	10	
	c. providing foreign and domestic investors with meaningful notice of and opportunity to comment on draft <i>implementing regulations</i> :			
	1. before they are submitted for legislative approval, and	10	2	
	2. before they become effective.	10	2	
14	Formal mechanisms for soliciting input from business and professional community regarding formulation and amendment of FDI policy:			
	a. have been established by the government;	5	5	
	b. are actively used by the government; and	5	3	
	c. according to foreign investors, generally satisfy private sector demand for providing input.	10	4	
Private Sector		80	48	60%
15	Foreign investors perceive the legal and regulatory environment generally to be:			
	a. stable, as evidenced by:			
	1. infrequent changes to relevant laws and regulations; and	5	2	
	2. a relative lack of conflicting laws and regulations;	5	2	
	b. predictable, evidenced by relative consistency in interpretation and enforcement of major laws and regulations; and	10	2	
	c. transparent in that equal treatment is generally accorded for end users in similar positions and circumstances.	10	8	
16	Foreign investors perceive the laws and regulations issued by the government to be relatively:			
	a. precise in that they can be generally read and understood by a business person (or end user) and provide adequate indication of what is required thereunder;	10	8	

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9.4	SOCIAL DYNAMICS: FOREIGN DIRECT INVESTMENT	Ref.	Score	%
	b. complete in that they address the main needs of foreign investors and do not contain significant gaps; and	10	8	
	c. responsive to their needs as reflected in "favorable" (e.g., pro-investment) policy measures.	10	8	
17	Foreign investors generally feel that they have a meaningful role to play in shaping policy reform in area of FDI.	10	6	
18	Foreign investors generally feel that the state is effectively meeting basic needs for legal reform in the area of FDI.	10	4	
Market for Effective Implementing Institutions		170	98	58%
Demand for Effective Implementing Institutions		80	56	70%
Government		40	28	70%
19	One or more high level government officials with responsibility for implementation champion the cause of more efficient and effective provision of services by the implementing institution.	10	10	
20	The director of the implementing institution is committed to improving services and responsiveness to end-user needs.	10	10	
21	A formal mechanism exists for reviewing the performance and effectiveness of the implementing institution on a regular basis (at least annually).	10	2	
22	International lending institutions and donor agencies have instituted assistance programs with the government to upgrade and improve the implementing institution.	10	6	
Private Sector		40	28	70%
23	The business community understands and agrees with the service mandate of the implementing institution.	10	8	
24	Professional associations, trade organizations and special interest groups that favor an improved investment environment actively pressure the implementing institution more effectively than protectionist groups to apply the laws in a manner favoring members of protectionist interest groups.	10	6	
25	Foreign investors regularly uses the services of the implementing institution.	10	10	
26	In service areas where the implementing institutions are weak, the private sector offers competing or replacement services to fill the gap.	10	4	
Supply of Effective Implementing Institutions		90	42	47%
Government		40	18	45%
27	The implementing institution actively utilizes:			
	a. an internal plan, reviewed annually, for improving services provided to the private sector and government;	5	2	
	b. a system of accountability for its performance to the government institution responsible for its oversight; and	5	2	
	c. a mechanism for obtaining feedback from the private sector on the cost and quality of its services.	10	2	
28	The implementing institution provides a written basis for all decisions made based on existing, published law.	10	2	
29	The implementing institution makes all regulations, forms, applications and other important documents and information available to the end-users.	10	10	
Private Sector		50	24	48%
30	Foreign investors feel that the manner in which the implementing institution supplies services is:			
	a. transparent;	5	2	
	b. non-discretionary;	5	2	

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9.4	SOCIAL DYNAMICS: FOREIGN DIRECT INVESTMENT	Ref.	Score	%
	c. non-discriminatory;	5	2	
	d. reasonably priced.	5	4	
31	Foreign investors feel that they have adequate opportunities to provide feed-back to the institution on its performance.	10	2	
32	Foreign investors consider to be decisions made by the implementing institution to be:			
	a. predictable under similar facts and circumstances;	5	3	
	b. appropriate under existing law;	5	3	
	c. understandable; and	5	3	
	d. generally supportive of an improved investment climate.	5	3	
Market for Supporting Institutions		70	52	74%
Demand for Supporting Institutions		40	30	75%
33	The private sector creates supporting institutions as needed to provide services required for an investment climate conducive to foreign investment in each of the following areas:			
	a. professional associations;	10	8	
	b. specialized services; and	10	8	
	c. FDI and special interest groups.	10	6	
34	For specialized services, there are generally competing service providers.	10	8	
Supply of Supporting Institutions		30	22	73%
35	Foreign investors generally consider the supporting institutions to be adequate in facilitating or supporting the implementation of the framework law in terms of:			
	a. number of institutions; and	10	10	
	b. quality of institutions.	10	6	
36	A sufficient mass of private sector associations supports free-market FDI principles to counterbalance protectionist groups.	10	6	
SUB-TOTAL -- DEMAND		235	147	63%
SUB-TOTAL -- SUPPLY		325	194	60%
TOTAL FOR SOCIAL DYNAMICS: FOREIGN DIRECT INVESTMENT		560	341	61%

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10.1	LEGAL FRAMEWORK: INTERNATIONAL TRADE	Ref.	Score	%
General Environment for Trade		95	66	31%
1	The country's legal framework for international trade is characterized by the following:			
	a. Member of a multilateral trade regime (WTO);	10	10	
	b. Member of a regional trade regime or generally consistent bi-lateral trade agreements with neighboring states;	10	10	
	c. Bilateral trade agreement with EU;	5	1	
	d. Bilateral trade agreement with US; and	5	1	
	e. Bilateral trade agreement with Japan.	5	4	
2	The state does not hold or attempt to hold a monopoly on the trade of any goods or non-government services.	10	5	
3	Competition law prohibits monopolies or cartels of goods or services.	10	10	
4	There are no special registration requirements for import/export activities (except with regard to "sensitive" or quota products).	10	2	
5	Internal administrative districts (states, regions, counties) observe and enforce trade laws without alteration.	10	5	
6	Trade law provides for non-discriminatory trade dispute resolution through international bodies or through local bodies in conformity with international law.	10	8	
7	Tariffs are the principal trade policy instrument used by state to regulate international trade.	10	10	
Customs & Tariff Regime		60	52	45%
8	Customs tariff schedule is based on Harmonized Tariff System (HS).	10	10	
9	Tariffs are calculated on ad valorem basis.	10	10	
10	Preferences are extended to trading partners under the Global System of Trade Preferences.	10	10	
11	Trade laws include the principle of non-discrimination by including "most favored nation" provisions.	10	10	
12	Trade laws accord "national treatment" to goods and services.	10	4	
13	Laws contain safeguard mechanisms that clearly specify trigger mechanisms.	10	8	
Non-tariff Barriers		140	82	33%
14	No special registration requirements are imposed for import/export activities (except with regard to "sensitive" or quota products).	10	1	
15	Import licenses are required only for enumerated "sensitive" goods (e.g., weapons, explosives, toxins).	10	1	
16	No quantitative restrictions are placed on importation of goods (except where criteria for safeguard measures are met).	10	4	
17	National domestic technical standards are in conformity with practices and procedures of the International Standards Organization (ISO).	10	6	
18	Regional (sub-national) standards are in substantial conformity with national domestic standards (i.e., no additional rules imposed internally by regions or states).	10	4	
19	Goods are accorded national treatment for the purpose of applying technical standards.	10	7	
20	Principle of non-discrimination exists in definition of technical standards.	10	10	
21	Principle of non-discrimination exists in definition of sanitary and phyto-sanitary standards.	10	10	
22	Rules of origin are in place and consistent with internationally accepted practice.	10	10	

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10.1	LEGAL FRAMEWORK: INTERNATIONAL TRADE	Ref.	Score	%
23	Anti-dumping provisions are enacted.	10	10	
24	Countervailing duty provisions are enacted.	10	1	
25	The overall commercial law regime supports secured trade finance on imported and exported goods.	10	10	
26	Safeguards provisions enacted.	10	6	
27	Rules for establishing free trade zones and other preferential trade zones are enacted.	10	2	
Definition of Implementing Institution		40	21	55%
28	The framework law clearly defines:			
	a. the institution or institutions responsible for implementation of laws relating to trade; and	10	7	
	b. the roles, responsibilities and operational procedures of each relevant institution.	10	6	
29	The framework law requires that the institution(s) render decisions relating to the law:		6	
	a. based on published laws, regulations and standards; and	10	1	
	b. through written documentation clearly setting forth the basis for the decision.	10	1	
TOTAL FOR LEGAL FRAMEWORK: INTERNATIONAL TRADE		335	221	66%

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10.2	IMPLEMENTING INSTITUTIONS: INTERNATIONAL TRADE	Ref.	Score	%
Trade Authorities: Organization		70	50	60%
1	The Trade Commission, Ministry of Foreign Trade, and/or other institution responsible for the trade laws (hereinafter "the trade authorities"), and each relevant sub-unit, if any, has the following characteristics:			
	a. a clearly defined mandate to implement the trade law;	5	5	
	b. sufficient professional and administrative staffing to carry out its mandate;	5	2	
	c. sufficient authority and support to carry out its mandate, including clear policy statements and support from the government;	5	5	
	d. sufficient funding through state budget, fees collected, or a combination of both to maintain its equipment and services;	5	3	
	e. detailed internal regulations and operating procedures; and	5	3	
	f. an active staff training and development program utilizing appropriate training materials, guidebooks or procedural manuals to improve staff competency and service.	5	2	
2	There is general consistency in understanding the trade authorities' roles and functions among the government, the trade authorities themselves, and the end users.	10	8	
3	The trade authorities have adopted a "customer-oriented" approach to fulfilling its mandate.	10	8	
4	The trade authorities are sufficiently decentralized to enable users throughout the country to have reasonable access.	10	6	
5	The trade authorities have an active, current web site, including contact information, trade legislation and policy papers, and other relevant materials.	10	8	
Trade Authorities: Operations		80	28	43%
6	The trade authorities maintain active contacts with counterpart organizations in other countries to ensure compliance with international standards.	10	3	
7	The trade authorities distribute (or makes available for a nominal fee) copies of all procedures, relevant laws, government regulations, fee schedules and other information governing trade and related activities.	10	4	
8	Principal Services: International Trade Policy.			
	a. The trade authorities actively monitor levels of compliance with terms of WTO accession requirements and other trade agreements.	10	3	
	b. The trade authorities actively pursue increased compliance with trade agreements.	10	3	
9	Principal Services: Enforcement of Trade Policy.			
	a. A separate or special unit is specifically responsible for interpretation and enforcement of defensive instruments (i.e., antidumping, countervailing, safeguards) and implementation and coordination of customs policy and administration.	5	4	
	b. The special unit has established mechanisms for private sector enterprises to seek protection from unfair trade practices through enforcement of defensive instruments.	5	3	
	c. The special unit enforces the laws in a non-discretionary, non-discriminatory, consistent and transparent manner even when decisions will result in a negative impact on domestic enterprises.	5	3	
	d. Private-sector businesses generally consider the special unit to provide satisfactory protection from unfair trade practices.	5	3	

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10.2	IMPLEMENTING INSTITUTIONS: INTERNATIONAL TRADE	Ref.	Score	%
10	The trade authority or other responsible agency provides import and export licences transparently in accordance with published standards, and without imposition of bribes or other inappropriate rent-seeking behavior.	10	1	
11	The trade authority oversees and ensures proper application of customs and tariffs by the Customs Service.	10	1	
Courts		30	7	0%
12	Courts and other relevant administrative bodies consistently adjudicate disputes involving foreign investors:			
	a. in accordance with clear, published laws, regulations and standards; and	5	1	
	b. without regard to the nationality or residence of the litigants, unless explicitly required by law.	5	4	
13	Courts consistently adjudicate appeals from administrative decisions in a transparent, impartial manner.	10	1	
14	Courts make decisions regarding trade issues independently, without regard to inappropriate political pressures or non-judicial considerations.	10	1	
TOTAL FOR IMPLEMENTING INSTITUTIONS: INTERNATIONAL TRADE		180	85	47%

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10.3	SUPPORTING INSTITUTIONS: INTERNATIONAL TRADE	Ref.	Score	%
Government Entities		100	37	48%
1	The Customs Service operates with the following characteristics:			
	a. interprets and applies customs laws uniformly throughout the territory;	10	2	
	b. has implemented a risk profiling system in which less than 50% of shipments are inspected;	10	5	
	c. processing delay for overland shipments through land border posts averages less than 2 hours;	10	5	
	d. main operations have been computerized (e.g., ASYCUDA++) and networked;	10	5	
	e. applies a "customer-oriented" approach to fulfilling its mandate; and	10	2	
	f. staff accepts international inspection certificates.	10	2	
2	There is general consistency in understanding the Customs Service's role and functions among the government, the Customs Service and end users.	10	8	
3	The Customs Service has an active, current web site, including contact information, trade legislation and policy papers, and other relevant materials.	10	4	
4	Courts apply the law related to trade in a transparent, non-discretionary, non-discriminatory manner.	10	2	
5	The body of judicial decisions is sufficiently consistent to provide reasonably predictable outcomes in similar circumstances.	10	2	
Professional Associations		30	13	37%
6	Lawyers' associations have specialized groups dedicated to trade law issues.	10	1	
7	Professional associations regularly hold meetings, seminars, or other events to examine constraints to and opportunities for improved implementation of trade laws.	10	4	
8	Economists examine trade law issues and promote better understanding of market-oriented trade policy.	10	8	
Specialized Services		60	35	45%
9	Internationally accredited inspection services are provided on a reasonable cost basis to importers and exporters.	10	6	
10	Sufficient facilities are maintained at land border posts to conduct on-site health, safety, environmental, etc., inspections.	10	4	
11	Importers and exporters are generally satisfied with the quantity, quality and cost of In-bond warehouses and warehouse services.	10	4	
12	Trade forms (customs documents, bills of lading, certifications) are printed and readily available locally through private publishers (whether or not under contract to relevant government agencies).	10	5	
13	Experienced local consultants and service providers are available to assist with trade missions, marketing and other trade promotion activities.	10	8	
14	There is a well developed industry of freight forwarders and customs brokers.	10	8	
Trade and Special Interest Groups		40	24	68%
15	Local financial institutions offer trade finance to domestic importers and exporters on reasonable terms.	10	4	
16	Market-friendly private sector associations regularly examine and promote issues related to increased trade.	10	5	
17	Local insurance agencies provide insurance on imports and exports at reasonable commercial rates in accordance with international standards.	10	5	
18	The local media report on trade-related stories, as well as covering trade-related events by local private sector associations.	10	10	
TOTAL FOR SUPPORTING INSTITUTIONS: INTERNATIONAL TRADE		230	109	47%

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10.4	SOCIAL DYNAMICS: INTERNATIONAL TRADE	Ref.	Score	%
Market for Improved Laws		220	127	52%
Demand for Improved Laws		70	42	60%
Government		30	20	83%
1	At least one high-level government official is knowledgeable of and works for liberalized trade.	10	10	
2	Foreign governments seek to include the country in bi-lateral or multilateral trade agreements, or seek to enforce liberalization provisions of existing agreement:	10	8	
3	International lending institutions and donor agencies provide assistance to or condition loans upon reform of the trade law regime	10	2	
Private Sector		40	22	43%
4	Professional associations:			
	a. have specialized sections or committees that seek to monitor and improve the legal framework; and	5	1	
	b. regularly provide input or otherwise lobby for market-oriented solutions to the existing trade regime.	5	5	
5	The business community is well represented by trade and special interest groups.	10	6	
6	Trade and special interest groups:			
	a. have specialized sections or committees that seek to monitor and improve the legal framework; and	5	2	
	b. regularly provide input or otherwise lobby for market-oriented solutions to the existing trade regime.	5	3	
7	Importers and exporters actively lobby for improved tariff structure	10	5	
Supply of Improved Laws		150	85	53%
Government		70	44	53%
8	The government has created an environment generally supportive of liberalized trade.	10	4	
9	The government (through a specialized unit or otherwise) has the technical capacity to draft laws and regulations necessary for improved trade policy	10	8	
10	The Government provides for meaningful private sector participation in the legal reform process by			
	a. making copies of laws, regulations, instructions, application forms and similar subsidiary instruments readily available (e.g., in bookstores) to the business community or other end user.	10	8	
	b. providing the business community with meaningful notice of and opportunity to comment on draft laws or legislative amendments affecting trade.	10	10	
	c. providing the business community with meaningful notice of and opportunity to comment on draft implementing regulations	10	10	
11	Formal mechanisms for soliciting input from the business and professional community for formulating and amending trade policy			
	a. have been established by the government	5	1	
	b. are actively used by the government	5	1	
	c. according to the business and professional communities, generally satisfy private sector demand for providing input	10	2	
Private Sector		80	41	53%
12	The business and professional communities perceive the legal and regulatory environment generally to be:			
	a. stable, with stability evidenced by			
	1. infrequent changes to relevant laws and regulations, and	5	1	
	2. a relative lack of conflicting laws and regulations	5	2	

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10.4	SOCIAL DYNAMICS: INTERNATIONAL TRADE	Ref.	Score	%
	b. predictable, evidenced by relative consistency in interpretation and enforcement of major laws and regulations; and	10	2	
	c. transparent in that equal treatment is generally accorded for end users in similar positions and circumstances.	10	2	
13	The business and professional communities perceive the laws and regulations issued by the government to be relatively			
	a. precise in that they can be generally read and understood by a business person (or end user) and provide adequate indication of what is required thereunder;	10	8	
	b. complete in that they address the main needs of the business community and do not contain significant gaps; and	10	6	
	c. responsive to their needs as reflected in "favorable" (e.g., pro-business) policy measures.	10	6	
14	The business and professional communities generally feel that they have a meaningful role to play in shaping policy reform in area of trade	10	8	
15	The business and professional communities generally feel that the state is effectively meeting basic needs for legal reform in the area of trade.	10	6	
Market for Effective Implementing Institutions		170	103	54%
Demand for Effective Implementing Institutions		80	58	65%
Government		40	31	75%
16	At least one high-level government official with responsibility for implementation of trade rules works toward more efficient and effective provisions of services by the Trade Commission, Ministry of Foreign Trade, and/or other institution responsible for	10	10	
17	The director of the trade authorities is committed to improving services and responsiveness to end-user needs.	10	10	
18	There exists a formal mechanism exists for reviewing the performance and effectiveness of the trade authorities on a regular basis (at least annually)	10	1	
19	International lending institutions and donor agencies have instituted assistance programs with the government to upgrade and improve the trade authorities.	10	10	
Private Sector		40	27	55%
20	The business community understands and agrees with the service mandate of the trade authorities.	10	6	
21	Professional associations, trade organizations and special interest groups that favor liberalized trade actively pressure the trade authorities more actively than protectionist groups to apply the laws in a manner favoring their positions.	10	5	
22	The business community regularly uses the services of the trade authorities	10	10	
23	In service areas where the trade authorities are weak, the private sector offers competing or replacement services to fill the gap	10	6	
Supply of Effective Implementing Institutions		90	45	43%
Government		40	19	40%
24	The trade authorities actively utilizes			
	a. an internal plan, reviewed annually, for improving services provided to the private sector and government	5	4	

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10.4	SOCIAL DYNAMICS: INTERNATIONAL TRADE	Ref.	Score	%
	b. a system of accountability for its performance to the government institution responsible for its oversight	5	1	
	c. a mechanism for obtaining feedback from the private sector on the cost and quality of its services.	10	2	
25	The trade authorities provides a written basis for all decisions made based on existing, published law.	10	2	
26	The trade authorities makes all regulations, forms, applications and other important documents and information available to the end-users	10	10	
Private Sector		50	26	46%
27	End-users feel that the manner in which the trade authorities supply services is:			
	a. transparent;	5	1	
	b. non-discretionary;	5	1	
	c. non-discriminatory; and	5	3	
	d. reasonably priced.	5	4	
28	End-users feel that they have adequate opportunities to provide feed-back to the trade authorities on their performance	10	2	
29	The general business and professional communities consider to be decisions made by the trade authorities to be			
	a. predictable for similar facts and circumstances	5	4	
	b. appropriate under existing law;	5	4	
	c. understandable;	5	4	
	d. generally supportive of liberalized trade	5	3	
Market for Supporting Institutions		60	43	38%
Demand for Supporting Institutions		30	22	43%
30	The private sector creates supporting institutions as needed to provide services required for effective trade and a trade environment in each of the following areas:			
	a. professional associations;	10	8	
	b. specialized services; and	10	7	
	c. trade and special interest groups.	10	7	
	For specialized services, there are generally competing service provider:	N/A	N/A	
Supply of Supporting Institutions		30	21	33%
31	The business community generally considers the supporting institutions for subject matter area to be adequate in facilitating or supporting the implementation of the framework law in terms of:			
	a. number of institutions; and	10	8	
	b. quality of institutions.	10	6	
32	A sufficient mass of private sector associations supports free-market trade principles to counterbalance protectionist group:	10	7	
SUB-TOTAL -- DEMAND		180	122	59%
SUB-TOTAL -- SUPPLY		270	151	47%
TOTAL SOCIAL DYNAMICS: INTERNATIONAL TRADE		450	273	61%

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Commerical Law and Institutional Reform and Trade Development Indicators

11.1	LEGAL FRAMEWORK: FLOW OF GOODS AND SERVICES	REF.	SCORE	%
Customs Agency: Organization		165	101	61%
	Personnel: Recruitment, Training and Retention	60	36	60%
1	Laws mandate standardized, competitive, transparent application process.	10	5	
2	Laws allow for background screening for all sensitive personnel before hiring.	10	1	
3	Laws allow for performance policies based on standards and evaluations.	10	3	
4	Laws allow for provisions to award employees for excellence.		8	
5	Laws allow for active staff training and development.	10	9	
6	Law allow for periodic background investigations for current employees including financial checks and drug testing.	10	9	
7	Laws allow for a transparent dismissal system based on performance standards shortcomings or code of conduct violations.	10	1	
	Management	25	23	92%
8	The law clearly defines clear mandate to implement customs law.	5	5	
9	The law clearly delineated parameters and authority with respect to other government bodies whose actions and decisions directly affect customs facilitation and enforcement.	5	5	
10	The law provides for minimal political positions and a largely professional staff.	5	3	
11	The law mandates system of accountability for its performance to the government institution responsible for its oversight.	10	10	
	Integrity	80	42	53%
12	Laws mandate ethics training.	10	8	
13	Laws requires written code of conduct that is available publicly.	10	2	
14	Laws prescribes adequate and uniform penalties for violations of code of conduct.	5	5	
15	Law prohibits bribery, including favors, gifts and other inducements, of Customs officials and other public officials.	10	9	
16	Law forbids companies from taking tax deductions for foreign bribes.	5	5	
17	Whistleblower protection laws are in place for Customs employees reporting violation of customs laws and attempts at bribery.	10	1	
18	Laws require independent investigative body to enforce code of conduct and other violations.	5	5	
19	Laws require publication of fees and formalities connected with importation and exportation.	10	3	
20	Laws require the publication and administration of all trade and customs laws and regulations.	10	3	
21	Laws require the publication and administration of Customs rulings.	5	1	
Customs: Operations		560	322	58%
	Laws and Regulations Regarding General Import-Export Activities	170	67	39%
22	Customs tariff schedule is based on Harmonized Tariff System.	10	10	
23	Law allows acceptance of electronic admissions as a legal document.	10	1	
24	Laws are in conformity with the General Annex of the Revised Kyoto Convention on the Simplification and Harmonization of Customs Procedures, including the			
	a. Clearance and other formalities	10	2	
	b. Duties and taxes	10	2	

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11.1	LEGAL FRAMEWORK: FLOW OF GOODS AND SERVICES	REF.	SCORE	%
	c. Security	10	2	
	d. Customs control	10	2	
	e. Application of information technology	10	2	
	f. Relationship between Customs and third parties	10	2	
	g. Information, decisions and rulings by Customs	10	2	
	h. Appeals in Customs matters	10	2	
25	Laws are in conformity with the Specific Annex of the Kyoto Convention on the Simplification and Harmonization of Customs Procedures:			
	a. Arrival of goods in Customs territory	5	3	
	b. Importation	5	3	
	c. Exportation	5	3	
	d. Customs warehouses and free zones	5	3	
	e. Transit	5	3	
	f. Processing	5	3	
	g. Temporary admission	5	3	
	h. Offenses	5	3	
	I. Special procedures	5	3	
	j. Origin	5	3	
25	Laws for establishing free trade zones and other preferential trade zones are enacted.	5	5	
26	Laws require no special registration requirements for import/export activities (except with regard to "sensitive" or international quota products).	10	1	
27	There are reasonable time limitations for Customs to take administrative or enforcement actions.	5	4	
	Laws and Regulations Regarding Import Activities	45	22	49%
28	Laws are in conformity with the WTO Agreement on Valuation.	10	2	
29	Laws are in conformity with of the WTO Agreement on Rules of Origin.	10	6	
30	Laws are in conformity with the WTO Agreement on Import Licensing.	5	2	
31	Laws are in conformity with the WTO Agreement on Technical Barriers to Trade.	5	4	
32	Goods are accorded national treatment for the purpose of applying technical standards.	5	3	
33	Principle of non-discrimination exists in definition of technical standards.	5	3	
34	A de-minimis regime is allowed whereby certain goods are exempted from import duties and taxes and from formal declaration procedures.	5	2	
	Laws and Regulations Regarding Export Activities	10	2	20%
35	Laws do not require inspection for export activities.	5	1	
36	Export licenses/permits are only required for strategic and otherwise sensitive goods.	5	1	
	Laws and Regulations Regarding Transit Activities	25	20	80%
37	Laws are in conformity with practices and procedures to GATT Article V-Freedom of Transit.	10	4	
38	Laws are in conformity with the the International Transport of Goods under Cover of TIR Carnets.	10	7	

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11.1	LEGAL FRAMEWORK: FLOW OF GOODS AND SERVICES	REF.	SCORE	%
39	Laws are in conformity with the ATA carnet for the temporary admission of goods.	5	9	
	Automation	10	3	30%
40	Laws allow for full automation of Customs systems.	10	3	
	Customs Brokers	30	15	50%
41	Law provides that Customs, either solely or in concert with the trade community, regulates the broker industry.	10	3	
42	Law mandates that a written, rigorous examination to obtain broker's license.	5	3	
43	The law mandates a written code of conduct and ethics training.	5	1	
44	The law provides for operating requirements and penalties for violations.	5	5	
45	The law mandates that disciplinary action, either solely or in concert with the trade community, is taken where required.	5	3	
	Trade Data	10	10	100%
46	Laws mandate the collection of trade and economic statistics according to international standards.	10	10	
	General Enforcement Procedures	95	67	71%
47	Laws grant implementing agency responsible for customs enforcement the authority to be first point of entry and the right to inspect at any point for transshipped, in-bond, or imported goods.	10	10	
48	Laws provide the Coast Guard, Navy or other appropriate institution has the right to board and inspect vessels at sea.	10	10	
49	Laws grant implementing agency responsible for customs enforcement the authority to hold and quarantine goods for import, export, or transshipment which violate intellectual property, copyright, or patent protection.	5	5	
50	Laws include adequate civil and criminal penalties to maintain:			
	a. administrative compliance.	10	10	
	b. security against dangerous and undesirable imports and exports.	10	10	
51	Implementing agency responsible for Customs administration enforces laws and regulations involving Customs end users in a manner that:			
	a. provides sufficiently consistent and predictable outcomes in similar circumstances.	5	2	
	b. is transparent	5	2	
	c. non-discriminatory.	5	2	
	d. independent of inappropriate political influence.	5	2	
	e. is effective.	5	3	
52	Implementing agency responsible for Customs law enforcement enforces laws and regulations involving Customs end users in a manner that:			
	a. provides sufficiently consistent and predictable outcomes in similar circumstances.	5	3	
	b. is transparent	5	2	
	c. non-discriminatory.	5	2	
	d. independent of inappropriate political influence.	5	2	
	e. is effective.	5	2	
	Valuation, Classification and Country of Origin	15	13	87%

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11.1	LEGAL FRAMEWORK: FLOW OF GOODS AND SERVICES	REF.	SCORE	%
53	The law provides for authority to issue determinations regarding valuation, classification and country of origin.	5	5	
54	The law provides that rulings (binding and informal) are issued in a timely fashion.	5	4	
55	The law provides penalties and fines that adequately combat undervaluation and misclassification.	5	4	
	Risk Assessment/Selectivity	5	4	80%
56	Law allows for selective examinations based on risk assessment.	5	4	
	Special Enforcement Activities	10	6	60%
57	Law provides the implementing institution to conduct special enforcement activities.	5	3	
58	Law provides Customs with the authority to stop goods for enforcement purposes beyond the country's border crossing points.	5	3	
	Investigation	50	32	64%
59	Law provides the implementing institution with the authority of investigation.	5	4	
60	Law provides the authority to conduct undercover surveillance.	10	3	
61	Law provides the ability to search inland with search warrant.	10	10	
62	Laws provide the authority to carry firearms.	5	5	
63	Laws provide the authority to arrest.	10	5	
64	Laws provide the authority to detain for a reasonable time.	10	5	
	Intelligence	15	15	100%
65	Law provides Customs with the authority to gather Customs-related intelligence data.	5	5	
66	Law provides Customs with the ability to exchange Customs-related intelligence data with other intra-country law enforcement and security institutions.	5	5	
67	Law provides Customs with the ability to exchange Customs-related intelligence data with international law enforcement and security institutions (ie INTERPOL).	5	5	
	Audit	10	10	100%
68	Law provides Customs with the authority to review and investigate trade records to verify compliance with trade regulations.	5	5	
69	Law provides adequate penalties for violations uncovered during audits.	5	5	
	Cargo Security	60	36	60%
70	Laws or regulations require transportation companies to report the receipt of unmanifested materials.	5	4	
71	Laws or regulations transportation companies to report suspicious transactions or requests for illicit transactions.	10	4	
72	Laws or regulations require a method to control security of cargo, including the use of seals between port and final destination.	10	4	
73	Law requires manifest data to be provided in advance of arrival.	10	4	
74	All commercial cargo and passenger transport must be nationally registered and subject to government oversight and regulation.	10	9	
75	Laws are in conformity with the UN Convention Against Transnational Organized Crime.	10	8	

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11.1	LEGAL FRAMEWORK: FLOW OF GOODS AND SERVICES	REF.	SCORE	%
76	Air cargo security laws are in conformity with the provisions and procedures contained in the Convention for the Suppression of Unlawful Seizure of Aircraft, 1970.	5	3	
Restricted Goods		140	128	91%
Strategic Goods		80	80	100%
77	Laws provide for advance information for general enforcement regarding such as arms, bulk currency, dual use items and other.	10	8	
78	Laws are in confirmity UN sanctions.	5	8	
79	Laws are in conformity with the UN Convention on the Physical Protection of Nuclear Material (Nuclear Materials Convention).	5	8	
80	Laws are in conformity with the UN Convention on the Prohibition of the Development, Production, and Stockpiling of Baceteriological Weapons and on their Destruction.	5	8	
81	Laws are in conformity with the UN Convention against Illicit Traffic in Narcotic Drugs (Vienna Convention).	10	8	
82	Transportation hazardous materials laws are in conformity with the international standards.	10	8	
83	Customs control laws exist requiring a license from the appropriate government ministry for the import, transit, export, and re-export of the following sensitive goods, such as weapons, explsoives, restricted biological agents, precursors, and equipment (following the Australia Group list), hazardous chemicals, precursors, and equipment (following the Australia Group list) and dual-use technical equipment.	10	8	
84	Laws require cargo security measures for dangerous agents (i.e., chemicals, legal biological agents, radiological, weapons and explosives).	10	8	
85	Carriers transporting dangerous or hazardous goods or materials are required to provide a Document of Security stating the goods on board before docking at port.	5	8	
86	Laws prohibit the manufacture, sale, transfer, and/or possession of biological and chemical weapons.	5	4	
87	Laws prohibit the manufacture or facilitation of raw materials, materials, equipment, technology, and scientific-technical information and services which can be used to develop weapons of mass destruction or vehicles for the delivery of weapons of mass destruction via export, import or transshipment.	5	4	
Food-Related Goods		60	48	80%
88	Customs control laws for plant, animal, and food materials are in conformity with the WTO Sanitary and Phytosanitary Measures.	10	9	
89	Laws and regulations are in conformity with the Codex Alimentarius Commission.	5	4	
90	Laws and regulations are in conformity with the WHO Convention on International Health Regulations.	5	4	
91	Laws and regulations are in conformity with the OIE International Animal Health Code on trade in animals and animal products, including disease notification, import risk analysis and import/export procedures.	10	9	
92	Laws and regulations require the registration of export-oriented commercial farms, food processing, and food packaging firms to allow inspection by food safety agency.	5	4	

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11.1	LEGAL FRAMEWORK: FLOW OF GOODS AND SERVICES	REF.	SCORE	%
93	Debarment from further exports or imports is mandated for persons convicted of	10	10	
94	Laws require the registration of process and product characteristics (e.g. product composition, product history, storage time).	5	4	
95	Laws provide agency responsible for food safety and security with the legal authority to detain suspect food prior to export, import, or transshipment and prevent their further shipment if a food officer finds credible evidence of a threat.	10	4	
Enforcement of Laws		75	38	51%
96	Courts and other relevant administrative bodies for adjudicating disputes involving carriers, shippers, importers, exporters, and other trading supporting institutions:			
	a. are available.	5	3	
	a. provide sufficiently consistent and predictable outcomes in similar circumstances.	5	3	
	b. act a transparent manner.	5	3	
	c. act in a non-discriminatory manner.	5	3	
	d. are independent of inappropriate political influence.	5	3	
	e. are effective.	5	3	
97	Customs favors the resolution of disputes with traders through administrative conciliation and financial adjustment rather than recourse to courts.	5	4	
98	Customs disputes are handled by the user (ie., forwarder or agent) not the principal.	5	4	
99	Customs provides the means for the trade community to question or appeal decisions, by local officials, to a higher level, within customs, and, eventually, to a court of law.	10	2	
100	Courts and other relevant administrative bodies consistently adjudicate disputes involving customs integrity issues:			
	a. sufficiently consistent to provide reasonably predictable outcomes in similar circumstances.	5	2	
	b. in a transparent manner.	5	2	
	c. in a non-discriminatory manner.	5	3	
	d. independently of inappropriate political influence.	5	3	
	e. effectively.	5	1	
TOTAL FOR LEGAL FRAMEWORK: FLOW OF GOODS AND SERVICES		940	589	63%

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11.2	IMPLEMENTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
Customs: Organization		335	181	54%
Personnel: Recruitment, Training and Retention		105	55	52%
1	There is an appropriate level of professional and administrative staffing to carry out its mandate.	10	10	
2	Customs seeks to recruit the best personnel through the following recruiting techniquesbackground checks (including finances, personal references, prior employment, interviews, drug-testing and criminal history).	10	5	
3	Customs uses competitive recruiting.	5	4	
4	Customs uses written, standardized job descriptions and objectives for which there is a standardized application and for which there are written performance requirements for the position.	5	3	
5	There is a probation period for first-year employees that has liberalized termination procedure.	5	1	
6	Customs seeks to maintain personnel with the highest intergrity through employment standards transparent career development and employment policies.	10	2	
7	Customs has sufficient funding to pay wages perceived as adequate (based on country wage rates) to all staff, including front-line officers.	10	5	
8	Customs conducts periodic review of employees' of background, including drug testing during employment and periodic financial background checks throughout employment.	5	5	
9	There is a formalized objective seystem for advancement and promotion that includes a comprehensive performance evaluation system in which employees are reviewed on at least a yearly basis.	5	2	
10	An incentive system is in place for rewarding high performance (ie monetary bonus for seizures.)	5	2	
11	Termination of employment can occur for a serious violations of code of conduct or poor performance.	5	5	
12	There is an automated system for handling employment that handles all aspects of the personnel system.	10	2	
13	The staff training and development program includes appropriate training courses, materials, guidebooks or procedural manuals are available to improve issues, such as staff competency, service, new criminal smuggling techniques.	10	2	
14	The staff training and development program includes current employees - training offerings correspond to needed skills.	5	2	
15	Technical assistance from international community is incorporated in the training program.	5	5	
Management		145	77	53%
16	There is a clearly defined mandate to implement customs law.	10	9	
17	There is sufficient authority and support to carry out its mandate, including clear policy statements and support from the government.	10	8	
18	There is sufficient funding through state budget, fees collected, or a combination of both to maintain its equipment and services.	10	7	
19	Customs has an internal plan, reviewed annually, including the improvement efficiency and security of trade flows that identifies and prioritizes core business processes for reform.	10	2	

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11.2	IMPLEMENTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
20	Customs has a three-five year strategic plan that is reviewed, updated and published annually, and has detailed objectives, and performance measures and that that identifies and prioritizes core business processes for reform.	10	5	
21	The management structure reflects the priorities of the organization.	10	5	
22	Customs has a system of accountability for its performance to the government institution responsible for its oversight.	10	10	
23	Customs has a merged management structure of immigration, customs, and animal/plant inspection at the border.	5	2	
24	Customs has an executive team led by a senior manager with ownership for success which is in charge of managing business process reform to streamline and simplify rules and regulation.	10	10	
25	Management solicits input from stakeholders in process, including employees, other government agencies and private sector parties, such as carriers, freight forwarders, importers and others.	10	5	
26	Customs has an intranet that provides job announcements, phone lists, laws and regulations, procedures, statistics, announcements, messages from head of the agency.	5	1	
27	There is an active, current web site, updated regularly, with contact information and relevant materials needed by customers.	5	1	
28	There are written, freely available and well-publicised accounts of the procedures necessary to move goods and vehicles efficiently through the port, airport, and customs systems, tariff classification, valuation and country of origin rulings.	10	2	
29	Customs ensures that existing and new regulations and legislation are simple in form, content and presentation.	5	3	
30	Customs develops and applies performance standards to check that its processing and release of goods are timely and meet reasonable business needs.	10	3	
31	Allocation of Customs staff is accordance with the trade flow to minimize overtime and inconsistencies.	5	2	
32	Customs has adopted a "customer-oriented" approach to fulfilling its mandate.	10	2	
	Integrity	85	49	58%
33	Customs seeks to maintain integrity standards through the creation of an independent section that:			
	a. is charged with investigating and enforcing the integrity code.	5	3	
	b. maintains a system for business sector/public to contact integrity section and report violations.	5	3	
	c. publishes information on integrity lapses and punishments.	5	3	
	d. analyzes duty collections to uncover potential problems when discrepancies arise.	5	2	
	e. is itself subject to review by independent entity.	5	5	
34	Customs seeks to maintain integrity standards through business processes, including the following			

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11.2	IMPLEMENTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
	a. minimizes Customs and money - - by providing importer with the ability to pay customs duties and taxes via direct deposits to banks	5	4	
	b. operates a corporate surety bonding system, or other appropriate means, such as a duty- and tax-deferral system	5	4	
	c. provides clear and specific guidelines for duties and taxes on imported and exported goods that allow for little discretion at the border.	5	3	
	d. issues binding pre-entry classification and valuation rulings, on request, which will be honoured by officers, throughout the customs territory.	5	5	
	e. provides a sound, scientific basis for classification decisions based on international standards.	5	2	
	f. fixes, in the absence of any evidence of fraud, a reasonable limit on the time during which it can demand additional duties and/or the re-delivery of the goods.	5	5	
	g. requires inspectors conducting examinations to be selected by automated system.	10	1	
	h. Provides internal controls in manual and automated systems to prevent violations and identify any violations that may occur.	5	2	
35	Customs provides periodic integrity training at all levels, including review of written and public code of conduct, including penalties for violations.	5	1	
36	Customs provides for the identification for all employees working with public to be shown on request.	5	5	
37	Incentives and job protection exist for employees identifying corruption.	5	1	
Customs: Operations		1085	477	44%
General Import-Export Procedures		505	221	44%
Clearance Procedures General		140	67	48%
38	The number of Customs officers is adequate:			
	a. at airports.	5	5	
	b. at sea ports.	5	5	
	c. at land border crossings.	5	5	
	d. inland inspection stations.	5	5	
39	The normal hours/days of operations by Customs are adequate:			
	a. at airports.	5	5	
	b. at sea ports.	5	5	
	c. at land border crossings.	5	5	
	d. inland inspection stations.	5	5	
40	Border posts have communication facilities to communicate rapidly and reliably with the national or regional headquarters.	5	1	
41	Customs gives importers and exporters the option to file entries themselves or to use an authorized agent.	10	1	
42	Customers have multiple options for filing in which convenient places are generally available.	5	1	

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11.2	IMPLEMENTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
43	Customs institutes procedures that minimize interventions for accounts that have a high level of compliance (importers are authorized to file consolidated entries covering all their importations in a given period and/or maintains account-based, post-entry	10	2	
44	Documentary control procedures are coordinated so that essential control data is processed in advance of arrival of goods (pre-arrival).	10	1	
45	Examination and or release of cargo is permitted prior to the filing of complete entry documentation and payment (post-departure).	10	5	
46	Decisions for Customs interventions are based on risk assessment techniques.	10	2	
47	Declarant's goods are handled by the minimum number of reviewers/signers necessary.	10	5	
48	Delays at the border are minimal.	10	3	
49	Experience of drawback, export refund, temporary admission regimes is positive.	10	3	
50	Customs employs post-departure review.	10	3	
Clearance Procedures: Import		130	50	38%
51	Import permits are not required.	5	1	
52	Customs mandates the declarant enter data electronically.	10	1	
53	Customs uses the electronic declaration that eliminates paper when possible.	10	3	
54	Customs applies the WCO Harmonised Tariff System Convention.	10	10	
55	Customs applies the WTO Valuation Agreement.	10	1	
56	Customs applies the WTO Rules of Origin Agreement.	10	9	
57	WCO Express Guidelines are applied for consignments for which immediate or expedited release or clearance is requested, regardless of weight, value, size, type of operator or carrier, or mode of transport.	5	3	
58	There are infrequent difficulties in complying with Customs clearance with respect to			
	a. valuation	5	1	
	b. origin	5	4	
	c. classification.	5	2	
59	Customs releases goods at carrier's point of arrival, without requiring their interim transfer to a government-operated or -designated warehouse.	5	4	
60	The proportion of import consignments subject to physical inspection by other agencies is negligible.	10	3	
61	For non-security related differences in dispute, goods and vehicles are not delayed while all such differences are resolved.	10	2	
62	A de-minimis regime, updated periodically, is applied whereby certain goods, including documents, private gift packages and trade samples, not exceeding a certain value or weight, are exempted from import duties and taxes and from formal declaration proce	5	2	
63	The incidence (rough percentage of total declarations) of procedural difficulties and disputes is low.	10	2	

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11.2	IMPLEMENTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
64	The incidence (rough percentage of total declarations) of procedural difficulties handled at the lowest level possible is high.	5	1	
65	Average delay times from arrival to release do not significantly impede trade.	10	1	
Clearance Procedures: Export		60	17	28%
66	Export licenses/permits are only required for strategic and otherwise sensitive goods.	10	3	
67	Customs mandates the export data is entered electronically.	10	1	
68	Customs uses the electronic declaration that eliminates paper when possible.	10	1	
69	The incidence (rough percentage of total declarations) of procedural difficulties and disputes is low.	10	3	
70	Percentage of export examinations does not impede export process.	10	3	
71	Procedural difficulties are handled at lowest level where possible.	5	3	
72	When requested from the trade community, Customs is able to provide certification of exportation on a timely basis.	5	3	
Clearance Procedures: Transit		25	22	88%
73	Customs operates a system that provides for minimal Customs intervention for goods in transit, such as Transports Internationaux Routiers (TIR) (ie no new transit documents, no additional documentation, Customs examination or interference unless evidence	10	10	
74	Customs cooperates closely with other neighboring Customs administrations to assist with effective control and facilitation of common transit traffic.	5	10	
75	Transit movements are automated and effectively track cargo from point of arrival to point of departure.	10	2	
Automation		90	28	31%
76	Customs operates comprehensive automated system according to international standards that incorporates the full range of customs commercial activities:			
	a. data validation	5	2	
	b. cargo inventory control that follows a shipment through all stages of the process and deposits data into a history file.	5	2	
	c. goods declaration processing (import/export; electronic payment of duties, taxes, and other fees)	10	2	
	d. release notification	5	1	
	e. Customs enforcement (ie selectivity, risk management/compliance	10	1	
	f. revenue accounting	5	4	
	g. trade statistics	5	3	
	h. tariff and related information for the trade	10	1	
	i. transmits data nationally and internationally	5	3	
77	The system has sufficient and well-trained IT staff to develop and maintain system.	10	3	

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11.2	IMPLEMENTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
78	Users, including Customs and the trade community, are adequately trained and use these electronic tools.	10	5	
79	The data is shared with other government agencies (ie food safety, export control).	10	1	
Broker Regulation		40	26	65%
80	Customs, either solely or in concert with the trade community, regulates the broker industry.	10	6	
81	Customs, either solely or in concert with the trade community, provide for a written, rigorous examination to obtain license.	10	6	
82	The broker industry has a code of conduct and ethics training.	5	3	
83	Customs broker regulations provide operating requirements and penalties for violations.	10	8	
84	Disciplinary action, either solely or in concert with the trade community, is taken by Customs where required.	5	3	
Trade Data		20	11	55%
85	Customs collects essential and high-quality trade information that assists in operations and policy making.	10	2	
86	Customs transmits data to statistical organization.	10	9	
General Enforcement Procedures		465	196	42%
Valuation, Classification and Country of Origin		70	38	54%
87	Experts (classification, rules of origin and valuation) are available in adequate numbers.	10	4	
88	Experts (classification, rules of origin and value) are well-trained.	10	4	
89	Rulings (binding and informal) are issued in a timely fashion that are consistent with international requirements regarding value and classification.	5	3	
90	There is cooperation between the classification, rules of origin, and valuation experts with the trade community, and the trade community considers the knowledgeable and helpful.	5	3	
91	There is a successful strategy to combat undervaluation.	10	8	
92	Classification and valuation system leads to significant duty collection.	10	7	
93	There is a successful strategy to combat misclassification.	10	3	
94	Misclassification is significant and yields significant revenue/penalties.	5	3	
95	There is a successful strategy to combat questionable certificates of origin.	5	3	
Risk Assessment/Selectivity		85	9	11%
96	Staff, including a senior management position, are available for risk assessment in adequate numbers.	10	1	
97	The risk assessment team is well-trained and well-equipped.	10	1	
98	Customs has a plan, reviewed regularly, for improving risk-assessment according to strategic imperatives.	5	1	
99	Risk-assessment is conducted through an automated enforcement information system, using and other modern control techniques to minimize the incidence of physical examinations.	10	1	
100	Risk-assessment automation employs random sampling.	10	1	

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11.2	IMPLEMENTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
101	The system identifies compliant and non-compliant major accounts and adjusts selectivity criteria accordingly.	10	1	
102	Customs implements enforcement operational plans that address high-risk assessments.	10	1	
103	The proportion of import consignments subject to physical inspection by Customs is relatively low.	10	1	
104	As a result of risk assessment, discrepancies are detected, and seizures and revenue collected are generally significant.	10	1	
Special Enforcement Activities		35	27	77%
105	There is a dedicated section for special enforcement activities that is staffed in adequate numbers.	10	6	
106	The special enforcement team is well-trained and well-equipped.	10	6	
107	There is cooperation between the operation team and other Customs and other government agencies.	5	6	
108	As a result, discrepancies are detected, and seizures and revenue collected from these actions are generally significant.	10	9	
Inspectors		80	42	53%
109	Customs has an adequate number of inspectors.	10	10	
110	The inspectors are well-trained and well-equipped, including specialized equipment.	10	2	
111	Supporting documents, such as invoices, certificates of origin, and way-bills, are inspected.	5	2	
112	There is cooperation between the inspectors and other Customs and other government agencies.	5	3	
113	There is cooperation between the inspectors and the trade community.	5	3	
114	Equipment at the border includes			
	a. x-ray machines.	5	5	
	b. drug/bomb sniffing dogs or computerized detection equipment.	5	5	
	c. non-intrusive container inspection equipment.	10	5	
115	There are facilities available for adequate inspection at all border crossings.	10	3	
116	Customs has facilities to detain goods at border posts, regional, or national headquarters.	5	3	
117	Operational procedures are consistent across border points.	10	1	
Investigation		55	15	27%
118	A dedicated investigative team is available in adequate numbers.	10	2	
119	The investigators are trained (The investigation team is trained in the law and able to assist in prosecution of cases), armed and well-equipped, including specialized equipment.	10	2	
120	Customs successfully apply principles of interview and interrogation techniques to substantiate criminal activity.	10	2	
121	There is cooperation between the investigators and other Customs and other government agencies.	5	2	
122	There is cooperation between the investigators and inter-country regional and international counterparts.	5	2	

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11.2	IMPLEMENTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
123	Investigative techniques include surveillance, undercover operations, and wire taps.	5	2	
124	As a result, discrepancies are detected, and seizures and revenue collected from these actions are generally significant.	10	3	
Intelligence		15	5	33%
125	Customs rapidly and efficiently shares information with and receives information from other intelligence agencies and other Customs agencies, other government agencies, regional and international counterparts.	5	2	
126	Intelligence activities result in usable information that lead to successful enforcement operations.	10	3	
Audit		45	16	36%
127	A dedicated audit team is available in adequate numbers.	10	3	
128	Customs auditors are well-trained and successfully apply accounting principles and techniques to substantiate compliance issues and criminal activity.	10	2	
129	They are trained in the law and may lend assistance in complex financial audits in support of investigators.	5	3	
130	There is cooperation between the auditors and other Customs and other government agencies.	5	3	
131	Customs sponsors a program for importers that bestows a "low risk" designation after a comprehensive audit.	5	1	
132	Audit operations conduct a significant amount of audits that result in significant revenue collections.	10	4	
Cargo Security		80	44	55%
133	Personnel dedicated to cargo security are available in adequate numbers.	10	4	
134	The personnel are trained and well-equipped.	10	4	
135	There is cooperation between those responsible for cargo security and other Customs and other government agencies.	5	3	
136	There is cooperation between those responsible for cargo security and inter-country regional and international counterparts.	5	3	
137	Cargo security programs are implemented, (ie know your customer, seals).	5	3	
138	As a result of cargo security programs are security of the supply chain is strengthened.	10	6	
139	Transportation companies report the receipt of unmanifested materials.	5	2	
140	Transportation companies to report suspicious transactions or requests for illicit transactions.	5	2	
141	Incidence of pilferage and loss is low for general merchandise while still in customs custody.	10	8	
142	Customs agency secures and seals importing containers or goods at the earliest possible point after their arrival to ensure that their integrity is maintained after Customs clearance.	5	3	
143	Customs or the regional headquarters has adequate and safe facilities for which to detain people and cargo.	10	6	
Restricted Goods		115	60	52%

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11.2	IMPLEMENTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
	Strategic Goods	70	29	41%
144	Customs has system for reviewing high-risk export, such as WMD, explosives and weapons.	10	2	
145	Customs performs regular checks for the import, transit, export, and re-export of the following sensitive goods:			
	a. weapons and military equipment	5	2	
	b. explosives	5	2	
	c. restricted biological agents, precursors, and equipment (following the Australia Group list)	5	2	
	d. hazardous chemicals, precursors, and equipment (following the Australia Group list)	5	2	
	e. dual-use technical equipment	5	2	
	e. nuclear-related technology and materials	5	2	
146	Customs is equipped at border entry points with nuclear detection devices (radiation pagers, isotope detector and radiation portal monitors)	5	4	
147	Customs has a response plan for alerts.	5	2	
148	Customs inspectors are trained in techniques to identify strategic goods.	10	2	
149	Customs administrative and enforcement practices are in conformity with the UN Convention on the Physical Protection of Nuclear Material (Nuclear Materials Convention).	5	2	
150	The nation is not known to manufacture, sell, transfer, and/or process raw materials, equipment, technology, and/or scientific-technical information and services that can be used to develop terrorist explosives or weapons of mass destruction.	5	5	
	Quotas	45	31	69%
151	Customs (or other institution) has a dedicated quota administration team that is available in adequate numbers.	10	5	
152	The investigators are well-trained and well-equipped.	10	5	
153	Quotas are distributed on a transparent, first come first serve and/or auction basis.	10	7	
154	Quotas and status of quota distributions are published in a timely fashion.	5	7	
155	Quotas are in limited use.	10	7	
	Cooperation with Public Sector	35	14	40%
156	Cooperation between internal sections of Customs is adequate.	5	3	
157	There is adequate cooperation between Customs and other control agencies at the border.	10	1	
158	There is adequate cooperation between regional Customs and control agencies regarding cooperation and compliance with international standards.	10	2	
159	Customs leadership is an active member of the WCO.	5	5	
160	Customs shares information with, and receives technical assistance to, foreign Customs administrations for enforcement and facilitation purposes.	5	3	

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11.2	IMPLEMENTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
Cooperation with Private Sector		65	10	15%
161	Customs has a program by which improved co-operation with the trade community is established in the areas of information exchange and security.	10	1	
162	Customs consults the trade community systematically, to obtain views on proposed new regulations and procedures, or amendments to existing requirements.	10	1	
163	Customs gives the private sector timely notice of any regulatory changes.	10	1	
164	Customs establishes a liaison, specialised in customs matters, as a conduit between the agency and the trading community.	5	1	
165	Customs has an effective educational program for both private sector and government counterpart groups, including periodic newsletters, programs and presentations.	5	1	
166	Customs trains and offers experts in tariff classification, valuation, rules of origin to private sector.	5	1	
167	Trade community has access to the internal security unit or external body that has independent authority for integrity issues.	10	2	
168	Trade community has access to Customs officials to handle disputes in timely and fair manner.	10	2	
TOTAL FOR IMPLEMENTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES		1520	682	45%

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11.3	SUPPORTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
Supporting Public Institutions		620	327	53%
Border Patrol		175	87	50%
1	The supporting institution's responsible for border security has the following characteristics:			
	a. a clearly defined mandate and sufficient authority to carry out its mandate, including clear policy statements and support from the government to implement border security laws	10	9	
	b. appropriate professional and administrative staffing committed to carry out its mandate.	10	7	
	c. sufficient numbers of agents and technology/equipment to secure the borders of the country against unlawful entry as best as possible.	10	7	
	d. sufficient funding through state budget, fees collected, or a combination of both to maintain its equipment and services.	10	3	
	e. sufficient funding to pay wages perceived as adequate (based on country wage rates) to all staff, including front-line law enforcement officers.	10	3	
	f. an active staff training and development program utilizing appropriate training materials, guidebooks or procedural manuals to improve staff competency and service in the field of detecting and halting methods of illicit entry/smuggling routes into the country.	10	3	
	g. clearly delineated parameters and authority with respect to other government bodies whose actions and decisions directly affect enforcement.	10	6	
	h. access to specialists with sufficient expertise to provide appropriate specialized strategic goods analysis.	10	3	
2	The supporting institution responsible for border security and customs law enforcement has an independent internal affairs office that - have it independent and it works (one indicator)			
	a. is headquartered at regional level or above.	5	5	
	b. has adopted a code of conduct adopted by staff who generally fulfill its requirements.	5	3	
	c. has a mechanism for the safe public input of integrity issues;	5	3	
	d. conducts regular audits of supporting institution activities.	5	3	
3	The supporting institution maintains active cooperation with Customs and border agencies at the border and top-levels.	10	3	
4	The supporting institution maintains a cooperative relationship with other governments.	5	3	
5	The supporting institution maintains a cooperative relationship with the trade community, including education and public awareness activities.	5	3	
6	The supporting institution role does not include redundancies that impair the efficiency of Customs.	10	3	
7	Border posts have communication facilities to communicate rapidly and reliably with the national or regional headquarters.	5	3	
8	The supporting institution or the regional headquarters has facilities to detain people.	5	4	

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11.3	SUPPORTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
9	The supporting institution deploys agents and equipment to create a border with few illicit people/goods getting in at points other than official checkpoints.	10	5	
10	There is uniformity and transparency in performance of officers.	10	4	
11	Border patrol employs a selectivity system based on risk assessment.	10	2	
12	Border patrol processes people and goods without unnecessary delays.	5	2	
Trade Policy Agency		110	59	54%
13	The Trade Policy agency or other agencies responsible for trade policy have the following characteristics:			
	a. a clearly defined mandate to negotiate, administer and enforce trade laws.	10	9	
	b. sufficient professional and administrative staffing to carry out its mandate.	10	6	
	c. sufficient authority and support to carry out its mandate, including clear policy statements and support from the government.	10	7	
	d. sufficient funding through state budget, fees collected, or a combination of both to maintain its equipment and services.	10	7	
	e. sufficient funding to pay wages perceived as adequate (based on country wage rates) to all staff, including front-line officers.	10	5	
	f. an active staff training to improve understanding of trade administration and negotiation processes.	10	3	
	g. clearly delineated parameters and authority with respect to other government bodies whose actions and decisions directly affect trade policy.	10	3	
	h. access to specialists with sufficient expertise to provide appropriate trade policy analysis.	10	4	
14	The supporting institution maintains a cooperative relationship with Customs and border agencies.	10	7	
15	The Trade Policy agency implements laws for trade agreements.	10	2	
16	The supporting institution maintains a cooperative relationship with other governments.	5	4	
17	The supporting institution maintains a cooperative relationship with the trade community, including education and public awareness activities.	5	2	
Food Safety and Security Agency		155	90	58%
18	The Food Safety agency or other agencies responsible for monitoring food exports have the following characteristics:			
	a. a clearly defined mandate to administering and enforcing laws.	10	9	
	b. sufficient professional and administrative staffing to carry out its mandate.	10	7	
	c. sufficient authority and support to carry out its mandate, including clear policy statements and support from the government.	10	9	
	d. sufficient funding through state budget, fees collected, or a combination of both to maintain its equipment and services.	10	5	
	e. sufficient funding to pay wages perceived as adequate (based on country wage rates) to all staff, including front-line officers.	10	3	

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11.3	SUPPORTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
	f. an active staff training to improve understanding of techniques for smuggling contraband and contaminated foodstuffs.	10	4	
	g. clearly delineated parameters and authority with respect to other government bodies whose actions and decisions directly affect enforcement.	10	4	
	h. access to specialists with sufficient expertise to provide appropriate food safety and security analysis.	5	4	
19	Food Safety and Security Agency maintains a cooperative relationship with Customs and border agencies.	10	3	
20	The supporting institution maintains a cooperative relationship with other governments.	5	4	
21	The supporting institution maintains a cooperative relationship with the trade community, including education and public awareness activities.	5	3	
22	The food safety agency implements laws for plant, animal, and food materials conformity with practices and procedures of the WTO Sanitary and Phytosanitary Measures.	10	4	
23	The food safety agency implements practices and procedures of the Codex Alimentarius Commission.	10	9	
24	Food Safety and Security Agency provides a streamlined system for processing food imports and exports.	10	2	
25	The food safety inspector has a effective risk assessment plan for reacting to problems created by food-related ailments and diseases discovered in export inspections. The implementing institution responsible for the security and safety of food imports an	10	2	
26	Contaminated or diseased food is detained, destroyed or otherwise properly controlled.	10	9	
27	Country has a national food safety management program to collaboration with foreign authorities, quarantine and Customs officials and food importers to monitor and prevent food contamination and ports of entry.	5	4	
28	Food Safety and Security Agency that is responsible for the security and safety of food imports and exports notifies foreign states when credible evidence indicates food shipments of foods contain a threat.	5	5	
Export Control Agency		160	91	57%
29	The Export Control agency operates:			
	a. a clearly defined mandate to enforcing laws.	10	10	
	b. sufficient professional and administrative staffing to carry out its mandate.	10	3	
	c. sufficient authority and support to carry out its mandate, including clear policy statements and support from the government.	10	5	
	d. sufficient funding through state budget, fees collected, or a combination of both to maintain its equipment and services.	10	5	
	e. sufficient funding to pay wages perceived as adequate (based on country wage rates) to all staff, including front-line officers.	10	5	

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11.3	SUPPORTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
	f. an active staff training to improve understanding of techniques for strategic goods.	10	5	
	g. clearly delineated parameters and authority with respect to other government bodies whose actions and decisions directly affect enforcement.	10	5	
	h. access to specialists with sufficient expertise to provide appropriate specialized strategic goods analysis.	10	5	
30	The supporting institution maintains a cooperative relationship with Customs and border agencies.	5	2	
31	The supporting institution maintains a cooperative relationship with other governments.	5	2	
32	The supporting institution maintains a cooperative relationship with the trade community, including education and public awareness activities.	5	2	
31	The Export Control agency maintains:			
	a. a control list of regulated chemicals and pathogens, based on the Australia Group list.	5	5	
	b. a control list of regulated dual-technology goods.	5	5	
	c. a control list of weapons.	5	5	
	c. a control list of nuclear-related weapons and technology.	5	5	
33	The control agency maintains a regularly updated registry of companies that export strategic goods.	5	2	
34	The control agency has or has access to an investigative arm that exists to investigate possible illicit transportation and/or manufacturing companies.	10	5	
35	The control agency maintains a list of firms that have been in violation of import or export control laws.	10	5	
36	Control agency issues and denies licenses where appropriate.	10	5	
37	Control agency has an automated system of control for transactions under the license.	10	5	
Intelligence Services		20		0%
38	The Intelligence Service and other agencies responsible for gathering data on and tracking national security threats have the following characteristics:			
	a. a clearly defined mandate to gather intelligence.	5	3	
	b. clearly delineated parameters and authority with respect to other government bodies whose actions and decisions directly affect enforcement.	5	3	
39	The supporting institution maintains a cooperative relationship with Customs and border agencies.	5	3	
40	The supporting institution maintains a cooperative relationship with other governments to identify illicit transportation and/or manufacturing companies.	5	3	
Supporting Private Institutions		365	162	44%
Exporters and Importers		100	37	37%
41	There is a well-developed industry of importers.	10	4	

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11.3	SUPPORTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
42	Importers provide reliable and accurate data to Customs (incidence of misdescription, false declaration, certificates of origin and undervaluation are low).	10	4	
43	There is a well-developed industry of exporters.	10	4	
44	Importers are members of a trade association and/or Chamber of Commerce and the experience is beneficial.	5	1	
45	Exporters provide reliable and accurate data to the Customs operation.	10	8	
46	Exporters are members of a trade association and/or Chamber of Commerce and the experience is beneficial.	5	1	
47	Exporters participate in useful export promotion activities.	5	1	
48	Exporters, importers and their associations are affiliated with international organizations and are involved in the harmonization of customs law and practice with international standards.	5	1	
49	Exporters, importers and their associations actively monitor customs practice and developments, and issue opinions and appeals for change based on the results of monitoring.	10	5	
50	Exporters, importers and their associations provide input to policy makers and local business associations on international customs standards.	5	1	
51	Specialized professional publications report regularly and accurately on matters related to customs, giving the business community and general public a greater understanding of customs modernization issues.	5	1	
52	Exporters to the country are provided with national treatment regarding protection of person and property.	10	3	
53	Exporters to the country are provided with national treatment regarding granting of business licenses, import and export permits and authorizations to employ persons.	10	3	
Brokers/Agents and Forwarders		115	63	55%
54	The quantity of the following providers is sufficient:			
	a. freight forwarders (logistics).	10	10	
	b. brokers/agents (formalities).	10	10	
55	The quality of the following providers is adequate:			
	a. freight forwarders (logistics).	10	5	
	b. brokers/agents (formalities).	10	5	
56	The cost of the following providers is reasonable:			
	a. freight forwarders (logistics).	10	3	
	b. brokers/agents (formalities).	10	3	
57	Brokers/Agents and Forwarder operators:			
	a. provide and maintain accurate data to Customs, including the classification, shipper and consignee name and address, first and second notification parties, description, weight, quantity, and unit of measure of cargo being cleared (error rates for the	10	5	
	b. well-trained and knowledgeable in Customs procedures and tariff requirements.	10	8	
	c. implement know-your-customer rules or otherwise dealing with reliability of clients.	5	3	
	d. are able to trace shipments to point of origin.	5	3	

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11.3	SUPPORTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
	e. report to Customs suspicious and irregular activities	10	1	
	f. train importers and exporters regarding documentary procedures and requirements			
	g. maintain automated interface with Customs.			
58	Experienced local consultants and service providers are available to assist with trade missions, marketing and other trade promotion activities.	5	1	
59	Brokers/Agents and Forwarder operators have an active and functioning organization that interfaces with Customs and other institutions.	10	6	
	Insurance Providers	40	20	50%
60	The quantity of insurance, bonds and guarantee providers is sufficient.	10	5	
61	The quality of insurance, bonds and guarantee providers is adequate.	10	5	
62	The cost of insurance, bonds and guarantee providers is reasonable.	10	5	
63	Public domestic and/or international financial institutions provide assistance in obtaining insurance.	10	5	
	In-Bond Warehouses and Warehouse Services	40	28	70%
64	The quantity of inbond warehouses and warehouse services is sufficient.	10	8	
65	The quality of inbond warehouses and warehouse services is adequate.	10	6	
66	The cost of inbond warehouses and warehouse services is reasonable.	10	8	
67	Warehouse operators for Customs bonded maintain adequate security characteristics (ie adequate physical security, lighting, access control, procedures for detecting and reporting shortages and overages).	10	6	
	Free Zone Operations	70	14	0%
68	There is an adequately functioning free zone(s) that provide adequate services.	10	2	
69	Fees are reasonable.	10	2	
70	Free zones conduct operations electronically, including internal operations, vessel carriers exchange data electronically with other entities, such as customs, users, banks and port services.	10	0	
71	Free zones maintain an adequate security system (ie sufficient authority to carry out their mandate in securing facilities).	10	2	
72	Free Zones provides appropriate and regularly updated staff training in security issues.	5	2	
73	There is a low incidence of pilferage and theft while in Free Zone limits.	10	2	
74	Free Zone allows allow for cargo to be available for inspection on a timely basis.	5	2	
75	Cargo is released for export in a timely fashion following Customs release.	5	2	
76	Free Zone provides a mechanism for cooperation among customers and the experience is beneficial.	5	0	
	TOTAL FOR SUPPORTING INSTITUTIONS: FLOWS OF GOODS AND SERVICES	730	324	44%

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11.4	SOCIAL DYNAMICS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
Demand for Improvement		165	106	64%
Government		50	60	120%
1	One or more high-level government officials in the Executive champions the cause of improved trade facilitation in each of the following:			
	a. executive body.	10	8	
	b. legislative body.	5	6	
	c. Customs agency.	5	8	
	d. supporting ministries/agencies.	5	8	
2	One or more high-level government officials in the Executive champions the cause of improved trade security by:			
	a. executive body.	10	8	
	b. legislative body.	5	6	
	c. Customs agency.	5	8	
	d. supporting ministries/agencies.	5	8	
Private Sector and Business Associations		65	26	40%
3	Business associations champion the cause of improved trade flow by:			
	a. lobbying for legal or process changes.	10	6	
	b. conducting programs and events for their members and the general public to promote better understanding of the benefits of improved trade facilitation and efficiency.	5	0	
	c. speaking to the media about the topic.	5	5	
	d. have established working groups focused on the issue.	5	0	
4	Business associations champion the cause of improved trade security by:			
	a. lobbying for legal or process changes.	5	0	
	b. conducting programs and events for their members and the general public to promote better understanding of the benefits of improved Customs security policies and practices.	10	4	
	c. speaking to the media about the topic.	5	3	
5	Importing and exporting businesses seek action to meet new trade security regulations imposed by the United States and international groups.	10	4	
6	A sufficient mass of private sector associations support an effective and secure trade regime to counterbalance groups who lobby for weakened security or special privileges.	10	4	
Civil Society, Media, and Other		20	16	80%
7	Media cover stories on the importance of improving trade facilitation.	5	5	
8	Media cover stories on the importance of improving trade security.	5	5	
9	Universities offer courses on trade that generally support international trade over import-substitution or self-reliant development, and which emphasize the importance of trade efficiency.	10	6	
Other Groups		30	4	13%

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11.4	SOCIAL DYNAMICS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
10	Foreign governments seek to include the country in bilateral or multilateral agreements related to customs capacity, or seek to enforce existing agreements.	5	1	
11	Foreign governments seek to include the country in bilateral or multilateral agreements related to trade security, or seek to enforce existing agreements.	5	1	
12	International lending institutions and donor agencies provide technical assistance to or condition loans upon reform of trade facilitation institutions and infrastructure.	10	2	
13	International lending institutions and donor agencies provide technical assistance to or condition loans upon reform of the customs security regime.	10	0	
Supply for Improvement		190	57	30%
Government		90	4	4%
14	The business and professional community perceives Customs as providing services:			
	a. consistently in accordance with published law governing its operations.	5	0	
	b. in a transparent manner.	5	0	
	c. in a non-discriminatory manner.	5	0	
	d. independently of inappropriate political influence.	5	0	
	e. effectively.	5	0	
	f. predictably	5	2	
	g. reasonably efficiently	5	2	
	h. reasonably priced	5	0	
	i. without imposition of bribes or other inappropriate rent-seeking behavior	5	0	
15	The business and professional community perceives public supporting institutions as providing services:			
	a. consistently in accordance with published law governing its operations.	5	0	
	b. in a transparent manner.	5	0	
	c. in a non-discriminatory manner.	5	0	
	d. independently of inappropriate political influence.	5	0	
	e. effectively.	5	0	
	f. predictably	5	0	
	g. reasonably efficiently	5	0	
	h. reasonably priced	5	0	
	i. without imposition of bribes or other inappropriate rent-seeking behavior	5	0	
Private Sector and Business Associations		75	28	37%
16	Formal mechanisms for soliciting input from the business and professional community for formulating and amending trade facilitation and security policy:			
	a. have been established by the government at the legislative level.	5	0	

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11.4	SOCIAL DYNAMICS: FLOWS OF GOODS AND SERVICES	REF.	SCORE	%
	b. have been established between the business community and implementing agency.	5	2	
	c. are actively used by the government and business community.	5	2	
	d. are publicly known and easily available to most business firms.	5	2	
	e. are used by a wide section of the business community, not simply a few well-connected firms.	5	2	
	f. are seen as fair and efficient, and generally satisfy private sector demand for providing input, according to the business and professional community.	5	2	
17	The business and professional community perceives private supporting institutions as providing services:			
	a. consistently in accordance with published law governing its operations.	5	3	
	b. in a transparent manner.	5	3	
	c. in a non-discriminatory manner.	5	3	
	d. independently of inappropriate political influence.	5	3	
	e. effectively.	5	1	
	f. predictably	5	1	
	g. reasonably efficiently	5	1	
	h. reasonably priced	5	3	
	i. without imposition of bribes or other inappropriate rent-seeking behavior	5	0	
Civil Society, Media, and Other		25	25	100%
18	The trading community feels that they have fair access to the media and trade receives fair coverage.	5	5	
19	The media is largely independent, and is not controlled or censored by the government.	10	10	
20	The media sees its role, or part of its role, as "watchdog" against government corruption or excess.	5	5	
21	The media is seen as a truthful, independent and relatively objective source of information on trade security and capacity.	5	5	
Interorganizational Dynamics		40	8	20%
22	Local events are held by government agencies, business organizations, or civil associations on trade facilitation and security issues.	10	4	
23	Smuggling is not viewed as benign, is not culturally accepted, and is not widely practiced by some societal groups.	10	0	
24	Part of the political growth plan for the country is attracting foreign direct investment.	5	0	
25	The country has a significant number of international businesses engaged in import and export of goods.	10	3	
26	The community appears to understand the threat to trade development posed by poor trade security and inefficient or expensive customs procedures.	5	1	
TOTAL FOR SOCIAL DYNAMICS: FLOWS OF GOODS AND SERVICES		395	171	43%

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12.1	LEGAL FRAMEWORK: FLOW OF MONEY	REF.	SCORE	%
Laws and Regulations regarding Trade-related Financial Instruments		110	65	59%
1	Laws have been enacted that provide a legal framework for trade finance that complies with the ICC trade finance guidelines.	10	7	
2	Laws are in conformity with practices and procedures of 2000 Uniform Customs and Practice for Documentary Credits.	10	7	
3	Laws support the following modes of payment:			
	a. wire transfers	10	9	
	b. foreign checks	10	5	
	c. commercial letters of credit	10	6	
	d. standby letters of credit	10	6	
	e. documentary collection	10	6	
	f. open account	10	6	
4	Trade finance laws provide the principle of "open admission" to foreign investors.	10	5	
5	Trade finance laws are not unduly complicated or add cumbersome requirements (as determined by the exporters and importers).	10	4	
6	The current laws and regulations affecting trade finance, insurance and international payments are coordinated to ensure that they are consistent with accepted international practices.	10	4	
Laws Regulating Exchange Controls		35	23	66%
7	An exchange control law of national application is in place.	5	5	
8	The law provides an efficient balance among stakeholders in controlling the process (e.g., exporters, importers, banks).	5	3	
9	The law supports the free flow of legitimate business and tourist travelers across borders.	10	5	
10	The law supports the free flow of goods across borders.	10	6	
11	There exists a clearly defined, written and generally available set of exchange control regulations.	5	4	
Laws to Enable the Oversight of Financial Transactions		15	11	73%
12	Financial services organizations are required to register and operate under license issued by a competent authority, and are subject to financial crimes reporting requirements:	10	6	
13	Laws/regulations require manifest declaration for cross-border movements of currency above a minimal fixed amount.	5	5	
Enforcement of Trade-related Finance and Exchange Laws		45	15	33%
14	Penalties for violation are sufficient to compel performance for:			
	b. financial institution organization laws.	5	3	
	c. the principle of non-discrimination in foreign exchange and trade laws.	10	6	
15	The legal framework for investment and contract permit flexibility in the following areas:			
	a. selection mechanism for dispute resolution.	5	1	
	b. choice of forum.	5	1	

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12.1	LEGAL FRAMEWORK: FLOW OF MONEY	REF.	SCORE	%
	c. choice of substantive law to be applied.	5	1	
	d. choice of procedural laws or rules.	5	1	
16	Alternative dispute resolution is available (i.e., arbitration)	10	2	
TOTAL FOR LEGAL FRAMEWORK: FLOW OF MONEY		205	137	67%

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12.2	IMPLEMENTING INSTITUTIONS: FLOWS OF MONEY	REF.	SCORE	%
Central Bank: Organization		95	58	61%
1	The implementing institution has the following characteristics:			
	a. a clearly defined mandate and sufficient authority to carry out its mandate, including clear policy statements and support from the government to implement border security laws	10	7	
	b. appropriate professional and administrative staffing committed to carry out its mandate.	10	6	
	c. sufficient numbers of agents and technology/equipment to handle transactions.	10	5	
	d. sufficient funding through state budget, fees collected, or a combination of both to maintain its equipment and services.	10	6	
	e. sufficient funding to pay wages perceived as adequate (based on country wage rates) to all staff.	10	7	
	f. an active staff training and development program utilizing appropriate training materials, guidebooks or procedural manuals to improve staff competency and service.	10	6	
	g. clearly delineated parameters and authority with respect to other government bodies.	10	5	
	h. access to specialists with sufficient expertise to provide appropriate specialized analysis.	10	6	
2	Implementing institution has economists and trade finance specialists or access to economists and trade finance specialists with sufficient experience to provide appropriate economic and financial analysis.	10	7	
3	There is general consistency in understanding the implementing institution's role and functions among the government, the supporting institutions and the end users.	5	3	
Central Bank Institution: Operations		135	86	64%
General		45	27	60%
4	The implementing institution has adopted a "customer-oriented" approach to fulfilling its mandate.	10	6	
5	The institution maintains an active web site that includes contact information, exchange control filing requirements and related legal materials.	5	4	
6	Controls are applied in practice by a stream-lined system involving the minimum number of government entities.	10	6	
7	The institution distributes (or makes available for a nominal fee) copies of all procedures, relevant laws, government regulations, fee schedules and other information its work and the implementation of exchange control policy.	5	4	
8	Implementing institution has identified and prioritized core business processes that will facilitate further trade-related finance and exchange controls for reform.	5	3	
9	The business process reform is designed to solicit input from stakeholders in process, including other government agencies and private sector parties, such as banks, importers and exporters.	10	4	
Availability of Foreign Exchange		30	23	77%
10	The finance and exchange control agency evaluates existing exchange control regulations to ensure that they facilitate the use of current financing and payment techniques.	5	4	
11	The supply of foreign exchange is sufficient to meet the business community's demand with respect to trade.	10	8	
12	Trading enterprises are allowed to secure foreign exchange to purchase modern financial products which enhance their competitiveness.	10	7	
13	Traders do not view fees are an impediment to normal business activity.	5	4	

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12.2	IMPLEMENTING INSTITUTIONS: FLOWS OF MONEY	REF.	SCORE	%
Facilitation of Information on Exchange Controls		45	30	67%
14	The public, traders and banks are notified of changes to the foreign exchange control regime in a timely manner.	10	7	
15	Trade, transport and banking interests are consulted formally and informally regarding controls.	10	7	
16	The agency has an effective educational program for both private sector and government counterpart groups on financial transactions, including periodic newsletters, programs and presentations.	5	3	
17	The agency and/or company registries maintain readily accessible and up-to-date public records on exchange control issues.	5	3	
18	The business community perceives that finance and exchange control agency is effective in enforcing its mandate.	5	4	
19	Users have few difficulties with exchange controls.	10	6	
Provision of Information on Financing Options		15	6	40%
20	The institution provides export clients, particularly SMEs, with comprehensive financial advisory services, including information on available finance, payment and risk management alternatives.	5	2	
21	The institution has established a computerized database of qualified financial services providers to support financial advisory services.	5	2	
22	The institution has developed a database for providers of financing, payment services, credit insurance and credit information.	5	2	
Implementing Private Institutions: Banks		275	179	65%
Private Sector Financial Services: Organization		95	66	69%
23	There is a well-developed banking industry with an adequate number of private sector financial institutions for competition to take place.	10	8	
24	Pre-export finance is available from multiple financial institutions.	10	7	
25	Buyer credits are available from multiple financial institutions.	10	7	
26	Short-term import finance is available from multiple financial institutions.	10	7	
27	Financial hedging options are available to mitigate currency risk.	10	5	
28	Banks are linked to SWIFT.	10	8	
29	An adequate number of private sector financial institutions:			
	a. are equipped to exchange currencies from the country's major trading partners within a single business day.	10	7	
	b. participate in national and regional efforts, both public and private, to develop or improve payment and clearing systems.	5	4	
	c. electronic data interchange (EDI) capabilities are designed under Electronic Data Interchange for Administration, Commerce and Transport (EDIFACT) standards and are linked to other national or regional clearance systems.	10	7	

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12.2	IMPLEMENTING INSTITUTIONS: FLOWS OF MONEY	REF.	SCORE	%
	d. work cooperatively with national and multilateral agencies to draw up finance and guarantee programmes which are appropriate to their clients' needs and the capabilities of domestic financial systems.	10	6	
Private Sector Financial Services: Operations		125	85	68%
30	Clients report little difficulty in managing exchange requirements.	10	7	
31	Documentary credits are the normal method of payment for customers at import.	10	7	
32	Documentary credits are the normal method of payment for customers at export.	10	7	
33	Users' impression of the efficiency and cost of the documentary credits is positive.	10	6	
34	ICC Standard Rules for Documentary Credits are observed.	5	4	
35	Documents from overseas correspondent banks in documentary credit operations are normally received electronically	5	4	
36	Financial institutions offer trade finance to domestic importers and exporters on reasonable terms.	10	6	
37	Traders exporting to country consider trade finance services to be:			
	a. sufficient in quantity.	5	3	
	b. professionally competent.	10	8	
	c. reasonably priced.	5	3	
38	Traders importing into the country consider trade finance services to be:			
	a. sufficient in quantity.	5	3	
	b. professionally competent.	10	8	
	c. reasonably priced.	5	3	
39	Fees for wiring money abroad are less than 10% of the amount of money to be wired.	5	4	
40	Users' impression of cost and efficiency of domestic banks is positive.	10	5	
41	Users' impression of cost and efficiency of foreign banks is positive.	10	7	
Facilitation of Financial Services Information and Advice		55	28	51%
42	Private sector financial institutions:			
	a. facilitate access to foreign credit information.	5	3	
	b. facilitate the availability of information on credit insurance to their clients.	5	2	
	c. provide advice to exporters, in particular new exporters, for adequate use of credit insurance in light of the method of payment of the commercial transaction and potential risk.	5	2	
	d. are prepared to advise clients on the pre-shipment financing facilities available in their country or region.	5	3	
	e. facilitate access to export factoring services for their export clients.	5	3	
	f. are able to refer clients to qualified forfeiters and assist client importers in obtaining the requisite guarantees.	5	3	
	g. are able to refer clients to qualified countertrade brokers and financial institutions which specialize in facilitating countertrade transactions.	5	3	
	h. has established a computerized database for providers of financing, payment services, credit insurance, and credit information.	10	4	
43	Staff are trained in laws governing financial exchange and overseas trade, and in facilitating overseas trading transactions.	10	5	
TOTAL FOR IMPLEMENTING INSTITUTIONS: FLOWS OF MONEY		505	323	64%

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12.3	SUPPORTING INSTITUTIONS: FLOWS OF MONEY	Ref.	Score	%
Supporting Public Institutions		160	97	61%
Export Credit Institution: Organization		80	47	59%
1	There is an exchange credit institution has the following characteristics:			
	a. a clearly defined mandate and sufficient authority to carry out its mandate, including clear policy statements and support from the government to facilitate exchange control,	10	5	
	b. appropriate professional and administrative staffing committed to carry out its mandate.	10	7	
	c. sufficient numbers of agents and technology/equipment to secure the borders of the country against unlawful entry as best as possible.	10	4	
	d. sufficient funding through state budget, fees collected, or a combination of both to maintain its equipment and services.	10	5	
	e. sufficient funding to pay wages perceived as adequate (based on country wage rates) to all staff, including front-line law enforcement officers.	10	7	
	f. an active staff training and development program utilizing appropriate training materials, guidebooks or procedural manuals to improve staff competency and service in the field of detecting and halting methods of illicit entry/smuggling routes into the country.	10	7	
	g. clearly delineated parameters and authority with respect to other government bodies whose actions and decisions directly affect enforcement.	10	5	
	h. access to specialists with sufficient expertise to provide appropriate specialized strategic goods analysis.	10	7	
Export Credit Institution: Operations		80	50	63%
2	The implementing institution has adopted a "customer-oriented" approach to fulfilling its mandate.	10	7	
3	The institution distributes (or makes available for a nominal fee) copies of all procedures, relevant laws, government regulations, fee schedules and other information its work and the implementation of exchange control policy.	10	8	
4	The export credit institution evaluates existing trade finance regulations to ensure that they facilitate the use of current financing and payment techniques.	5	4	
5	The public, traders and banks are notified of opportunities offered by the export credit institution in a timely and transparent manner.	5	3	
6	Trade and banking interests are consulted formally and informally regarding export credit institution.	10	5	
7	The institution has an effective educational program for both private sector and government counterpart groups on financial transactions, including periodic newsletters, programs and presentations.	5	3	
8	The supply of credit is sufficient to meet the business community's demand with respect to trade.	10	5	
9	The business community perceives that export credit institution is effective in executing its mandate.	10	6	
10	The export credit institution provides export clients, particularly SMEs, with comprehensive financial advisory services, including information on available finance, payment and risk management alternatives.	5	3	
11	The export credit institution has established a computerized database of qualified financial services providers to support financial advisory services.	5	3	
12	The export credit institution has developed a database for providers of financing, payment services, credit insurance and credit information.	5	3	
TOTAL FOR SUPPORTING INSTITUTIONS: FLOWS OF MONEY		160	97	61%

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12.4	SOCIAL DYNAMICS: FLOWS OF MONEY	REF.	SCORE	%
Demand for Improvement		165	97	59%
Government		50	29	58%
1	One or more high-level government officials champions the cause of improved trade facilitation regarding financial flows in each of the following:			
	a. support adequate funding for trade finance	10	5	
	b. proposing changes in process or laws	5	3	
	c. proposing laws or processes that would strengthen trade finance	5	4	
	d. speaking on the topic or for measures that would improve trade finance	5	3	
2	One or more high-level government officials in the Executive champions the cause of improved security for money flows by:			
	a. proposing adequate funding for security	10	4	
	b. proposing changes in process or laws	5	4	
	c. proposing laws or processes that would strengthen financial security	5	3	
	d. speaking on the topic or for measures that would improve financial security	5	3	
Private Sector and Business Associations		65	38	58%
3	Business associations champion the cause of improved trade-related money flows by:			
	a. lobbying for legal or process changes.	10	6	
	b. conducting programs and events for their members and the general public to promote better understanding of the benefits of improved trade facilitation and efficiency.	5	3	
	c. speaking to the media about the topic.	5	3	
	d. have established working groups focused on the issue.	5	2	
4	Business associations champion the cause of improved security of money flows by:			
	a. lobbying for legal or process changes.	5	3	
	b. conducting programs and events for their members and the general public to promote better understanding of the benefits of improved Customs security policies and practices.	10	6	
	c. speaking to the media about the topic.	5	3	
5	Importing and exporting businesses seek action to meet new trade security regulations imposed by the United States and international groups.	10	6	
6	A sufficient mass of private sector associations support an effective and secure trade regime to counterbalance groups who lobby for weakened security or special privileges.	10	6	
Civil Society, Media, and Other		20	10	50%
7	Media cover stories on the importance of improving trade facilitation related to money flows.	5	3	
8	Media cover stories on the importance of improving trade security related to money flows.	5	2	
9	Universities offer courses on trade that generally support international trade over import-substitution or self-reliant development, and which emphasize the importance of trade efficiency.	10	5	
Other Groups		30	20	67%

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12.4	SOCIAL DYNAMICS: FLOWS OF MONEY	REF.	SCORE	%
10	Foreign governments seek to include the country in bilateral or multilateral agreements related to expanding facilitation of trade-related money flows or seek to enforce existing agreements.	5	4	
11	Foreign governments seek to include the country in bilateral or multilateral agreements related to trade security, or seek to enforce existing agreements.	5	4	
12	International lending institutions and donor agencies provide technical assistance to or condition loans upon reform of trade facilitation institutions related to money flows.	10	7	
13	International lending institutions and donor agencies provide technical assistance to or condition loans upon reform of the trade-related finance.	10	5	
Supply for Improvement		145	70	48%
Government		90	41	46%
14	The business and professional community perceives related government agencies as providing services:			
	a. consistently in accordance with published law governing its operations.	5	2	
	b. in a transparent manner.	5	2	
	c. in a non-discriminatory manner.	5	2	
	d. independently of inappropriate political influence.	5	2	
	e. effectively.	5	2	
	f. predictably	5	2	
	g. reasonably efficiently	5	2	
	h. reasonably priced	5	2	
	i. without imposition of bribes or other inappropriate rent-seeking behavior	5	1	
15	The business and professional community perceives banks as providing services:			
	a. consistently in accordance with published law governing its operations.	5	3	
	b. in a transparent manner.	5	3	
	c. in a non-discriminatory manner.	5	2	
	d. independently of inappropriate political influence.	5	2	
	e. effectively.	5	3	
	f. predictably	5	3	
	g. reasonably efficiently	5	3	
	h. reasonably priced	5	2	
	i. without imposition of bribes or other inappropriate rent-seeking behavior	5	3	
Private Sector and Business Associations		30	15	50%
16	Formal mechanisms for soliciting input from the business and professional community for formulating and amending trade facilitation related to money flows and security policy:			
	a. have been established by the government at the legislative level.	5	2	
	b. have been established between the business community and implementing agency.	5	3	
	c. are actively used by the government and business community.	5	3	
	d. are publicly known and easily available to most business firms.	5	2	
	e. are used by a wide section of the business community, not simply a few well-connected firms.	5	2	

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12.4	SOCIAL DYNAMICS: FLOWS OF MONEY	REF.	SCORE	%
	f. are seen as fair and efficient, and generally satisfy private sector demand for providing input, according to the business and professional community.	5	3	
Civil Society, Media, and Other		25	14	56%
17	The trading community feels that they have fair access to the media and trade receives fair coverage.	5	3	
18	The media is largely independent, and is not controlled or censored by the government.	10	6	
19	The media sees its role, or part of its role, as "watchdog" against government corruption or excess.	5	3	
20	The media is seen as a truthful, independent and relatively objective source of information on trade security and capacity.	5	2	
TOTAL FOR SOCIAL DYNAMICS: FLOWS OF MONEY		310	167	54%

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13.1	LEGAL FRAMEWORK: FLOWS OF PEOPLE	REF.	SCORE	%
Facilitation of Travel for Trade-related Purposes		35	31	89%
1	The country has reciprocal visa-free agreements with one or more foreign countries for short-term or visitor stays.	10	10	
2	Laws encourage the movement of highly skilled labor through the system to increase knowledge transfer (ie awards work permits for approximately four to five years for highly skilled labor).	10	6	
3	The law or regulations include country in-transit preclearance agreements with one or more foreign countries.	5	5	
4	There is objective criteria for immigration officers and law enforcement officers connected to the immigration processs that they can carry out their enforcement demands without impeding trade.	10	10	
Security Against Unknown and Illegal Entrants		65	53	82%
5	All persons arriving at a land border, sea port, or airport with the intention of entering the country must present themselves to an authorized officer trained in immigration clearance.	10	10	
6	Any person with inadequate or improper documentation on arrival may be denied permission to enter the country.	5	5	
7	Providing false information on immigration entry process and/or criminal disclosure form(s) is an offense.	5	5	
8	It is required to report lost or stolen passports as soon as the loss is discovered.	5	3	
9	It is an offense to be in possession and/or present of false identity documents of the host country or another country.	10	10	
10	It is an offense to facilitate an individual or organization in obtaining false identity documents of any country.	5	5	
11	Carriers may be sanctioned or charged a financial penalty for carrying passengers without adequate and proper documentation.	5	5	
12	Laws are in conformity with the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations' Convention Against Transnational Organized Crime, 2001.	10	5	
13	Laws are in conformity with the Protocol Against the Smuggling of Migrants by Land, Sea, and Air, supplementing the United Nations' Convention Against Transnational Organized Crime.	10	5	
Security Against Undesirable Entrants		50	50	100%
14	The law requires watch lists be used at borders stations.	10	10	
15	There is objective criteria that governs the entry and/or denial of those seeking to enter the country (i.e., disease, terrorist activity, criminal activity)	10	10	
16	Authorized officers have the ability to question any person attempting to enter a country to determine his or her admissibility.	5	5	
17	Immigration officers and law enforcement officers connected to the immigration process have the right to detain and examine any person arriving at or leaving through the borders of the country.	5	5	
18	Authorized officers connected to immigration have the power to search without warrant the person and effects of any person seeking admission to the country.	5	5	
19	Authorized officers connected to immigration have the power to take possession of evidence during a search of a person attempting to enter a country that could be used to deny entry or in a migration inquiry.	5	5	

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13.1	LEGAL FRAMEWORK: FLOWS OF PEOPLE	REF.	SCORE	%
20	Any person who has been refused entry to the country may be detained, removed, and repatriated immediately.	10	10	
Enforcement of Visa and Travel Laws		60	45	75%
21	The implementing agency responsible for issuing visas has objective criteria for accepting or rejecting people and implements this criteria:			
	a. sufficiently consistent to provide reasonably predictable outcomes in similar circumstances.	10	7	
	b. in a transparent manner.	10	8	
	c. in a non-discriminatory manner.	10	6	
	d. independently of inappropriate political influence.	10	8	
	e. effectively.	10	9	
22	Courts and police enforce laws in accordance with spirit, without regard to inappropriate political pressures or extra-legal considerations.	10	7	
TOTAL FOR LEGAL FRAMEWORK: FLOWS OF PEOPLE		210	179	85%

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13.2	IMPLEMENTING INSTITUTIONS: FLOWS OF PEOPLE	REF.	SCORE	%
Immigration: Organization		55	39	71%
1	The implementing institution responsible for issuing visas and passports has the following characteristics:			
	a. a clearly defined mandate to facilitate and secure flows of people.	5	5	
	b. sufficient professional and administrative staffing to carry out its mandate.	10	8	
	c. sufficient authority and support to carry out its mandate, including clear policy statements and support from the government.	5	4	
	d. sufficient funding through state budget, fees collected, or a combination of both to maintain its equipment and services.	10	7	
	e. sufficient funding to pay wages perceived as adequate (based on country wage rates) to all staff, including front-line officers.	5	2	
	f. an active staff training to improve understanding of techniques for smuggling people and illegal entries and other illicit travel activity.	10	7	
	g. clearly delineated parameters and authority with respect to other government bodies whose actions and decisions directly affect enforcement.	5	4	
	h. access to specialists with sufficient expertise to provide appropriate analysis.	5	2	
Immigration: Operations		180	122	68%
Visa and Passport Facilitation		85	50	59%
2	The implementing institution responsible for issuing visas and passports maintains an active web site that includes contact information, application requirements, forms, and related legal materials.	10	2	
3	Officers responsible for issuing visas and passports are generally knowledgeable about common immigration laws and procedures.	10	8	
4	There is no sizeable delay or backlog in the visa process.	10	5	
5	Visa officers have the authority to act independently, without approval from the central visa institution, and to efficiently deal with a wide range of situations.	5	4	
6	The visa institution posts immigration officers abroad to help solve immigration problems pre-entry and collaborate with foreign officials.	5	2	
7	The institution has a visa waiver program that allows certain types of foreigners to enter for reasons other than work or study, for a short, pre-determined length of stay.	10	10	
8	Visas and passports are provided:			
	a. transparently and without imposition of bribes or other inappropriate rent-seeking behavior.	10	4	
	b. according to published procedures.	5	3	
	c. efficiently.	5	3	
9	The business community does not perceive of delays or backlog in the entry process at points of entry.	10	7	
10	The implementing institution collects migration and people flow data using a regional or international standard.	5	2	
Visa Security Against Undesirable Entrants		60	43	72%
11	The visa issuing organization maintains:			
	a. a computerized watchlist of individuals not permitted to enter the country.	10	9	
	b. a tracking system for lost and stolen passports.	5	3	

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13.2	IMPLEMENTING INSTITUTIONS: FLOWS OF PEOPLE	REF.	SCORE	%
12	Officers responsible for issuing visas receive regularly updated training in:			
	a. interviewing techniques.	5	2	
	b. common methods of regional and international immigration fraud and common fraudulent documents.	5	3	
13	Visa databases are kept on all visa holders who enter country.	5	4	
14	Visa applications are checked against the immigration agencies' watchlists.	10	9	
15	The visa institution regularly shares information with the following:			
	a. law enforcement (national and local)	5	4	
	b. Customs	5	2	
	d. border patrol/police	10	7	
Securing Passports and Visas Against Improper Acquisition		35	29	83%
16	Passports:			
	a. contain features that make counterfeiting difficult.	10	9	
	b. are tamper resistant.	5	4	
17	The country participates in international efforts to combat document fraud.	5	2	
18	Passports have unique control numbers that are recorded, along with issuer's name, when passport is issued.	10	10	
19	The immigration institution has a plan for combatting false passport and immigration documentation.	5	4	
TOTAL FOR IMPLEMENTING INSTITUTIONS: FLOWS OF PEOPLE		235	161	69%

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13.3	SUPPORTING INSTITUTIONS: FLOWS OF PEOPLE	REF.	SCORE	%
Supporting Public Institutions		250	189	76%
Immigration Law Enforcement: Organization		60	42	70%
1	The implementing institution responsible for processing the flow of entrants into the country at border entry points has the following characteristics:			
	a. a clearly defined mandate to facilitate and secure flows of people.	5	5	
	b. sufficient professional and administrative staffing to carry out its mandate.	10	8	
	c. sufficient authority and support to carry out its mandate, including clear policy statements and support from the government.	5	4	
	d. sufficient funding through state budget, fees collected, or a combination of both to maintain its equipment and services.	10	7	
	e. sufficient funding to pay wages perceived as adequate (based on country wage rates) to all staff, including front-line officers.	5	2	
	f. an active staff training to improve understanding of techniques for smuggling people and illegal entries and other illicit travel activity.	10	7	
	g. clearly delineated parameters and authority with respect to other government bodies whose actions and decisions directly affect enforcement.	5	4	
	h. access to specialists with sufficient expertise to provide appropriate analysis.	5	2	
2	The implementing institution collects law enforcement migration and people flow data using a regional or international standard.	5	3	
Immigration Law Enforcement: Operations		190	147	77%
3	The implementing institution works with carriers to train airline liaison officers to carry out immigration pre-clearance checks prior to embarkation.	5	2	
4	Border cross points have:			
	a. manned immigration inspection stations.	5	4	
	b. personnel trained in immigration enforcement present for publicized, predictable hours.	10	7	
	c. an adequate number of immigration personnel to maintain line momentum and prevent delays perceived as unreasonable.	10	7	
5	Implementing institution collects and has the ability to transmit advance passenger information (UN EDIFACT).	10	6	
6	The implementing institution maintains a watchlist to prevent the entry of undesirable entrants to the country, including criminals and terrorists, which is:			
	a. connected electronically to the passport control system.	5	4	
	b. connected to the visa-issuing system.	5	4	
	c. updated regularly.	5	4	
	d. computerized.	10	9	
	e. easily searchable.	5	4	
7	The watchlist containing the names of undesirable entrants, including criminals and terrorists, is coordinated and/or shared with the following entities:			
	a. national law enforcement.	10	10	
	b. Customs.	5	3	
	c. neighboring countries.	10	6	
	e. other countries in the region.	5	4	
	f. significant countries of emigrants to the host country.	5	4	

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13.3	SUPPORTING INSTITUTIONS: FLOWS OF PEOPLE	REF.	SCORE	%
	g. international bodies maintaining watchlists.	10	7	
8	Passports are machine-readable	10	10	
9	The implementing institution has a computerized passport reading system that is at all immigration station desks or is easily accessible by all immigration entry officers.	10	10	
10	The implementing institution checks all entrants to the country--including those already holding valid visas--against a computerized watchlist of individuals not permitted to enter the country.	10	10	
11	The implementing institution checks entrants against a tracking system for lost and stolen passports.	5	4	
12	Experts are available for supporting the detection of document fraud.	5	2	
13	The immigration institution works with carriers to improve immigration rule compliance by:			
	a. providing training and technology to assist in the identification of improper and counterfeit documents.	5	2	
	b. providing incentives for carriers to adequately perform document checks, such as the "approved gate-checked status."	5	2	
14	Implementing institution maintains databases on all immigrants who enter country.	5	5	
15	Inspection stations have rapid means of communication with central or regional headquarters.	5	5	
16	At major entry points, joint passenger analysis units are established with bordering countries to allow more intensive cooperation in identifying high-risk travellers.	5	4	
17	Country participates in international efforts to combat the trafficking of human beings.	10	8	
Supporting Private Institutions		30	24	80%
Immigration: Lawyers/Visa Agencies		30	24	80%
18	The quantity of visa agencies services is sufficient.	10	8	
	The quality of visa agencies services is adequate.	10	8	
	The cost of visa agencies services is reasonable.	10	8	
TOTAL FOR SUPPORTING INSTITUTIONS: FLOWS OF PEOPLE		280	213	76%

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13.4	SOCIAL DYNAMICS: FLOWS OF PEOPLE	REF.	SCORE	%
Demand for Improvement		140	64	46%
Government		50	22	44%
1	One or more high-level government officials supports improved passport and visa efficiency/capacity by:			
	a. support adequate funding for speed passport and visa processes	10	5	
	b. proposing changes in process or laws	5	2	
	c. proposing laws or processes that would strengthen passport and visa services capacity	5	2	
	d. speaking on the topic or for measures that would improve passport and visa services capacity	5	2	
2	One or more high-level government officials supports improved passport and visa security by:			
	a. proposing adequate funding for security	10	6	
	b. proposing changes in process or laws	5	2	
	c. proposing laws or processes that would strengthen passport and visa security	5	2	
	d. speaking on the topic or for measures that would improve passport and visa security	5	1	
Private Sector and Business Associations		60	27	45%
3	Businesses believe that increased passport and visa efficiency and capacity is desirable and will improve their ability to attract talent.	10	6	
4	Business associations champion the cause of improved passport and visa efficiency/capacity by:			
	a. lobbying for legal or process changes	10	6	
	b. conducting programs and events for their members and the general public to promote better understanding of the benefits of improved passport and visa capacity and efficiency	5	2	
	c. speaking to the media about the topic	5	1	
5	Business associations champion the cause of improved passport and visa security by:			
	a. lobbying for legal or process changes	5	2	
	b. conducting programs and events for their members and the general public to promote better understanding of the benefits of improved passport and visa security policies and practices	10	4	
	c. speaking to the media about the topic	5	1	
6	A sufficient mass of private sector associations support an effective and secure passport and visa regime.	10	5	
Media, Civil Society, Other		10	3	30%
7	Major media run stories on the importance of improving passport and visa efficiency/capacity.	5	1	
8	Major media run stories on the importance of improving passport and visa security.	5	2	
Other Groups		20	12	60%

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13.4	SOCIAL DYNAMICS: FLOWS OF PEOPLE	REF.	SCORE	%
9	Foreign governments seek to include the country in bilateral or multilateral agreements related to passport and visa capacity/elimination of visas, or seek to enforce existing agreements.	5	3	
10	Foreign governments seek to include the country in bilateral or multilateral agreements related to passport and visa security, or seek to enforce existing agreements.	5	2	
11	International lending institutions and donor agencies provide technical assistance to or condition loans upon reform of passport and visa capacity and infrastructure.	10	7	
Supply for Improvement		190	85	45%
Government		90	43	48%
12	The business and professional community perceives Immigration as providing services:			
	a. consistently in accordance with published law governing its operations.	5	3	
	b. in a transparent manner.	5	3	
	c. in a non-discriminatory manner.	5	3	
	d. independently of inappropriate political influence.	5	3	
	e. effectively.	5	3	
	f. predictably	5	3	
	g. reasonably efficiently	5	3	
	h. reasonably priced	5	3	
	i. without imposition of bribes or other inappropriate rent-seeking behavior	5	2	
13	The business and professional community perceives public supporting institutions as providing services:			
	a. consistently in accordance with published law governing its operations.	5	2	
	b. in a transparent manner.	5	2	
	c. in a non-discriminatory manner.	5	2	
	d. independently of inappropriate political influence.	5	2	
	e. effectively.	5	2	
	f. predictably	5	2	
	g. reasonably efficiently	5	2	
	h. reasonably priced	5	2	
	i. without imposition of bribes or other inappropriate rent-seeking behavior	5	1	
Private Sector and Business Associations		75	31	41%
14	Formal mechanisms for soliciting input from the business and professional community for formulating and amending people flow facilitation and security policy:			
	a. have been established by the government at the legislative level.	5	2	
	b. have been established between the business community and implementing agency.	5	2	
	c. are actively used by the government and business community.	5	2	
	d. are publicly known and easily available to most business firms.	5	2	
	e. are used by a wide section of the business community, not simply a few well-connected firms.	5	1	

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13.4	SOCIAL DYNAMICS: FLOWS OF PEOPLE	REF.	SCORE	%
	f. are seen as fair and efficient, and generally satisfy private sector demand for providing input, according to the business and professional community.	5	2	
15	The business and professional community perceives private supporting institutions as providing services:			
	a. consistently in accordance with published law governing its operations.	5	2	
	b. in a transparent manner.	5	3	
	c. in a non-discriminatory manner.	5	3	
	d. independently of inappropriate political influence.	5	2	
	e. effectively.	5	2	
	f. predictably	5	2	
	g. reasonably efficiently	5	2	
	h. reasonably priced	5	2	
	i. without imposition of bribes or other inappropriate rent-seeking behavior	5	2	
Civil Society, Media, and Other		25	11	44%
16	The trading community feels that they have fair access to the media and trade receives fair coverage.	5	2	
17	The media is largely independent, and is not controlled or censored by the government.	10	4	
18	The media sees its role, or part of its role, as "watchdog" against government corruption or excess.	5	2	
19	The media is seen as a truthful, independent and relatively objective source of information on trade security and capacity.	5	3	
TOTAL FOR SOCIAL DYNAMICS: FLOWS OF PEOPLE		330	149	45%

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14.1	LEGAL FRAMEWORK: FINANCIAL CRIMES	Ref.	Score	%
Definition of Money Laundering Offenses		110	77	70%
1	Country is a signatory to the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Money ("Vienna Convention"), and has criminalized laundering on the basis of the Vienna Convention's requirements.	10	10	
2	National law defines "intent" and "knowledge" in terms consistent with the Vienna Convention	5	5	
3	Country is a signatory to the 2000 United Nations Convention on Transnational Organized Crime ("Palermo Convention"), and money laundering is criminalized according to the Palermo Convention's requirements.	10	0	
4	National law defines "intent" and "knowledge" in terms consistent with the Palermo Convention	5	3	
5	Country's national law criminalizing money laundering:			
	a. extends extraterritorially for offenses abroad, so long as the offense would be criminal had it occurred domestically.	5	5	
	b. Has sufficient scope to cover transactions of all forms of property (e.g. precious metals and stones, wire transfers, securities)	5	4	
	c. applies to all serious crimes.	5	5	
6	Criminal liability for money laundering applies to all natural and legal persons under national law.	10	10	
7	Criminal penalties are proportionate, yet sufficiently severe to discourage money laundering and terrorism financing.	10	7	
8	Civil, criminal, and administrative penalties are authorized under existing law.	10	4	
9	Laws authorizing civil, criminal, and administrative penalties clearly identify the conditions warranting the penalties, and the competent authority effectively imposes those penalties.	10	5	
10	Privacy laws and professional privileges do not create a safe harbor for criminal money laundering activity.	10	7	
11	National law has a range of offenses defined as "Designated Categories of Offenses" by the Organization for Economic Cooperation and Development's Financial Action Task Force on Money Laundering ("FATF") in "The Forty Recommendations".	10	7	
12	"Shell" banks are illegal under country's laws, and any relationship with a shell bank is void.	5	5	
Definition of Terrorist Financing Offenses		45	41	91%
13	Country is a signatory to, and has ratified, the 1999 United Nations International Convention for the Suppression of Financing Terrorism ("U.N. Terrorist Financing Convention")	10	10	
14	Terrorist Financing is a criminal offense, with significant penalties, and is a predicate offense for money laundering.	10	7	
15	Country's law criminalizing terrorist financing should:			
	a. extend extraterritorially for offenses abroad, so long as the offense would be criminal had it occurred domestically.	5	5	
	b. have sufficient scope to cover all funds that knowingly would be used to carry out a terrorist act, be used by a terrorist organization as recognized by an international organization, or be used by an individual terrorist.	5	4	
	c. Include a definition of "funds" that is based upon the intended use of the funds, rather than the source of the funds, per the U.N. Terrorist Financing Convention.	5	5	

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14.1	LEGAL FRAMEWORK: FINANCIAL CRIMES	Ref.	Score	%
	d. Include attempted terrorist financing as an inchoate crime punishable by significant penalties.	5	5	
16	Terrorist Financing is a predicate offense for money laundering	5	5	
Enforcement Procedures for Money Laundering and Terrorist Financing		95	34	36%
17	The national law clearly identifies a competent authority with jurisdiction to seize assets and confiscate property, proceeds, or instrumentalities used in money laundering or terrorist financing.	10	4	
18	Authorities may identify, track, and evaluate property that is subject to confiscation	10	4	
19	National law authorizes officials to freeze assets and seize property that has been laundered, or is intended to be used in a laundering operation.	10	5	
20	National law authorizes permanent confiscation of property involved in a laundering operation following conviction in a fair and transparent judicial or administrative proceeding.	10	3	
21	Confiscated property is subject to forfeiture absent a showing by the offender that the property has a lawful origin.	10	7	
22	Country's law grants authority of civil forfeiture in addition to criminal forfeiture.	10	0	
23	For terrorist financing crimes, assets used in a criminal manner are seized according to the terms of the FATF's Special Recommendation III, specifically:			
	a. For groups associated with terrorist organizations as established by the United Nations Al-Qaida and Taliban Sanctions Committee, or for individuals who attempt or attempt to commit terrorist acts, seizure of assets are immediate, and without prior notice.	5	3	
	b. Funds set for seizure include all assets wholly or jointly owned or controlled by designated terrorist organizations or terrorist organization financiers, and any assets derived or generated from the use of such funds.	5	1	
	c. The laws regarding seizure of terrorist financing clearly articulate the obligations of the financial institutions in which the assets are located, or any other institution that is holding assets set for seizure.	5	4	
	d. De-listing requirements for organizations listed as terrorist organizations are clear, and the process for de-listing organizations is transparent	5	0	
	e. Appropriate procedures are in place to allow an individual to challenge asset seizure after their asset have been seized, and the ultimate decision is reviewable by a court.	5	3	
24	National law recognizes the property interests of a subsequent bona fide purchaser, consistent with the Palermo Convention and with Article 8 of the U.N. Terrorist Financing Convention.	10	0	
Definition of a Financial Intelligence Unit		30	22	73%
25	The law clearly establishes an agency in the government with primary authority over financial crimes with a broad mandate to:			
	a. Coordinate intelligence gathering, processing, and dissemination between and within the national and local government agencies	5	4	
	b. Create policy framework for reporting standards to be adopted by agencies which oversee banks and financial institutions.	5	4	
	c. Monitor reporting compliance by financial institutions	5	4	

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14.1	LEGAL FRAMEWORK: FINANCIAL CRIMES	Ref.	Score	%
	d. Analyze trends in suspicious activity across agencies and across geographic areas, and provide analysis to appropriate law enforcement officials	5	3	
	e. Cooperate with foreign Financial Intelligence Units through information exchanges and policy formulation	5	4	
	f. Request and receive information necessary to track and investigate financial crimes in a timely manner from agencies and financial institutions.	5	3	
Obligations of Financial Institutions and Other Supporting Institutions		165	133	81%
26	All banks and non-bank financial institutions, including alternative remittance organizations (e.g. <i>hawaladars</i>), must register with the government and pass a certification system ensuring adequate financial controls, and are subject to the FATF Recommendations.	10	5	
27	Financial Institution secrecy laws do not inhibit implementation of international monitoring and reporting standards, such as is included in the FATF's Forty Recommendations.	10	8	
28	Financial Institutions are obligated to apply "Customer Due Diligence" policies to its customers as defined by the FATF, and supplemented by the Basel Committee on Banking Supervision ("Basel Committee") Customer Due Diligence for Banks report.			
	a. Financial institutions must identify customers and verify them using reliable, independent sources	5	5	
	b. For legal persons, the financial institution is required to verify the legal status of the legal person, obtain a list of directors or responsible agents for the legal person, and obtain information about the power of the agents to bind the legal perso	5	5	
	c. Insurance companies must compile information on policy beneficiaries, and verify the policy holder through independent sources.	5	5	
	d. Financial institutions are obligated to take reasonable steps to obtain information about the respondent banks' Customer Due Diligence procedures for cross-border correspondent banking, and must apply a heightened level of scrutiny for cross-border correspondent banks.	5	5	
	e. For trusts, nominee and fiduciary accounts, the banks must identify and maintain records of the trustee, the settlors/grantors, the beneficiaries, and the details of the trust relationship.	5	5	
	f. For pooled accounts (on behalf of mutual funds, pension funds, etc.), the bank must take reasonable steps to identify beneficial owners, especially where individual sub-accounts are attributable to each of the beneficial owners.	5	5	
	g. Financial institutions may not allow intermediaries to open accounts on behalf of beneficial owners if the intermediary does not have the authority to provide information about the beneficial owner to the financial institution.	5	5	
29	Wire transfer agents must take measures to include originator information for funds transfers, and must monitor for suspicious transfers.	10	9	
30	After identifying and verifying the customer at the initiation of the relationship, financial institutions must continue to monitor transactions above a certain objective threshold, or transactions that appear to be uncharacteristic of the party.	10	8	

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14.1	LEGAL FRAMEWORK: FINANCIAL CRIMES	Ref.	Score	%
31	Financial institutions must conduct a risk analysis before entering into a relationship with a customer to determine if the prospective customer is a "politically exposed person" as defined by the FATF (e.g. Minister-level government employee).	5	5	
32	Employees of financial institutions must get senior management approval before opening an account for a politically exposed person, and must subject the account to a heightened level of scrutiny for the duration of the account.	5	5	
33	Non-financial private enterprises dealing in high-value commodities, and entities engaging in a high volume of transactions, such as casinos, must keep detailed records of the transaction and parties, and inform the FIU of all transactions or series of transactions.	10	3	
34	International non-governmental organizations and charities who fund projects overseas must take reasonable steps to ensure they are not vehicles for money laundering or terrorist financing, including:			
	a. Identifying major donors whose donations reach a certain threshold,	5	2	
	b. Accounting for funds received and disbursed according to an internationally-recognized accounting standard (IAS, GAAP)	5	0	
35	All entities with reporting or monitoring requirements under the nation's financial crimes law must keep abreast of new technologies that could increase the threat of money laundering (e.g. technologies facilitating anonymous transactions).	10	3	
36	All entities with reporting or monitoring requirements under the nation's financial crimes law must keep transaction records readily available for at least 5 years, and must keep information about the parties for 5 years past the duration of the business transaction.	10	10	
37	Financial institutions must pay special attention to complex, or unusually large transactions.	10	10	
38	Financial institutions are obligated to promptly report suspicious behavior to the FIU.	10	10	
39	All entities with reporting or monitoring requirements under the nation's financial crimes laws are protected from any criminal or civil liability for acting in good faith to comply with the letter and spirit of the financial crimes laws.	10	10	
40	All financial institutions and their employees are prohibited from disclosing that they have submitted a suspicious transaction report to the FIU.	10	10	
Cross-border Transactions and International Cooperation		95	65	68%
41	Consistent with the Palermo Convention, national law should allow for the maximum level of mutual legal assistance in financial crime investigation, prosecutions, and enforcements, including the following:			
	a. The country should be granted authority to cooperate in the production, search and seizure, and dissemination of information	10	9	
	b. Law enforcement authorities are allowed to cooperate with corresponding foreign authorities to collect evidence for financial crimes.	5	5	
	c. Authorities have the power to provide original documents and evidence directly to their equivalent authority in a foreign country.	5	5	
	d. Local authorities may assist foreign countries in effective service of judicial documents	5	5	
	e. Local authorities may cooperate with foreign agencies to facilitate the voluntary appearance of persons seeking to provide testimony or information on money laundering or terrorist financing schemes.	5	5	

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14.1	LEGAL FRAMEWORK: FINANCIAL CRIMES	Ref.	Score	%
	f. Country may provide assistance by tracking proceeds of crime, and confiscating such proceeds, as well as the instrumentalities of money laundering and terrorist financing, and assets of corresponding value.	10	8	
42	Mutual legal assistance is not conditioned by unduly restrictive laws, and not burdened by time-consuming administrative procedures such that the assistance is rendered useless.	10	4	
43	The country has a series of bilateral agreements, multilateral agreements, memoranda of understanding, or membership in regional and multilateral organizations to serve as an established information exchange.	10	4	
44	Money laundering and terrorist financing are extraditable offenses.	10	5	
45	Either citizens may be extradited to foreign countries to face money laundering and terrorist financing charges, or a system is in place for the prosecution of the crime domestically as a serious offense.	10	5	
46	When a cross-border transaction sends foreign profits from an enterprise that is criminal in the foreign country, but is not unlawful under domestic laws, the national law grants extradition, and has the discretion to freeze assets from such a transaction.	5	3	
47	All financial institutions must subject transactions to a heightened scrutiny when the transaction involves a business or financial institution from a country that has not adopted the FATF 40 Recommendations.	10	7	
TOTAL FOR LEGAL FRAMEWORK: FINANCIAL CRIMES		540	372	69%

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14.2	IMPLEMENTING INSTITUTIONS: FINANCIAL CRIMES	Ref.	Score	%
	Financial Intelligence Unit: Organization	80	46	58%
1	The laws establishing the Financial Intelligence Unit ("FIU"):			
	a. Define the FIU as the central, national agency responsible for receiving (and, as permitted, requesting), analysing and disseminating to the competent authorities, disclosures of financial information concerning suspected proceeds of crime, or required by national legislation or regulation, in order to counter money laundering and terrorist financing.	10	10	
	b. Create a clear yet sufficiently broad mandate to design policies to meet its responsibilities.	5	4	
	c. Identify what authority the FIU may wield over supporting institutions to facilitate information exchange and compliance with FIU policies	5	3	
	d. Grant the FIU authority to represent the government in bilateral and multilateral cooperation agreements, including participation in the Egmont Group of Financial Intelligence Units ("Egmont Group").	10	7	
	e. Detail procedures for oversight (judicial or administrative) for review of FIU actions	5	1	
2	The FIU has the following characteristics:			
	a. A broad range of staff skilled in forensic accounting, intelligence analysis, financial policy formulation, and any other skills necessary to carry out its mandate	10	4	
	b. Sufficient support from the government to encourage the supporting institutions to accept the authority of the FIU	5	3	
	c. Sufficient funds through government budget, through the proceeds of the sale of assets seized to enforce financial crimes judgments, or a combination of both.	5	1	
	d. Sufficient technological resources to adapt to the advances made by criminals committing financial crimes.	5	1	
	e. An active staff training and development program using appropriate training materials, guidebooks or procedural manuals to disseminate international best practices in financial crimes monitoring and enforcement.	5	1	
	f. Clear and consistent internal policies and procedures	5	1	
3	The FIU has been officially recognized as an FIU and as an Egmont Group member by the Egmont Group, and by all foreign FIUs .	10	10	
	Financial Intelligence Unit: Operations	110	61	55%
4	The FIU has formal, transparent procedures for regulation and policy formulation, and takes into consideration the advice of key stakeholders in the policy-making process.	10	6	
5	The FIU actively monitors banks to ensure compliance with records, and works with non-compliant banks to identify areas for improvement.	10	8	
6	The FIU maintains adequate records regarding compliance by financial institutions, international charities, and private sector companies dealing in high-value commodities.	10	5	
7	The FIU conducts a periodic self-evaluation to determine how effectively it is meeting its mandate, identify systemic flaws, and methods for improvement.		2	
8	The FIU disseminates all applicable laws and policies regarding financial crimes to all stakeholders and to the public through a website and through print media.	10	7	
9	The FIU distributes and frequently updates a list of known terrorist organizations and criminal enterprises to all stakeholders.	5	5	

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14.2	IMPLEMENTING INSTITUTIONS: FINANCIAL CRIMES	Ref.	Score	%
10	The FIU monitors the financial activities of any party linked to a known terrorist organization or a criminal enterprise	10	5	
11	The FIU receives and processes data from all local, national, and foreign government agencies dedicated to combating terrorist financing and money laundering schemes.	10	5	
12	The FIU operates with sufficient authority and support from the Head of Government to compel agencies into collaboration, and minimize interagency jurisdictional disputes.	10	4	
13	The FIU maintains formal or informal partnerships with think tanks, academic institutions, and financial institutions to remain current on new technological advances in ICT and other technologies that facilitate non face-to-face transactions.	5	3	
14	The FIU has strong relationships with foreign FIUs, and coordinates information exchanges and cross-border enforcement operations with the foreign FIUs.	10	7	
15	The FIU maintains contact with all relevant agencies in countries that have no official FIU.	5	3	
16	The FIU exchanges information with foreign FIUs and relevant agencies on the basis of mutuality, without any additional conditions attached to the information.	10		
17	Financial institutions and other institutions with reporting requirements perceive the FIU to be efficient, yet is not overbearing or arbitrary in its information requests.	5	1	
	Law Enforcement Agencies: Organization	60	16	27%
18	Law Enforcement Agencies have sufficient budgetary support and manpower to conduct the complex investigations entailed in tracking financial crimes.	10	2	
19	Law enforcement agencies are supported by employees or contractors with highly-specialized skills, such as forensic accountants.	10	2	
20	Law enforcement officers have periodic training and development sessions to remain current on tactics employed by terrorist financiers and money launderers, as well as international best practices employed by foreign law enforcement officials in monitoring, tracking, and enforcement techniques.	10	4	
21	Law Enforcement Agencies have direct lines of contact with supporting agencies within the national and local governments	10	4	
22	Law Enforcement Agencies have adequate information and communications technologies to efficiently manage and share data among other relevant domestic and foreign agencies.	10	2	
23	An internal oversight body exists with authority to screen law enforcement officials for corruption and bribery by alleged financial criminals.	10	2	
	Law Enforcement Agencies: Operations	65	20	31%
24	When enforcing financial crimes, law enforcement agencies are perceived to operate:			
	a. Consistently;	5	1	
	b. in a transparent manner;	5	1	
	c. in a non-discriminatory manner;	5	1	
	d. independently of inappropriate political influence; and	5	1	
	e. effectively.	5	1	

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14.2	IMPLEMENTING INSTITUTIONS: FINANCIAL CRIMES	Ref.	Score	%
25	Law enforcement agencies have personnel dedicated to liaison with foreign counterparts to facilitate interoperability when dealing with a financial crime that crosses borders.	10	5	
26	Law Enforcement Agencies have established and maintain web portal or some other appropriate for tips by members of the public.	10	2	
27	Law enforcement agencies protect witnesses testifying against money launderers or terrorist financiers.	10	4	
28	Law enforcement agencies willingly provide full support to, and accept assistance from the FIU, absent inefficient "turf" battles.	10	4	
Courts: Organization		80	44	55%
29	Laws of the country clearly establish which courts have jurisdiction over financial crimes, and give those courts a broad mandate to enforce financial crimes.	10	5	
30	Courts with jurisdiction over financial crimes cases are empowered to:			
	a. Hear all cases dealing with terrorist financing and money laundering.	5	3	
	b. Issue a temporary injunction, prior to conviction, to freeze assets that have been shown to be implicated in terrorist financing or money laundering, based on a preponderance of the evidence, and without prior notice to the alleged offender.	5	5	
	c. Compel attendance of parties and witnesses.	5	5	
	d. Censure parties and witnesses, as well as counsel, for knowingly providing or allowing false testimony.	5	5	
	e. Order the incarceration, or some other appropriate punishment, for criminals convicted of a financial crime.	5	5	
f. Issue an order permanently confiscating assets held by a criminal enterprise, a terrorist organization, or any assets used in laundering the assets of such an organization.	5	5		
31	Some form of appeals exists, either judicial or administrative, for final decisions by the court of first instance.	10	7	
32	Courts have the manpower and budgetary support required to enforce and prosecute financial criminals in a timely manner.	10	2	
33	Salary and prestige create an incentive drawing qualified staff.	10	2	
34	Courts have internal procedures and systems in place to make administration efficient, including a computerized docket and filing procedures.	10	0	
Courts: Operations		50	15	30%
35	Generally, courts are perceived to:			
	a. apply financial crimes laws in a competent manner	5	1	
	b. provide an unbiased decision on the guilt or innocence of the parties involved	5	1	
	c. be free of corruption	5	1	
	d. make a decision within a reasonable period of time	5	1	
e. be transparent in applying the rule of law, and always identify the source of that law.	5	1		
36	Courts make available to the public all procedural and prudential rules that direct the actions of litigants and their counsel.	10	7	
37	Court opinions are transparent and available to the public.	10	2	
38	Judges frequently recuse themselves when the parties or the issue presents a conflict of interest.	5	1	
TOTAL FOR IMPLEMENTING INSTITUTIONS: FINANCIAL CRIMES		445	202	45%

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14.3	SUPPORTING INSTITUTIONS: FINANCIAL CRIMES	Ref.	Score	%
Government Entities		155	62	40%
1	The institution charged with asset confiscation, typically Bailiffs or law enforcement officers, are granted full authority by the court to confiscate assets that are linked either to terrorist organizations or criminal enterprises.	10	4	
2	Bailiffs and law enforcement officers have adequate staffing to execute seizure orders.	10	2	
3	Seizure orders are executed fairly and efficiently.	10	2	
4	Bailiffs and law enforcement officers have sufficient training to execute a seizure order.	10	2	
5	Bailiffs and law enforcement officers have a clear understanding of their powers and limitations in executing seizure orders.	10	3	
6	Customs officials and export control agencies are tasked with identifying high-price low-risk commodities (such as precious stones and metals) crossing borders past some threshold quantity.	10	4	
7	Customs officials and export control agencies are granted authority to confiscate goods if it is determined that the goods are intended to be used to finance terrorist organizations, or for use by a criminal enterprise.	10	5	
8	The following government institutions have a direct line of communication, and a high level of coordination with the FIU:			
	a. Customs officials	5	0	
	b. Central bank	5	4	
	c. Tax authorities	5	3	
	d. National and local law enforcement agencies	5	2	
	e. Intelligence services	5	2	
	f. Securities regulatory authorities	5	3	
9	Competent authorities with oversight and supervisory power over financial institutions and businesses have sufficient power to ensure compliance with reporting and monitoring standards.			
	a. Competent authorities may compel production of documents, and may subject employees of financial institutions or companies to investigation for suspicious behavior	5	4	
	b. Competent authorities have adequate budgets and staffing to ensure compliance.	5	2	
	c. Competent authorities must conduct periodic audits of their internal processes, procedures, and policies, to identify any systemic flaws or areas for improvement in their oversight capabilities.	5	2	
10	The Central Bank and any other competent authority overseeing banks are effectively implementing the FATF recommendations, and require financial institutions to develop programs against money laundering and terrorist financing, including:			
	a. Development of internal policies, procedures, and systems, including knowledge management systems, compliance assurance systems, and screening procedures to ensure high-quality employees.	5	4	
	b. ongoing employee training and professional development program	5	3	
	c. a periodic audit to test the internal policies, procedures, and systems to identify any flaws or weaknesses.	5	3	
11	Governmental authorities with oversight over businesses or financial institutions must require:			

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14.3	SUPPORTING INSTITUTIONS: FINANCIAL CRIMES	Ref.	Score	%
	a. Financial institutions and businesses that have business relationships with entities from countries that have not adopted the FATF 40 Recommendations or the 8 Special Recommendations must subject transactions to a heightened level of scrutiny.	5	5	
	b. That all procedures and policies required for businesses and financial institutions apply equally to all branches and wholly-owned subsidiaries located abroad.	5	3	
12	Casinos should be regulated by a competent governmental authority that requires at least that:			
	a. all casinos be registered and licensed	5	N/A	
	b. no criminal element may own or be the beneficial owner of a significant or controlling interest, manage, or operate casinos	5	N/A	
	c. casinos are effectively supervised for compliance with all FATF Recommendations.	5	N/A	
Professional Associations		80	27	34%
13	Professional associations of lawyers and accountants exist, and have incorporated a code of ethics requiring notification of terrorist financing or money laundering activities to the proper authorities, notwithstanding professional privileges.	10	4	
14	Accounting associations promote international best practices in forensic accounting.	10	3	
15	Forensic accounting exists within the academic curricula of prominent universities in the country.	10	2	
16	Professional accounting associations provide continuing education for forensic accountants.	10	3	
17	Lawyers' associations have engaged in legal education and training programs for members of the bar concerning financial crimes.	10	2	
18	Legal academics have drafted treatises on the further development of financial crimes.	10	6	
19	Prominent law schools in the country provide advanced training to lawyers and judges in the area of financial crimes.	10	4	
20	Lawyers' associations have taken an active role in refining the international best practices to fit within the structure of the domestic legal system.	10	3	
Specialized Services		20	6	30%
21	Specialized legal publishers have published form books or practice commentary on filing claims to reclaim assets confiscated with insufficient proof.	10	2	
22	The media is trained to report accurately on the enforcement of financial crimes, and on the passage of financial crime legislation.	10	4	
Trade and Special Interest Groups		60	24	40%
23	Banks and Banking associations have taken an active role in the development of monitoring and customer due diligence standards for the FIU.	10	8	
24	Banks and Banking associations have created industry-wide risk assessment models to monitor clients' "high risk" transactions.	10	8	

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14.3	SUPPORTING INSTITUTIONS: FINANCIAL CRIMES	Ref.	Score	%
25	Private sector industries that frequently have high-value transactions like casinos, and dealers in precious stones, and other high-value goods, provide input to policymakers to identify industry-wide reporting standards and thresholds for monitoring activities.	10	2	
26	International non-governmental organizations ("NGOs") which collect donations to finance humanitarian and development assistance abroad provide input to policymakers on the appropriate levels of monitoring of their activities.	10	2	
27	Non-profit watchdog organizations prevent the abuse of asset forfeiture through public education campaigns, lawsuits, lobbying campaigns, or any other method of influence at their disposal.	10	1	
28	Foreign investment associations provide input to policymakers to ensure that financial crimes monitoring and enforcement policies are not overly restrictive to foreign investment.	10	3	
TOTAL FOR SUPPORTING INSTITUTIONS: FINANCIAL CRIMES		315	119	38%

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14.4	SOCIAL DYNAMICS: FINANCIAL CRIMES	Ref.	Score	%
	Market for Improved Laws	270	143	53%
	Demand for Improved Laws	130	82	63%
	Government	55	46	84%
1	The legislature recognizes that money laundering, corruption, and terrorist financing injure the public, and thus should be criminalized.	10	10	
2	At least one high-level government official recognizes the need for a national initiative to combat financial crimes, and engages support in the legislature, responsible ministries, law enforcement agencies, and the courts to combat financial crimes.	10	10	
3	The government does not support the cause of any entity recognized as a terrorist organization by either the UN Security Council, or by any other multilateral body.	10	10	
4	International lending institutions and donor agencies provide assistance to or condition loans upon:			
	a. The designation of an effective FIU operating within the government	5	3	
	b. Measurable commitment to combat financial crimes by the beneficiary	5	2	
	c. Adoption of internationally accepted accounting and auditing standards	5	3	
	d. Strict financial controls for any institution receiving a benefit from the development assistance	5	4	
5	Foreign governments encourage participation of FIU in regional and multilateral organizations combatting terrorist financing and money laundering.	5	4	
	Stakeholders	55	25	45%
6	Professional business and financial associations:			
	a. Raise awareness of the social costs that financial crimes incur for members of the public	5	4	
	b. Raise awareness of the reputational risk of dealing with financial criminals for financial institutions, charities, corporations, and other conduits for financial crimes.	5	4	
	c. Conduct grassroots public education campaigns to generate broad support for enforcement of financial crimes, and renounce government inaction.	5	3	
	d. Serve as a liaison between financial institutions and the government in designing industry-wide reporting and monitoring standards, as well as the thresholds that trigger monitoring customer activity.	5	3	
7	Professional accounting and legal associations:			
	a. Have special sections or committees specializing in financial crimes, and especially international financial crimes	5	1	
	b. Have a formal process for providing input (including studies, statistics, and other forms of research) to policy-makers for financial crimes issues	5	1	
	c. Regularly provide input and feedback to policymakers	5	1	
	d. regularly provide draft laws, comments on regulations, suggested amendments and similar input to lawmakers on financial crime issues; and	5	1	
	e. promote better understanding within their profession about the need for, and the implications of, a financial crimes enforcement regime	5	1	
8	Law schools and Universities include financial crimes courses in their curricula.	10	6	
	Public	20	11	55%
9	The public recognizes that money laundering and terrorist financing should be criminalized.	10	6	

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14.4	SOCIAL DYNAMICS: FINANCIAL CRIMES	Ref.	Score	%
10	There is no public support for the cause of any entity recognized as a terrorist organization by either the UN Security Council, or by any other multilateral body.	10	5	
	Supply of Improved Laws	140	61	44%
	Government	65	36	55%
11	The government has created an optimal financial crimes regime balancing the needs of society against the costs borne by financial institutions and others implicated in monitoring transactions.			
	a. Monitoring and reporting obligations are not so cumbersome as to be commercially infeasible to apply (e.g. unreasonably low thresholds).	5	4	
	b. Scope of financial institutions, NGOs, and private institutions included in the financial crimes laws are broad enough to cover all conduits that financial criminals would use to transfer and launder assets.	5	3	
	c. Penalties for non-conformance with monitoring and reporting obligations serve as an effective deterrent.	5	1	
12	The government provides for meaningful public and private sector participation in the design and reform of the financial crimes regime, including:			
	a. making copies of laws, regulations, instructions, application forms and similar subsidiary instruments readily available to the public, and especially to financial institutions and others with reporting requirements	10	7	
	b. providing the business community with meaningful notice of and opportunity to comment on draft implementing regulations:			
	1. before they are submitted for legislative approval, and	10	4	
	2. before they become effective.	10	4	
13	The government has the technical capacity to draft laws and regulations necessary for improved financial crime laws.	10	6	
14	Public corruption related to financial crimes is closely monitored, and punishments are sufficiently severe to serve as a deterrent.	10	7	
	Stakeholders and the Public	75	25	33%
15	Organizations of financial institutions, and all other parties regulated under financial crimes laws, have drafted generally-accepted industry standards that comply with the laws.	10	6	
16	The private sector and interested members of the public use formal and informal modes of communication to submit draft laws, comments, and concerns to the legislature and the implementing institutions.	10	5	
17	The private sector and interested members of the public perceive the government to be receptive, and address concerns raised with the legislature and implementing institutions.	10	3	
18	The public and stakeholders perceive the legal and regulatory environment generally to be:			
	a. stable, as stability evidenced by:			
	1. infrequent changes to relevant laws and regulations, and	5	1	
	2. a relative lack of conflicting laws and regulations;	5	1	
	b. predictable, evidenced by relative consistency in interpretation and enforcement of major laws and regulations; and	10	3	
	c. transparent in that equal treatment is generally accorded for end users in similar positions and circumstances.	10	3	
19	The public and stakeholders perceive the laws and regulations issued by the government to be relatively:			

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14.4	SOCIAL DYNAMICS: FINANCIAL CRIMES	Ref.	Score	%
	a. precise in that they can be generally read and understood by a financial institution (or any other entity with monitoring and reporting requirements) and provide adequate indication of requirements thereunder:	5	1	
	b. complete in that they address all techniques employed by financial criminals, and do not contain significant gaps; and	5	1	
	c. flexible enough to meet the changing technological and methodological advances made by financial criminals that add new levels of complexity to enforcement of financial crimes.	5	1	
Market for Effective Implementing Institutions		140	61	44%
Demand for Effective Implementing Institutions		80	49	61%
Government		40	30	75%
20	At least one high-level government official either with access to the head of government, or with broad public support, has responsibility for establishing and managing the FIU, and for furthering the development of financial crimes development in the country.	10	7	
21	The head of the FIU effectively builds political and interagency support for continued development of financial crimes policy.	10	8	
22	Government agencies appreciate the need for a central authority to serve as the focal point for inter-agency collaboration, and thus willingly share information with the FIU.	10	7	
23	International assistance organizations have provided technical assistance to support the development of financial crime laws and build capacity in the FIU.	10	8	
Stakeholders and the Public		40	19	48%
24	Financial Institutions and the public recognize the importance of financial crime laws, and actively support the FIU in information requests, monitoring and reporting.	10	7	
25	Legal academics draft papers, editorials, law review articles, and other documents to influence the design and mandate of the FIU, and in balancing the FIU's authority with privacy rights.	10	7	
26	The public support policymakers who enforce financial crimes, and will not support officials that do not enforce financial crimes.	10	2	
27	The media accurately reports on the commission and enforcement of financial crimes, and describes its negative effects on the public.	10	3	
Supply of Effective Implementing Institutions		60	12	20%
Government		30	12	40%
28	The FIU has an internal improvement plan, setting targets for improvement of procedures, and annually reviewing its operations to identify any systemic weaknesses for improvement.	10	7	
29	The FIU has an oversight mechanism, either administrative or judicial, to determine when it over-steps its mandate.	10	3	
30	An independent agency regularly monitors employees of the FIU for bribery and corruption by financial criminals.	10	2	
Stakeholders and the Public		30	14	47%
31	Financial Institutions and the public have a formal dialogue with FIU employees to ensure industry involvement in setting monitoring and reporting standards, and to remain current on new asset transfer systems and technologies.	10	5	
32	Financial institutions and entities that must monitor and report information perceive the FIU and the courts to be:			

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14.4	SOCIAL DYNAMICS: FINANCIAL CRIMES	Ref.	Score	%
	a. transparent in the enforcement of their duties	5	2	
	b. purposeful when drafting obligations or procedures rather than subjecting financial institutions to arbitrary regulation	5	3	
	c. non-discriminatory in the enforcement of the financial crime laws	5	2	
	d. fair and open about new laws and regulations, placing all entities on notice	5	2	
Market for Supporting Institutions		50	19	38%
Demand for Supporting Institutions		30	13	43%
33	The FIU recognizes the need to create a collaborative environment between other agencies combatting financial crimes:			
	a. to maximize efficient use of resources, and to keep from duplicating efforts	10	4	
	b. to capitalize on the experiences of other agencies in producing best practices for combatting financial crime.	10	3	
34	Courts recognize the value of the contributions of legal academics to the development of financial crimes.	10	6	
Supply of Supporting Institutions		20	6	30%
35	The FIU feels that the agencies and other supporting institutions are capable of performing their own special task, and all of the support required by the FIU is met, either through its own mandate, or through the supporting institutions.	10	3	
36	The supporting institutions that assist with the development of financial crime law, and that support the enforcement of decrees by the courts, are capable of performing their own special task, and the support required by the courts is provided.	10	3	
SUB-TOTAL DEMAND		240	144	60%
SUB-TOTAL SUPPLY		220	79	36%
TOTAL FOR SOCIAL DYNAMICS: FINANCIAL CRIMES		460	237	52%

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15.1	LEGAL FRAMEWORK: INTELLECTUAL PROPERTY RIGHTS	Ref.	Score	%
International Norms		100	75	75%
1	The country is a member of or party to:			
	a. The World Trade Organization.	10	10	
	b. The Paris Convention of 1967 relating to the protection of industrial property.	10	10	
	c. The Berne Convention of 1971 relating to the protection of literary and artistic works.	10	10	
	d. The Rome Convention of 1961 relating to the protection of performers, producers of phonograms and broadcasting organizations.	5	0	
	e. The Treaty of Intellectual Property in Respect of Integrated Circuits of 1989.	5	0	
	f. The Trademark Law Treaty.	5	5	
	g. The Madrid System for the International Registration of Marks.	5	0	
	h. The Convention for the Protection of Producers of Phonograms.	5	0	
	i. Against Unauthorized Duplication of Their Phonograms.	5	0	
	j. The Singapore Treaty on Trademarks.	5	0	
	k. The Patent Law Treaty	5	10	
	l. The Patent Cooperation Treaty	10	10	
	m. The WIPO Copyright Treaty.	10	10	
	n. The WIPO Performances and Phonograms Treaty.	10	10	
National Laws		105	81	77%
2	The national law protects all major categories of intellectual property, including copyrights, trademarks and patents.	10	10	
3	In order for the highest level of legal protection to be provided, registration is required for:			
	a. Copyrights	5	5	
	b. Trademarks	5	5	
	c. Patents	5	5	
	d. Industrial Designs	5	5	
	e. Trade Secrets	5	5	
	f. Geographical Indicators	5	5	
4	Even if not registered the law still provides some protection for:			
	a. Copyrights	5	5	
	b. Trademarks	5	3	
	c. Patents	5	3	
	d. Industrial Designs	5	3	
	e. Trade Secrets	5	3	
	f. Geographical Indicators	5	3	
5	Intellectual Property rights are enforceable by both the owners and the government.	10	6	
6	The national law provides effective remedies with respect to acts of IPR infringement.	10	8	
7	Enforcement laws and procedures:			
	a. Are fair and equitable	5	1	
	b. Are not unnecessarily costly	5	4	
	c. Do not entail unreasonable time limits or unwarranted delays.	5	2	
Trademarks		205	167	81%
8	The following may be protected as trademarks:			
	a. Words and phrases	5	5	

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15.1	LEGAL FRAMEWORK: INTELLECTUAL PROPERTY RIGHTS	Ref.	Score	%
	b. Logos/symbols/emblems	5	5	
	c. Sound/audio	5	5	
	d. Colors	5	5	
	e. Holograms	5	5	
	f. 3-D images/representations	5	0	
	g. "Geographic indications"	5	5	
	h. "Appellations of origin"	5	5	
	i. There are special protections for "famous marks."	10	5	
	j. Marks identifying services ("service marks")	10	10	
	k. Packaging ("trade dress") is protected.	10	0	
9	The following marks are prohibited:			
	a. Pornographic marks	5	5	
	b. Offensive marks	5	5	
10	There are prohibitions against Internet domain name "cybersquatting."	10	10	
11	Unregistered marks receive at least some legal protection.	10	5	
12	Registered marks receive a higher level of protection than unregistered marks.	5	5	
13	Trademarks are protected for an initial term of at least 7 years	5	5	
14	Trademark registrations are renewable indefinitely.	10	10	
15	Trademarks can be abandoned.	5	5	
16	Abandoned trademarks can be reinstated.	5	5	
17	A mark may be registered in multiple classes.	10	10	
18	There is special registration process for marks already registered in another country.	5	5	
19	Marks already registered in another country already have legal protection in this country without registration, beyond normal protections for unregistered trademarks.	5	5	
20	Marks can be registered by:			
	a. Legal entities	5	5	
	b. Foreign individuals	5	1	
	c. Foreign legal entities	5	1	
21	There are legal remedies/penalties for trademark infringement, including:			
	a. Injunctive relief (i.e., an order to cease the infringing action).	5	5	
	b. Mandatory monetary payments (e.g., fines, compensatory damages).	5	5	
	c. Criminal law penalties (e.g., imprisonment).	5	5	
	d. Seizure and destruction of goods using counterfeit trademarks.	5	5	
22	There are special penalties for counterfeit goods.	10	5	
23	There are no compulsory trademark licenses.	5	5	
24	There are provisions for the "fair use" of trademarks.	5	5	
Copyrights		135	126	93%
25	A copyright comes into being upon the creation of the work and does not require registration or deposit in order to be enforceable.	10	10	
26	Computer programs are copyright protected.	10	10	
27	Compilations of data are copyright protected with respect to the selection of arrangement of their contents.	10	10	
28	Exclusive rights of authors, performers or producers (in appropriate cases) include:			
	a. Reproduction	5	5	
	b. Distribution	5	5	

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15.1	LEGAL FRAMEWORK: INTELLECTUAL PROPERTY RIGHTS	Ref.	Score	%
	c. Translation	5	5	
	d. Recording, reproducing, or transmitting to the public a live performance	5	5	
	e. Making available to the public of performances fixed in phonograms, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them.	5	5	
	f. Making the cinematographic adaptation and reproduction of a work	5	5	
	g. Adaptation, arrangements, and other alterations	5	5	
	h. Renting the work	5	5	
29	Exceptions to these exclusive rights include:			
	a. Quotation and use of work for illustrative purposes while teaching	5	5	
	b. Reproduction of newspaper or similar articles and use of works for reporting current events	5	5	
30	Copyright protection is provided to foreign nationals and entities on the same basis as domestic individuals or entities.	10	10	
31	In general, the term of copyright protection is at least the life of the author plus 50 years.	10	10	
32	The circumvention of technological measures used by authors to prevent the unauthorized use of their works is prohibited.	10	1	
33	Unauthorized removal or alteration of electronic rights management information from a copyrighted work is prohibited.	10	10	
34	Copyrights are enforceable in court and penalties available for copyright infringement include:			
	a. Injunctive relief (e.g., orders to cease infringing activity).	5	5	
	b. Monetary penalties (fines, monetary damages, etc.)	5	5	
	c. Criminal penalties (i.e., imprisonment) for serious and systematic infringement.	5	5	
Patents		180	141	0%
35	Patents are available for any inventions, in all fields of technology, provided they are new, involve an inventive step (i.e., are non-obvious), and are capable of industrial application (i.e., are useful).	10	10	
36	Software patents can be issued and are recognized as valid.	10	10	
37	Business method patents can be issued and are recognized as valid.	10	10	
38	The following types of inventions are not excluded from patentability:			
	a. Inventions, the commercial exploitation of which is necessary to protect:			
	i. public order or morality (e.g., human or animal life or health, or protection of the environment)	5	5	
	ii. Diagnostic, therapeutic and surgical methods for the treatment of humans or animals	5	1	
	b. Plants and animals other than micro-organisms, and essentially biological processes for the production of plants or animals other than non-biological and microbiological processes.	5	1	
39	A patent application must be filed within a specified period after the invention has been publicly disclosed or offered for sale.	10	5	
40	The patent application must disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art.	10	10	
41	A patent applicant need not indicate the best mode for carrying out the invention.	10	10	

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15.1	LEGAL FRAMEWORK: INTELLECTUAL PROPERTY RIGHTS	Ref.	Score	%
42	Public disclosure or an offer for sale of the invention prior to the filing of the patent application prevents the patenting of the invention.	5	2	
43	Patent owners have the right to prevent third parties without the owner's consent from making, using, offering for sale, selling or importing that product or, where the subject matter of the patent is a process, from using the process and from using, offering for sale, selling or importing the product obtained directly by that process.	10	10	
44	Patent owners have the right to assign or transfer the patent and to license it to others.	10	10	
45	Patent applications are reviewed by a patent examiner, or similar official, before being granted.	10	10	
46	Patents and patent applications are publicly available in a searchable file or database.	10	5	
47	The law provides very limited exceptions to patent rights and little or no use by others of the subject matter of the patent without the authority of the patent holder.	10	10	
48	Denial of a patent application may be appealed internally within the government through an administrative process	10	10	
49	Decisions issued as a result of such an appeal are published and made publicly available.	10	1	
50	Denial of a patent application may be appealed to the courts, where they remedies include cancellation or invalidation.	10	10	
51	Decisions issued as a result of such an appeal are published and made publicly available.	10	1	
52	The term of protection for a patent lasts at least 20 years from the filing date.	10	10	
Industrial Design		120	101	0%
53	The intellectual property law protects industrial designs that are new or original.	10	10	
54	Industrial designs that do not significantly differ from known designs or combinations of known design features are not protected.	5	5	
55	Textile designs may be protected as industrial designs.	10	10	
56	Owners of industrial designs have the right to prevent any other party from making, selling, or importing an article the owner's consent, when such actions are undertaken for commercial purposes and when the articles bear or embody a design that is a copy of substantially a copy of the protected design:	10	10	
57	There is a fee associated with that registration process.	5	5	
58	Industrial designs may be registered by:			
	a. Legal entities	5	5	
	b. Foreign nationals	5	1	
	c. Foreign legal entities	5	1	
59	The term of protection granted for industrial designs is at least 10 years.	5	5	
60	Designs already protected in other countries can be registered.	10	10	
61	There is a special registration process available for such designs.	5	5	
62	Such designs are protected without registration in the country.	5	5	
63	Enforcement actions to protect industrial designs may be initiated by the government or by the owner of the design.	10	10	

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15.1	LEGAL FRAMEWORK: INTELLECTUAL PROPERTY RIGHTS	Ref.	Score	%
64	The average time that it takes to complete an action for infringement of an industrial designs is reasonable and meets the needs of the business community.	10	2	
65	Industrial designs also can be protected:			
	a. Under copyright law.	5	5	
	b. As trade dress.	5	5	
	c. As design patents.	5	5	
	d. Under competition law.	5	2	
Trade Secrets		125	117	0%
66	The law protects against the unauthorized disclosure, acquisition, or use of trade secrets by third parties.	10	10	
67	Protection of trade secrets can be established through the actions of the owner.	10	10	
68	Trade secrets need not be registered with the government.	5	5	
69	Trade secrets can be owned and protected:			
	a. by legal entities	10	10	
	b. by foreign nationals	10	10	
	c. by foreign legal entities	10	10	
70	Remedies/penalties are available from the courts to enforce trade secrets rights, and include:			
	a. Injunctions (i.e., orders to cease prohibited conduct)	10	10	
	b. mandatory monetary payments (e.g., fines, monetary damage awards).	10	10	
	c. criminal law penalties (e.g., imprisonment)	10	10	
71	There is no time limit on the protection of a trade secret so long as the information in question continues to qualify as a "trade secret."	10	10	
72	Confidentiality/non-disclosure agreements are enforceable by the courts.	10	10	
73	The law does not permit access to a trade secret without permission of the owner.	10	10	
74	The average trade secrets enforcement action is completed in reasonable amount of time and at a reasonable cost to the user.	10	2	
TOTAL FOR LEGAL FRAMEWORK: INTELLECTUAL PROPERTY RIGHTS		970	733	76%

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15.2	IMPLEMENTING INSTITUTIONS: INTELLECTUAL PROPERTY RIGHTS	Ref.	Score	%
Administrative Organization		255	178	70%
1	There is a designated government agency to handle registrations for:			
	A. Copyrights	10	10	
	B. Trademarks	10	10	
	C. Patents	10	10	
2	Registration procedures are publicly available and are applied in a transparent, nondiscriminatory fashion for:			
	A. Copyrights	10	8	
	B. Trademarks	10	8	
	C. Patents	10	8	
3	Registration applications may be filed in a hard copy (i.e., paper) format for:			
	A. Copyrights	5	5	
	B. Trademarks	5	5	
	C. Patents	5	5	
4	Registration applications may be filed electronically via the Internet for:			
	A. Copyrights	10	0	
	B. Trademarks	10	0	
	C. Patents	10	0	
5	There is a publicly available database of registrations and applications for registrations for:			
	A. Copyrights	10	10	
	B. Trademarks	10	10	
	C. Patents	10	10	
6	This database is available and searchable over the Internet for:			
	A. Copyrights	10	10	
	B. Trademarks	10	10	
	C. Patents	10	10	
7	There is a process by which government registration decisions may be appealed or reviewed internally by the government before becoming final for:			
	A. Trademarks	10	10	
	B. Patents	10	10	
8	Such decisions are published and made readily available to the public.	10	1	
9	The government regularly undertakes enforcement actions against large-scale and systematic copyright violations.	10	4	
10	The perception of the fees and time associated with completion of the registration process is that it is reasonable and meets the needs of business with respect to:			
	A. Copyrights	10	6	
	B. Trademarks	10	7	
	C. Patents	10	4	
11	The government regularly trains personnel so that there is an up-to-date expertise in copyright, trademark, and patent issues within the relevant registries.	10	5	
12	Most government offices use properly licensed software.	10	2	
Courts and enforcement		170	80	47%
13	There is a process by which government registration decisions may be reviewed by the courts for:			
	A. Trademarks	10	10	

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15.2	IMPLEMENTING INSTITUTIONS: INTELLECTUAL PROPERTY RIGHTS	Ref.	Score	%
	B. Patents	10	10	
14	There are special courts that handle cases or review matters involving:			
	A. Copyright	5	5	
	B. Trademark	5	5	
	C. Patent	5	5	
	D. Trade Secrets	5	5	
15	Courts resolve cases involving intellectual property rights in an efficient and timely manner.	10	2	
16	The penalties imposed by courts for violations of intellectual property rights generally are appropriate to the violation and serve as effective deterrents to other such violations.	10	1	
17	Court decisions concerning intellectual property rights result in a written decision that is published and made readily available to the public.	10	1	
18	The body of judicial decisions is sufficiently consistent to provide reasonably predictable outcomes in similar circumstances.	10	1	
19	Judges (whether on special courts or otherwise) receive periodic training on intellectual property rights issues and related technology matters.	10	5	
20	Court staff has expertise in intellectual property rights matters.	10	3	
21	Government agencies regularly act to enforce intellectual property rights, including bringing criminal prosecutions.	10	5	
22	Government enforcement agents receive periodic training on how to recognize and identify pirated or counterfeit goods.	10	6	
23	Government enforcement agents communicate and coordinate with their counterparts in other countries and relevant international agencies and matters of intellectual property rights violations and enforcement.	10	4	
24	The perception of the fees and time associated with completion of trademark enforcement/infringement action is that it is reasonable.	10	3	
25	Law enforcement authorities and customs authorities monitor and enforce restrictions on counterfeit goods.	10	4	
26	Customs officials have the authority to seize, impound, and destroy counterfeit or pirated goods and regularly exercise such authority in appropriate cases.	10	3	
27	There is general consistency in understanding the Customs Service's role and functions among the government, the Customs Service and end users related to intellectual property rights issues.	10	2	
TOTAL FOR IMPLEMENTING INSTITUTIONS: INTELLECTUAL PROPERTY RIGHTS		425	258	61%

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15.3	SUPPORTING INSTITUTIONS: INTELLECTUAL PROPERTY RIGHTS	Ref.	Score	%
Government Entities		45	29	64%
1	The government recognizes the importance of intellectual property rights.	10	9	
2	The government supports intellectual property rights through:			
	a. Its trade policies	5	3	
	b. Prompt adoption and ratification of applicable international agreements	10	6	
	c. Public awareness programs to make the country's citizens aware of the importance of intellectual property rights	10	5	
	d. Proposing and adopting appropriate modifications or revisions to bring national laws into conformity with international best practices and to adapt to new technologies	10	6	
Professional Associations		60	26	43%
3	There are trade/industry associations that are devoted to the strengthening and protection of intellectual property rights.	10	7	
4	Such trade/industry associations engage in educational activities concerning intellectual property rights.	10	5	
	Organizations (public and private) exist to help train patent examiners.	10	4	
	Trade/Industry associations train its members on intellectual property rights issues to help ensure conformity with the law.	10	4	
5	Most businesses use properly licensed software.	10	2	
6	Trade/industry associations provide information to the government concerning intellectual property rights issues and petition the government concerning desired changes in intellectual property rights laws.	10	4	
Lawyers and other specialized associations		125	55	44%
7	The practice of intellectual property rights law is emerging as a specialized practice of law among law firms and individual practitioners.	10	6	
8	There is one or more bar/lawyers' association (or a section or committee within a bar/lawyers' association) that is focused on matters relating to intellectual property rights.	10	5	
9	Such bar associations engage in educational activities for the benefit of their members, the general public, judges, and the government.	10	4	
10	Trade and industry associations have affiliations with international organizations and are involved in the harmonization of bankruptcy law and practice with international standards.	10	5	
11	The media sufficiently reports on issues dealing with intellectual property rights.	10	4	
12	Foreign investor associations provide input to policy makers and other trade associations on international standards in intellectual property rights.	10	4	
13	Non-governmental organizations (including consumer protection organizations), business associations and chambers of commerce:			
	a. monitor anti-competitive practices and competition law development;	5	3	
	b. actively interact with the implementing institution to report violations and concerns; and	5	2	
	c. have established mechanisms for providing input to policymakers on competition law issues.	5	3	
14	Law schools include up-to-date classes on intellectual property rights.	10	5	
15	Professors have published academic treatises or interpretations of intellectual property rights to provide courts and lawyers with guidance in implementing the law.	10	5	

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15.3	SUPPORTING INSTITUTIONS: INTELLECTUAL PROPERTY RIGHTS	Ref.	Score	%
16	General private sector confidence in intellectual property law environment is demonstrated by consistent use of related procedures when necessary (rather than looking for some extra-judicial or informal procedures for correcting a perceived violation).	10	4	
17	Importers are generally satisfied with the level of intellectual property rights protections	10	1	
18	Internationally accredited inspection services are provided on a reasonable cost basis to importers and exporters.	10	4	
TOTAL FOR SUPPORTING INSTITUTIONS: INTELLECUTAL PROPERTY RIGHTS		230	110	48%

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15.4	SOCIAL DYNAMICS: INTELLECTUAL PROPERTY RIGHTS	Ref.	Score	%
Market for Improved Laws		240	129	54%
Demand for Improved Laws		175	90	51%
Government		70	34	49%
1	High level government officials are knowledgeable about the importance of intellectual property rights (e.g., copyrights, trademarks & patents) and have taken tangible steps to encourage the observance and enforcement of such rights.	10	6	
2	The government has created an environment generally supportive of recognition and enforcement of intellectual property rights including:			
	a. use of properly licensed software in all government offices	10	2	
	b. programs designed to educate the general public on the importance of intellectual property rights	10	5	
	c. effective prosecution of significant violations of intellectual property rights	10	2	
3	The government provides for meaningful private sector participation in the legal reform process regarding intellectual property rights by:			
	a. making copies of laws, regulations, instructions, application forms, rules of procedure and other relevant information available to the business community or other end users.	10	6	
	b. providing the business and legal communities with meaningful notice and opportunity to comment on draft laws, legislative amendments, or implementing regulations affecting intellectual property rights throughout the legislative and rule-making process.	10	6	
4	The government regularly interacts with international counterparts to remain abreast of developments in intellectual property law.	10	7	
Private Sector		105	56	53%
5	Trade and industry associations:			
	a. have specialized sections or committees focused on the recognition, application, or enforcement of intellectual property rights	5	3	
	b. have established formal mechanisms with policy makers for providing input and feedback on intellectual property rights issues	5	3	
	c. have established formal (or informal) mechanisms with IPR enforcement bodies with respect to the detection and prevention of intellectual property rights violations and the enforcement of intellectual property rights.	5	3	
	d. regularly provide comments on draft laws, regulations, and suggested amendments to lawmakers on matters relating to intellectual property rights.	5	3	
	e. conduct programs and events for their members and the general public to promote better understand	5	2	
6	Associations of foreign investors (including bi-laterals chambers of commerce) lobby for the adoption of international norms and standards for the recognition, application, and enforcement of intellectual property rights.	10	5	
7	Bar associations:			
	a. have specialized sections or committees dedicated intellectual property rights	5	3	
	b. have established formal mechanisms with policy makers for providing input on intellectual property rights issues	5	3	
	c. regularly provide comments on draft laws, regulations, and suggested amendments to lawmakers on matters relating to intellectual property rights.	5	4	

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15.4	SOCIAL DYNAMICS: INTELLECTUAL PROPERTY RIGHTS	Ref.	Score	%
	d. conduct programs and events for their members and the general public to promote better understanding of the benefit of intellectual property rights and their enforcement.	5	2	
	e. conduct programs for judges or enforcement officials with respect to the detection and prevention of intellectual property rights violations and the enforcement of intellectual property rights.	5	2	
8	Law school faculty or other qualified members of academia regularly publish commentary or speak on needed developments recent decisions, or draft laws and regulations in the field of intellectual property rights regulation	5	2	
9	Professional associations, trade organizations and special interest groups that favor the vigorous protection and enforcement of intellectual property rights actively pressure the government to enforce and protect intellectual property rights.	10	4	
10	International lending institutions and donor agencies have instituted assistance programs with the government to upgrade and improve the government's various activities concerning intellectual property rights.	10	8	
11	Foreign governments or international organizations seek to include the country in international agreements addressing the recognition of enforcement of intellectual property rights.	10	8	
12	International financial institutions, donor agencies, or foreign governments provide assistance or condition loans upon the recognition or enforcement of intellectual property rights.	10	1	
Supply of Improved Laws		65	39	60%
Government		35	24	69%
13	The government has created an environment generally supportive of improved intellectual property rights and practices, including:			
	a. clearly stated policies that government will not allow violations of intellectual property rights.	5	5	
	b. active initiatives to combat violations of intellectual property rights.	5	3	
14	The government (through a specialized unit or the Ministry of Justice) has the technical capacity to draft laws and regulations necessary for the more efficient registration, identification, and protection of intellectual property rights.	10	7	
15	Formal mechanisms for soliciting input from the business and professional communities for formulating and amending policy concerning intellectual property rights:			
	a. have been established by the government.	5	3	
	b. are actively used by the government.	5	3	
	c. according to the business and professional communities, generally satisfy private sector demand for providing input.	5	3	
Private Sector		30	15	50%
16	The business and professional communities perceive the laws and regulations issued by the government and affecting intellectual property rights to be relatively:			
	a. precise in that they generally can be understood by a business person (or end user) and provide adequate indication of what is required under the law.	10	5	
	b. complete in that they address the main needs of the business community and do not contain significant gaps or ambiguities; and	5	3	

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15.4	SOCIAL DYNAMICS: INTELLECTUAL PROPERTY RIGHTS	Ref.	Score	%
	c. responsive to their needs as reflected in favorable (e.g., pro-business) policy measures.	5	2	
17	The business and professional communities generally feel that they have a meaningful role to play in shaping policy in the area of intellectual property rights.	5	4	
18	The business and professional communities generally feel that the government is effectively meeting the basis needs for legal reform in the area of intellectual property rights.	5	1	
Market for Effective Implementing Institutions		190	73	38%
Demand for Effective Implementing Institutions		85	35	41%
Government		55	26	47%
19	One or more high level government officials with responsibility for implementation is knowledgeable of and works for the cause of more efficient and effective provision of services by the courts	10	4	
20	At least one high-level government official with responsibility for intellectual property rights issues is knowledgeable of and works for the cause of more efficient and effective provision of services by the government offices responsible for intellectual property rights (e.g., Copyright Office, Trademark Office, Patent Office).	10	5	
21	The government intellectual property offices are engaged in active efforts to train and educate judges, and officials of internal administrative tribunals, concerning intellectual property rights.	10	5	
22	The government monitors and as assists as needed with the with proper enforcement of administrative awards and decisions by the relevant government ministries.	10	4	
23	The government intellectual property offices are engaged in active efforts to train and educate administrative officials responsible for evaluating intellectual property related registrations and applications.	10	4	
24	The government offices that deal with intellectual property rights are committed to improving services and responsiveness to business and other end users.	5	4	
Private Sector		30	9	30%
25	The procedures and institutions needed for enforcing intellectual property rights are adequate for the country's business needs.	10	2	
26	As a matter of practice, the business community follows laws and regulations associated intellectual property rights	10	2	
27	The private sector has a means of addressing with the government perceived problems with the institutions and procedures associated with intellectual property rights.	10	5	
Supply of Effective Implementing Institutions		105	38	36%
Government		40	18	45%
28	A formal mechanism exists to review the performance and effectiveness of the intellectual property offices (including those responsible for enforcement) on a regular basis (at last annually).	5	3	
29	The government intellectual property offices, administrative tribunals, and the courts when they make decisions involving intellectual property rights, provide a written basis for all decisions made on existing, published law.	10	3	

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15.4	SOCIAL DYNAMICS: INTELLECTUAL PROPERTY RIGHTS	Ref.	Score	%
30	The government intellectual property offices, administrative tribunals, and the courts make all regulations, forms, applications, and rules of procedure available to the public and all parties appearing before them.	10	5	
31	The government intellectual property offices (including registration, internal tribunals, and enforcement authorities) actively utilize:			
	a. an internal plan, reviewed annually, for improving services provided to businesses and end users.	5	2	
	b. a system of accountability for its performance to the government institution(s) responsible for its oversight.	5	3	
	c. a mechanism for obtaining feedback from the private sector and end users on the cost and quality of their services.	5	2	
	Private Sector	65	20	31%
32	The business community understands and regularly uses the services of the government's intellectual property offices.	5	2	
33	The business community and end users feel that the manner in which administrative tribunals and courts resolve matters involving intellectual property rights is:			
	a. transparent, unbiased, in accordance with law, and predictable for similar facts and circumstances;	10	4	
	b. reasonably speedy, efficient, and understandable (i.e., the number of steps or procedures required is not cumbersome); and	10	4	
	c. generally supportive of intellectual property rights.	10	2	
34	The legal community feel that the manner in which administrative tribunals and courts resolve matters involving intellectual property rights is:			
	a. transparent, unbiased, in accordance with law, and predictable for similar facts and circumstances;	10	4	
	b. reasonably speedy, efficient and understandable (i.e., the number of steps or procedures required is not cumbersome); and	10	3	
	c. generally supportive of intellectual property rights.	10	1	
	Market for Supporting Institutions	50	22	44%
	Demand for Supporting Institutions	20	8	40%
35	The public perception is that protection of intellectual property rights is for the good of everyone and that such protection does not disadvantage the particular country, its businesses or its citizens.	10	1	
36	Businesses can seek out expertise within trade and industry associations for assistance with intellectual property rights related issues	10	7	
	Supply of Supporting Institutions	30	14	47%
37	The business community generally considers the supporting institutions for intellectual property law to be adequate in facilitating or supporting the implementation of the law in terms of:			
	a. number of institutions; and	10	6	
	b. quality of institutions.	10	3	
38	A sufficient number of private sector associations supports the implementation and evolution of intellectual property rights to counterbalance any groups that may resist such efforts.	10	5	
	SUB-TOTAL -- DEMAND	280	133	48%
	SUB-TOTAL -- SUPPLY	200	91	46%
	TOTAL FOR SOCIAL DYNAMICS: INTELLECUTAL PROPERTY RIGHTS	480	224	47%