

Comparing Regulations in 181 Economies:
Doing Business 2009 Report

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OVERVIEW

For the fifth year in a row Eastern Europe and Central Asia led the world in *Doing Business* reforms. Twenty-six of the region's 28 economies implemented a total of 69 reforms. Since 2004 *Doing Business* has been tracking reforms aimed at simplifying business regulations, strengthening property rights, opening up access to credit and enforcing contracts by measuring their impact on 10 indicator sets. Nearly 1,000 reforms with an impact on these indicators have been captured. Eastern Europe and Central Asia has accounted for a third of them.

The region surpassed East Asia and Pacific in the average ease of doing business in 2007—and maintained its place this year (figure 1.1). Four of its economies—Georgia, Estonia, Lithuania and Latvia—are among the top 30 in the overall *Doing Business* ranking.

Rankings on the ease of doing business do not tell the whole story about an economy's business environment. The indicator does not account for all factors important for doing business—for example, macroeconomic conditions, infrastructure, workforce skills or security.

But improvement in an economy's ranking does indicate that its government is creating a regulatory environment more conducive to operating a business. In Eastern Europe and Central Asia many economies continue to do so—and economies in the region once again dominate the list of top *Doing Business* reformers in 2007/08. New this year: reforms in the region are moving eastward as 4 newcomers join the top 10 list of reformers: Azerbaijan, Albania, the Kyrgyz Republic and Belarus.

Many others reformed as well. Worldwide, 113 economies implemented 239 reforms making it easier to do business between June 2007 and June 2008. That is the most reforms recorded in a single year since the *Doing Business* project started. In the past year reformers focused on easing business start-up, lightening the tax burden, simplifying import and export regulation and improving credit information systems.

Two-thirds of its economies reformed, up from less than half last year. The Middle East and North Africa continued its upward trend, with two-thirds of its economies reforming. In a region once known for prohibitive entry barriers, 2 countries—Tunisia and Yemen—eliminated the

minimum capital requirement for starting a business, while Jordan reduced it from 30,000 Jordanian dinars to 1,000.

Sub-Saharan Africa continued its upward trend in reform too: 28 economies implemented 58 reforms, more than in any year since *Doing Business* began tracking reforms. Two West African countries led the way, Senegal and Burkina Faso. In Latin America, Colombia and the Dominican Republic were the most active. OECD high-income economies saw a slowdown in reform. So did South Asia.

Azerbaijan is the top reformer for 2007/08. A one-stop shop for business start-up began operating in January 2008, halving the time, cost and number of procedures to start a business. Business registrations increased by 40% in the first 6 months. Amendments to the labor code made employment regulation more flexible by allowing the use of fixed-term contracts for permanent tasks, easing restrictions on working hours and eliminating the need for reassignment in case of redundancy dismissals. And property transfers can now be completed in 11 days—down from 61 before—thanks to a unified property registry for land and real estate transactions.

That's not all. Azerbaijan eliminated the minimum loan cutoff of \$1,100 at the credit registry, more than doubling the number of borrowers covered. Minority shareholders enjoy greater protection, thanks to amendments to the civil code and a new regulation on related party transactions. Such transactions now are subject to stricter requirements for disclosure to the supervisory board and in annual reports. Moreover, interested parties involved in a related-party transaction harmful to the company must cover the damages and pay back personal profits.

Taxpayers in Azerbaijan now take advantage of online filing and payment of taxes, saving more than 500 hours a year on average in dealing with paperwork. And a new economic court in Baku helped speed contract enforcement. With the number of judges looking at commercial cases increasing from 5 to 9, the average time to resolve a case declined by 30 days. Albania is the runner-up, with reforms in 4 of the areas measured by *Doing Business*. A new company law strengthened the protection of minority shareholder rights. The law tightened approval and disclosure requirements for related-party transactions and, for the first time, defined directors' duties. It also introduced greater remedies to pursue if a related-party transaction is harmful to the company. Albania made start-up easier by taking commercial registration out of the court and creating a one-stop shop. Companies can now start a business in 8 days—it used to take more than a month. The country's first credit registry opened for business. And tax reforms halved the corporate income tax rate to 10%.

Economies in Africa implemented more *Doing Business* reforms in 2007/08 than in any previous year covered. And 3 of the top 10 reformers are African: Senegal, Burkina Faso and Botswana. Three post conflict countries—Liberia, Rwanda and Sierra Leone—are reforming fast too. Mauritius, the country with the region's most favorable business regulations, continues to reform, and this year joins the top 25 on the ease of doing business.

This focus on reform comes after several years of record economic growth in Africa. Annual growth has averaged nearly 6% in the past decade, thanks to better macroeconomic conditions and greater peace on the continent. With more economic opportunities, regulatory constraints on

businesses have become more pressing. Governments increasingly focus on reducing these constraints. And reformers recognize that bringing more economic activity to the formal sector through business and job creation is the most promising way to reduce poverty. Rwanda is one example of the dividends of peace and good macroeconomic policies. The country has been among the most active reformers of business regulation worldwide this decade.

In 2001 it introduced a new labor law as part of the national reconstruction program. In 2002 it started property titling reform. In 2004 reformers simplified customs, improved the credit registry and undertook court reforms. In 2007 Rwanda continued with property registration and customs. Some reforms took longer to implement. For example, judicial reforms were initiated in 2001, but it was not until 2008 that the necessary laws were passed and new commercial courts started functioning.

Most African reformers focused on easing start-up and reducing the cost of importing and exporting. There is room to do more. Entrepreneurs in Africa still face greater regulatory and administrative burdens, and less protection of property and investor rights, than entrepreneurs in any other region. The upside: reform in such circumstances can send a strong signal of governments' commitment to sound institutions and policies, catalyzing investor interest.

Making it easier to start a business continued to be the most popular *Doing Business* reform in 2007/08. Forty-nine economies simplified start-up and reduced the cost (figure 1.4). These are among the 115 economies—more than half the world's total—that have reformed in this area over the past 5 years. The second most popular were reforms to simplify taxes and their administration. Third were reforms to ease trade. In all 3 areas much can be achieved with administrative reforms. Reforms in other areas can be harder, particularly if they require legal changes or involve difficult political tradeoffs. Only 12 economies reformed their judicial system. Seven amended collateral or secured transactions laws. Six amended labor regulations to make them more flexible; 9 opted for more rigidity.

Singapore continues to rank at the top on the ease of doing business, followed by New Zealand, the United States and Hong Kong (China) (table 1.3). And reform continues. Five of the top 10 economies implemented reforms that had an impact on the *Doing Business* indicators in 2007/08. Singapore further simplified its online business start-up service. New Zealand introduced a single online procedure for business start-up, lowered the corporate income tax and implemented a new insolvency act. Hong Kong (China) streamlined construction permitting as part of a broader reform of its licensing regime. Denmark implemented tax reforms. And entrepreneurs in Toronto, Canada, can now start a business with just one procedure.

This continuing reform is not surprising. Many high-income economies have institutionalized regulatory reform, setting up programs to systematically target red tape. Examples include the “Be the Smart Regulator” program in Hong Kong (China), Simplex in Portugal, the Better Regulation Executive in the United Kingdom, Actal in the Netherlands and Kafka in Belgium. To identify priorities, these governments routinely ask businesses what needs reform. Belgium reformed business registration after 2,600 businesses identified it as a major problem in 2003. Starting a business there used to take 7 procedures and nearly 2 months. Today it takes 3

procedures and 4 days. New business registrations increased by 30% in 2 years. In Portugal 86 of the 257 initiatives of the Simplex program came from discussions with businesses.

Simplifying regulation helps businesses and governments alike. In Portugal the “on the spot” registration reform saved entrepreneurs 230,000 days a year in waiting time.⁴ And the government saves money. The United Kingdom estimated an annual administrative burden for businesses of £13.7 billion in 2005. Easing such burdens would allow businesses to expand faster and generate savings that governments could use to enhance public services.

The key to regulatory reform? Commitment. For many economies the reforms captured in *Doing Business* reflect a broader, sustained commitment to improving their competitiveness. Among these systematic reformers: Azerbaijan, Georgia and the former Yugoslav Republic of Macedonia in Eastern Europe and Central Asia. France and Portugal among the OECD high-income economies. Egypt and Saudi Arabia in the Middle East and North Africa. India in South Asia. China and Vietnam in East Asia. Colombia, Guatemala and Mexico in Latin America. And Burkina Faso, Ghana, Mauritius, Mozambique and Rwanda in Africa. Each of these countries has reformed in at least 5 of the areas covered by *Doing Business*, implementing up to 22 reforms in one country over the past 5 years.

Several reformers were motivated by growing competitive pressure related to joining common markets or trade agreements, such as the European Union (the former Yugoslav Republic of Macedonia) or the U.S.–Central America Free Trade Agreement (Guatemala). Others saw a need to facilitate local entrepreneurship (Azerbaijan, Colombia, Egypt) or diversify their economy (Mauritius, Saudi Arabia). And others faced the daunting task of reconstructing their economy after years of conflict (Rwanda). Many of the reformers started by learning from others. Egypt looked to India for information technology solutions. Colombia took Ireland as an example. As the country’s trade minister, Luis Guillermo Plata, put it, “It’s not like baking a cake where you follow the recipe. No. We are all different. But we can take certain things, certain key lessons, and apply those lessons and see how they work in our environment.”

Several now serve as examples to others. The Azerbaijan reformers visited Georgia and Latvia. Angola has requested legal and technical assistance based on the Portuguese model of business start-up. The most active reformers did not shy away from broad reform programs. Since 2005 Georgia has introduced a new company law and customs code, a new property registry that replaced a confusing system requiring duplicate approvals by multiple agencies, the country’s first credit information bureau and large-scale judicial reforms. Egypt has implemented one-stop shops for import and export and business start-up, undertaken sweeping tax reforms, continually improved its credit information systems and modified the listing rules of the Cairo Stock Exchange. Colombia has strengthened investor protections through stricter disclosure rules, amended insolvency laws and reformed customs. And its one-stop shop for business start-up has served as an inspiration to others in the region.

Among emerging market reformers, India has focused on technology, implementing electronic registration of new businesses, an electronic collateral registry and online submission of customs forms and payments. China has focused on easing access to credit. In 2006 a new credit registry allowed more than 340 million citizens to have credit histories for the first time. A new company

law lowered the minimum capital requirement and strengthened investor protections. And in 2007 a new property law expanded the range of assets that can be used as collateral. Mexico has focused on strengthening investor protections through a new securities law while continually reducing bureaucracy at the state level.

Of Egypt's estimated 25 million urban properties, only 7% were formally registered in 2005. Six months after reforms of its property registry, title registration increased and revenue rose by 39%. After reforms of the property registry in Tegucigalpa, Honduras, the registry received 65% more registration applications between July and December of 2007 than in the same period of 2006. Similarly, a reduction in the minimum capital requirement was followed by an increase in new company registrations of 55% in Georgia and 81% in Saudi Arabia. Georgia now has 15 registered businesses per 100 people—comparable to numbers in such economies as Malaysia and Singapore.

Initial results like these show that reforms are leading to change on the ground. Confirming this are the findings of an increasing number of studies using the *Doing Business* data to analyze the effect of regulatory burdens on such outcomes as informality, job creation, productivity, economic growth and poverty reduction.

Research generally finds that countries with burdensome regulation have larger informal sectors, higher unemployment rates and slower economic growth. More recent research gives first insights into the impact of reforms. One study reports some of the payoffs of reforms in Mexico: the number of registered businesses rose by nearly 6%, employment increased by 2.6%, and prices fell by 1% thanks to competition from new entrants. Another study finds that increasing the flexibility of labor regulations in India would reduce job informality in the retail sector by a third.

But nothing says more than the experience of the people affected. Janet, who runs a business producing baskets in Kigali, Rwanda, says, "I have survivors, I have widows, I have women whose husbands are in prison. To see them sitting under one roof weaving and doing business together is a huge achievement . . . these women are now together earning an income."

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