

**Enforcing Contracts Survey – Economy**  
**www.doingbusiness.org**

Dear Contributor,

We would like to thank you for your cooperation with the *Doing Business* project. Your contribution and expertise in the field of commercial litigation are essential to the success of the *Doing Business* report, an annual publication of the World Bank and the IFC that benchmarks business regulation in 183 economies worldwide.

Since its inception in 2004, *Doing Business* has informed more than 300 reforms around the world, making it easier for small and medium sized entrepreneurs to do business.

*Doing Business 2011: Making a Difference for Entrepreneurs*, which was launched on November 4, 2010, received a record number of 2,744 media citations within one month of publication, including coverage from all major global, regional and local media outlets including TV, print, broadcast and web. The positive feedback from governments around the world who are using the *Doing Business* reports as an input for policy debate about regulatory reform is only possible thanks to the generous contribution of over 8,000 experts like you, in 183 economies.

With the Enforcing Contracts indicator, *Doing Business* measures the efficiency of the judicial system in resolving a commercial sale dispute before local courts. In 2009/10, 13 economies made it faster, cheaper or less cumbersome to enforce a contract through the courts. Research shows that efficient commercial dispute resolution can facilitate access to credit, lower lending rates, and increase trade.

For further information about the report, please visit our website on [www.doingbusiness.org](http://www.doingbusiness.org). We also invite you to read our quarterly newsletter for updates on the growing global network of *Doing Business* contributors around the world.

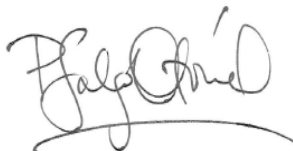
For *Doing Business 2012*, we are honored to be able to count on your expertise:

- Before completing the survey, please review the assumptions of the case study. We ask that you update last year's information, included in the survey.
- Please describe in detail any reform that has affected the process of enforcing contracts since June 2010.

We would appreciate if you could return the completed survey by March 4, 2011 to [psalgadootonel@worldbank.org](mailto:psalgadootonel@worldbank.org) or [jvilquin@ifc.org](mailto:jvilquin@ifc.org). Please make sure to complete your name and address, so we can mail you a complimentary copy of the report.

If you have any questions, do not hesitate to contact us. Thank you again for your invaluable contribution to the World Bank's work.

Sincerely,



Pilar Salgado-Otónel  
Email: [psalgadootonel@worldbank.org](mailto:psalgadootonel@worldbank.org)  
Tel: +1 202 473-2513



Julien Vilquin  
Email: [jvilquin@ifc.org](mailto:jvilquin@ifc.org)  
Tel: +1 202 473-4310

## Primary Contributor Information

All information will be published. Please **check** the information you **do not** want us to **publish**. We do not publish mobile phone numbers.

|                          |   |     |
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| Do not publish           | <b>Name</b>                                 |     |
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|                          | First Name (eg., John)                      | [ ] |
|                          | Last Name (eg., Smith)                      | [ ] |
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## Additional Contributors' Information

| Name                                   | Occupation                           | Email | Phone               | Address, if different than above               |
|--|--------------------------------------|-------|---------------------|--|
| [title]<br>[first name]<br>[last name] | [firm]<br>[position]<br>[profession] | [ ]   | [phone]<br>[mobile] | [street]<br>[state/province]<br>[city/country] |
| [title]<br>[first name]<br>[last name] | [firm]<br>[position]<br>[profession] | [ ]   | [phone]<br>[mobile] | [street]<br>[state/province]<br>[city/country] |
| [title]<br>[first name]<br>[last name] | [firm]<br>[position]<br>[profession] | [ ]   | [phone]<br>[mobile] | [street]<br>[state/province]<br>[city/country] |

## Case Study Assumptions

### Enforcing a commercial contract through the courts

Seller sells goods to Buyer for an amount of <LCU> <Amount>. Seller and Buyer are both domestic companies. Buyer alleges that the goods are of inadequate quality and refuses to pay the contract price. Seller insists that the goods are of adequate quality and demands payment. The goods were custom-made for Buyer and Seller cannot sell them to a third party. Following Buyer's refusal to pay for the goods, Seller sues Buyer before a competent court. The court decides in favor of the Seller and orders Buyer to pay the debt in full.

### Assumptions

- 1) The value of the claim is: <LCU> <Amount>.
- 2) The dispute is over a lawful commercial transaction between two domestic companies, both located in <DB City>.
- 3) The court deciding the case is the court in <DB City> with jurisdiction over a commercial claim of the above mentioned value.
- 4) Seller sues Buyer to recover the amount due under a contract for the sale of goods. Buyer opposes the claim, which is then disputed on the merits. The court cannot decide the case based on documentary evidence or legal title only.
- 5) Prior to obtaining a judgment, Seller attaches Buyer's movable assets, such as office equipment, vehicles and goods because Seller fears Buyer may dissipate assets, move assets out of the jurisdiction or become insolvent.
- 6) Opinions on the quality of the goods are required and are given during the court proceedings:
  - a) If it is standard practice in your country (as in most common law countries) for Seller and Buyer to call expert witnesses to give their opinion on the quality of the goods, then the parties each call one expert witness.
  - b) If it is standard practice in your country (as in most civil law countries) for the judge to appoint an independent expert to give an opinion on the quality of the goods, then the judge does so. In that case, the judge does not allow opposing expert testimony.
- 7) Judgment is 100% in favor of Seller. Buyer is therefore required to pay the agreed price to Seller.
- 8) Buyer does not appeal the judgment. Seller decides to start enforcing judgment when the time period allocated by law for appeal expires.
- 9) Seller takes all required steps for prompt enforcement of the judgment. The money is collected successfully through a public sale of Buyer's movable assets, such as office equipment, vehicles and goods.

### Definitions

For the purposes of this survey, the following terms carry the following meaning:

- 1) **Competent court** means the court in <DB City> with jurisdiction to hear and decide upon the merits of the commercial dispute as described in our standardized case. If more than one court is competent, the competent court means the court which will most likely determine the outcome of the case as a matter of practice in your country.
- 2) **Pre-trial attachment** is a judicial order issued prior to or during the trial and judgment phase preventing the Buyer from selling, moving or otherwise dealing with specified assets belonging to him prior to the resolution of the dispute on the merits. The purpose is to prevent the Buyer from dissipating or moving their assets to frustrate the enforcement of any future judgment.
- 3) **Expert witness** means a witness having the required qualifications or experience to give an opinion on whether the goods delivered are of adequate quality or not. Expert opinion or testimony is given prior to judgment.

## Reform Update

| 1. Reforms to Commercial Dispute Resolution  |
|--|
| <p><b>Has there been any reform (in practice or in the laws and regulations) related to commercial dispute resolution since June 1, 2010?</b> If yes, please indicate the name and date of the law, if any, and if possible, provide a copy of the law or a link to the text of the law.</p> |
| <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please describe: [            ]</p>   |
| 2. Future Reforms to Commercial Dispute Resolution   |
| <p><b>Are you aware of any reform (in practice or in the laws and regulations) related to commercial dispute resolution:</b></p>   |
| <p>a. <b>That is expected to be adopted prior to June 1, 2011?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please describe: [            ]</p>   |
| <p>b. <b>That is ongoing and is expected to be adopted in the longer term?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please describe: [            ]</p>   |
| <p>&lt; 3. Future reform &gt;</p> <p>[            ]</p>  |

## Recent Experience

|  |
|--|
| <p><b>How many new or ongoing cases have you or your firm filed or litigated before the &lt;Competent Court&gt; since June 1, 2010?</b> <i>(Please provide an approximate number).</i></p> |
| <p>[            ]</p>  |

## Data Update

For your convenience, last year's answers are included in this survey. They represent a reconciled answer, based on **all the answers** we received from **various contributors**.

Please update the data, taking into account the assumptions of the case study. Please describe in detail any change to the data and indicate since when the change took effect. We ask you to specify if the data were erroneous ("correction"), or if the change resulted from a modification in practice or by law which occurred after June 1, 2010 ("reform").

### A. Competent court and applicable rules

|  |     |
|--|-----|
| <b>1. Please confirm that the following court in &lt;DB City&gt; has the jurisdiction to decide the standardized case, given the amount of &lt;LCU&gt; &lt;Amount&gt;: (Please provide explanation in case the competent court has changed).</b> |     |
| <b>Last year's answer:</b> <Court name English> <Court Name local language >   | [ ] |
| <b>What is the monetary threshold for this court?</b><br><b>Last year's answer:</b> <Threshold>  | [ ] |
| <b>2.a. Do you have a court, division of a court, or member(s) of a court's judiciary dedicated <u>solely</u> to hearing commercial cases similar to our case study?</b>   |     |
| <b>Last year's answer:</b> <Specialized Court>   | [ ] |
| <b>2.b. If there is a commercial court, division or judge that was set up in the last ten years, please state the calendar year when it became fully operational?</b>  |     |
| <b>Last year's answer:</b> <Specialized Court _Year>   | [ ] |
| <b>2.c. If there is a commercial court, division or judge, Please describe its jurisdiction or competence: (E.g. all commercial matters irrespective of claim value, commercial matter above a certain threshold, other).</b>                    |     |
| <b>Last year's answer:</b> <Specialized Court Competence>  | [ ] |
| <b>3. The procedural rules, applicable to the standardized case are:</b>   |     |
| <b>Name of rules in local language (if not English):</b><br><rules local language>   | [ ] |
| <b>In English:</b> <rules English>   | [ ] |
| <b>First adopted:</b> <first adopted>  | [ ] |
| <b>Last Modified:</b> <last modified>  | [ ] |
| <b>4.a. Do you have simplified procedural rules (or small claims courts) that apply to commercial cases with low financial value? (If yes, please provide the year it was established).</b>  |     |
| <b>Last year's answer:</b> <small claims courts?>  | [ ] |
| <b>4.b. Please provide the name of the court where small claims procedures are available:</b>  |     |
| <b>Last year's answer:</b> <Small Claims Courts name>  | [ ] |
| <b>If you made changes to last year's information, please indicate whether this is:<br/>a Correction <input type="checkbox"/> or a Reform <input type="checkbox"/><br/>Please explain:[ ]</b>  |     |

## B. Time

Please indicate, taking into account your recent experience, the typical number of days to resolve the standardized case in practice. No appeal is filed. As per our case study assumptions, Seller decides to start enforcing only after the time period to lodge an appeal has expired. The delay to lodge an appeal should be computed in (b) trial and judgment time.

Whenever possible, please state all estimates in **calendar days**. If time estimates are expressed in working days, please specify.

| <b>(a) Filing and service.</b> From Plaintiff (Seller) decision to sue Defendant (Buyer) until Defendant (Buyer) is served with process. ( <i>Our case study notes that both parties are companies domiciled in &lt;DBCity&gt;</i> ). |           |                        |
|---|-----------|------------------------|
| Last year's published answer  | This year | Explain change, if any |
| <filingT> calendar days   | [ ] days  | [ ]                    |

|   |     |
|---|-----|
| i. Can filing of the <i>initial</i> complaint be done electronically?   | [ ] |
| ii. How is the complaint served? ( <i>E.g. by a court agent, by mail, by the Plaintiff's attorney, etc.</i> ).                                  | [ ] |
| iii. In your opinion, what is the main cause of delay between Seller's decision to sue and the moment the defendant is served with the process? | [ ] |
| <b>Comments on the length of service and filing:</b> [ ]  |     |

| <b>(b) Trial and judgment.</b> From service of process on Defendant (Buyer), through the judgment, until time to lodge an appeal has expired, including, if applicable, attaching Defendant's goods prior to judgment and providing expert opinions. |           |                        |
|--|-----------|------------------------|
| Last year's published answer   | This year | Explain change, if any |
| <trialT> calendar days   | [ ] days  | [ ]                    |

|  |     |
|--|-----|
| i. After the complaint is served, how much time does the defendant have to respond? ( <i>Please specify whether these are calendar days or working days</i> ). | [ ] |
| ii. If the Plaintiff requests attachment of the Defendant's <i>movable</i> assets, does this delay the process?  | [ ] |
| iii. Typically in practice, how many procedural and trial hearings would be held for our standardized case?  | [ ] |
| iv. How long would it typically take to obtain a trial date? ( <i>If this is not applicable for your jurisdiction please put "N/A"</i> ).                      | [ ] |
| v. In practice, by how many days is a trial delayed due to the use of adjournments by right (i.e. when there is no need to show cause?)                        | [ ] |
| vi. Once the pleadings and hearing(s) have taken place, how long does it take for the judge to issue an oral judgment and/or a written judgment?               | [ ] |
| vii. What is the legal <b>time limit to lodge an appeal</b> against the judgment of a first instance court?  | [ ] |
| <b>Comments on the length of trial and judgment:</b> [ ]   |     |

**(c) Enforcement of judgment.** From the moment the time to appeal the judgment has expired until Plaintiff (Seller) obtains payment through the public sale of Defendant's (Buyer's) movable goods. Time includes attachment of Defendant's assets, if applicable during enforcement.

| Last year's published answer | This year | Explain change, if any |
|------------------------------|-----------|------------------------|
| <enforceT> days              | [ ] days  | [ ]                    |

|  |     |
|--|-----|
| i. Is there in law or practice a time given to the defendant to comply voluntarily with the judgment?  | [ ] |
| ii. Assuming that the <i>movable</i> assets have not been attached yet (i.e., there was no pre-judgment attachment), how long would it take in practice to attach the goods? | [ ] |
| iii. For pre-judgment attachment or for post-judgment attachment: Who performs the attachment?   | [ ] |
| iv. If the attached goods are physically removed from the Defendant's possession, where are they stored?   | [ ] |
| v. Is it required to publish notices for the auction? <i>(Please specify the number of notices that are required and how much time in advance must they be posted).</i>      | [ ] |
| vi. Who performs the auctions? <i>(E.g. professional auctioneer, sheriff, judge, on-line auctions, bailiff, etc.).</i>   | [ ] |
| vii. How long does it take for the Plaintiff to be paid after the sale of Defendant's movable assets?  | [ ] |
| <b>Comments on the length of enforcement:</b> [ ]  |     |

**d) Total time: total number of calendar days for the three subsections: a) Filing and Service, b) Trial and Judgment, and c) Enforcement.**

| Last year's published answer | This year | Explain change, if any: |
|------------------------------|-----------|-------------------------|
| <totalT> days                | [ ] days  | [ ]                     |

**Comment in detail on the length of proceedings:** [ ]

**If you made changes to last year's information, please indicate whether this is:**

a Correction  or a Reform

Please explain: [ ]

### C. Costs

Please indicate only the costs incurred by Plaintiff in the standardized case (a case with a value of <LCU> <Amount>). Indicate all costs and expenses Plaintiff must incur to obtain and enforce the judgment.

- We are interested in all costs and expenses Plaintiff must advance, regardless of the final cost to Plaintiff. Do not deduct costs Plaintiff can recover at the end, if he wins the case.
- Please indicate amount in <LCU> and/or percentage of claim value.
- Note that the value of the claim has been updated since last year's survey.

**a) Average attorney fees charged by a local law firm including -**  
 (i) fees to handle the case up to judgment including pre-trial attachment  
 (ii) fees for enforcement if a lawyer is commonly retained for this purpose  
 (iii) if applicable, value added tax or other taxes  
 Please provide average approximate cost incurred by Plaintiff *bearing in mind the type of lawyer that would take our standard case.*

| Last year's published answer            | Total Amount this year        | Explain change, if any |
|---|-------------------------------|------------------------|
| <amount1> <LCU> OR<br><cost1>% of claim | [ ] <LCU> OR<br>[ ]% of claim | [ ]                    |

|  |     |
|--|-----|
| i. If lawyer fees are regulated: (a) who regulates them?<br>(b) In practice are they observed? | [ ] |
|--|-----|

|  |     |
|--|-----|
| ii. On what basis does an attorney normally charge his client in a case like this one? (e.g. hourly basis, lump sum, contingency fees, other). | [ ] |
|--|-----|

**Comments on lawyer fees:** [ ]

**b) Court and expert fees up to judgment only.**  
 Please provide average approximate cost incurred by Plaintiff *bearing in mind the competent court for our standard case.*

| Last year's published answer             | Total Amount this year        | Explain change, if any |
|--|-------------------------------|------------------------|
| <amount2> <LCU> OR<br><cost2> % of claim | [ ] <LCU> OR<br>[ ]% of claim | [ ]                    |

|   |                                    |
|---|------------------------------------|
| i. What are the filing fees? (cost to register the case with the court) | [ ]<LCU> OR [ ]%.<br>Comments: [ ] |
|---|------------------------------------|

|  |                                    |
|--|------------------------------------|
| ii. What are the fees for expert witness (see assumption 6 of the standardized case- expert opinion on <i>quality</i> of goods at trial) | [ ] <LCU> OR [ ]%<br>Comments: [ ] |
|--|------------------------------------|

|   |                                    |
|---|------------------------------------|
| iii. What are the court fees, advanced by Plaintiff | [ ] <LCU> OR [ ]%<br>Comments: [ ] |
|---|------------------------------------|

|   |                                    |
|---|------------------------------------|
| iv. Additional fees, such as attachment orders (see assumption 5 of the standardized case), bond for attachment order, stamp duties, etc. | [ ] <LCU> OR [ ]%<br>Comments: [ ] |
|---|------------------------------------|

**c) Overall costs to enforce a judgment (including judgment registration, organization of a public sale, etc.)** Please provide average approximate cost advanced by Plaintiff.

| Last year's published answer            | Total Amount this year        | Explain change, if any |
|---|-------------------------------|------------------------|
| <amount3> <LCU> OR<br><cost3>% of claim | [ ] <LCU> OR<br>[ ]% of claim | [ ]                    |

|   |  |
|---|--|
| i. What are the fees to register a judgment?  | [ ] <LCU> OR [ ] % of claim<br>Comments: [ ] |
| ii. What fees does the Plaintiff have to advance to the enforcement officer and/or auctioneer?  | [ ] <LCU> OR [ ] % of claim<br>Comments: [ ] |
| iii. What other costs does the Plaintiff have to <b>advance</b> ? ( <i>These are costs paid up front, such as, warehousing, transportation, etc.</i> ). | [ ] <LCU> OR [ ] % of claim<br>Comments: [ ] |

**If you made changes to last year's information, please indicate whether this is a correction or a reform: Correction  or Reform**   
**Please explain:** [ ]

### D. Judicial Case Management

|   |     |
|---|-----|
| <b>Does the court exercise any of the case management powers below in commercial cases such as our case study:</b>  |     |
| a) Identifying at an early stage the issues in dispute?   | [ ] |
| b) Narrowing the issues and making informal dispositions at an early stage, such as limiting the scope of pre-trial discovery (to the extent that your judicial system features pre-trial discovery)? | [ ] |
| c) Assisting parties to settle all or some issues?  | [ ] |
| d) Fixing a timetable determining the order in which issues and procedural steps will be dealt with?  | [ ] |
| e) Monitoring parties' performance and ensuring that events occur as timetabled?  | [ ] |
| f) Requiring non-compliant parties to "show cause" why evidence, claims or defenses not submitted in a timely fashion should not be excluded or dismissed from the proceedings?                       | [ ] |
| g) If judicial case management is common practice, is information technology (IT) available to assist judges? ( <i>E.g. case registration system, court management system, etc.</i> ).                | [ ] |
| <b>If there is no judicial case management in &lt;DB Economy&gt;, this is because:</b>  |     |
| h) The legal framework does not provide for case management in commercial cases? Or it does, but it is not enforced in practice?  | [ ] |

### E. Procedural steps (see Annex)

**In the annex we have provided a list of standard procedural steps. Are the procedural steps included in the annex to this survey still applicable in law or in practice to our standardized case?**  
 Yes  No

## Research

The following questions are part of the research *Doing Business* conducts. The answers to the research questions will not be included in the *Doing Business* indicators or rankings. They aim to provide additional points of comparison between judicial systems around the world, and help us refine our survey and analysis for the coming years.

| <b>Qualification of Judges</b>  |     |
|---|-----|
| <p><i>In courts around the world, judges' academic or professional background can vary a great deal. In order to become a judge, some attend a specialized school (e.g. National School of the Magistracy), other courts allow lay judges who are appointed or elected on the basis of their professional experience (e.g., a commercial court composed by entrepreneurs who are elected for 3 years). Also, depending on the economy and the type of court, judges can be elected or appointed by a specific body.</i></p> |     |
| <p><b>What are the academic or professional requirements, if any, for a candidate to be appointed or elected as a judge in the &lt;competent court&gt;?</b><br/> <i>(e.g., pass an exam, be a lawyer, have [x] years of professional experience in a field, etc.). Please provide the legal basis.</i></p>  | [ ] |
| <b>Appointment of Judges</b>  |     |
| <p><b>If a candidate meets the above requirements, how can he/she be appointed to the &lt;competent court&gt;?</b> <i>(e.g., proposed by the Supreme Court and confirmed by the President, elected by the citizens, highest scoring candidates in competitive exam chose the vacancies they want to fill, etc.).</i></p>  | [ ] |
| <b>Tenure of Judges</b>   |     |
| <p><b>In the &lt;competent court&gt;, for how long is a judge appointed / elected?</b> <i>In case of a term-appointment, can it be renewed?</i></p>   | [ ] |
| <b>Remuneration for Judges</b>  |     |
| <p><b>In general (i.e. not only for the &lt;competent court&gt;), are salary schedules for judges publicly available?</b></p>   | [ ] |
| <p>If so, how could they be obtained (e.g. website, at the court, etc.)?</p>  | [ ] |
| <p><b>If publicly available, do you know what the salary of a judge in the &lt;competent court&gt; would typically be?</b> <i>If an official schedule is available, please provide.</i></p>   | [ ] |
| <p>Are judges in this court entitled to other benefits <i>(housing, lower tax rate, etc.)?</i></p>  | [ ] |
| <b>Internal Case Allocation</b>   |     |
| <p><b>When a new commercial case is filed with the &lt;competent court&gt;, how is it assigned to a particular judge?</b> <i>(e.g. at the sole discretion of the registrar, by the registrar using objective criteria set out in the law, randomly by electronic means, etc.). If the allocation of cases varies according to the type of court, please specify this.</i></p>   | [ ] |

**Publicity of judgments**

**In general (i.e. not only for the <competent court>), are judgments in commercial cases by law or in practice publicly available?** If by law, please specify the law and relevant article.  
*(“Publicly available” refers to judgments that are either published or that can be obtained by anyone upon request to the competent authority).*

[       ]

**If judgments are publicly available, where can they be found?** *(e.g. courthouse, on-line, central archive, etc).*

[       ]

**If judgments are publicly available, in your opinion are they easy to access?** *If not, why not?*

[       ]

## Annex: Procedural steps

A standard list of procedural steps is provided below. The procedural steps that in law or in practice are common for our standardized case have been marked with a “Yes”. Please indicate whether those procedural steps still apply to our standardized case (whether by law or in practice), and confirm whether last year’s published data are still correct.

Last year’s published data reconciles responses from multiple contributors. Please note that you can provide comments next to the relevant step.

|    | Filing and service   | Last year’s answer | Comments (optional) |
|----|--|--------------------|---------------------|
| 1  | <b>Plaintiff requests payment.</b> Plaintiff or his lawyer asks Defendant orally or in writing to comply with the contract.  | P1                 | [ ]                 |
| 2  | <b>A third person formally notifies Defendant.</b> A person other than the Plaintiff or his lawyer, such as a notary public, formally notifies Defendant of Plaintiff’s request for payment.   | P2                 | [ ]                 |
| 3  | <b>Mandatory conciliation or mediation.</b> Plaintiff and Defendant attempt to settle the dispute prior to initiating the lawsuit. Conciliation or mediation is unsuccessful. Attempts at settlement are recorded and the judge is informed of same.                         | P3                 | [ ]                 |
| 4  | <b>Plaintiff hires a lawyer.</b>   | P4                 | [ ]                 |
| 5  | <b>Plaintiff files a summons and complaint with the court</b> ( <u>orally or in writing</u> ).   | P5                 | [ ]                 |
| 6  | <b>Plaintiff pays court fees</b> (e.g. court duties, stamp duties, or any other type of court fees). Answer ‘yes’ even if Plaintiff recovers these costs.  | P6                 | [ ]                 |
| 7  | <b>Registration of court case by the court administration</b> (this can include assigning a reference number to the case).   | P7                 | [ ]                 |
| 8  | <b>Assignment of court case to a judge</b> (through a random procedure, automated system, ruling of an administrative judge, court officer, etc).  | P8                 | [ ]                 |
| 9  | <b>Judicial scrutiny of summons and complaint.</b> <i>Judge examines</i> Plaintiff’s summons and complaint for formal requirements as a matter of law or standard practice.  | P9                 | [ ]                 |
| 10 | <b>Judge admits summons and complaint</b> (after verifying the formal requirements).   | P10                | [ ]                 |
| 11 | <b>Plaintiff requests service of process on Defendant.</b> Plaintiff requests in writing to the court for an order that process be served on Defendant.  | P11                | [ ]                 |
| 12 | <b>Court order for service.</b> Upon Plaintiff’s request, <i>judge orders</i> process to be served on Defendant.   | P12                | [ ]                 |
| 13 | <b>Delivery of summons and complaint to person authorized to perform service of process on Defendant.</b> The judge or a court officer delivers the summons to a summoning office, officer, or authorized person (including Plaintiff), for service of process on Defendant. | P13                | [ ]                 |
| 14 | <b>Arrangements for physical delivery of summons and complaint.</b> <i>Plaintiff</i> takes the necessary steps to arrange for physical service of process on Defendant (e.g. instructing a court officer or a private bailiff).  | P14                | [ ]                 |

|    | Filing and service   | Last year's answer | Comments (optional) |
|----|--|--------------------|---------------------|
| 15 | <b>Mailing of summons and complaint.</b> Court or process server, including (private) bailiff mails summons and complaint to Defendant.  | P15                | [REDACTED]          |
| 16 | <b>Attempt at physical delivery.</b> An attempt to physically deliver summons and complaint to Defendant is made.  | P16                | [REDACTED]          |
| 17 | <b>Second attempt at physical delivery.</b> If a first attempt is not ordinarily successful, a second attempt to <i>physically</i> deliver the summons and complaint to Defendant is required by law or standard practice. (Check 'yes' only if a first attempt at physical delivery is not ordinarily successful).  | P17                | [REDACTED]          |
| 18 | <b>Application for substituted service.</b> Because <b>physical delivery is NOT successful</b> , Plaintiff has recourse to substituted service. Substituted service can include, but is not limited to, service by publication in newspapers or affixing of a notice in court or on public bulletin boards. Only check as 'yes' if physical delivery is ordinarily unsuccessful as a matter of practice and substituted service is then mandatory. | P18                | [REDACTED]          |
| 19 | <b>Court order regarding substituted service. Judge in a court order sets out</b> acceptable means for substituted service in a particular case.   | P19                | [REDACTED]          |
| 20 | <b>Substituted service.</b> Substituted service is completed by publication in newspapers, by affixing a notice in court or on public bulletin boards, etc.  | P20                | [REDACTED]          |
| 21 | <b>Proof of service.</b> Plaintiff submits proof of service to court, as required by law or standard practice.   | P21                | [REDACTED]          |
| 22 | <b>Application for pre-judgment attachment.</b> Plaintiff submits an application in writing for the attachment of Defendant's property prior to judgment (see assumption 5).   | P22                | [REDACTED]          |
| 23 | <b>Decision on pre-judgment attachment. Judge decides</b> whether to grant Plaintiff's request for pre-judgment attachment of Defendant's property and notifies Plaintiff and Defendant of the decision.   | P23                | [REDACTED]          |
| 24 | <b>Guarantees securing attached property.</b> Plaintiff submits guarantees or bonds to secure Defendant against possible damages to attached property (see assumption 5).  | P24                | [REDACTED]          |
| 25 | <b>Pre-judgment attachment order.</b> Defendant's property is attached prior to judgment. Attachment order either involves physical attachment, or is achieved by freezing, registering, marking, or otherwise separating and restricting Defendant's movement of specific moveable assets (see assumption 5).   | P25                | [REDACTED]          |
| 26 | <b>Custody of assets attached prior to judgment.</b> If physical attachment is ordered, Defendant's attached assets are placed in the custody or control of an enforcement officer or private bailiff (see assumption 5).  | P26                | [REDACTED]          |
| 27 | <b>Report on pre-judgment attachment.</b> Court enforcement officer or private bailiff issues and delivers a report on the attachment of Defendant's property to the judge (see assumption 5).   | P27                | [REDACTED]          |
| 28 | <b>Hearing on pre-judgment attachment.</b> A hearing takes place as a matter of law or standard practice to resolve the question of whether Defendant's assets can be attached prior to judgment. This process may include the submission of separate summons and petitions (see assumption 5).  | P28                | [REDACTED]          |

|    | Trial and judgment   | Last year's answer | Comments (optional) |
|----|--|--------------------|---------------------|
| 29 | <b>Defendant's deposit of a bond or payment guarantee with the court.</b> Defendant deposits a bond or guarantee with the court, as required by law or standard practice.  | P29                | [REDACTED]          |
| 30 | <b>Defendant files preliminary objections.</b> Defendant presents preliminary objections to the court. (Preliminary exemptions differ from answers on the merits. Examples of preliminary motions are motions to dismiss on the basis of the statute of limitations or jurisdictional objections, etc.) Checked as 'yes' when preliminary objections are commonly raised by Defendant in a frivolous manner (e.g. as a delay tactic) and are routinely permitted by the judicial system. | P30                | [REDACTED]          |
| 31 | <b>Plaintiff's answer to preliminary motions.</b> Plaintiff responds to preliminary motions raised by Defendant. Checked as 'yes' if preliminary motions are commonly raised (step 30) and if Plaintiff responds to them immediately.  | P31                | [REDACTED]          |
| 32 | <b>Judge's resolution on preliminary objections.</b> Judge decides on preliminary objections separately from the merits of the case. Checked as 'yes' if preliminary objections are commonly made (step 30) and if judge resolves the question before rendering his decision.  | P32                | [REDACTED]          |
| 33 | <b>Defendant files an answer to Plaintiff's claim.</b> Defendant files a written pleading which includes his answer or defense on the merits of the case (see assumption 4).   | P33                | [REDACTED]          |
| 34 | <b>Deadline for Plaintiff to reply to Defendant's defense or answer.</b> Judge sets a deadline for Plaintiff's submission of a reply to the Defendant's defense or answer.   | P34                | [REDACTED]          |
| 35 | <b>Plaintiff's written reply to Defendant's answer.</b> Plaintiff responds to Defendant's answer with a written pleading, which may or may not include witness statements or expert (witness) statements.  | P35                | [REDACTED]          |
| 36 | <b>Filing of written submissions.</b> Plaintiff and Defendant file written pleadings and submissions with the court and transmit copies of the written pleadings or submissions to one another. The pleadings may or may not include witness statements or expert (witness) statements.  | P36                | [REDACTED]          |
| 37 | <b>Adjournments.</b> Court procedure is delayed because one or both parties request and obtain an adjournment to submit written pleadings. Check as 'yes' if this commonly happens.  | P37                | [REDACTED]          |
| 38 | <b>Court's mailing of allocation questionnaire to parties.</b> The court mails a questionnaire to the parties asking each to allocate the case among different case-tracks (for example, multi-track, fast-track) and asking each to frame the issues for trial.   | P38                | [REDACTED]          |
| 39 | <b>Parties' answer to court's allocation questionnaire.</b> Parties submit their completed allocation questionnaires to the court (including their answers regarding case-tracks and the issues for trial).  | P39                | [REDACTED]          |
| 40 | <b>Framing of issues.</b> Plaintiff and Defendant assist the court in framing the issues on which evidence is to be presented.   | P40                | [REDACTED]          |
| 41 | <b>Court appointment of independent expert.</b> Judge appoints, either at the parties' request or at his own initiative, an independent expert to decide whether the quality of the goods Plaintiff delivered is adequate (see assumption 6-b).  | P41                | [REDACTED]          |

|    | Trial and judgment  | Last year's answer | Comments (optional)      |
|----|---|--------------------|--------------------------|
| 42 | <b>Notification of court-appointment of independent expert.</b> The court notifies both parties that the court is appointing an independent expert (see assumption 6-b).  | P42                | <input type="checkbox"/> |
| 43 | <b>Delivery of expert report by court-appointed expert.</b> The independent expert, appointed by the court, delivers his or her expert report to the court (see assumption 6-b).  | P43                | <input type="checkbox"/> |
| 44 | <b>Pre-trial conference on procedure.</b> The judge meets with the parties to discuss procedural issues (for example which applications and motions parties intend to file, which documents parties intend to rely on, etc.).   | P44                | <input type="checkbox"/> |
| 45 | <b>Setting of date for mediation hearing.</b> The judge sets a date for a mediation hearing, sometimes also called a 'pre-trial conference,' and notifies the parties of the hearing date.  | P45                | <input type="checkbox"/> |
| 46 | <b>Mediation hearing.</b> The judge, during this informal meeting with the parties, encourages them to settle the case (acting as mediator). The case cannot be settled, the judge may draft a pre-trial conference report, after which the case may be allocated to another judge for trial. | P46                | <input type="checkbox"/> |
| 47 | <b>Request for interlocutory order.</b> Defendant raises preliminary issues, such as jurisdiction, statute of limitation, etc. Checked as 'yes' if commonly raised by the Defendant as a matter of practice, regardless of justification.   | P47                | <input type="checkbox"/> |
| 48 | <b>Court's issuance of interlocutory order.</b> Court decides the preliminary issues the Defendant raised by issuing an interlocutory order. Check as 'yes' if this is commonly the case in commercial cases.   | P48                | <input type="checkbox"/> |
| 49 | <b>Plaintiff's appeal of court's interlocutory order.</b> Plaintiff appeals the court's interlocutory order, which suspends the court proceedings. Check as 'yes' if an appeal by Plaintiff is common in this case.   | P49                | <input type="checkbox"/> |
| 50 | <b>Discovery requests.</b> Plaintiff and Defendant make requests for the disclosure of documents, attempting to force the other party to reveal potentially detrimental documents. Check as 'yes' if discovery requests usually entail disputes.  | P50                | <input type="checkbox"/> |
| 51 | <b>Discovery disputes.</b> Following a request for discovery of documentary evidence by one of the parties, the other party disputes the request and calls upon the judge to decide the issue. Check as 'yes' if discovery disputes are provided by law and commonly happen.                  | P51                | <input type="checkbox"/> |
| 52 | <b>Request for oral hearing or trial.</b> Plaintiff lists the case for trial on the court's calendar or applies for the date(s) for the oral hearing or trial.  | P52                | <input type="checkbox"/> |
| 53 | <b>Setting of date(s) for oral hearing or trial.</b> <i>Judge sets</i> the date(s) for the oral hearing or trial.   | P53                | <input type="checkbox"/> |
| 54 | <b>Preliminary hearing aimed at preparing for the oral hearing.</b> The judge meets the parties to make practical arrangements for the oral hearing on the merits of the case.  | P54                | <input type="checkbox"/> |
| 55 | <b>Pre-trial conference aimed at preparing for trial.</b> The judge meets with parties to make practical arrangements for the trial (for example, the number of witnesses parties intend to call on during trial, how much time each party is given to present oral arguments etc.).          | P55                | <input type="checkbox"/> |
| 56 | <b>List of (expert) witnesses.</b> The parties file a list of (expert) witnesses with the court (see assumption 6-a).   | P56                | <input type="checkbox"/> |

|    | Trial and judgment   | Last year's answer | Comments (optional) |
|----|--|--------------------|---------------------|
| 57 | <b>Summoning of (expert) witnesses.</b> The court summons (expert) witnesses to appear in court for the oral hearing or trial (see assumption 6-a).  | P57                | [REDACTED]          |
| 58 | <b>Adjournments.</b> Court proceedings are delayed because one or both parties request and obtain an adjournment to prepare for the oral hearing or trial as a matter of common practice.  | P58                | [REDACTED]          |
| 59 | <b>Oral hearing (prevalent in civil law).</b> The parties argue the merits of the case at an oral hearing before the judge. Witnesses and a court-appointed independent expert may be heard and questioned at the oral hearing.              | P59                | [REDACTED]          |
| 60 | <b>Trial (prevalent in common law).</b> The parties argue the merits of the case at (an) oral session(s) before the court. Witnesses and expert witnesses are questioned and cross-examined during trial.                                    | P60                | [REDACTED]          |
| 61 | <b>Adjournments.</b> Court proceedings are delayed because one or both parties request and obtain an adjournment during the oral hearing or trial, resulting in an additional or later trial or hearing date.                                | P61                | [REDACTED]          |
| 62 | <b>Request for closing of the evidence period.</b> Plaintiff or Defendant requests the judge to close the evidence period.   | P62                | [REDACTED]          |
| 63 | <b>Closing of the evidence period.</b> The court makes a formal decision to close the evidence period.   | P63                | [REDACTED]          |
| 64 | <b>Advice by public prosecutor or third party.</b> The office of the public prosecutor or any other third party advises the court on how to decide the case.   | P64                | [REDACTED]          |
| 65 | <b>Order for submission of final arguments.</b> The judge sets a deadline for the submission of final factual and legal arguments.   | P65                | [REDACTED]          |
| 66 | <b>Final arguments.</b> The parties present their final factual and legal arguments to the court either by oral presentation or by a written submission.   | P66                | [REDACTED]          |
| 67 | <b>Judgment date.</b> The judge sets a date for delivery of the judgment.  | P67                | [REDACTED]          |
| 68 | <b>Notification of judgment in court.</b> The parties are notified of the judgment at a court hearing.   | P68                | [REDACTED]          |
| 69 | <b>Writing of judgment.</b> The judge produces a written copy of the judgment.   | P69                | [REDACTED]          |
| 70 | <b>Registration of judgment.</b> The court office registers the judgment after receiving a written copy of the judgment.   | P70                | [REDACTED]          |
| 71 | <b>Court notification of availability of the written judgment.</b> The court notifies the parties that the written judgment is available at the courthouse.  | P71                | [REDACTED]          |
| 72 | <b>Plaintiff receives a copy of the judgment.</b> Plaintiff receives a copy of the written judgment which is 100% in favor of plaintiff (see assumption 7).  | P72                | [REDACTED]          |
| 73 | <b>Defendant is formally notified of the judgment.</b> Plaintiff or court formally notifies the Defendant of the judgment. The appeal period starts to run from the day the Defendant is formally notified of the judgment.                  | P73                | [REDACTED]          |
| 74 | <b>Appeal period.</b> By law defendant has the opportunity to appeal the judgment during a specified period. Defendant decides not to appeal. Seller decides to start enforcing the judgment when the appeal period ends (see assumption 8). | P74                | [REDACTED]          |

|    | Trial and judgment  | Last year's answer | Comments (optional) |
|----|---|--------------------|---------------------|
| 75 | <b>Order for reimbursement by Defendant of Plaintiff's court fees.</b> The judgment orders Defendant to reimburse Plaintiff for the court fees Plaintiff has advanced, because Defendant has lost the case. | P75                | [REDACTED]          |

|    | Enforcement of judgment  | Last year's answer | Comments (optional) |
|----|--|--------------------|---------------------|
| 76 | <b>Plaintiff hires a lawyer.</b> Plaintiff hires a lawyer to enforce the judgment or continues to be represented by a lawyer during the enforcement of judgment phase.   | P76                | [REDACTED]          |
| 77 | <b>Plaintiff retains an enforcement agent to enforce the judgment.</b> Plaintiff retains the services of a court enforcement officer such as a court bailiff or sheriff, or a private bailiff.   | P77                | [REDACTED]          |
| 78 | <b>Publication of judgment.</b> The judgment is published in an official journal, gazette or local newspaper.  | P78                | [REDACTED]          |
| 79 | <b>Plaintiff requests an enforcement order.</b> Plaintiff applies to the court to obtain an enforcement order ('seal' on judgment).  | P79                | [REDACTED]          |
| 80 | <b>Plaintiff advances enforcement fees.</b> Plaintiff pays the fees related to the enforcement of the judgment.  | P80                | [REDACTED]          |
| 81 | <b>Attachment of enforcement order to judgment.</b> <i>Judge attaches</i> the enforcement order ('seal') to the judgment.  | P81                | [REDACTED]          |
| 82 | <b>Delivery of enforcement order.</b> The court's enforcement order is delivered to a court enforcement officer or a private bailiff.  | P82                | [REDACTED]          |
| 83 | <b>Plaintiff's request for physical enforcement.</b> As Plaintiff commonly fears that Defendant might physically resist the taking into custody of its previously attached movable assets, Plaintiff requests the judge or the police authorities to obtain police assistance during the physical enforcement of the pretrial order of attachment. . Check as "yes" only if the pretrial order of attachment for Defendant's moveable assets does not ordinarily involve physical seizure of the assets at the pretrial stage. | P83                | [REDACTED]          |
| 84 | <b>Judge's order for physical enforcement.</b> <i>Judge orders</i> the police to assist with the physical enforcement of the attachment of Defendant's movable assets. Check as "yes" only if the pretrial order of attachment for Defendant's moveable assets does not ordinarily involve physical seizure of the assets at the pretrial stage.   | P84                | [REDACTED]          |
| 85 | <b>Request to Defendant to comply voluntarily with judgment.</b> Plaintiff, a court enforcement officer or a private bailiff requests Defendant to voluntarily comply with the judgment.   | P85                | [REDACTED]          |
| 86 | <b>Identification of Defendant's assets by court official or Defendant for purposes of enforcement.</b> The judge, a court enforcement officer, a private bailiff or the Defendant himself identifies Defendant's movable assets for the purposes of enforcing the judgment through a sale of Defendant's assets.  | P86                | [REDACTED]          |
| 87 | <b>Contestation of selection of assets identified for sale.</b> A party, Plaintiff or Defendant, which was not involved in the designation of the assets for attachment, contests the selection of assets for enforcement of judgment through a sale.  | P87                | [REDACTED]          |

|     | Enforcement of judgment  | Last year's answer | Comments (optional) |
|-----|--|--------------------|---------------------|
| 88  | <b>Plaintiff identifies Defendant's assets for attachment.</b> Plaintiff identifies Defendant's assets for attachment.   | P88                | [REDACTED]          |
| 89  | <b>Creditor notification of intent to attach.</b> A court enforcement officer or private bailiff notifies other creditors of the intent to attach Defendant's goods.                                       | P89                | [REDACTED]          |
| 90  | <b>Attachment.</b> Defendant's movable goods are attached (physically or by registering, marking or separating assets).  | P90                | [REDACTED]          |
| 91  | <b>Report on execution of attachment.</b> A court enforcement officer or private bailiff delivers a report on the attachment of Defendant's movable goods to the judge.                                    | P91                | [REDACTED]          |
| 92  | <b>Valuation or appraisal of attached movable goods.</b> The court or court-appointed valuation expert evaluates the attached goods.   | P92                | [REDACTED]          |
| 93  | <b>Enforcement disputes before court.</b> The enforcement of the judgment is delayed because Defendant opposes aspects of the enforcement process before the judge.  | P93                | [REDACTED]          |
| 94  | <b>Call for public auction. Judge calls</b> an auction by, for example, advertising or publication in the newspapers.  | P94                | [REDACTED]          |
| 95  | <b>Sale through public auction.</b> The Defendant's movable property is sold at public auction.  | P95                | [REDACTED]          |
| 96  | <b>Direct sale.</b> Defendant's property is sold but not through a public auction. Checked as 'yes' if the direct sale is common as an alternative to a public auction (assumption 9 is disregarded here). | P96                | [REDACTED]          |
| 97  | <b>Judge's decision on bids. Judge determines</b> the adequacy of the bids presented at public auction.  | P97                | [REDACTED]          |
| 98  | <b>Distribution of proceeds.</b> The proceeds of the public auction are distributed to Plaintiff (and, where applicable, to other creditors, according to the rules of priority).                          | P98                | [REDACTED]          |
| 99  | <b>Reimbursement of Plaintiff's enforcement fees.</b> Defendant reimburses Plaintiff's enforcement fees which plaintiff had advanced previously.   | P99                | [REDACTED]          |
| 100 | <b>Payment. Judge orders</b> that the proceeds of the public auction or the direct sale be delivered to Plaintiff.   | P100               | [REDACTED]          |

**Thank you for completing the survey!**

We appreciate your contribution to the Doing Business project.  
 The results will appear in *Doing Business 2012* and on our website: <http://www.doingbusiness.org>.  
 Your work will be gratefully acknowledged in both.