

50574

# Doing Business 2010

## Palau

COMPARING REGULATION IN 183 ECONOMIES



**IFC**

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# Introduction

*Doing Business 2010: Reforming Through Difficult Times* is the seventh in a series of annual reports investigating regulations that enhance business activity and those that constrain it. Doing Business presents quantitative indicators on business regulations and the protection of property rights that can be compared across 183 economies, from Afghanistan to Zimbabwe, over time.

A set of regulations affecting 10 stages of a business's life are measured: starting a business, dealing with construction permits, employing workers, registering property, getting credit, protecting investors, paying taxes, trading across borders, enforcing contracts and closing a business. Data in *Doing Business 2010: Reforming Through Difficult Times* are current as of June 1, 2009\*. The indicators are used to analyze economic outcomes and identify what reforms have worked, where, and why.

The Doing Business methodology has limitations. Other areas important to business such as an economy's proximity to large markets, the quality of its infrastructure services (other than those related to trading across borders), the security of property from theft and looting, the transparency of government procurement, macroeconomic conditions or the underlying strength of institutions, are not studied directly by Doing Business. To make the data comparable across economies, the indicators refer to a specific type of business, generally a local limited liability company operating in the largest business city. Because standard assumptions are used in the data collection, comparisons and benchmarks are valid across economies. The data not only highlight the extent of obstacles to doing business; they also help identify the source of those obstacles, supporting policymakers in designing reform.

The data set covers 183 economies: 46 in Sub-Saharan Africa, 32 in Latin America and The Caribbean, 27 in Eastern Europe and Central Asia, 24 in East Asia and Pacific, 19 in the Middle East and North Africa and 8 in South Asia, as well as 27 OECD high-income economies as benchmarks.

The following pages present the summary Doing Business indicators for Palau. The data used for this country profile come from the Doing Business database and are summarized in graphs. These graphs allow a comparison of the economies in each region not only with one another but also with the "good practice" economy for each indicator. The good-practice economies are identified by their position in each indicator as well as their overall ranking and by their capacity to provide good examples of business regulation to other countries. These good-practice economies do not necessarily rank number 1 in the topic or indicator, but they are in the top 10.

More information is available in the full report. *Doing Business 2010: Reforming Through Difficult Times* presents the indicators, analyzes their relationship with economic outcomes and recommends reforms. The data, along with information on ordering the report, are available on the Doing Business website ([www.doingbusiness.org](http://www.doingbusiness.org)).

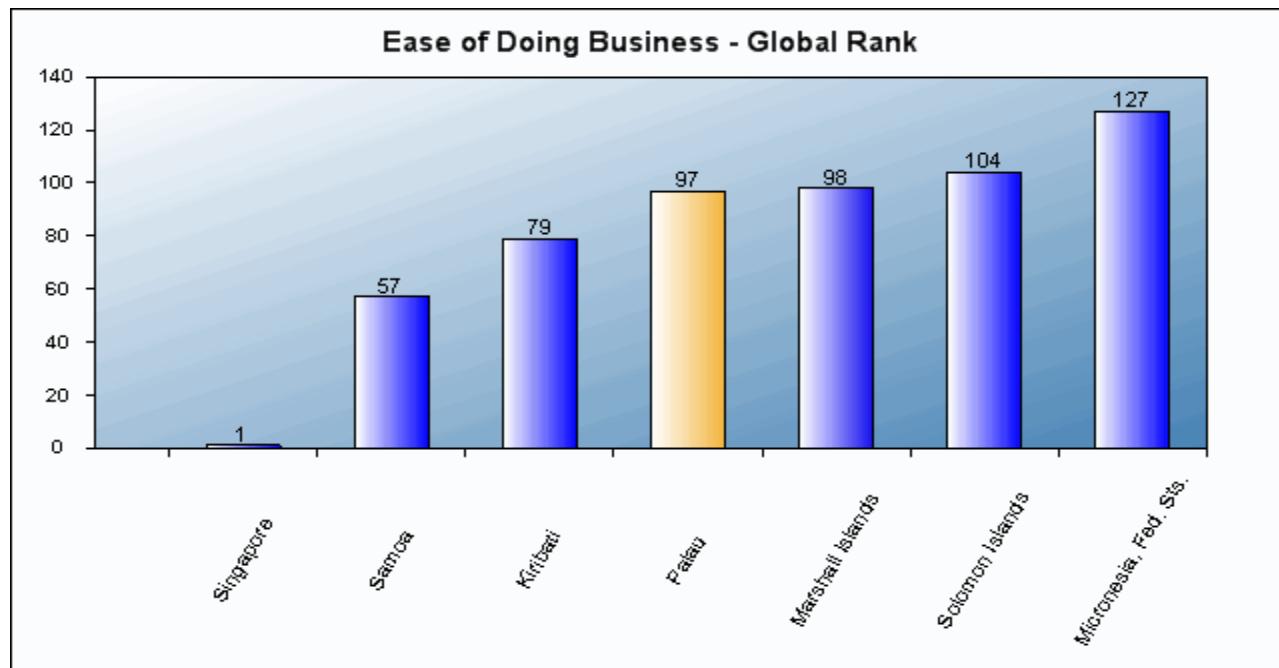
\* Except for the Paying Taxes indicator that refers to the period January to December of 2008.

Note: Doing Business 2008 and Doing Business 2009 data and rankings have been recalculated to reflect changes to the methodology and the addition of new countries (in the case of the rankings).

## Economy Rankings - Ease of Doing Business

Palau is ranked 97 out of 183 economies. Singapore is the top ranked economy in the Ease of Doing Business.

### Palau - Compared to global good practice economy as well as selected economies:



### Palau's ranking in Doing Business 2010

Rank	Doing Business 2010
Ease of Doing Business	97
Starting a Business	103
Dealing with Construction Permits	54
Employing Workers	8
Registering Property	18
Getting Credit	183
Protecting Investors	172
Paying Taxes	91
Trading Across Borders	124
Enforcing Contracts	144
Closing a Business	59

## Summary of Indicators - Palau

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<b>Starting a Business</b>	Procedures (number)	8
	Time (days)	28
	Cost (% of income per capita)	4.3
	Min. capital (% of income per capita)	11.6
<b>Dealing with Construction Permits</b>	Procedures (number)	25
	Time (days)	118
	Cost (% of income per capita)	5.4
<b>Employing Workers</b>	Difficulty of hiring index (0-100)	11
	Rigidity of hours index (0-100)	0
	Difficulty of redundancy index (0-10)	0
	Rigidity of employment index (0-100)	4
	Redundancy costs (weeks of salary)	0
<b>Registering Property</b>	Procedures (number)	5
	Time (days)	14
	Cost (% of property value)	0.3
<b>Getting Credit</b>	Strength of legal rights index (0-10)	0
	Depth of credit information index (0-6)	0
	Public registry coverage (% of adults)	0.0
	Private bureau coverage (% of adults)	0.0
<b>Protecting Investors</b>	Extent of disclosure index (0-10)	0
	Extent of director liability index (0-10)	0
	Ease of shareholder suits index (0-10)	8
	Strength of investor protection index (0-10)	2.7
<b>Paying Taxes</b>	Payments (number per year)	19
	Time (hours per year)	128
	Profit tax (%)	65.9
	Labor tax and contributions (%)	6.5
	Other taxes (%)	0.5
	Total tax rate (% profit)	73.0

<b>Trading Across Borders</b>	Documents to export (number)	6
	Time to export (days)	29
	Cost to export (US\$ per container)	1190
	Documents to import (number)	10
	Time to import (days)	33
	Cost to import (US\$ per container)	1132
<b>Enforcing Contracts</b>	Procedures (number)	38
	Time (days)	885
	Cost (% of claim)	35.3
<b>Closing a Business</b>	Recovery rate (cents on the dollar)	38.2
	Time (years)	1.0
	Cost (% of estate)	23

# Starting a Business

When entrepreneurs draw up a business plan and try to get under way, the first hurdles they face are the procedures required to incorporate and register the new firm before they can legally operate. Economies differ greatly in how they regulate the entry of new businesses. In some the process is straightforward and affordable. In others the procedures are so burdensome that entrepreneurs may have to bribe officials to speed up the process or may decide to run their business informally.

Analysis shows that burdensome entry regulations do not increase the quality of products, make work safer or reduce pollution. Instead, they constrain private investment; push more people into the informal economy; increase consumer prices and fuel corruption.

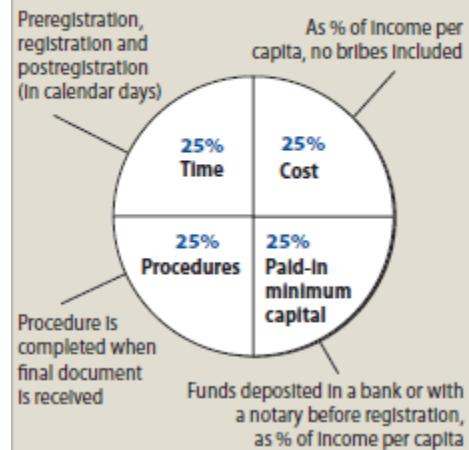
## Methodology

The data on starting a business is based on a survey and research investigating the procedures that a standard small to medium -size company needs to complete to start operations legally. This includes obtaining all necessary permits and licenses and completing all required inscriptions, verifications and notifications with authorities to enable the company to formally operate. Procedures are recorded only where interaction is required with an external party. It is assumed that the founders complete all procedures themselves unless professional services (such as by a notary or lawyer) are required by law. Voluntary procedures are not counted, nor are industry-specific requirements and utility hook-ups. Lawful shortcuts are counted.

It is assumed that all information is readily available to the entrepreneur, that there has been no prior contact with officials and that all government and nongovernment entities involved in the process function without corruption.

## Starting a business: getting a local limited liability company up and running

Rankings are based on 4 subindicators



## Survey Case Study

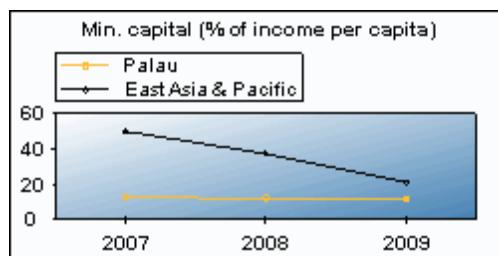
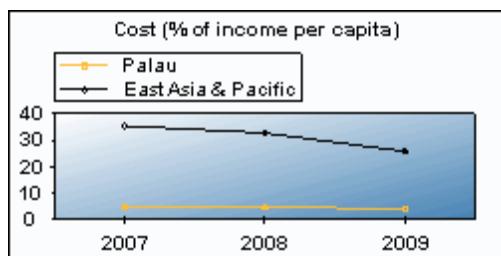
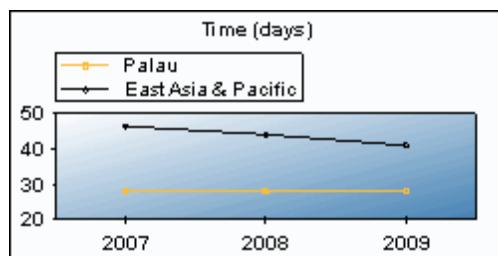
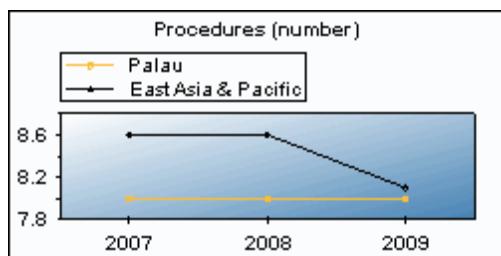
### *The business:*

- is a limited liability company conducting general commercial activities
- is located in the largest business city
- is 100% domestically owned
- has a start-up capital of 10 times income per capita
- has a turnover of at least 100 times income per capita
- has between 10 and 50 employees
- does not qualify for any special benefits
- does not own real estate

## 1. Historical data: Starting a Business in Palau

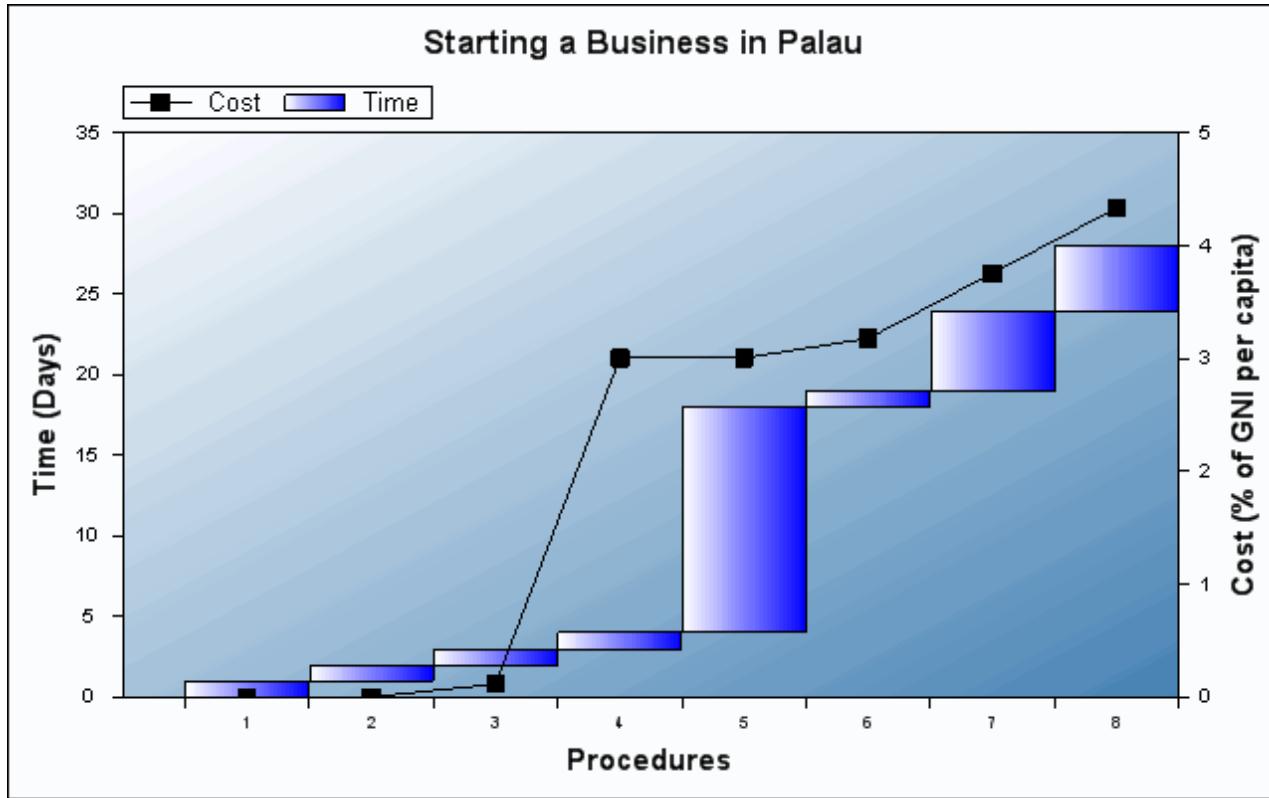
Starting a Business data	Doing Business 2008	Doing Business 2009	Doing Business 2010
Rank	..	84	103
Procedures (number)	8	8	8
Time (days)	28	28	28
Cost (% of income per capita)	4.7	4.6	4.3
Min. capital (% of income per capita)	12.5	12.2	11.6

## 2. The following graphs illustrates the Starting a Business indicators in Palau over the past 3 years:



### 3. Steps to Starting a Business in Palau

It requires 8 procedures, takes 28 days, and costs 4.34 % GNI per capita to start a business in Palau.



#### List of Procedures:

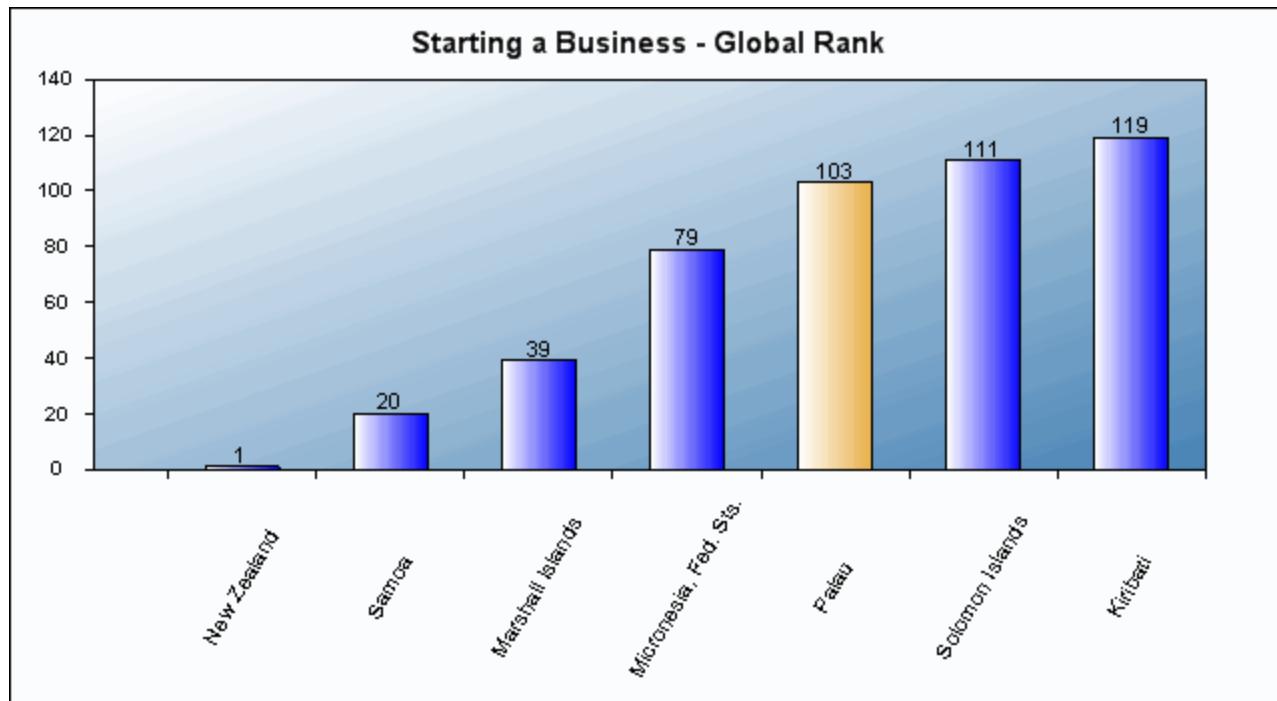
1. Deposit the legally required capital in a bank and obtain deposit evidence
2. Check the uniqueness of the proposed company name and reserve a name
3. Notarize the company deeds
4. Pay the registration fee at the National Treasury
5. Register the company with the Corporate Registrar at the Office of the Attorney General; obtain a certificate of incorporation
6. Register employees for social security and obtain an employer identification number (EIN)
7. Apply for a business license from the relevant licensing authority
8. Apply for a business license from the state government

More detail is included in the appendix.

#### 4. Benchmarking Starting a Business Regulations:

Palau is ranked 103 overall for Starting a Business.

Ranking of Palau in Starting a Business - Compared to good practice and selected economies:



The following table shows Starting a Business data for Palau compared to good practice and comparator economies:

Good Practice Economies	Procedures (number)	Time (days)	Cost (% of income per capita)	Min. capital (% of income per capita)
Denmark*			0.0	
New Zealand*	1	1		0.0

Selected Economy				
Palau	8	28	4.3	11.6

Comparator Economies				
Kiribati	6	21	38.0	20.5
Marshall Islands	5	17	16.2	0.0
Micronesia, Fed. Sts.	7	16	136.9	0.0
Samoa	5	9	9.9	0.0
Solomon Islands	7	57	52.7	0.0

\* The following economies are also good practice economies for :

Procedures (number): Canada

Cost (% of income per capita): Slovenia

# Dealing with Construction Permits

Once entrepreneurs have registered a business, what regulations do they face in operating it? To measure such regulation, Doing Business focuses on the construction sector. Construction companies are under constant pressure from government to comply with inspections, with licensing and safety regulations, from customers to be quick and cost-effective. These conflicting pressures point to the tradeoff in building regulation; the tradeoff between protecting people (construction workers, tenants, passersby) and keeping the cost of building affordable.

In many economies, especially poor ones, complying with building regulations is so costly in time and money that many builders opt out. Builders may pay bribes to pass inspections or simply build illegally, leading to hazardous construction. Where the regulatory burden is large, entrepreneurs may tend to move their activity into the informal economy. There they operate with less concern for safety, leaving everyone worse off. In other economies compliance is simple, straightforward and inexpensive, yielding better results.

## Methodology

The indicators on dealing with construction permits record all procedures officially required for an entrepreneur in the construction industry to build a warehouse. These include submitting project documents (building plans, site maps) to the authorities, obtaining all necessary licenses and permits, completing all required notifications and receiving all necessary inspections. They also include procedures for obtaining utility connections, such as electricity, telephone, water and sewerage. The time and cost to complete each procedure under normal circumstances are calculated. All official fees associated with legally completing the procedures are included. Time is recorded in calendar days. The survey assumes that the entrepreneur is aware of all existing regulations and does not use an intermediary to complete the procedures unless required to do so by law.

## Survey Case Study

### *The business:*

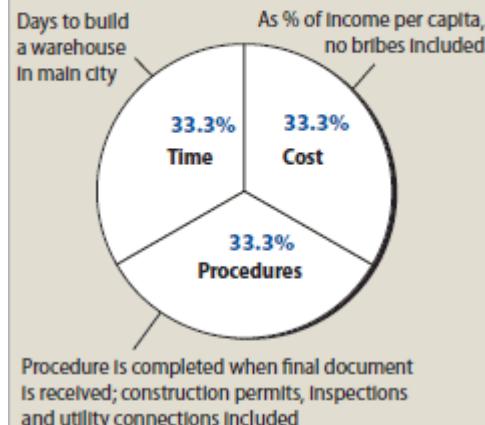
- is a small to medium-size limited liability company
- is located in the largest business city
- is domestically owned and operated, in the construction business
- has 20 qualified employees

### *The warehouse to be built :*

- is a new construction (there was no previous construction on the land)
- has complete architectural and technical plans prepared by a licensed architect
- will be connected to electricity, water, sewerage (sewage system, septic tank or their equivalent) and one land phone line. The connection to each utility network will be 32 feet, 10 inches (10 meters) long.
- will be used for general storage, such as of books or stationery. The warehouse will not be used for any goods requiring special conditions, such as food, chemicals or pharmaceuticals.
- will take 30 weeks to construct (excluding all delays due to administrative and regulatory requirements).

### Dealing with construction permits: building a warehouse

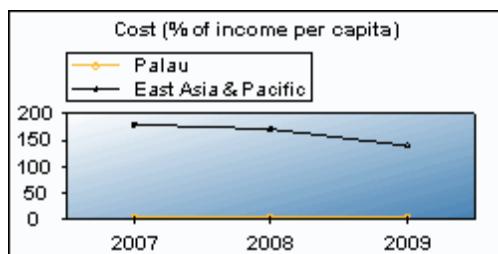
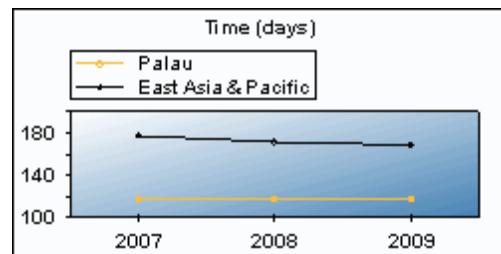
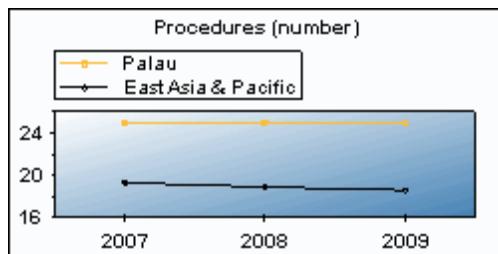
Rankings are based on 3 subindicators



## 1. Historical data: Dealing with Construction Permits in Palau

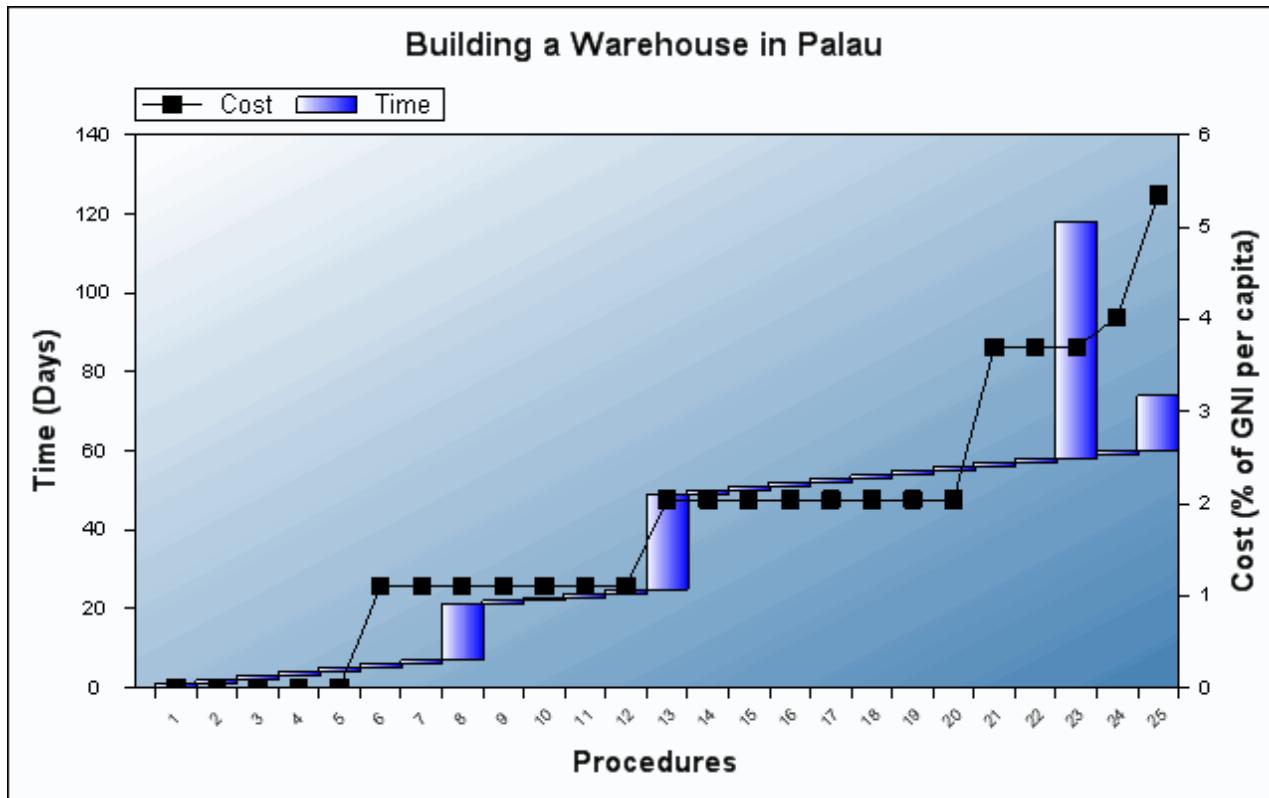
Dealing with Construction Permits data	Doing Business 2008	Doing Business 2009	Doing Business 2010
<b>Rank</b>	..	51	54
<b>Procedures (number)</b>	25	25	25
<b>Time (days)</b>	118	118	118
<b>Cost (% of income per capita)</b>	6.1	5.9	5.4

2. The following graphs illustrates the Dealing with Construction Permits indicators in Palau over the past 3 years:



### 3. Steps to Building a Warehouse in Palau

It requires 25 procedures, takes 118 days, and costs 5.35 % GNI per capita to build a warehouse in Palau.



#### List of Procedures:

1. Visit the Koror State Planning Commission to obtain an application form for a Building and Zoning Permit
2. Request a clearance from the Land Authority
3. Receive inspection and obtain clearance from the Land Authority
4. Request a Historic Preservation Clearance from the Bureau of Arts and Culture
5. Receive inspection and clearance from the Bureau of Arts and Culture
6. Request a clearance from the Environmental Quality Preservation Board (EQPB)
7. Receive inspection from the Environmental Quality Preservation Board (EQPB)
8. Obtain the clearance from the Environmental Quality Preservation Board (EQPB)
9. Request clearance on utilities from the Public Works Authority
10. Receive inspection and clearance from the Public Works Authority
11. Request clearance from the Palau National Communication Co.
12. Receive inspection and clearance from the Palau National Communication Co.
13. Request and obtain the Building Permit from the Koror State Planning Commission
14. Receive pre-construction inspection by State Planning Commission
15. Receive foundation inspection by State Planning Commission
16. Receive inspection on surroundings
17. Receive inspection on structure
18. Request an Occupancy Permit

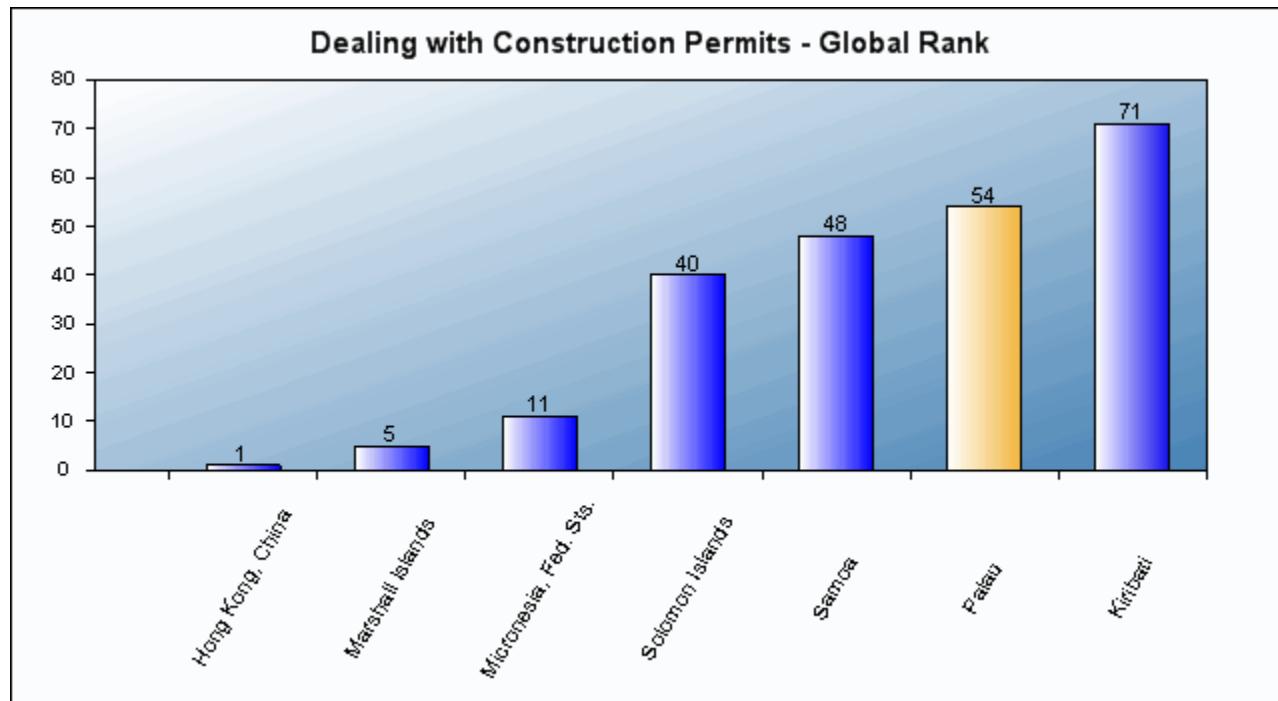
19. Receive final inspection
20. Obtain Occupancy Permit
21. Request electricity connection
22. Receive inspection to examine the location and obtain cost estimates for electricity connection
23. Connect to electricity
24. Request and connect to water and sewage services
25. Request and connect to phone services

More detail is included in the appendix.

#### **4. Benchmarking Dealing with Construction Permits Regulations:**

Palau is ranked 54 overall for Dealing with Construction Permits.

Ranking of Palau in Dealing with Construction Permits - Compared to good practice and selected economies:



The following table shows Dealing with Construction Permits data for Palau compared to good practice and comparator economies:

<b>Good Practice Economies</b>	Procedures (number)	Time (days)	Cost (% of income per capita)
Denmark	6		
Qatar			0.6
Singapore		25	

<i>Selected Economy</i>			
Palau	25	118	5.4

<i>Comparator Economies</i>			
Kiribati	14	160	422.1
Marshall Islands	10	55	33.7
Micronesia, Fed. Sts.	14	73	19.9
Samoa	18	88	79.8
Solomon Islands	12	62	504.1

# Employing Workers

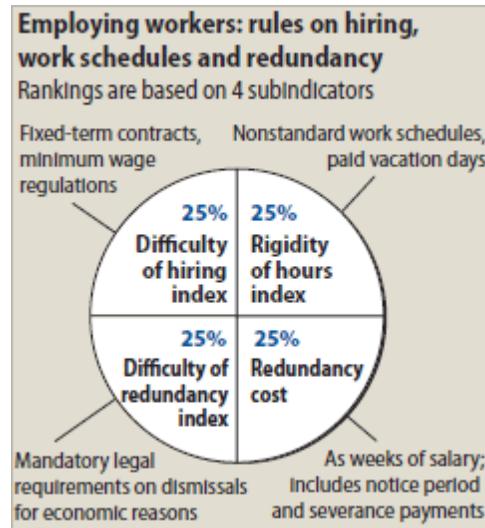
Economies worldwide have established a system of laws and institutions intended to protect workers and guarantee a minimum standard of living for its population. This system generally encompasses four bodies of law: employment, industrial relations, social security and occupational health and safety laws.

Employment regulations are needed to allow efficient contracting between employers and workers and to protect workers from discrimination or unfair treatment by employers. Doing Business measures flexibility in the regulation of hiring, working hours and dismissal in a manner consistent with the conventions of the International Labour Organization (ILO). An economy can have the most flexible labor regulations as measured by Doing Business while ratifying and complying with all conventions directly relevant to the factors measured by Doing Business and with the ILO core labor standards. No economy can achieve a better score by failing to comply with these conventions.

Governments all over the world face the challenge of finding the right balance between worker protection and labor market flexibility. But in developing countries especially, regulators often err to one extreme, pushing employers and workers into the informal sector. Analysis across economies shows that while employment regulation generally increases the tenure and wages of incumbent workers, overly rigid regulations may have undesirable side effects. These include less job creation, smaller company size, less investment in research and development, and longer spells of unemployment and thus the obsolescence of skills, all of which may reduce productivity growth.

## Methodology

Two measures are presented: a rigidity of employment index and a redundancy cost measure. The rigidity of employment index is the average of three sub-indices: difficulty of hiring, rigidity of hours and difficulty of redundancy. Each index takes values between 0 and 100, with higher values indicating more rigid regulation. The difficulty of hiring index measures the flexibility of contracts and the ratio of the minimum wage to the value added per worker. The rigidity of hours index covers restrictions on weekend and night work, requirements relating to working time and the workweek taking into account legal provisions that refer specifically to small to medium-size companies in the manufacturing industry in which continuous operation is economically necessary, as well as mandated days of annual leave with pay. The difficulty of redundancy index covers workers' legal protections against dismissal, including the grounds permitted for dismissal and procedures for dismissal (individual and collective): notification and approval requirements, retraining or reassignment obligations and priority rules for dismissals and reemployment.



The Redundancy cost indicator measures the cost of advance notice requirements, severance payments and penalties due when terminating a redundant worker, expressed in weeks of salary.

## Survey Case Study

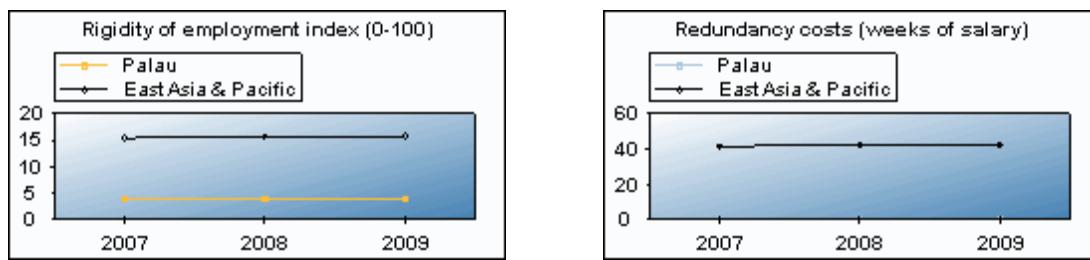
*The business:*

- is a limited liability company operating in the manufacturing sector
- is located in the largest business city
- is 100% domestically owned
- has 60 employees
- The company is also assumed to be subject to collective bargaining agreements in economies where such agreements cover more than half the manufacturing sector and apply even to firms not party to them.

## 1. Historical data: Employing Workers in Palau

Employing Workers data	Doing Business 2008	Doing Business 2009	Doing Business 2010
Rank	..	9	8
Redundancy costs (weeks of salary)	0	0	0
Rigidity of employment index (0-100)	4	4	4

## 2. The following graphs illustrates the Employing Workers indicators in Palau over the past 3 years:



### 3. Benchmarking Employing Workers Regulations:

Palau is ranked 8 overall for Employing Workers.

Ranking of Palau in Employing Workers - Compared to good practice and selected economies:



The following table shows Employing Workers data for Palau compared to good practice and comparator economies:

Good Practice Economies	Rigidity of employment index (0-100)	Redundancy costs (weeks of salary)
Hong Kong, China*	0	
New Zealand*		0

Selected Economy		
Palau	4	0

Comparator Economies		
Kiribati	17	4
Marshall Islands	0	0
Micronesia, Fed. Sts.	7	0
Samoa	8	9
Solomon Islands	14	44

\* The following economies are also good practice economies for :

Rigidity of employment index (0-100): Australia, Brunei Darussalam, Kuwait, Marshall Islands, Singapore, St. Lucia, Uganda, United States

Redundancy costs (weeks of salary): Denmark, Iraq, Marshall Islands, Micronesia, Fed. Sts., Palau, Puerto Rico, Tonga, United States

# Registering Property

Formal property titles help promote the transfer of land, encourage investment and give entrepreneurs access to formal credit markets. But a large share of property in developing economies is not formally registered. Informal titles cannot be used as security in obtaining loans, which limits financing opportunities for businesses. Many governments have recognized this and started extensive property titling programs. But bringing assets into the formal sector is only part of the story. The more difficult and costly it is to formally transfer property, the greater the chances that formalized titles will quickly become informal again. Eliminating unnecessary obstacles to registering and transferring property is therefore important for economic development.

Efficient property registration reduces transaction costs and helps to formalize property titles. Simple procedures to register property are also associated with greater perceived security of property rights and less corruption. That benefits all entrepreneurs, especially women, the young and the poor. The rich have few problems protecting their property rights. They can afford to invest in security systems and other measures to defend their property. But small entrepreneurs cannot. Reform can change this.

## Methodology

Doing Business records the full sequence of procedures necessary for a business (buyer) to purchase a property from another business (seller) and to transfer the property title to the buyer's name. The property of land and building will be transferred in its entirety. The transaction is considered complete when the buyer can use the property as collateral for a bank loan.

Local property lawyers and officials in property registries provide information on required procedures as well as the time and cost to complete each one. For most economies the data are based on responses from both. Based on the responses, three indicators are constructed:

- number of procedures to register property
- time to register property (in calendar days)
- official costs to register property (as a percentage of the property value)

## Survey Case Study

### The buyer and seller:

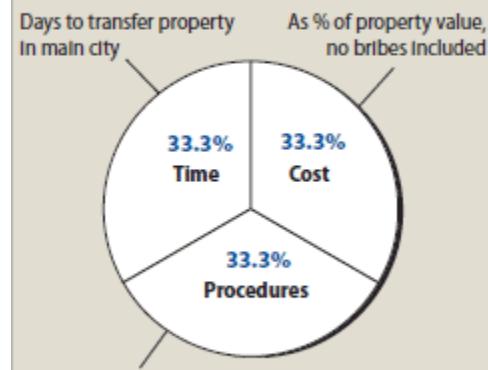
- are limited liability companies
- are private nationals (no foreign ownership)
- are located in periurban area of the largest business city
- conduct general commercial activities

### The property:

- consists of land and a 2-story building (warehouse)
- is located in the periurban commercial zone of the largest business city
- The land area is 557.4 m<sup>2</sup> (6,000 square feet).
- The warehouse has a total area of 929 m<sup>2</sup> (10,000 square feet).
- has a value equal to 50 times income per capita
- The seller company owned the property for the last 10 years.
- is registered in the land registry and/or cadastre and is free of all disputes.

### Registering property: transfer of property between 2 local companies

Rankings are based on 3 subindicators

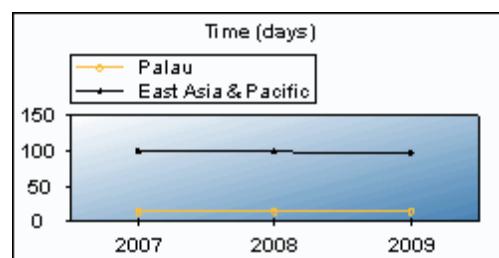
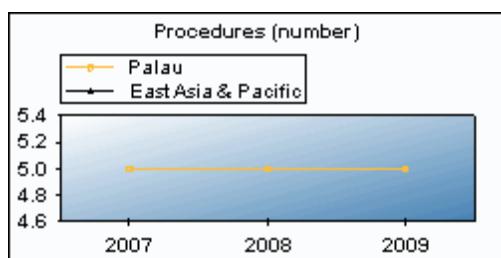


Steps to check encumbrances, obtain clearance certificates, prepare deed and transfer title so that the property can be occupied, sold or used as collateral

## 1. Historical data: Registering Property in Palau

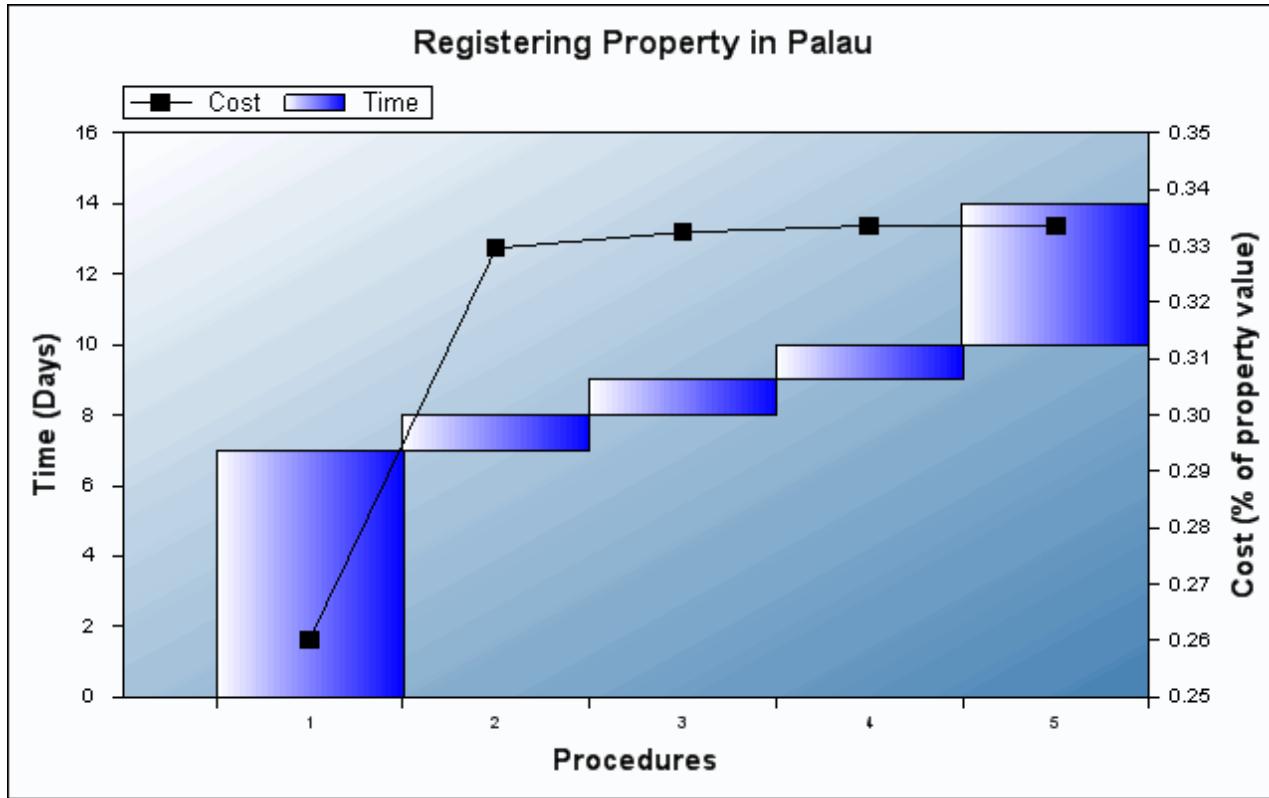
Registering Property data	Doing Business 2008	Doing Business 2009	Doing Business 2010
Rank	..	16	18
Procedures (number)	5	5	5
Time (days)	14	14	14
Cost (% of property value)	0.4	0.4	0.3

## 2. The following graphs illustrates the Registering Property indicators in Palau over the past 3 years:



### 3. Steps to Registering Property in Palau

It requires 5 procedures, takes 14 days, and costs 0.33 % of property value to register the property in Palau.



#### List of Procedures:

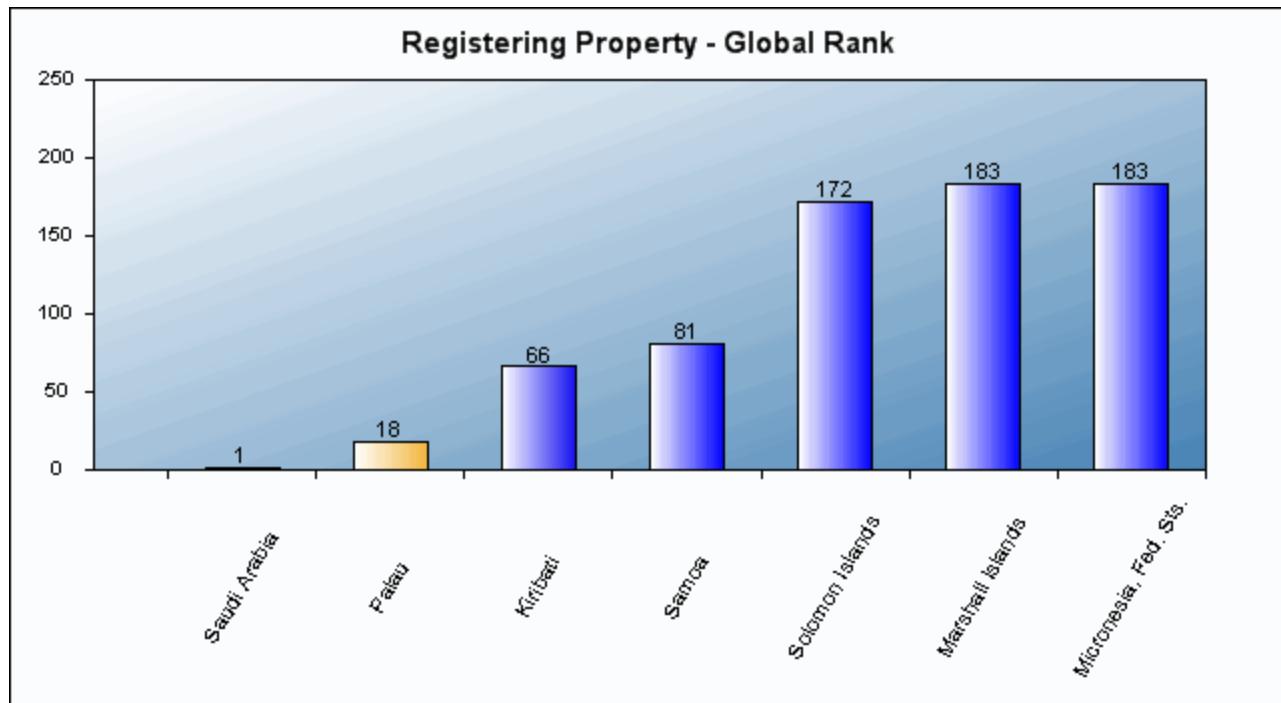
1. An attorney investigates the land title
2. An attorney prepares a lease
3. Notarize the document at the court
4. Record the lease with Clerk of Court
5. Register the new title at the Land Court

More detail is included in the appendix.

#### 4. Benchmarking Registering Property Regulations:

Palau is ranked 18 overall for Registering Property.

Ranking of Palau in Registering Property - Compared to good practice and selected economies:



The following table shows Registering Property data for Palau compared to good practice and comparator economies:

Good Practice Economies	Procedures (number)	Time (days)	Cost (% of property value)
New Zealand*		2	
Norway*	1		
Saudi Arabia			0.0

Selected Economy			
Palau	5	14	0.3

Comparator Economies			
Kiribati	5	513	0.0
Marshall Islands	no practice	no practice	no practice
Micronesia, Fed. Sts.	no practice	no practice	no practice
Samoa	5	147	1.6
Solomon Islands	10	297	4.8

\* The following economies are also good practice economies for :

Procedures (number): United Arab Emirates

Time (days): Saudi Arabia, Thailand, United Arab Emirates

# Getting Credit

Firms consistently rate access to credit as among the greatest barriers to their operation and growth. Doing Business constructs two sets of indicators of how well credit markets function: one on credit registries and the other on legal rights of borrowers and lenders. Credit registries, institutions that collect and distribute credit information on borrowers, can greatly expand access to credit. By sharing credit information, they help lenders assess risk and allocate credit more efficiently. They also free entrepreneurs from having to rely on personal connections alone when trying to obtain credit.

## Methodology

Credit information: three indicators are constructed

- depth of credit information index, which measures the extent to which the rules of a credit information system facilitate lending based on the scope of information distributed, the ease of access to information and the quality of information
- public registry coverage, which reports the number of individuals and firms covered by a public credit registry as a percentage of the adult population
- private bureau coverage, which reports the number of individuals and firms, covered by a private credit bureau as a percentage of the adult population

Legal Rights: the strength of legal rights index measures the degree to which collateral and bankruptcy laws protect the rights of borrowers and lenders. Ten points are analyzed:

- Can a business use movable assets as collateral while keeping possession of the assets, and can any financial institution accept such assets as collateral?
- Does the law allow a business to grant a non-possessory security right in a single category of revolving movable assets, without requiring a specific description of the secured assets?
- Does the law allow a business to grant a non possessory security right in substantially all of its assets, without requiring a specific description of the secured assets?
- Can a security right extend to future or after-acquired assets and extend automatically to the products, proceeds or replacements of the original assets?
- Is general description of debts and obligations permitted in collateral agreements and in registration documents, so that all types of obligations and debts can be secured by stating a maximum rather than a specific amount between the parties?
- Is a collateral registry in operation that is unified geographically and by asset type as well as being indexed by the name of the grantor of a security right?
- Are secured creditors paid first when a debtor defaults outside an insolvency procedure or when a business is liquidated?
- Are secured creditors subject to an automatic stay or moratorium on enforcement procedures when a debtor enters a court-supervised reorganization procedure?
- Are parties allowed to agree in a collateral agreement that the lender may enforce its security right out of court?

## Legal Rights Survey Case Study

*The Debtor:*

- is a Private Limited Liability Company
- has its headquarters and only base of operations in the largest business city
- obtains a loan from a local bank (the Creditor) for an amount up to 10 times income (GNI) per capita
- Both debtor and creditor are 100% domestically owned.

## Getting credit: collateral rules and credit information

Rankings are based on 2 subindicators

Regulations on nonpossessory security interests in movable property

62.5%  
Strength of legal rights index (0–10)

37.5%  
Depth of credit information index (0–6)

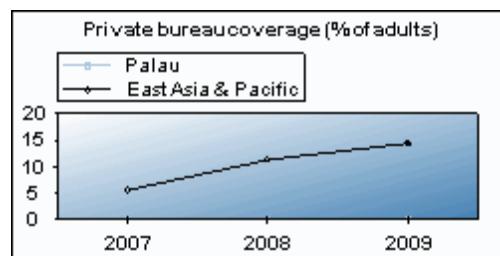
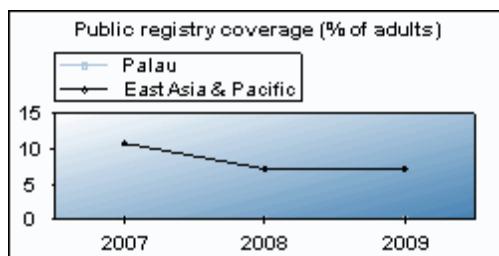
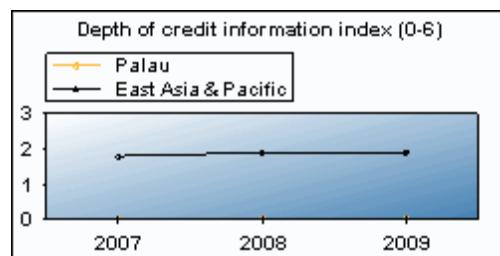
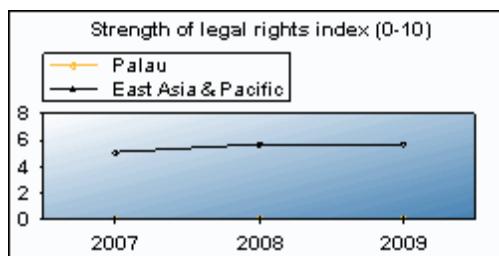
Scope, quality and accessibility of credit information through public and private credit registries

Note: Private bureau coverage and public registry coverage are measured but do not count for the rankings.

## 1. Historical data: Getting Credit in Palau

Getting Credit data	Doing Business 2008	Doing Business 2009	Doing Business 2010
<b>Rank</b>	..	183	183
<b>Strength of legal rights index (0-10)</b>	0	0	0
<b>Depth of credit information index (0-6)</b>	0	0	0
<b>Private bureau coverage (% of adults)</b>	0.0	0.0	0.0
<b>Public registry coverage (% of adults)</b>	0.0	0.0	0.0

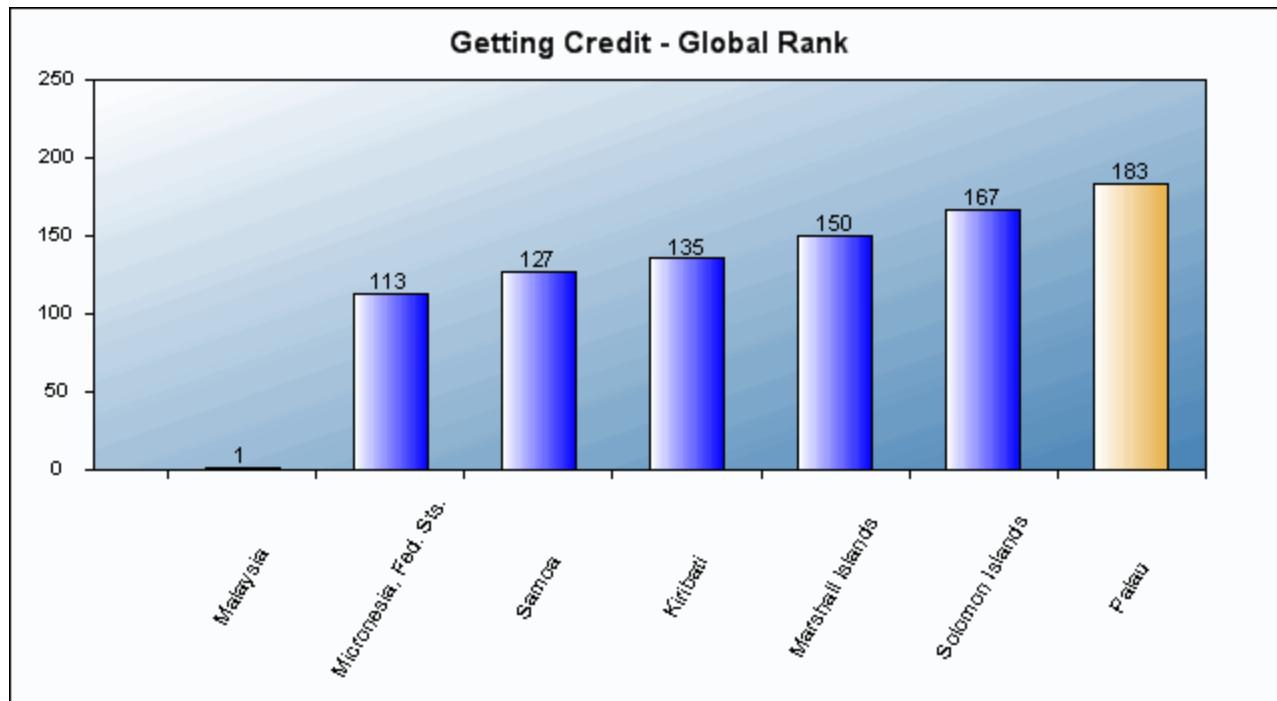
## 2. The following graphs illustrates the Getting Credit indicators in Palau over the past 3 years:



### 3. Benchmarking Getting Credit Regulations:

Palau is ranked 183 overall for Getting Credit.

Ranking of Palau in Getting Credit - Compared to good practice and selected economies:



The following table shows Getting Credit data for Palau compared to good practice and comparator economies:

<b>Good Practice Economies</b>	Strength of legal rights index (0-10)	Depth of credit information index (0-6)	Public registry coverage (% of adults)	Private bureau coverage (% of adults)
New Zealand*				100.0
Portugal			81.3	
Singapore*	10			
United Kingdom		6		

<i>Selected Economy</i>				
Palau	0	0	0.0	0.0

<i>Comparator Economies</i>				
Kiribati	5	0	0.0	0.0
Marshall Islands	4	0	0.0	0.0
Micronesia, Fed. Sts.	7	0	0.0	0.0
Samoa	6	0	0.0	0.0
Solomon Islands	3	0	0.0	0.0

\* The following economies are also good practice economies for :

Strength of legal rights index (0-10): [Hong Kong, China, Kenya, Kyrgyz Republic, Malaysia](#)

Private bureau coverage (% of adults): [Argentina, Australia, Canada, Iceland, Ireland, Norway, Sweden, United Kingdom, United States](#)

27 countries have the highest credit information index.

# Protecting Investors

Companies grow by raising capital, either through a bank loan or by attracting equity investors. Selling shares allows companies to expand without the need to provide collateral and repay bank loans. However, investors worry about their money, and look for laws that protect them. A study finds that the presence of legal and regulatory protections for investors explains up to 73% of the decision to invest. In contrast, company characteristics explain only between 4% and 22%\*. Good protections for minority shareholders are associated with larger and more active stock markets. Thus both governments and businesses have an interest in reforms strengthening investor protections.

## Methodology

To document some of the protections investors have, Doing Business measures how economies regulate a standard case of self-dealing, use of corporate assets for personal gain. Three indices of investor protection are constructed based on the answers to these and other questions. All indices range from 0 to 10, with higher values indicating more protections or greater disclosure. The three indices are:

- The extent of disclosure index covers approval procedures, requirements for immediate disclosure to the public and shareholders of proposed transactions, requirements for disclosure in periodic filings and reports and the availability of external review of transactions before they take place.
- The extent of director liability index covers the ability of investors to hold Mr. James and the board of directors liable for damages, the ability to rescind the transaction, the availability of fines and jail time associated with self-dealing, the availability of director derivative suits and the ability to require Mr. James to pay back his personal profits from the transaction.
- The ease of shareholder suits index covers the availability of documents that can be used during trial, the ability of the investor to examine the defendant and other witnesses, shareholders' access to internal documents of the company, the appointment of an inspector to investigate the transaction and the standard of proof applicable to a civil suit against the directors.

These three indices are averaged to create the strength of investor protection index.

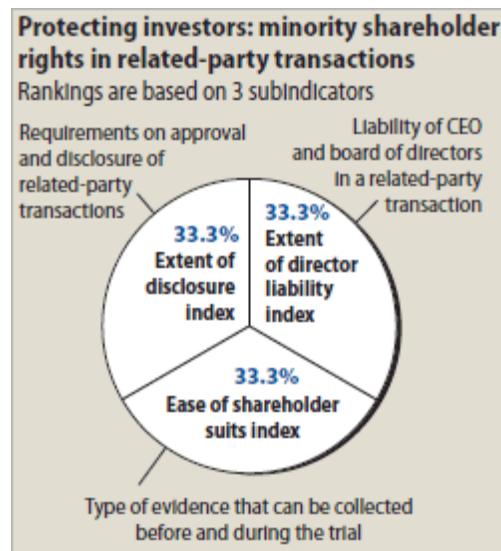
## Survey case study

Mr. James, a director and the majority shareholder of a public company, proposes that the company purchase used trucks from another company he owns. The price is higher than the going price for used trucks. The transaction goes forward. All required approvals are obtained, and all required disclosures made, though the transaction is prejudicial to the purchasing company. Shareholders sue the interested parties and the members of the board of directors.

Several questions arise:

- Who approves the transaction?
- What information must be disclosed?
- What company documents can investors access?
- What do minority shareholders have to prove to get the transaction stopped or to receive compensation from Mr. James?

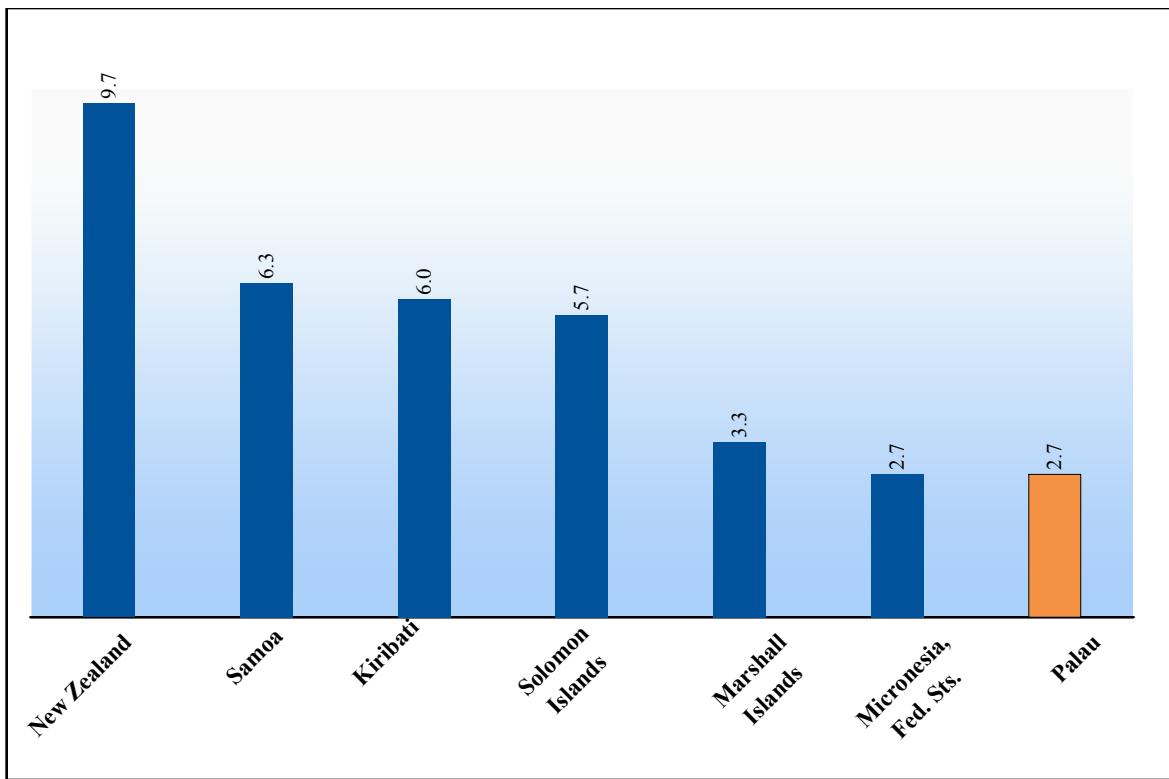
\*Doidge, Kardiyi and Stulz (2007)



## 1. Historical data: Protecting Investors in Palau

Protecting Investors data	Doing Business 2008	Doing Business 2009	Doing Business 2010
Rank	..	171	172
Strength of investor protection index (0-10)	2.7	2.7	2.7

## 2. The following graph illustrates the Protecting Investors index in Palau compared to best practice and selected Economies:

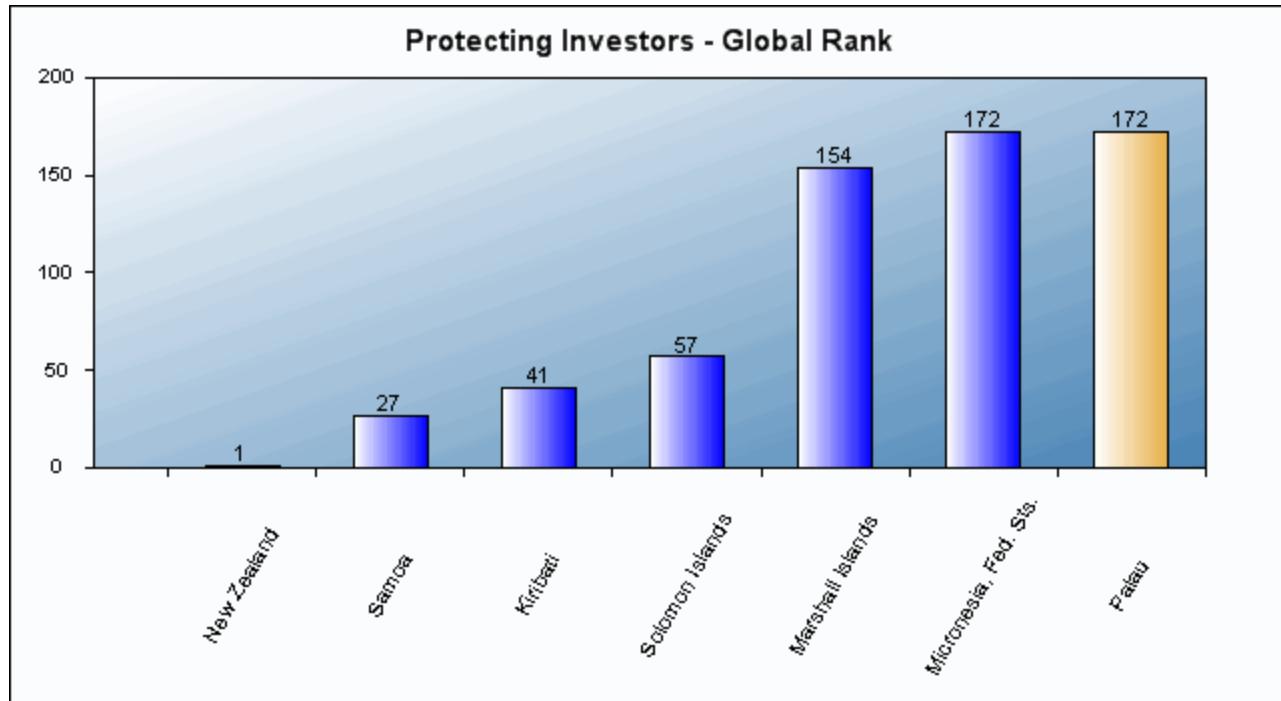


Note: The higher the score, the greater the investor protection.

### 3. Benchmarking Protecting Investors Regulations:

Palau is ranked 172 overall for Protecting Investors.

Ranking of Palau in Protecting Investors - Compared to good practice and selected economies:



The following table shows Protecting Investors data for Palau compared to good practice and comparator economies:

<b>Good Practice Economies</b>	Strength of investor protection index (0-10)
New Zealand	9.7

<i>Selected Economy</i>	
Palau	2.7

<i>Comparator Economies</i>	
Kiribati	6.0
Marshall Islands	3.3
Micronesia, Fed. Sts.	2.7
Samoa	6.3
Solomon Islands	5.7

# Paying Taxes

Taxes are essential. Without them there would be no money to provide public amenities, infrastructure and services which are crucial for a properly functioning economy. But particularly for small and medium size companies, they may opt out and choose to operate in the informal sector. One way to enhance tax compliance is to ease and simplify the process of paying taxes for such businesses.

## Methodology

The Doing Business tax survey records the effective tax that a small and medium company must pay and the administrative costs of doing so.

Three indicators are constructed:

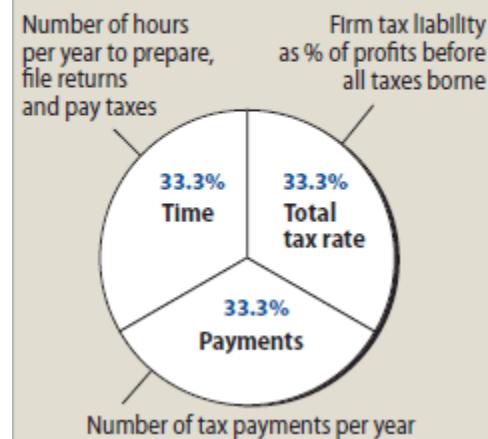
- number of tax payments, which takes into account the method of payment, the frequency of payments and the number of agencies involved in our standardized case study.
- time, which measures the number of hours per year necessary to prepare and file tax returns and to pay the corporate income tax, value added tax, sales tax or goods and service tax and labor taxes and mandatory contributions.
- total tax rate, which measures the amount of taxes and mandatory contributions payable by the company during the second year of operation. This amount, expressed as a percentage of commercial profit, is the sum of all the different taxes payable after accounting for various deductions and exemptions.

## Survey case study

- TaxpayerCo is a medium-size business that started operations last year. Doing Business asks tax practitioners in 183 economies to review TaxpayerCo's financial statements and a standard list of transactions that the company completed during the year. Respondents are asked how much in taxes and mandatory contributions the business must pay and what the process is for doing so.
- The business starts from the same financial position in each economy. All the taxes and mandatory contributions paid during the second year of operation are recorded.
- Taxes and mandatory contributions are measured at all levels of government and include corporate income tax, turnover tax, all labor taxes and contributions paid by the company (including mandatory contributions paid to private pension or insurance funds), property tax, property transfer tax, dividend tax, capital gains tax, financial transactions tax, vehicle tax, sales tax and other small taxes (such as fuel tax, stamp duty and local taxes). A range of standard deductions and exemptions are also recorded.

## Paying taxes: tax compliance for a local manufacturing company

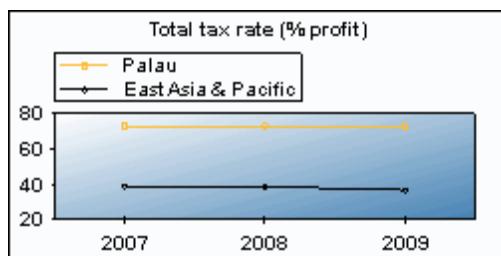
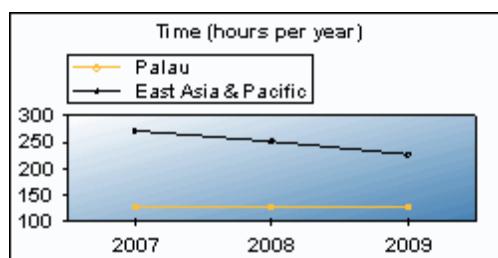
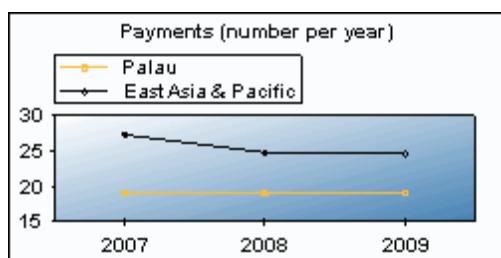
Rankings are based on 3 subindicators



## 1. Historical data: Paying Taxes in Palau

Paying Taxes data	Doing Business 2008	Doing Business 2009	Doing Business 2010
Rank	..	88	91
Total tax rate (% profit)	73.0	73.0	73.0
Payments (number per year)	19	19	19
Time (hours per year)	128	128	128

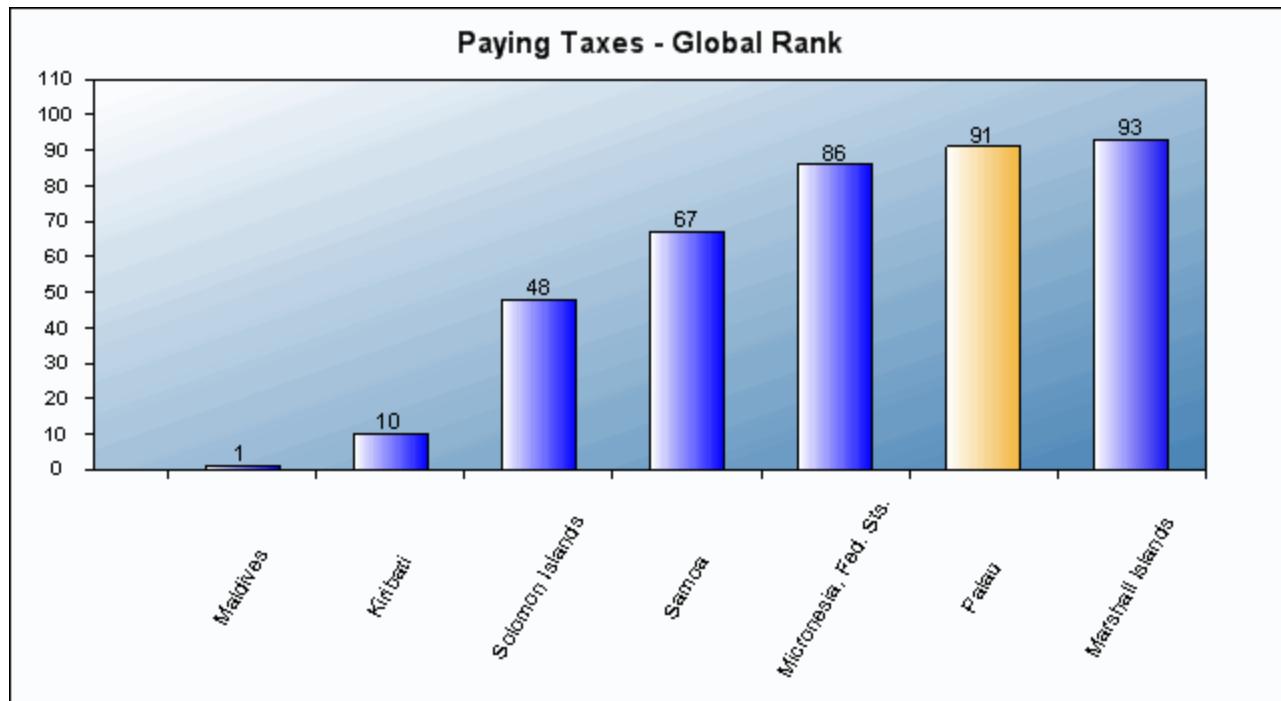
## 2. The following graphs illustrates the Paying Taxes indicators in Palau over the past 3 years:



### 3. Benchmarking Paying Taxes Regulations:

Palau is ranked 91 overall for Paying Taxes.

Ranking of Palau in Paying Taxes - Compared to good practice and selected economies:



The following table shows Paying Taxes data for Palau compared to good practice and comparator economies:

<b>Good Practice Economies</b>	Payments (number per year)	Time (hours per year)	Total tax rate (% profit)
Maldives*	1	0	
Timor-Leste			0.2

<i>Selected Economy</i>			
Palau	19	128	73.0

<i>Comparator Economies</i>			
Kiribati	7	120	31.8
Marshall Islands	21	128	64.9
Micronesia, Fed. Sts.	21	128	58.7
Samoa	37	224	18.9
Solomon Islands	33	80	36.3

\* The following economies are also good practice economies for :

Payments (number per year): Qatar

# Trading Across Borders

The benefits of trade are well documented; as are the obstacles to trade. Tariffs, quotas and distance from large markets greatly increase the cost of goods or prevent trading altogether. But with bigger ships and faster planes, the world is shrinking. Global and regional trade agreements have reduced trade barriers. Yet Africa's share of global trade is smaller today than it was 25 years ago. So is the Middle East's, excluding oil exports. Many entrepreneurs face numerous hurdles to exporting or importing goods, including delays at the border. They often give up. Others never try. In fact, the potential gains from trade facilitation may be greater than those arising from only tariff reductions.

## Methodology

Doing Business compiles procedural requirements for trading a standard shipment of goods by ocean transport. Every procedure and the associated documents, time and cost, for importing and exporting the goods is recorded, starting with the contractual agreement between the two parties and ending with delivery of the goods. For importing the goods, the procedures measured range from the vessel's arrival at the port of entry to the shipment's delivery at the importer's warehouse. For exporting the goods, the procedures measured range from the packing of the goods at the factory to their departure from the port of exit. Payment is by letter of credit and the time and cost for issuing or securing a letter of credit is taken into account.

Documents recorded include port filing documents, customs declaration and clearance documents, as well as official documents exchanged between the parties to the transaction. Time is recorded in calendar days, from the beginning to the end of each procedure. Cost includes the fees levied on a 20-foot container in U.S. dollars.

All the fees associated with completing the procedures to export or import the goods are included, such as costs for documents, administrative fees for customs clearance and technical control, terminal handling charges and inland transport. The cost measure does not include tariffs or duties.

Economies that have efficient customs, good transport networks and fewer document requirements, making compliance with export and import procedures faster and cheaper, are more competitive globally. That can lead to more exports; and exports are associated with faster growth and more jobs. Conversely, a need to file many documents is associated with more corruption in customs. Faced with long delays and frequent demands for bribes, many traders may avoid customs altogether. Instead, they smuggle goods across the border. This defeats the very purpose in having border control of trade to levy taxes and ensure high quality of goods.

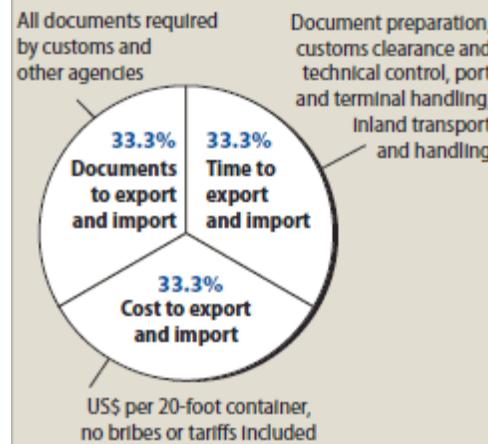
## Survey case study

To make the data comparable across countries, several assumptions about the business and the traded goods are used:

- The business is of medium size.
- The business employs 60 people.
- The business is located in the peri-urban area of the economy's largest business city.
- The business is a private, limited liability company, domestically owned, formally registered and operating under commercial laws and regulations of the economy.
- The traded goods are ordinary, legally manufactured products transported in a dry-cargo, 20-foot FCL (full container load) container.

## Trading across borders: exporting and importing by ocean transport

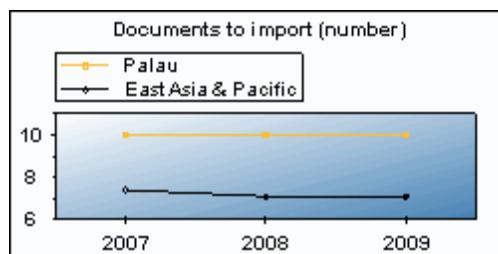
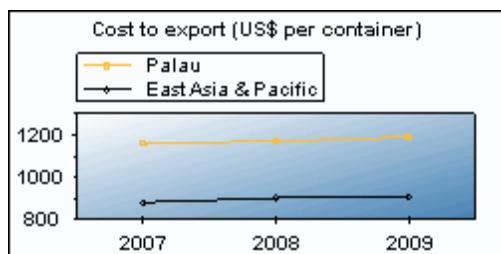
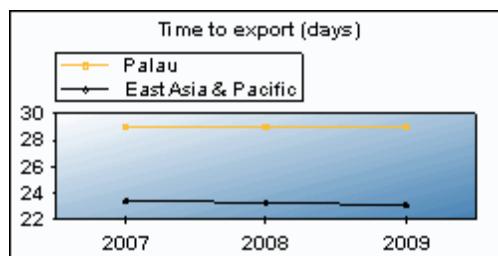
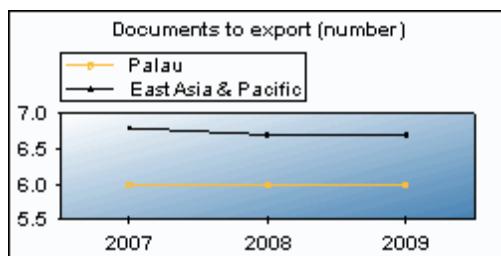
Rankings are based on 3 subindicators

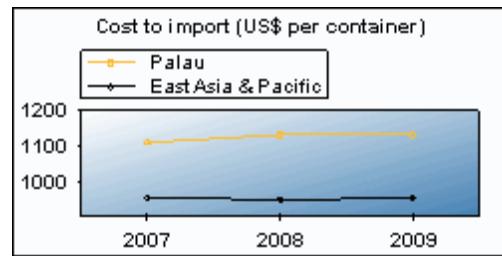
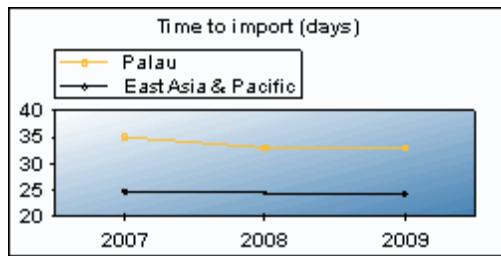


## 1. Historical data: Trading Across Borders in Palau

Trading Across Borders data	Doing Business 2008	Doing Business 2009	Doing Business 2010
Rank	..	122	124
Cost to export (US\$ per container)	1160	1170	1190
Cost to import (US\$ per container)	1110	1132	1132
Documents to export (number)	6	6	6
Documents to import (number)	10	10	10
Time to export (days)	29	29	29
Time to import (days)	35	33	33

## 2. The following graphs illustrates the Trading Across Borders indicators in Palau over the past 3 years:

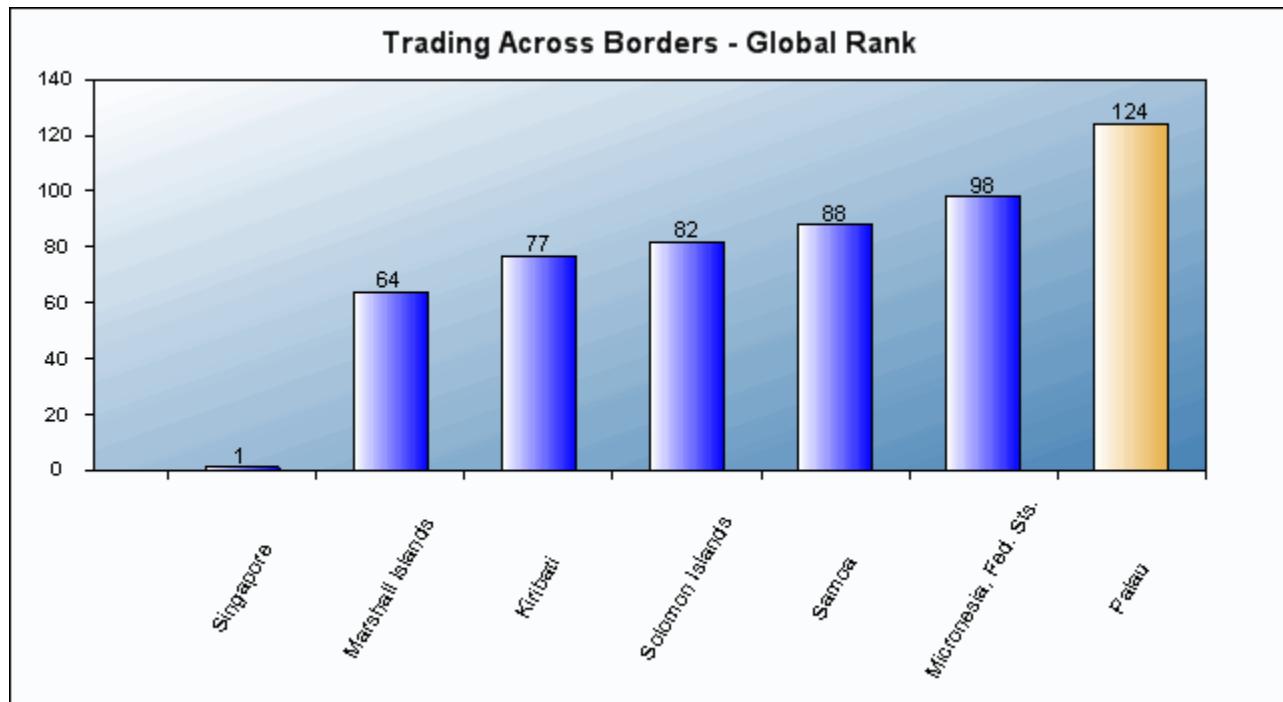




### 3. Benchmarking Trading Across Borders Regulations:

Palau is ranked 124 overall for Trading Across Borders.

Ranking of Palau in Trading Across Borders - Compared to good practice and selected economies:



The following table shows Trading Across Borders data for Palau compared to good practice and comparator economies:

<b>Good Practice Economies</b>	Documents to export (number)	Time to export (days)	Cost to export (US\$ per container)	Documents to import (number)	Time to import (days)	Cost to import (US\$ per container)
<b>Denmark*</b>		5				
<b>France</b>	2			2		
<b>Malaysia</b>			450			
<b>Singapore</b>					3	439

<i>Selected Economy</i>						
<b>Palau</b>	6	29	1190	10	33	1132

<i>Comparator Economies</i>						
<b>Kiribati</b>	6	21	1070	7	21	1070
<b>Marshall Islands</b>	5	21	945	5	33	945
<b>Micronesia, Fed. Sts.</b>	3	30	1295	6	30	1295
<b>Samoa</b>	7	27	820	7	31	848
<b>Solomon Islands</b>	7	24	1023	4	21	1237

\* The following economies are also good practice economies for :

Time to export (days): Estonia

# Enforcing Contracts

Where contract enforcement is efficient, businesses are more likely to engage with new borrowers or customers. Doing Business tracks the efficiency of the judicial system in resolving a commercial dispute, following the step-by-step evolution of a commercial sale dispute before local courts. The data is collected through study of the codes of civil procedure and other court regulations as well as through surveys completed by local litigation lawyers (and, in a quarter of the countries, by judges as well).

Justice delayed is often justice denied. And in many economies only the rich can afford to go to court. For the rest, justice is out of reach. In the absence of efficient courts, firms undertake fewer investments or business transactions. And they prefer to involve only a small group of people who know each other from previous dealings.

## Methodology

Rankings on enforcing contracts are based on 3 sub-indicators:

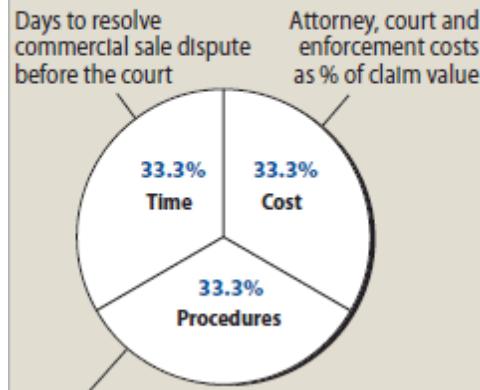
- number of procedures, which are defined as any interaction between the parties or between them and the judge or court officer. This includes steps to file the case, steps for trial and judgment and steps necessary to enforce the judgment.
- time, which counts the number of calendar days from the moment the Seller files the law suit in court until payment is received. This includes both the days on which actions take place and the waiting periods in between.
- cost, which is recorded as a percentage of the claim (assumed to be equivalent to 200% of income per capita). Three types of costs are recorded: court costs (including expert fees), enforcement costs (including costs for a public sale of Buyer's assets) and attorney fees.

## Survey case Study

- The dispute concerns a contract for the sale of goods between two businesses (the Seller and the Buyer).
- Both are located in the economy's largest business city.
- The Seller sells and delivers goods, worth 200% of the economy's income per capita, to the Buyer. The Buyer refuses to pay on the grounds that they were not of adequate quality.
- The Seller sues the Buyer to recover the amount under the sales agreement (200% of the economy's income per capita).
- The claim is filed before a court in the economy's largest business city with jurisdiction over commercial cases worth 200% of the income per capita and is disputed on the merits.
- Judgment is 100% in favor of the Seller and is not appealed.
- The Seller enforces the judgment and the money is successfully collected through a public sale of Buyer's assets.

## Enforcing contracts: resolving a commercial dispute through the courts

Rankings are based on 3 subindicators

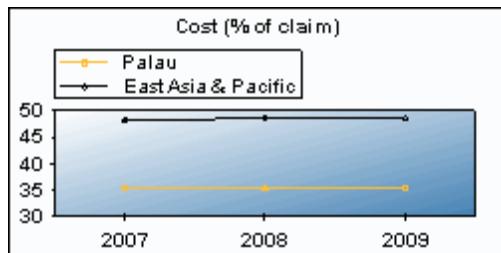
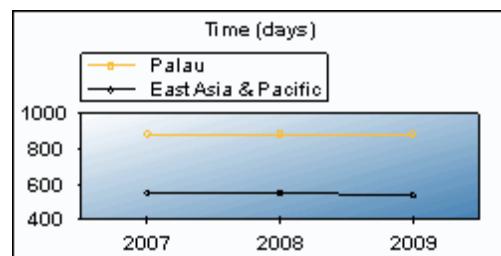
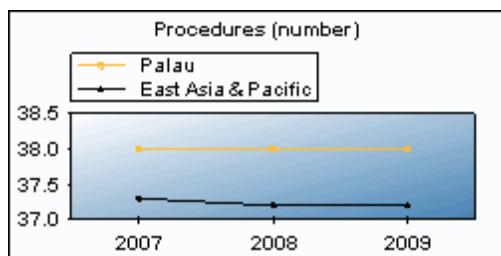


Steps to file claim, obtain Judgment and enforce it

## 1. Historical data: Enforcing Contracts in Palau

Enforcing Contracts data	Doing Business 2008	Doing Business 2009	Doing Business 2010
Rank	..	142	144
Procedures (number)	38	38	38
Time (days)	885	885	885
Cost (% of claim)	35.3	35.3	35.3

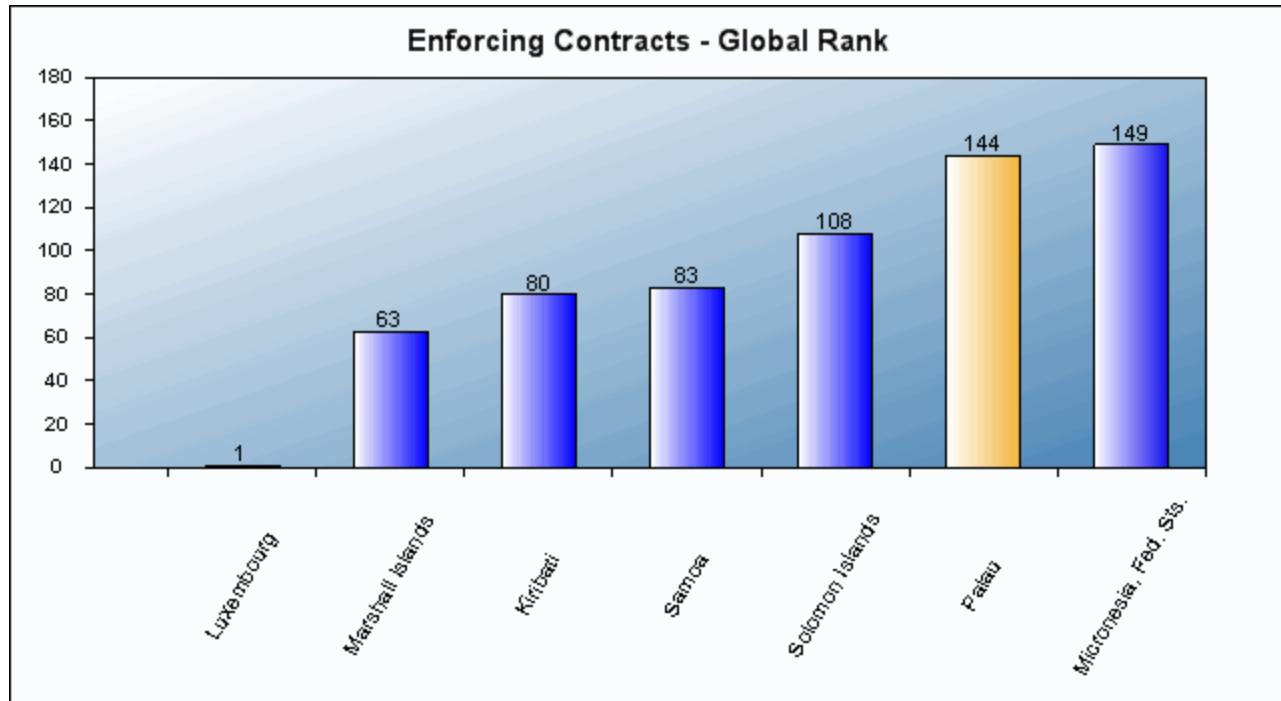
## 2. The following graphs illustrates the Enforcing Contracts indicators in Palau over the past 3 years:



### 3. Benchmarking Enforcing Contracts Regulations:

Palau is ranked 144 overall for Enforcing Contracts.

Ranking of Palau in Enforcing Contracts - Compared to good practice and selected economies:



The following table shows Enforcing Contracts data for Palau compared to good practice and comparator economies:

<b>Good Practice Economies</b>	Procedures (number)	Time (days)	Cost (% of claim)
Bhutan			0.1
Ireland	20		
Singapore		150	

<i>Selected Economy</i>			
Palau	38	885	35.3

<i>Comparator Economies</i>			
Kiribati	32	660	25.8
Marshall Islands	36	476	27.4
Micronesia, Fed. Sts.	34	965	66.0
Samoa	44	455	19.7
Solomon Islands	37	455	78.9

# Closing a Business

The economic crises of the 1990s in emerging markets, from East Asia to Latin America, from Russia to Mexico, raised concerns about the design of bankruptcy systems and the ability of such systems to help reorganize viable companies and close down unviable ones. In countries where bankruptcy is inefficient, unviable businesses linger for years, keeping assets and human capital from being reallocated to more productive uses.

Bottlenecks in bankruptcy cut into the amount claimants can recover. In countries where bankruptcy laws are inefficient, this is a strong deterrent to investment. Access to credit shrinks, and nonperforming loans and financial risk grow because creditors cannot recover overdue loans. Conversely, efficient bankruptcy laws can encourage entrepreneurs. The freedom to fail, and to do so through an efficient process, puts people and capital to their most effective use. The result is more productive businesses and more jobs.

The Doing Business indicators identify weaknesses in the bankruptcy law as well as the main procedural and administrative bottlenecks in the bankruptcy process. In many developing countries bankruptcy is so inefficient that creditors hardly ever use it. In countries such as these, reform would best focus on improving contract enforcement outside bankruptcy.

## Methodology

Three measures are constructed from the survey responses: the time to go through the insolvency process, the cost to go through the process and the recovery rate, how much of the insolvency estate is recovered by stakeholders, taking into account the time, cost, depreciation of assets and the outcome of the insolvency proceeding.

## Survey case study

The data on closing a business are developed using a standard set of case assumptions to track a company going through the step-by-step procedures of the bankruptcy process. It is assumed that:

- the company is a domestically owned
- the company is a limited liability corporation operating a hotel in the country's largest business city
- the company has 201 employees, 1 main secured creditor and 50 unsecured creditors
- Assumptions are also made about the future cash flows
- The case is designed so that the company has a higher value as a going concern, that is, the efficient outcome is either reorganization or sale as a going concern, not piecemeal liquidation.
- The data are derived from questionnaires answered by attorneys at private law firms.

## Closing a business: time, cost and outcome of bankruptcy of a local company

Rankings are based on 1 subindicator

Recovery rate is a function of time, cost and other factors such as lending rate and the likelihood of the company continuing to operate

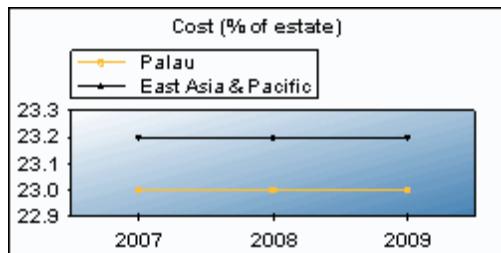
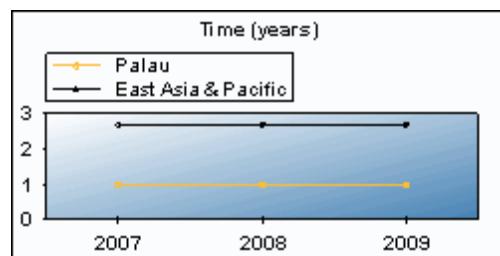
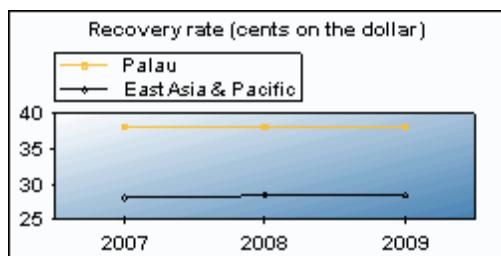
100%  
Recovery  
rate

Note: Time and cost do not count separately for the ranking.

## 1. Historical data: Closing Business in Palau

Closing a Business data	Doing Business 2008	Doing Business 2009	Doing Business 2010
Rank	..	59	59
Time (years)	1.0	1.0	1.0
Cost (% of estate)	23	23	23
Recovery rate (cents on the dollar)	38.2	38.2	38.2

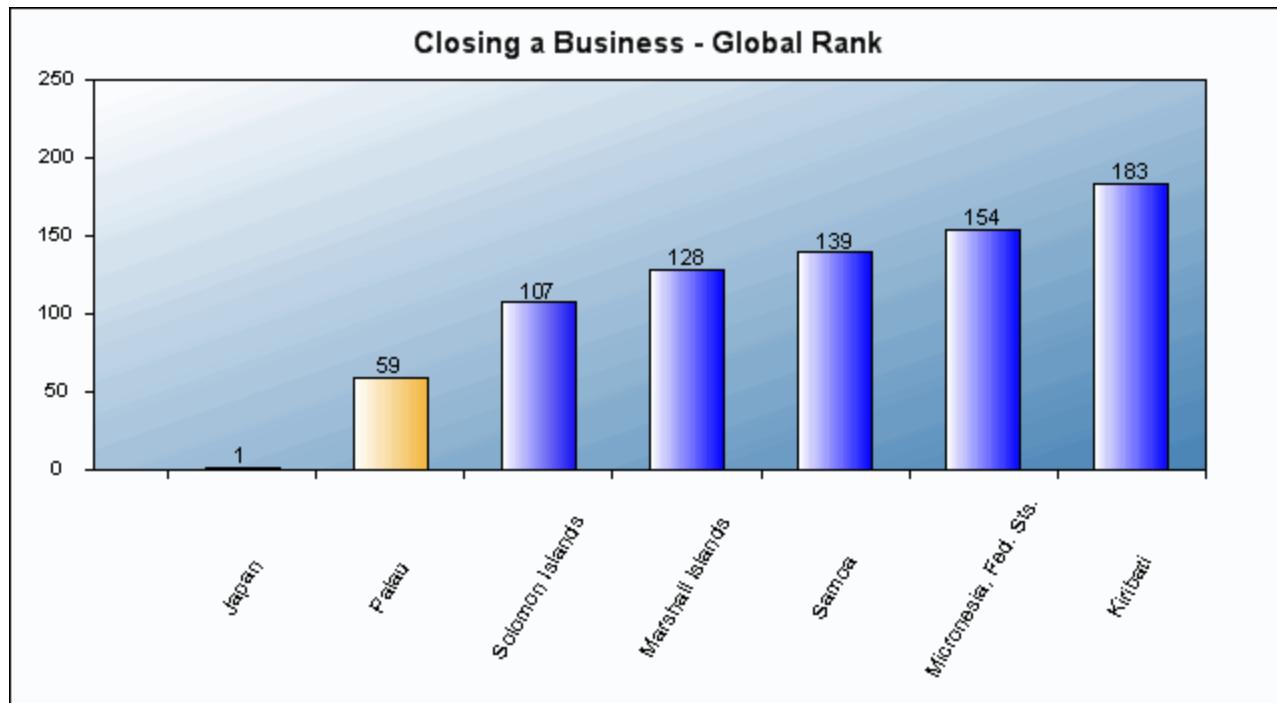
## 2. The following graphs illustrates the Closing Business indicators in Palau over the past 3 years:



### **3. Benchmarking Closing Business Regulations:**

Palau is ranked 59 overall for Closing a Business.

Ranking of Palau in Closing Business - Compared to good practice and selected economies:



The following table shows Closing Business data for Palau compared to good practice and comparator economies:

<b>Good Practice Economies</b>	Recovery rate (cents on the dollar)	Time (years)	Cost (% of estate)
Ireland		0.4	
Japan	92.5		
Singapore*			1

<i>Selected Economy</i>			
Palau	38.2	1.0	23

<i>Comparator Economies</i>			
Kiribati	0.0	no practice	no practice
Marshall Islands	17.9	2.0	38
Micronesia, Fed. Sts.	3.5	5.3	38
Samoa	14.3	2.5	38
Solomon Islands	23.6	1.0	38

\* The following economies are also good practice economies for :

**Cost (% of estate): Colombia, Kuwait, Norway**

# Doing Business 2010

## Reforms

Number of reforms in Doing Business 2010

Rank	Economy	Starting a Business	Dealing with Construction Permits	Employing Workers	Registering Property	Getting Credit	Protecting Investors	Paying Taxes	Trading Across Borders	Enforcing Contracts	Closing a Business	Total number of reforms
		Positive Reform	Positive Reform	Positive Reform	Positive Reform	Positive Reform	Positive Reform	Positive Reform	Positive Reform	Positive Reform	Positive Reform	
1	Rwanda	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	7
2	Kyrgyz Republic	✓	✓	✓	✓	✓	✓	✓	✓			7
3	Macedonia, FYR	✓	✓	✓	✓	✓	✓	✓	✓			7
4	Belarus	✓	✓	✓	✓			✓	✓			6
5	United Arab Emirates	✓	✓						✓			3
6	Moldova	✓			✓			✓				3
7	Colombia	✓	✓		✓	✓	✓	✓	✓	✓	✓	8
8	Tajikistan	✓	✓		✗	✓	✓	✓		✓	✓	5
9	Egypt, Arab Rep.	✓	✓			✓			✓	✓		4
10	Liberia	✓	✓					✓				3
	Palau											
	Kiribati											
	Marshall Islands											
	Micronesia, Fed. Sts.											
	Solomon Islands	✗										0
	Samoa	✓							✓		✓	2

Note: Economies are ranked on the number and impact of reforms. Doing Business selects the economies that reformed in 3 or more of the Doing Business topics. Second, it ranks these economies on the increase in rank in Ease of Doing Business from the previous year. The larger the improvement, the higher the ranking as a reformer.

**Belarus**

Belarus eased the process for getting construction permits by simplifying approval processes. Restrictions relating to redundancy dismissals were eased by raising the threshold for prior notification requirements. Tax payments were made more convenient through increased use of electronic systems—reducing tax compliance times—while lower ecological and turnover tax rates and a reduction in the number of payments for property tax reduced the tax burden on businesses. Property registration continues to improve, with faster processing and elimination of the requirement for notarization. Business start-up was eased by simplifying registration formalities, abolishing the minimum capital requirement, limiting the role of notaries, and removing the need for a company seal approval. Implementation of a risk-based management system and improvement of border crossing operations reduced transit times for trade.

**Colombia**

Colombia passed several decrees continuing its efforts to regulate the profession of insolvency administrators. The government eased the construction permit process with a new construction decree that categorizes building projects based on risk and allows electronic verification for certain documents. Access to credit improved thanks to a new credit information law that guarantees the right of borrowers to inspect their own data and new rules that make it mandatory for credit providers to consult and share information with credit bureaus. The tax burden on businesses was eased with the introduction of electronic tax filing and payment, and some payments were reduced. An amendment to the Company Law strengthened investor protections by making it easier to sue directors in cases of prejudicial transactions between interested parties. Property registration was made easier by making it possible to obtain required certificates online and by making standard preliminary sale agreements available free of charge. Business start-up was made easier by creating a public-private health provider that enables faster affiliation of employees and through a tool that allows online pre-enrollment with the social security office. Implementation of an electronic declaration system has expedited customs clearance.

**Egypt, Arab Rep.**

The Arab Republic of Egypt, a former global leading reformer and a regional leading reformer in 2008/09, continued to make it easier to deal with construction permits by issuing executive articles for the 2008 construction law and eliminating most preapprovals for construction permits. Contract enforcement was expedited with the creation of commercial courts. Access to credit information has expanded with the addition of retailers to the database of the private credit bureau. Finally, company start-up was eased by the removal of the minimum capital requirement.

**Kiribati**

In Kiribati no major reform was recorded.

**Kyrgyz Republic**

The Kyrgyz Republic eased the process for getting construction permits by streamlining the fee structure, introducing a risk-based system of approval and building control, allowing low-risk projects to conduct an internal building control process, and simplifying the process for obtaining utility connections. Requirements relating to redundancy dismissals and worker reassignment were eased. Access to credit was enhanced by making secured lending more flexible and allowing general descriptions of encumbered assets and of debts and obligations. In addition, amendments to the Civil Code provide for automatic extension of security rights to proceeds of the original assets. The tax burden on businesses was eased by reducing the rates for several taxes and the number of payments for several. Surveying and notarization requirements were made optional for property registration, and business start-up was eased by eliminating the minimum capital requirement, reducing the registration time, and abolishing various post-registration fees and the need to open a bank account before registration. The elimination of six previously required documents and the simplification of inspection procedures has sped up trading across borders.

**Liberia**

Liberia eased the process for getting construction permits by lowering the permit fee and cost of obtaining a power generator, abolishing the requirement to obtain a tax waiver certificate before submitting documents to obtain a building permit, and making fixed telephone connections more readily available for public use with the reopening of the national phone company. Business start-up was eased by removing the need to obtain an environmental impact assessment when forming a general trading company. The trade process was expedited by creating a one-stop shop bringing together various ministries and agencies, and streamlining the inspection regime.

**Macedonia, FYR**

The Former Yugoslav Republic of Macedonia has been reforming the construction permit process, shortening waiting times but raising fees. Worker hiring was made more flexible by allowing greater use of fixed-term contracts, easing restrictions on working hours, and making redundancy dismissals more flexible. The public credit bureau increased its coverage by introducing a better database that includes more information and by lowering the minimum loan threshold. Social security payments were classified in five groups, and social security contribution rates reduced. Investor protections were increased by regulating the approval of transactions between interested parties, increasing disclosure requirements in annual reports, and making it easier to sue directors in cases of prejudicial transactions between interested parties. Property registration was eased with the introduction of new time limits at the real estate cadastre—reducing the average time to register a title deed by eight days—and a non-encumbrance certificate can now be obtained from the real estate registry instead of through the court. Business start-up was simplified by integrating procedures at a one-stop shop.

**Marshall Islands**

In the Marshall Islands no major reform was recorded.

**Micronesia, Fed. Sts.**

In the Federated States of Micronesia no major reform was recorded.

**Moldova**

Moldova lowered the rates for social security contributions paid by employers. Property registration was simplified by eliminating the requirement for a cadastral sketch, reducing procedures from six to five days from 48 to 5. Business start-up was eased by implementing an expedited company registration service.

**Palau**

In Palau no major reform was recorded.

**Rwanda**

Rwanda improved the process for dealing with distressed companies with a new law aimed at streamlining reorganization. Employing workers was made easier by abolishing the maximum duration for fixed-term contracts and allowing unlimited renewals of such contracts, as well as by allowing redundancy procedures to be more flexible, with consultation and notification of third parties no longer required. Getting credit was made easier with a new secured transactions act and insolvency act to make secured lending more flexible, allowing a wider range of assets to be used as collateral and a general description of debts and obligations. In addition, out of court enforcement of collateral has become available to secured creditors, who also now have top priority within bankruptcy. A new company law has strengthened investor protections by requiring greater corporate disclosure, director liability, and shareholder access to information. Property registration was simplified by decreasing the number of days required to transfer a property. Business start-up was eased by eliminating a notarization requirement; introducing standardized memorandums of association; enabling online publication; consolidating name checking, registration fee payment, tax registration, and company registration procedures; and shortening the time required to process completed applications. By implementing administrative changes—such as increased operating hours and enhanced cooperation at the border, along with the removal of some documentation requirements for importers and exporters—Rwanda has improved trading times.

**Samoa**

Samoa eased business start-up by passing a new company act that removed the minimum capital requirement and simplified various other procedures. The act cut 26 days, 4 procedures, and three-quarters of the cost of starting a company. Samoa also enacted a new corporate law and a law introducing receivership, easing the process of closing a business.

**Solomon Islands**

In the Solomon Islands fee increases significantly raised the cost of obtaining a construction permit.

**Tajikistan**

Tajikistan amended its insolvency law, aiming to reduce statutory time limits and the costs of proceedings. Changes were introduced that simplified the construction permit process, reducing procedures and time. A new law on credit histories improves access to credit information by creating a private credit bureau. Investor protections were strengthened with amendments to the joint stock company law, increasing disclosure requirements for transactions involving conflicts of interest, allowing for greater director liability, and giving shareholders the chance to request that harmful related-party transactions be rescinded. The state duty for property transfer has quadrupled, raising the cost of registering property by 2.8 percent of a property's value. Business start-up was eased by reducing the minimum capital requirement and shortening the time to obtain a tax identification number.

**United Arab Emirates**

The United Arab Emirates shortened the time for delivering building permits by improving its online system for processing applications. Business start-up was eased by simplifying the documents needed for registration, abolishing the minimum capital requirement, and removing the requirement that proof of deposit of capital be shown for registration. Greater capacity at the container terminal, elimination of the terminal handling receipt as a required document, and an increase in trade finance products, have improved trade processes.

## APPENDICES

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### Starting a Business in Palau

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This table summarizes the procedures and costs associated with setting up a business in Palau.

#### STANDARDIZED COMPANY

Legal Form: Private Limited Liability Company

Minimum Capital Requirement:

City: Koror

#### Registration Requirements:

No:	Procedure	Time to complete	Cost to complete
1	Deposit the legally required capital in a bank and obtain deposit evidence	1	0
2	Check the uniqueness of the proposed company name and reserve a name	1	0
3	Notarize the company deeds	1	10
4	Pay the registration fee at the National Treasury	1	250
5	Register the company with the Corporate Registrar at the Office of the Attorney General; obtain a certificate of incorporation	14	0
6	Register employees for social security and obtain an employer identification number (EIN)	1	15
7	Apply for a business license from the relevant licensing authority	5	50
8	Apply for a business license from the state government	4	50

## **Procedure 1 Deposit the legally required capital in a bank and obtain deposit evidence**

**Time to complete:** 1

**Cost to complete:** 0

**Comment:** Under the Money Laundering and Proceeds of Crime Act of 2001, a corporate bank account cannot be opened until incorporation documents are issued. Accordingly, the incorporator must first either open an account in his name or deposit the initial capital in the trust account of his attorney for the corporation. Incorporators must obtain proof of payment in the form of a bank statement, receipt, or other documentation of the amount paid into the company as paid-in capital.

## **Procedure 2 Check the uniqueness of the proposed company name and reserve a name**

**Time to complete:** 1

**Cost to complete:** 0

**Comment:** The uniqueness of the proposed company name can be checked over the phone. The Corporate Registrar at the Office of the Attorney General searches the name index. In practice, few incorporators search for a company name before incorporating. Because Palau has no trademark statute, there are limited avenues for enforcement.

## **Procedure 3 Notarize the company deeds**

**Time to complete:** 1

**Cost to complete:** 10

**Comment:** Section 2.1 of the Corporations Regulations for the Republic of Palau requires that “any number of persons not less than three desiring to form a corporation shall execute articles of incorporation and acknowledge the same before a Clerk of the Supreme Court of the Republic or a notary public.” Attorneys generally prepare the incorporation documents. If professional services are used, this adds USD 1,000 to the process.

The articles of incorporation must contain (a) the company name; (b) place; (c) purpose; (d) shares; (e) directors; (f) duration; (g) incorporators; (h) voting; (i) disposition; (j) liquidation; (k) amendments; (l) ownership, and (m) foreign ownership.

A shareholder affidavit must be notarized and set forth the following: (a) the number of authorized shares of each class; (b) the par value of the shares; (c) the names of subscribers for shares of each class; (d) the number of shares of each class subscribed to by each subscriber; and (e) the subscription price or prices for the shares of each class subscribed.

## **Procedure 4 Pay the registration fee at the National Treasury**

**Time to complete:** 1

**Cost to complete:** 250

**Comment:**

## **Procedure 5 Register the company with the Corporate Registrar at the Office of the Attorney General; obtain a certificate of incorporation**

<b>Time to complete:</b>	14
<b>Cost to complete:</b>	0
<b>Comment:</b>	The time between when the company submits the documents to the Corporate Registrar to when the Office of the President issues the charter is about 2 weeks. This time varies, however, depending on (a) how long charter issuance takes once the OCR approves the documents; (b) if there are errors in the corporate documents; and if so, (c) the time required to correct any errors.

#### **Procedure 6 Register employees for social security and obtain an employer identification number (EIN)**

<b>Time to complete:</b>	1
<b>Cost to complete:</b>	15
<b>Comment:</b>	Companies must register with the Office of Social Security for payment of social security tax withheld from employees. All employers or self-employed persons doing business in Palau must apply for an employer identification number (EIN) from the Social Security Administration. The applicant completes the Application for Employer Number form and pays the applicable fee (USD 15 for first-time employers, USD 10 for renewing employers). The Palau Social Security Administration will assign the applicant an employer identification number (EIN), which must be entered on the employer's quarterly tax returns. The EIN is required to apply for a business license from the Division of Revenue and Taxation.

#### **Procedure 7 Apply for a business license from the relevant licensing authority**

<b>Time to complete:</b>	5
<b>Cost to complete:</b>	50
<b>Comment:</b>	Before a person or a firm engages in business, they must apply for a business license from the Division of Revenue and Taxation, State Government. Previously, companies were licensed by entity, but starting in 2007, companies must obtain a license for each establishment (store).

#### **Procedure 8 Apply for a business license from the state government**

<b>Time to complete:</b>	4
<b>Cost to complete:</b>	50
<b>Comment:</b>	<p>The Koror state government requires a state business license. The following license fees apply:</p> <ul style="list-style-type: none"> <li>- USD 50: For each retail store (Class A), movie theater, building contractor, furniture manufacturer, and boat building and repair shop association or corporation.</li> <li>- USD 40: For each scrap-metal-collecting business.</li> <li>- USD 30: For each retail store (Class B) and each nonassociated or nonincorporated boat building and repair shop.</li> </ul>

Other classes and their respective fees apply to other businesses

## Dealing with Construction Permits in Palau

The table below summarizes the procedures, time, and costs to build a warehouse in Palau.

### BUILDING A WAREHOUSE

Date as of: January 2009

Estimated Warehouse Value:

City: Koror

#### Registration Requirements:

No:	Procedure	Time to complete	Cost to complete
1	Visit the Koror State Planning Commission to obtain an application form for a Building and Zoning Permit	1 day	no charge
2	Request a clearance from the Land Authority	1 day	no charge
3	Receive inspection and obtain clearance from the Land Authority	1 day	no charge
4	Request a Historic Preservation Clearance from the Bureau of Arts and Culture	1 day	no charge
5	Receive inspection and clearance from the Bureau of Arts and Culture	1 day	no charge
6	Request a clearance from the Environmental Quality Preservation Board (EQPB)	1 day	USD 100
7	Receive inspection from the Environmental Quality Preservation Board (EQPB)	1 day	no charge
8	Obtain the clearance from the Environmental Quality Preservation Board (EQPB)	14 days	no charge
9	Request clearance on utilities from the Public Works Authority	1 day	no charge
10	Receive inspection and clearance from the Public Works Authority	1 day	no charge
11	Request clearance from the Palau National Communication Co.	1 day	no charge
12	Receive inspection and clearance from the Palau National Communication Co.	1 day	no charge
13	Request and obtain the Building Permit from the Koror State Planning Commission	24 days	USD 85
14	Receive pre-construction inspection by State Planning Commission	1 day	no charge

15	Receive foundation inspection by State Planning Commission	1 day	no charge
16	Receive inspection on surroundings	1 day	no charge
17	Receive inspection on structure	1 day	no charge
18	Request an Occupancy Permit	1 day	no charge
19	Receive final inspection	1 day	no charge
20	Obtain Occupancy Permit	1 day	no charge
21	Request electricity connection	1 day	USD 150
22 *	Receive inspection to examine the location and obtain cost estimates for electricity connection	1 day	no charge
23 *	Connect to electricity	60 days	no charge
24 *	Request and connect to water and sewage services	1 day	USD 30
25 *	Request and connect to phone services	14 days	USD 120

\* Takes place simultaneously with another procedure.

<b>Procedure</b>	<b>1</b>	Visit the Koror State Planning Commission to obtain an application form for a Building and Zoning Permit
<b>Time to complete:</b>	1 day	
<b>Cost to complete:</b>	no charge	
<b>Comment:</b>		The application form has two pages: the first one contains information about the building, while the second indicates the clearances to be signed by the following agencies: <ul style="list-style-type: none"> <li>- Land authority.</li> <li>- Bureau of Arts and Culture.</li> <li>- Environmental protection authority.</li> <li>- Public works (for utilities).</li> <li>- Palau National Communication Company (PNCC).</li> </ul>
<b>Procedure</b>	<b>2</b>	Request a clearance from the Land Authority
<b>Time to complete:</b>	1 day	
<b>Cost to complete:</b>	no charge	
<b>Comment:</b>		Public land should be cleared by the Koror State Public Land Authority. Private land should be cleared by the National Bureau of Land and Survey. The authority will inspect the land to confirm ownership and boundary.
<b>Procedure</b>	<b>3</b>	Receive inspection and obtain clearance from the Land Authority
<b>Time to complete:</b>	1 day	
<b>Cost to complete:</b>	no charge	
<b>Comment:</b>		
<b>Procedure</b>	<b>4</b>	Request a Historic Preservation Clearance from the Bureau of Arts and Culture
<b>Time to complete:</b>	1 day	
<b>Cost to complete:</b>	no charge	
<b>Comment:</b>		Before the beginning of any project that involves earthmoving or alteration or demolition of a historic property, a historic clearance permit must be obtained from the Bureau of Arts and Culture. An application for historic clearance, available at the Bureau of Arts and Culture, must be completely filled out, signed, and submitted with a location map, plot map, construction plan, excavation and grading plan, and any additional pertinent documents. An official inspects and assesses the land. If the building is on previously developed land, the process is faster.
<b>Procedure</b>	<b>5</b>	Receive inspection and clearance from the Bureau of Arts and Culture
<b>Time to complete:</b>	1 day	
<b>Cost to complete:</b>	no charge	
<b>Comment:</b>		

**Procedure 6 Request a clearance from the Environmental Quality Preservation Board (EQPB)****Time to complete:** 1 day**Cost to complete:** USD 100**Comment:**  
Any construction project that involves earthmoving needs an approval from the Environmental Quality Preservation Board (EQPB), which will inspect the building site. In some instances, according to EQPB Regulation No. 240161, an environmental assessment or an environmental impact statement should be obtained. An environmental assessment can be completed in months; an environmental impact statement could take a year or more. Last, projects must go through an EQPB board meeting, which is held every other Thursday.**Procedure 7 Receive inspection from the Environmental Quality Preservation Board (EQPB)****Time to complete:** 1 day**Cost to complete:** no charge**Comment:****Procedure 8 Obtain the clearance from the Environmental Quality Preservation Board (EQPB)****Time to complete:** 14 days**Cost to complete:** no charge**Comment:****Procedure 9 Request clearance on utilities from the Public Works Authority****Time to complete:** 1 day**Cost to complete:** no charge**Comment:**  
The Public Works Authority checks plumbing system and the distance between the building and the public line.**Procedure 10 Receive inspection and clearance from the Public Works Authority****Time to complete:** 1 day**Cost to complete:** no charge**Comment:****Procedure 11 Request clearance from the Palau National Communication Co.****Time to complete:** 1 day**Cost to complete:** no charge

**Comment:**

**Procedure 12      Receive inspection and clearance from the Palau National Communication Co.**

**Time to complete:**    1 day

**Cost to complete:**    no charge

**Comment:**

**Procedure 13      Request and obtain the Building Permit from the Koror State Planning Commission**

**Time to complete:**    24 days

**Cost to complete:**    USD 85

**Comment:**            The board meets on the last Wednesday of every month. The officials inspect the site to verify the submitted information. It takes at least 10 days for the authority to confirm whether the file is complete. The building permit is valid for 2 years. Time varies from a week to 2 months; for commercial development, it is 15–30 days.

The cost of a building permit for three types of construction is as follows :

- Type X (less than USD 10,000): USD 10 from 0 USD to USD 1,000, USD 5 for each additional USD 1,000.
- Type Y (USD 10,000 to USD 50,000): USD 10 from 0 to USD 1,000, USD 2 for each additional USD 1,000.
- Type Z (over USD 50,000): USD 10 from 0 to USD 1,000, USD 1 for each additional USD 1,000.

**Procedure 14      Receive pre-construction inspection by State Planning Commission**

**Time to complete:**    1 day

**Cost to complete:**    no charge

**Comment:**            According to the State Planning Commission, at least four inspections are normally carried out before construction starts and during construction: inspections of the foundation, inspections of the surroundings and structure of the building, and final inspection.

**Procedure 15      Receive foundation inspection by State Planning Commission**

**Time to complete:**    1 day

**Cost to complete:**    no charge

**Comment:**

**Procedure 16      Receive inspection on surroundings**

**Time to complete:**    1 day

**Cost to complete:** no charge

**Comment:**

**Procedure 17      Receive inspection on structure**

**Time to complete:** 1 day

**Cost to complete:** no charge

**Comment:**

**Procedure 18      Request an Occupancy Permit**

**Time to complete:** 1 day

**Cost to complete:** no charge

**Comment:**

**Procedure 19      Receive final inspection**

**Time to complete:** 1 day

**Cost to complete:** no charge

**Comment:**

**Procedure 20      Obtain Occupancy Permit**

**Time to complete:** 1 day

**Cost to complete:** no charge

**Comment:**

**Procedure 21      Request electricity connection**

**Time to complete:** 1 day

**Cost to complete:** USD 150

**Comment:** BuildCo obtains a checklist of the things to do. When all this has been completed, a Power Company (PUC) inspector checks the site and estimates loads and costs.

**Procedure 22      Receive inspection to examine the location and obtain cost estimates for electricity connection**

**Time to complete:** 1 day

**Cost to complete:** no charge

**Comment:**

#### **Procedure 23 Connect to electricity**

**Time to complete:** 60 days

**Cost to complete:** no charge

**Comment:**

#### **Procedure 24 Request and connect to water and sewage services**

**Time to complete:** 1 day

**Cost to complete:** USD 30

**Comment:** The agency in charge is the National Public Works Department, Water Unit, Ministry of Resources.

The documents needed to apply for water connection include a map and land location.

The application fee is USD 15 for residential establishments and USD 30 for commercial establishments. A specialized meter fee must also be determined.

#### **Procedure 25 Request and connect to phone services**

**Time to complete:** 14 days

**Cost to complete:** USD 120

**Comment:** An application form is submitted at the office of Palau National Communication Co.

## Employing Workers in Palau

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Employing workers indices are based on responses to survey questions. The table below shows these responses in Palau.

Employing Workers Indicators (2009)	Answer	Score
<b>Difficulty of hiring index (0-100)</b>		<b>11.1</b>
Are fixed-term contracts prohibited for permanent tasks?	No	0
What is the maximum duration of fixed-term contracts (including renewals)? (in months)	No limit	0.0
What is the ratio of mandated minimum wage to the average value added per worker?	0.40	0.33
<b>Difficulty of redundancy index (0-10)</b>		<b>0.0</b>
Is the termination of workers due to redundancy legally authorized?	Yes	0
Must the employer notify a third party before terminating one redundant worker?	No	0
Does the employer need the approval of a third party to terminate one redundant worker?	No	0
Must the employer notify a third party before terminating a group of 9 redundant workers?	No	0
Does the employer need the approval of a third party to terminate a group of 9 redundant workers?	No	0
Is there a retraining or reassignment obligation before an employer can make a worker redundant?	No	0
Are there priority rules applying to redundancies?	No	0
Are there priority rules applying to re-employment?	No	0
<b>Redundancy costs (weeks of salary)</b>		<b>0.0</b>
What is the notice period for redundancy dismissal after 20 years of continuous employment? (weeks of salary)		0.0
What is the severance pay for redundancy dismissal after 20 years of employment? (weeks of salary)		0.0
What is the legally mandated penalty for redundancy dismissal? (weeks of salary)		0.0
<b>Rigidity of employment index (0-100)</b>		<b>3.7</b>
<b>Rigidity of hours index (0-100)</b>		<b>0.0</b>
Can the workweek extend to 50 hours (including overtime) for 2 months per year to respond to a seasonal increase in production?	Yes	0

What is the maximum number of working days per week?	7	0
Are there restrictions on night work and do these apply when continuous operations are economically necessary?	No	0.00
Are there restrictions on "weekly holiday" work and do these apply when continuous operations are economically necessary?	No	0.00
What is the paid annual vacation (in working days) for an employee with 20 years of service?	0	0

Note: The first three indices measure how difficult it is to hire a new worker, how rigid the regulations are on working hours, and how difficult it is to dismiss a redundant worker. Each index assigns values between 0 and 100, with higher values representing more rigid regulations. The overall Rigidity of Employment Index is an average of the three indices.

## Registering Property in Palau

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This topic examines the steps, time, and cost involved in registering property in Palau.

### *STANDARDIZED PROPERTY*

Property Value: 453,071.42

City: Koror

#### **Registration Requirements:**

No:	Procedure	Time to complete	Cost to complete
1	An attorney investigates the land title	7 days	\$250-\$2,000
2	An attorney prepares a lease	1 day	\$300
3	Notarize the document at the court	1 day	\$3 per signature (x 4 for parties and their representatives)
4	Record the lease with Clerk of Court	1 day	\$5
5	Register the new title at the Land Court	3-5 days	no fee

**Procedure 1 An attorney investigates the land title****Time to complete:** 7 days**Cost to complete:** \$250-\$2,000**Comment:** It is not mandatory to do the title research. However, it is highly recommended as land disputes are very common and only less than half the land is surveyed with certificate of title issued. Land title records are kept on paper, not sorted by parcel number. As a result, one has to go through thousands of pages to track transactions on a certain piece of land. Attorneys are usually willing to provide due diligence for one week, but will stipulate in their contract with clients that the search has not guaranteed them that no disputes or liens are attached to the title.**Procedure 2 An attorney prepares a lease****Time to complete:** 1 day**Cost to complete:** \$300**Comment:** It is standard practice for an attorney to draft land deeds and leases. It is very rare that companies buy or sell ownership of land and building as the records are so unreliable. In most cases, such as this one, companies would transfer a lease.**Procedure 3 Notarize the document at the court****Time to complete:** 1 day**Cost to complete:** \$3 per signature (x 4 for parties and their representatives)**Comment:****Procedure 4 Record the lease with Clerk of Court****Time to complete:** 1 day**Cost to complete:** \$5**Comment:****Procedure 5 Register the new title at the Land Court****Time to complete:** 3-5 days**Cost to complete:** no fee**Comment:** In case of change of ownership, the parties turn in the “warranty deed” and old title, and obtain a new title.

## Getting Credit in Palau

The following table summarize legal rights of borrowers and lenders, and the availability and legal framework of credit registries in Palau.

Getting Credit Indicators (2009)		Indicator	
		<u>score</u>	
Private bureau coverage (% of adults)	Private credit bureau	Public credit registry	0
Are data on both firms and individuals distributed?	No	No	0
Are both positive and negative data distributed?	No	No	0
Does the registry distribute credit information from retailers, trade creditors or utility companies as well as financial institutions?	No	No	0
Are more than 2 years of historical credit information distributed?	No	No	0
Is data on all loans below 1% of income per capita distributed?	No	No	0
Is it guaranteed by law that borrowers can inspect their data in the largest credit registry?	No	No	0
<b>Coverage</b>	0.0	0.0	
Number of individuals	0	0	
Number of firms	0	0	
<b>Strength of legal rights index (0-10)</b>			0
Can any business use movable assets as collateral while keeping possession of the assets; and any financial institution accept such assets as collateral ?	No		
Does the law allow businesses to grant a non possessory security right in a single category of revolving movable assets, without requiring a specific description of the secured assets ?	No		
Does the law allow businesses to grant a non possessory security right in substantially all of its assets, without requiring a specific description of the secured assets ?	No		
May a security right extend to future or after-acquired assets, and may it extend automatically to the products, proceeds or replacements of the original assets ?	No		
Is a general description of debts and obligations permitted in collateral agreements, so that all types of obligations and debts can be secured by stating a maximum amount rather than a specific amount between the parties ?	No		
Is a collateral registry in operation, that is unified geographically and by asset type, as well as indexed by the grantor's name of a security right ?	No		
Do secured creditors have absolute priority to their collateral outside bankruptcy procedures?	No		
Do secured creditors have absolute priority to their collateral in bankruptcy procedures?	No		

During reorganization, are secured creditors' claims exempt from an automatic stay on enforcement? No

Does the law authorize parties to agree on out of court enforcement? No

## Protecting Investors in Palau

The table below provides a full breakdown of how the disclosure, director liability, and shareholder suits indexes are calculated in Palau.

Protecting Investors Data (2009)	Indicator
<b>Extent of disclosure index (0-10)</b>	0
What corporate body provides legally sufficient approval for the transaction? (0-3; see notes)	0
Immediate disclosure to the public and/or shareholders (0-2; see notes)	0
Disclosures in published periodic filings (0-2; see notes)	0
Disclosures by Mr. James to board of directors (0-2; see notes)	0
Requirement that an external body review the transaction before it takes place (0=no, 1=yes)	0
<b>Extent of director liability index (0-10)</b>	0
Shareholder plaintiff's ability to hold Mr. James liable for damage the Buyer-Seller transaction causes to the company. (0-2; see notes)	0
Shareholder plaintiff's ability to hold the approving body (the CEO or board of directors) liable for damage to the company. (0-2; see notes)	0
Whether a court can void the transaction upon a successful claim by a shareholder plaintiff (0-2; see notes)	0
Whether Mr. James pays damages for the harm caused to the company upon a successful claim by the shareholder plaintiff (0=no, 1=yes)	0
Whether Mr. James repays profits made from the transaction upon a successful claim by the shareholder plaintiff (0=no, 1=yes)	0
Whether fines and imprisonment can be applied against Mr. James (0=no, 1=yes)	0
Shareholder plaintiff's ability to sue directly or derivatively for damage the transaction causes to the company (0-1; see notes)	0
<b>Ease of shareholder suits index (0-10)</b>	8
Documents available to the plaintiff from the defendant and witnesses during trial (0-4; see notes)	4
Ability of plaintiffs to directly question the defendant and witnesses during trial (0-2; see notes)	2
Plaintiff can request categories of documents from the defendant without identifying specific ones (0=no, 1=yes)	1
Shareholders owning 10% or less of Buyer's shares can request an inspector investigate the transaction (0=no, 1=yes)	0

Level of proof required for civil suits is lower than that for criminal cases (0=no, 1=yes)	1
Shareholders owning 10% or less of Buyer's shares can inspect transaction documents before filing suit (0=no, 1=yes)	0
<b>Strength of investor protection index (0-10)</b>	<b>2.7</b>

**Notes:**

**Extent of Disclosure Index**

*What corporate body provides legally sufficient approval for the transaction?*

0=CEO or managing director alone; 1=shareholders or board of directors vote and Mr. James can vote; 2=board of directors votes and Mr. James cannot vote; 3 = shareholders vote and Mr. James cannot vote

*Immediate disclosure to the public and/or shareholders*

0=none; 1=disclosure on the transaction only; 2=disclosure on the transaction and Mr. James' conflict of interest

*Disclosures in published periodic filings*

0=none; 1=disclosure on the transaction only; 2=disclosure on the transaction and Mr. James' conflict of interest

*Disclosures by Mr. James to board of directors*

0=none; 1=existence of a conflict without any specifics; 2= full disclosure of all material facts

**Director Liability Index**

*Shareholder plaintiff's ability to hold Mr. James liable for damage the Buyer-Seller transaction causes to the company*

0= Mr. James is not liable or liable only if he acted fraudulently or in bad faith; 1= Mr. James is liable if he influenced the approval or was negligent; 2= Mr. James is liable if the transaction was unfair, oppressive or prejudicial to minority shareholders

*Shareholder plaintiff's ability to hold the approving body (the CEO or board of directors) liable for damage to the company*

0=members of the approving body are either not liable or liable only if they acted fraudulently or in bad faith; 1=liable for negligence in the approval of the transaction; 2=liable if the transaction is unfair, oppressive, or prejudicial to minority shareholders

*Whether a court can void the transaction upon a successful claim by a shareholder plaintiff*

0=recission is unavailable or available only in case of Seller's fraud or bad faith; 1=available when the transaction is oppressive or prejudicial to minority shareholders; 2=available when the transaction is unfair or entails a conflict of interest

*Shareholder plaintiffs' ability to sue directly or derivatively for damage the transaction causes to the company*

0=not available; 1=direct or derivative suit available for shareholders holding 10% of share capital or less

**Shareholder Suits Index**

*Documents available to the plaintiff from the defendant and witnesses during trial*

Score 1 each for (1) information that the defendant has indicated he intends to rely on for his defense; (2) information that directly proves specific facts in the plaintiff's claim; (3) any information that is relevant to the subject matter of the claim; and (4) any information that may lead to the discovery of relevant information.

*Ability of plaintiffs to directly question the defendant and witnesses during trial*

0=no; 1=yes, with prior approval by the court of the questions posed; 2=yes, without prior approval

## Paying Taxes in Palau

The table below addresses the taxes and mandatory contributions that a medium-size company must pay or withhold in a given year in Palau, as well as measures of administrative burden in paying taxes.

Tax or mandatory contribution	Payments (number)	Notes on Payments	Time (hours)	Statutory tax rate	Tax base	Total tax rate (% profit)	Notes on TTR
Business license	1			fixed fee (\$50)		0.01	
Road tax	1			15000.00%	weight of truck	0.03	
Fuel tax	1				fuel consumption	0.48	
Social security contributions	12		96	6.00%	salaries	6.52	
Gross revenue tax	4		32	4.0%	revenue minus labor costs	65.94	
<b>Totals</b>	<b>19</b>		<b>128</b>			<b>73.0</b>	

**Notes:**

- a) data not collected
- b) VAT is not included in the total tax rate because it is a tax levied on consumers
- c) very small amount
- d) included in other taxes
- e) Withheld tax
- f) electronic filing available
- g) paid jointly with another tax

Name of taxes have been standardized. For instance income tax, profit tax, tax on company's income are all named corporate income tax in this table.

When there is more than one statutory tax rate, the one applicable to TaxpayerCo is reported.

The hours for VAT include all the VAT and sales taxes applicable.

The hours for Social Security include all the hours for labor taxes and mandatory contributions in general.

## Trading Across Borders in Palau

These tables list the procedures necessary to import and export a standardized cargo of goods in Palau. The documents required to export and import the goods are also shown.

Nature of Export Procedures (2009)	Duration (days)	US\$ Cost
Documents preparation	14	500
Customs clearance and technical control	1	50
Ports and terminal handling	12	310
Inland transportation and handling	2	330
Totals	29	1190

Nature of Import Procedures (2009)	Duration (days)	US\$ Cost
Documents preparation	14	500
Customs clearance and technical control	3	50
Ports and terminal handling	14	260
Inland transportation and handling	2	322
Totals	33	1132

### Export

- Bill of lading
- Customs export declaration
- Export license
- Packing list
- Preferential certificate
- Technical standard/health certificate

### Import

- Bill of lading
- Commercial invoice
- Customs import declaration
- Import license
- Inspection report

Preferential certificate
Pre-shipment inspection clean report of findings
Tax certificate
Technical standard/health certificate
Terminal handling receipts

## Enforcing Contracts in Palau

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This topic looks at the efficiency of contract enforcement in Palau.

Nature of Procedure (2009)	Indicator
Procedures (number)	38
Time (days)	885
Filing and service	120.0
Trial and judgment	400.0
Enforcement of judgment	365.0
Cost (% of claim)*	35.30
Attorney cost (% of claim)	33.9
Court cost (% of claim)	0.7
Enforcement Cost (% of claim)	0.7

**Court information:** Koror Supreme Court, Trial Division

\* Claim assumed to be equivalent to 200% of income per capita.





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