



Economy Profile:
Vietnam

**DOING
BUSINESS 2013**

**Smarter Regulations for
Small and Medium-Size Enterprises**



COMPARING BUSINESS REGULATIONS FOR DOMESTIC FIRMS IN 185 ECONOMIES

10TH EDITION

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CONTENTS

Introduction	4
The business environment	5
Starting a business	14
Dealing with construction permits	25
Getting electricity	35
Registering property	42
Getting credit	53
Protecting investors	60
Paying taxes	69
Trading across borders	77
Enforcing contracts	86
Resolving insolvency	96
Employing workers	102
Data notes	109
Resources on the <i>Doing Business</i> website	114

INTRODUCTION

Doing Business sheds light on how easy or difficult it is for a local entrepreneur to open and run a small to medium-size business when complying with relevant regulations. It measures and tracks changes in regulations affecting 11 areas in the life cycle of a business: starting a business, dealing with construction permits, getting electricity, registering property, getting credit, protecting investors, paying taxes, trading across borders, enforcing contracts, resolving insolvency and employing workers.

In a series of annual reports *Doing Business* presents quantitative indicators on business regulations and the protection of property rights that can be compared across 185 economies, from Afghanistan to Zimbabwe, over time. The data set covers 46 economies in Sub-Saharan Africa, 33 in Latin America and the Caribbean, 24 in East Asia and the Pacific, 24 in Eastern Europe and Central Asia, 19 in the Middle East and North Africa and 8 in South Asia, as well as 31 OECD high-income economies. The indicators are used to analyze economic outcomes and identify what reforms have worked, where and why.

This economy profile presents the *Doing Business* indicators for Vietnam. To allow useful comparison, it also provides data for other selected economies (comparator economies) for each indicator. The data in this report are current as of June 1, 2012 (except for

the paying taxes indicators, which cover the period January–December 2011).

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 and getting electricity), the security of property from theft and looting, the transparency of government procurement, macroeconomic conditions or the underlying strength of institutions—are not directly studied by *Doing Business*. 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 policy makers in designing regulatory reform.

More information is available in the full report. *Doing Business 2013* presents the indicators, analyzes their relationship with economic outcomes and presents business regulatory reforms. The data, along with information on ordering *Doing Business 2013*, are available on the *Doing Business* website at <http://www.doingbusiness.org>.

THE BUSINESS ENVIRONMENT

For policy makers trying to improve their economy's regulatory environment for business, a good place to start is to find out how it compares with the regulatory environment in other economies. *Doing Business* provides an aggregate ranking on the ease of doing business based on indicator sets that measure and benchmark regulations applying to domestic small to medium-size businesses through their life cycle. Economies are ranked from 1 to 185 by the ease of doing business index. For each economy the index is calculated as the ranking on the simple average of its percentile rankings on each of the 10 topics included in the index in *Doing Business 2013*: starting a business, dealing with construction permits, getting electricity, registering property, getting credit, protecting investors, paying taxes, trading across borders, enforcing contracts and resolving insolvency. The ranking on each topic is the simple average of the percentile rankings on its component indicators (see the data notes for more details). The employing workers indicators are not included in this year's aggregate ease of doing business ranking, but the data are presented in this year's economy profile.

The aggregate ranking on the ease of doing business benchmarks each economy's performance on the indicators against that of all other economies in the *Doing Business* sample (figure 1.1). While this ranking tells much about the business environment in an economy, it does not tell the whole story. The ranking on the ease of doing business, and the underlying indicators, do not measure all aspects of the business environment that matter to firms and investors or that affect the competitiveness of the economy. Still, a high ranking does mean that the government has created a regulatory environment conducive to operating a business.

ECONOMY OVERVIEW

Region: East Asia & Pacific

Income category: Lower middle income

Population: 87,840,000

GNI per capita (US\$): 1,260

DB2013 rank: 99

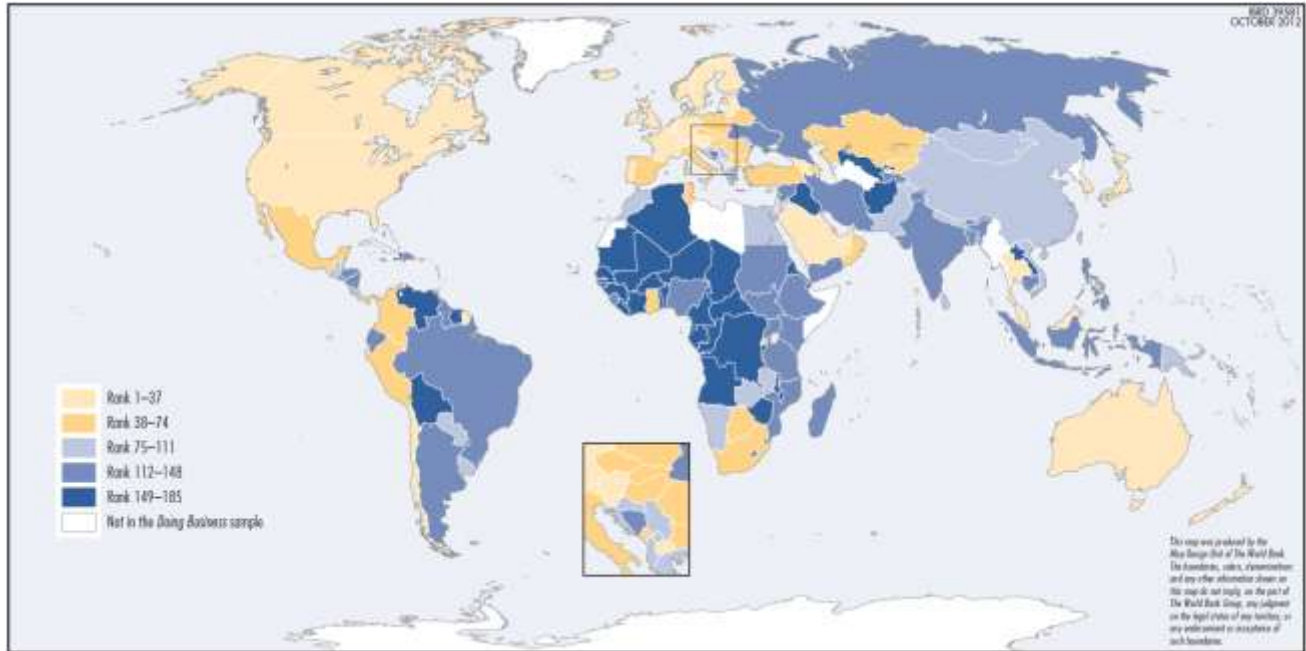
DB2012 rank: 99*

Change in rank: 0

* DB2012 ranking shown is not last year's published ranking but a comparable ranking for DB2012 that captures the effects of such factors as data corrections and the addition of 2 economies (Barbados and Malta) to the sample this year. See the data notes for sources and definitions.

THE BUSINESS ENVIRONMENT

Figure 1.1 Where economies stand in the global ranking on the ease of doing business



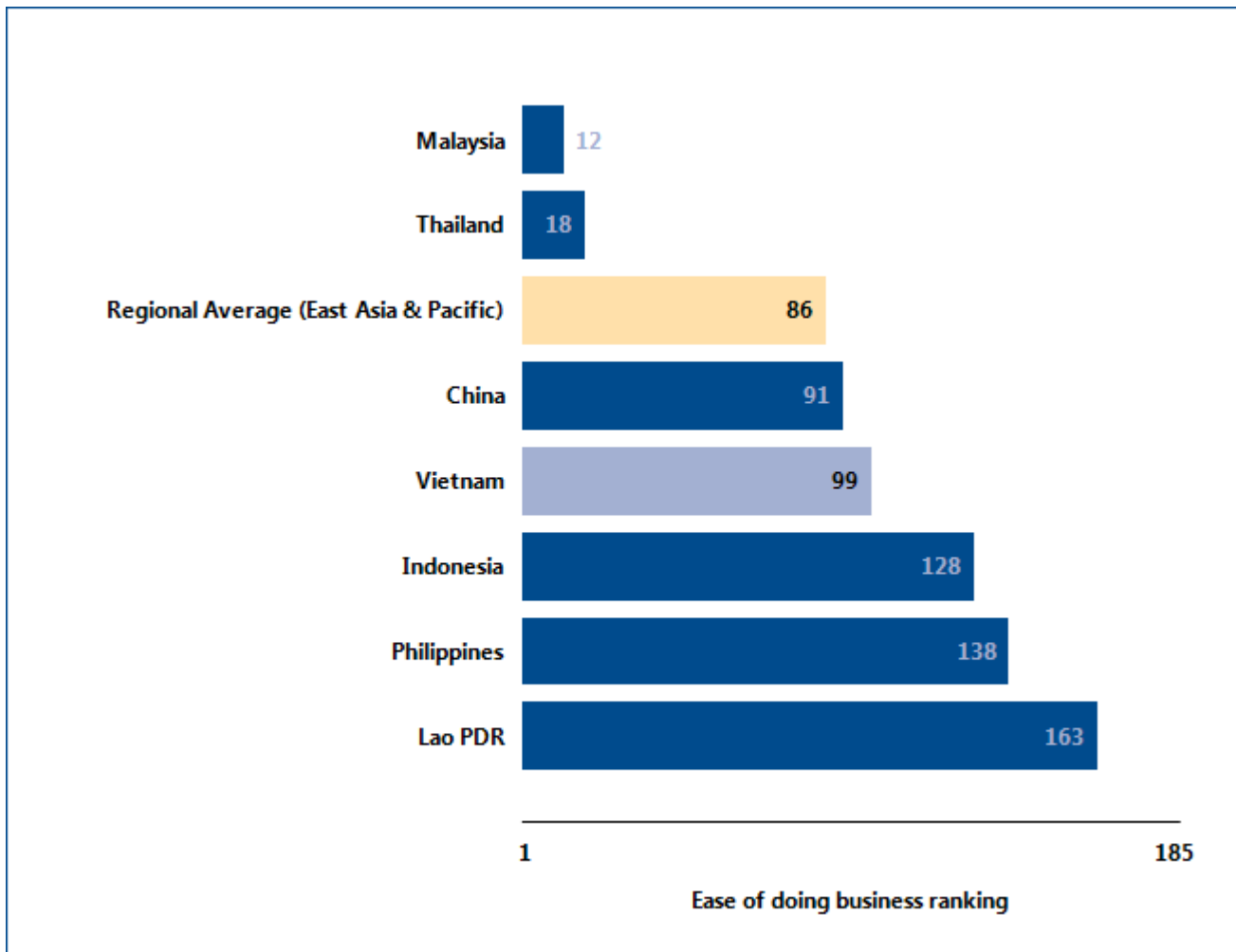
Source: Doing Business database.

THE BUSINESS ENVIRONMENT

For policy makers, knowing where their economy stands in the aggregate ranking on the ease of doing business is useful. Also useful is to know how it ranks relative to comparator economies and

relative to the regional average (figure 1.2). The economy's rankings on the topics included in the ease of doing business index provide another perspective (figure 1.3).

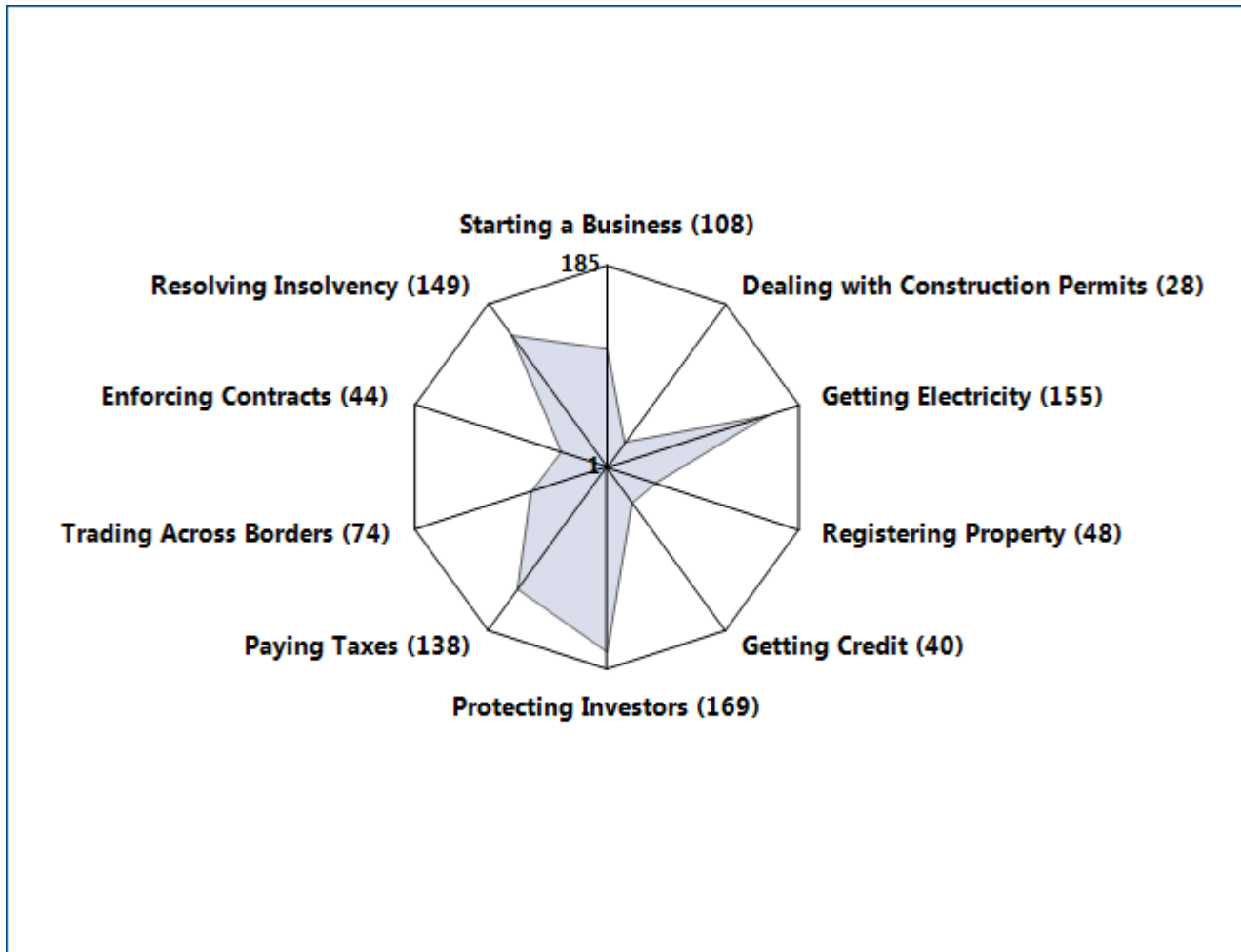
Figure 1.2 How Vietnam and comparator economies rank on the ease of doing business



Source: Doing Business database.

THE BUSINESS ENVIRONMENT

Figure 1.3 How Vietnam ranks on *Doing Business* topics



Source: *Doing Business* database.

THE BUSINESS ENVIRONMENT

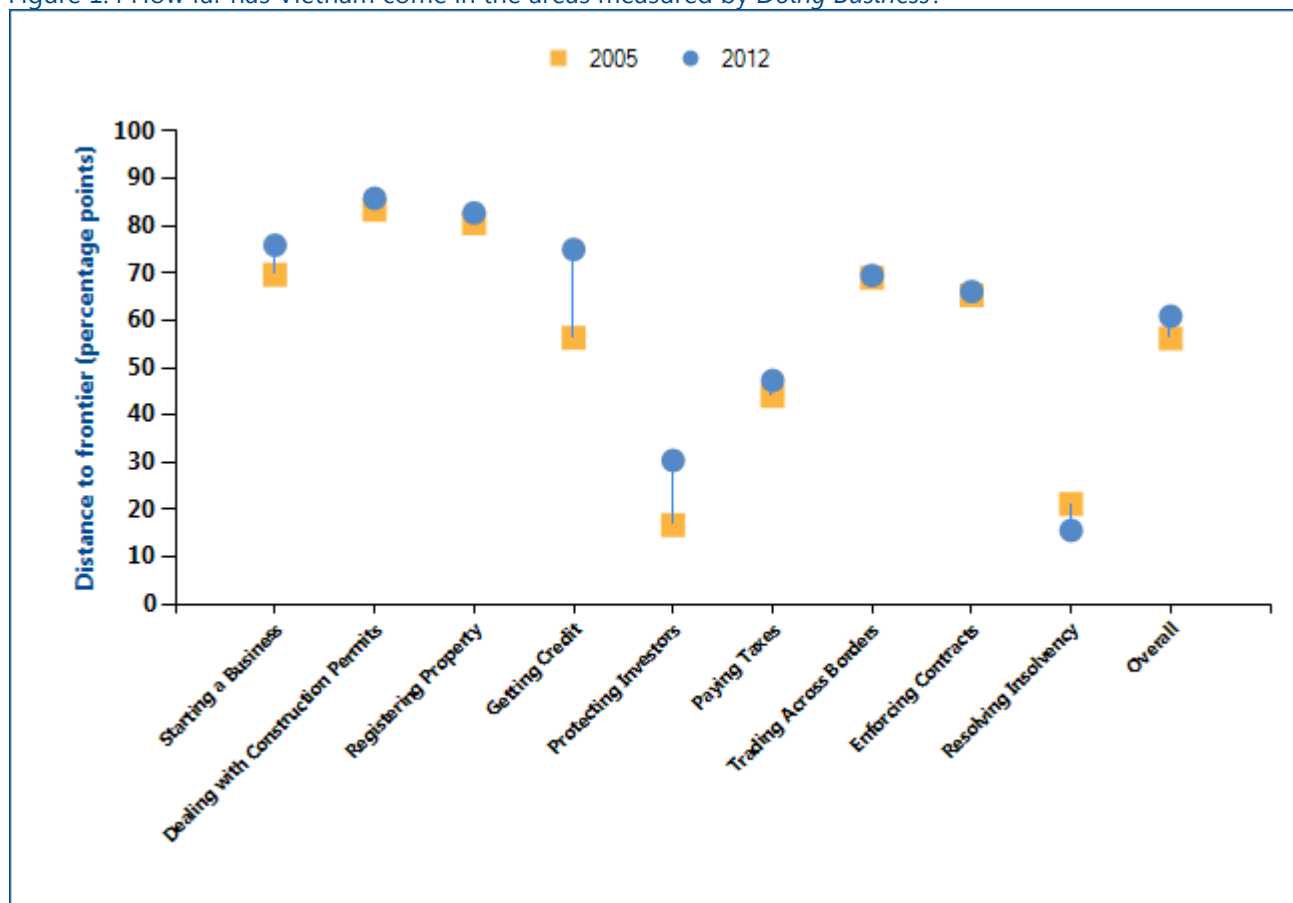
Just as the overall ranking on the ease of doing business tells only part of the story, so do changes in that ranking. Yearly movements in rankings can provide some indication of changes in an economy’s regulatory environment for firms, but they are always relative. An economy’s ranking might change because of developments in other economies. An economy that implemented business regulation reforms may fail to rise in the rankings (or may even drop) if it is passed by others whose business regulation reforms had a more significant impact as measured by *Doing Business*.

Moreover, year-to-year changes in the overall rankings do not reflect how the business regulatory environment in an economy has changed over time—or how it has changed in different areas. To aid in assessing such changes, last

year *Doing Business* introduced the distance to frontier measure. This measure shows how far each economy is from the best performance achieved by any economy since 2005 on each indicator in 9 *Doing Business* indicator sets.

Comparing the measure for an economy at 2 points in time allows users to assess how much the economy’s regulatory environment as measured by *Doing Business* has changed over time—how far it has moved toward (or away from) the most efficient practices and strongest regulations in areas covered by *Doing Business* (figure 1.4). The results may show that the pace of change varies widely across the areas measured. They also may show that an economy is relatively close to the frontier in some areas and relatively far from it in others.

Figure 1.4 How far has Vietnam come in the areas measured by *Doing Business*?



Note: The distance to frontier measure shows how far on average an economy is from the best performance achieved by any economy on each *Doing Business* indicator since 2005. The measure is normalized to range between 0 and 100, with 100 representing the best performance (the frontier). The overall distance to frontier is the average of the distance to frontier in the 9 indicator sets shown in the figure. See the data notes for more details on the distance to frontier measure.

Source: *Doing Business* database.

THE BUSINESS ENVIRONMENT

The absolute values of the indicators tell another part of the story (table 1.1). The indicators, on their own or in comparison with the indicators of a good practice economy or those of comparator economies in the region, may reveal bottlenecks reflected in large numbers of procedures, long delays or high costs. Or they may reveal unexpected strengths in an area of

business regulation—such as a regulatory process that can be completed with a small number of procedures in a few days and at a low cost. Comparison of the economy's indicators today with those in the previous year may show where substantial bottlenecks persist—and where they are diminishing.

Table 1.1 Summary of *Doing Business* indicators for Vietnam

Indicator	Vietnam DB2013	Vietnam DB2012	China DB2013	Indonesia DB2013	Lao PDR DB2013	Malaysia DB2013	Philippines DB2013	Thailand DB2013	Best performer globally DB2013
Starting a Business (rank)	108	109	151	166	81	54	161	85	New Zealand (1)
Procedures (number)	10	10	13	9	6	3	16	4	New Zealand (1)*
Time (days)	34	38	33	47	92	6	36	29	New Zealand (1)
Cost (% of income per capita)	8.7	10.6	2.1	22.7	7.1	15.1	18.1	6.7	Slovenia (0.0)
Paid-in Min. Capital (% of income per capita)	0.0	0.0	85.7	42.0	0.0	0.0	4.8	0.0	91 Economies (0.0)*
Dealing with Construction Permits (rank)	28	27	181	75	87	96	100	16	Hong Kong SAR, China (1)
Procedures (number)	11	11	28	13	23	37	29	8	Hong Kong SAR, China (6)*
Time (days)	110	110	270	158	108	140	84	157	Singapore (26)
Cost (% of income per capita)	67.3	88.3	375.3	95.0	48.6	17.5	103.0	9.2	Qatar (1.1)

Indicator	Vietnam DB2013	Vietnam DB2012	China DB2013	Indonesia DB2013	Lao PDR DB2013	Malaysia DB2013	Philippines DB2013	Thailand DB2013	Best performer globally DB2013
Getting Electricity (rank)	155	157	114	147	138	28	57	10	Iceland (1)
Procedures (number)	6	6	5	6	5	5	5	4	Germany (3)*
Time (days)	115	115	145	108	134	46	50	35	Germany (17)
Cost (% of income per capita)	1,988.3	2,609.3	547.0	1,243.8	2,130.5	53.9	833.3	75.3	Japan (0.0)
Registering Property (rank)	48	48	44	98	74	33	122	26	Georgia (1)
Procedures (number)	4	4	4	6	5	5	8	2	Georgia (1)*
Time (days)	57	57	29	22	98	14	39	2	Portugal (1)
Cost (% of property value)	0.6	0.6	3.6	10.8	1.1	3.3	4.8	6.3	Belarus (0.0)*
Getting Credit (rank)	40	38	70	129	167	1	129	70	United Kingdom (1)*
Strength of legal rights index (0-10)	8	8	6	3	4	10	4	5	Malaysia (10)*
Depth of credit information index (0-6)	4	4	4	4	0	6	3	5	United Kingdom (6)*
Public registry coverage (% of adults)	37.8	29.8	27.7	36.0	0.0	56.1	0.0	0.0	Portugal (90.7)
Private bureau coverage (% of adults)	0.0	0.0	0.0	0.0	0.0	81.8	9.0	44.1	United Kingdom (100.0)*
Protecting Investors (rank)	169	167	100	49	184	4	128	13	New Zealand (1)
Extent of disclosure	6	6	10	10	2	10	2	10	Hong Kong SAR,

Indicator	Vietnam DB2013	Vietnam DB2012	China DB2013	Indonesia DB2013	Lao PDR DB2013	Malaysia DB2013	Philippines DB2013	Thailand DB2013	Best performer globally DB2013
index (0-10)									China (10)*
Extent of director liability index (0-10)	1	1	1	5	1	9	3	7	Singapore (9)*
Ease of shareholder suits index (0-10)	2	2	4	3	2	7	8	6	New Zealand (10)*
Strength of investor protection index (0-10)	3.0	3.0	5.0	6.0	1.7	8.7	4.3	7.7	New Zealand (9.7)
Paying Taxes (rank)	138	153	122	131	126	15	143	96	United Arab Emirates (1)
Payments (number per year)	32	32	7	51	34	13	47	22	Hong Kong SAR, China (3)*
Time (hours per year)	872	941	338	259	362	133	193	264	United Arab Emirates (12)
Trading Across Borders (rank)	74	74	68	37	160	11	53	20	Singapore (1)
Documents to export (number)	6	6	8	4	10	5	7	5	France (2)
Time to export (days)	21	22	21	17	26	11	15	14	Singapore (5)*
Cost to export (US\$ per container)	610	580	580	644	2,140	435	585	585	Malaysia (435)
Documents to import (number)	8	8	5	7	10	6	8	5	France (2)
Time to import (days)	21	21	24	23	26	8	14	13	Singapore (4)
Cost to import (US\$ per container)	600	670	615	660	2,125	420	660	750	Malaysia (420)

Indicator	Vietnam DB2013	Vietnam DB2012	China DB2013	Indonesia DB2013	Lao PDR DB2013	Malaysia DB2013	Philippines DB2013	Thailand DB2013	Best performer globally DB2013
Enforcing Contracts (rank)	44	41	19	144	114	33	111	23	Luxembourg (1)
Time (days)	400	400	406	498	443	425	842	440	Singapore (150)
Cost (% of claim)	29.0	28.5	11.1	139.4	31.6	27.5	26.0	15.0	Bhutan (0.1)
Procedures (number)	34	34	37	40	42	29	37	36	Ireland (21)*
Resolving Insolvency (rank)	149	145	82	148	185	49	165	58	Japan (1)
Time (years)	5.0	5.0	1.7	5.5	no practice	1.5	5.7	2.7	Ireland (0.4)
Cost (% of estate)	15	15	22	18	no practice	15	38	36	Singapore (1)*
Outcome (0 as piecemeal sale and 1 as going concern)	0		0	0	no practice	0	0	1	
Recovery rate (cents on the dollar)	13.9	16.5	35.7	14.2	0.0	44.7	4.9	42.4	Japan (92.8)

Note: DB2012 rankings shown are not last year's published rankings but comparable rankings for DB2012 that capture the effects of such factors as data corrections and the addition of 2 economies (Barbados and Malta) to the sample this year. The ranking methodology for the paying taxes indicators changed in *Doing Business 2013*; see the data notes for details. For more information on "no practice" marks, see the data notes. Data for the outcome of the resolving insolvency indicator are not available for DB2012.

* Two or more economies share the top ranking on this indicator. A number shown in place of an economy's name indicates the number of economies that share the top ranking on the indicator. For a list of these economies, see the *Doing Business* website (<http://www.doingbusiness.org>).

Source: *Doing Business* database.

STARTING A BUSINESS

Formal registration of companies has many immediate benefits for the companies and for business owners and employees. Legal entities can outlive their founders. Resources are pooled as several shareholders join forces to start a company. Formally registered companies have access to services and institutions from courts to banks as well as to new markets. And their employees can benefit from protections provided by the law. An additional benefit comes with limited liability companies. These limit the financial liability of company owners to their investments, so personal assets of the owners are not put at risk. Where governments make registration easy, more entrepreneurs start businesses in the formal sector, creating more good jobs and generating more revenue for the government.

What do the indicators cover?

Doing Business measures the ease of starting a business in an economy by recording all procedures officially required or commonly done in practice by an entrepreneur to start up and formally operate an industrial or commercial business—as well as the time and cost required to complete these procedures. It also records the paid-in minimum capital that companies must deposit before registration (or within 3 months). The ranking on the ease of starting a business is the simple average of the percentile rankings on the 4 component indicators: procedures, time, cost and paid-in minimum capital requirement.

To make the data comparable across economies, *Doing Business* uses several assumptions about the business and the procedures. It assumes that all information is readily available to the entrepreneur and that there has been no prior contact with officials. It also assumes that the entrepreneur will pay no bribes. And it assumes that the business:

- Is a limited liability company, located in the largest business city.
- Has between 10 and 50 employees.
- Conducts general commercial or industrial activities.

WHAT THE STARTING A BUSINESS INDICATORS MEASURE

Procedures to legally start and operate a company (number)

- Preregistration (for example, name verification or reservation, notarization)
- Registration in the economy's largest business city
- Postregistration (for example, social security registration, company seal)

Time required to complete each procedure (calendar days)

- Does not include time spent gathering information
- Each procedure starts on a separate day
- Procedure completed once final document is received
- No prior contact with officials

Cost required to complete each procedure (% of income per capita)

- Official costs only, no bribes
- No professional fees unless services required by law

Paid-in minimum capital (% of income per capita)

- Deposited in a bank or with a notary before registration (or within 3 months)
- Has a start-up capital of 10 times income per capita.
- Has a turnover of at least 100 times income per capita.
- Does not qualify for any special benefits.
- Does not own real estate.
- Is 100% domestically owned.

STARTING A BUSINESS

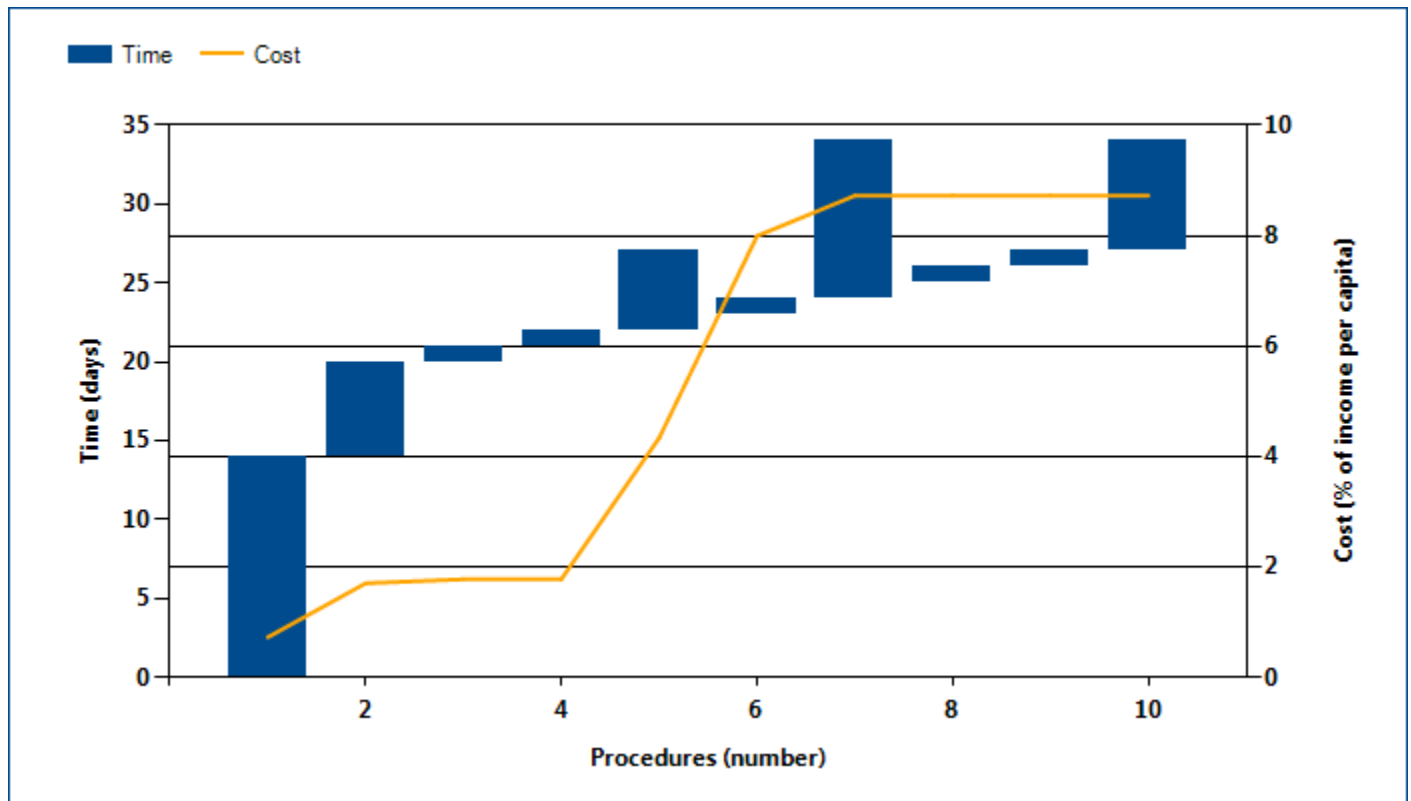
Where does the economy stand today?

What does it take to start a business in Vietnam? According to data collected by *Doing Business*, starting a business there requires 10 procedures, takes 34 days,

costs 8.7% of income per capita and requires paid-in minimum capital of 0.0% of income per capita (figure 2.1).

Figure 2.1 What it takes to start a business in Vietnam

Paid-in minimum capital (% of income per capita): 0.0



Note: Time shown in the figure above may not reflect simultaneity of procedures. For more information on the methodology of the starting a business indicators, see the *Doing Business* website (<http://www.doingbusiness.org>). For details on the procedures reflected here, see the summary at the end of this chapter.

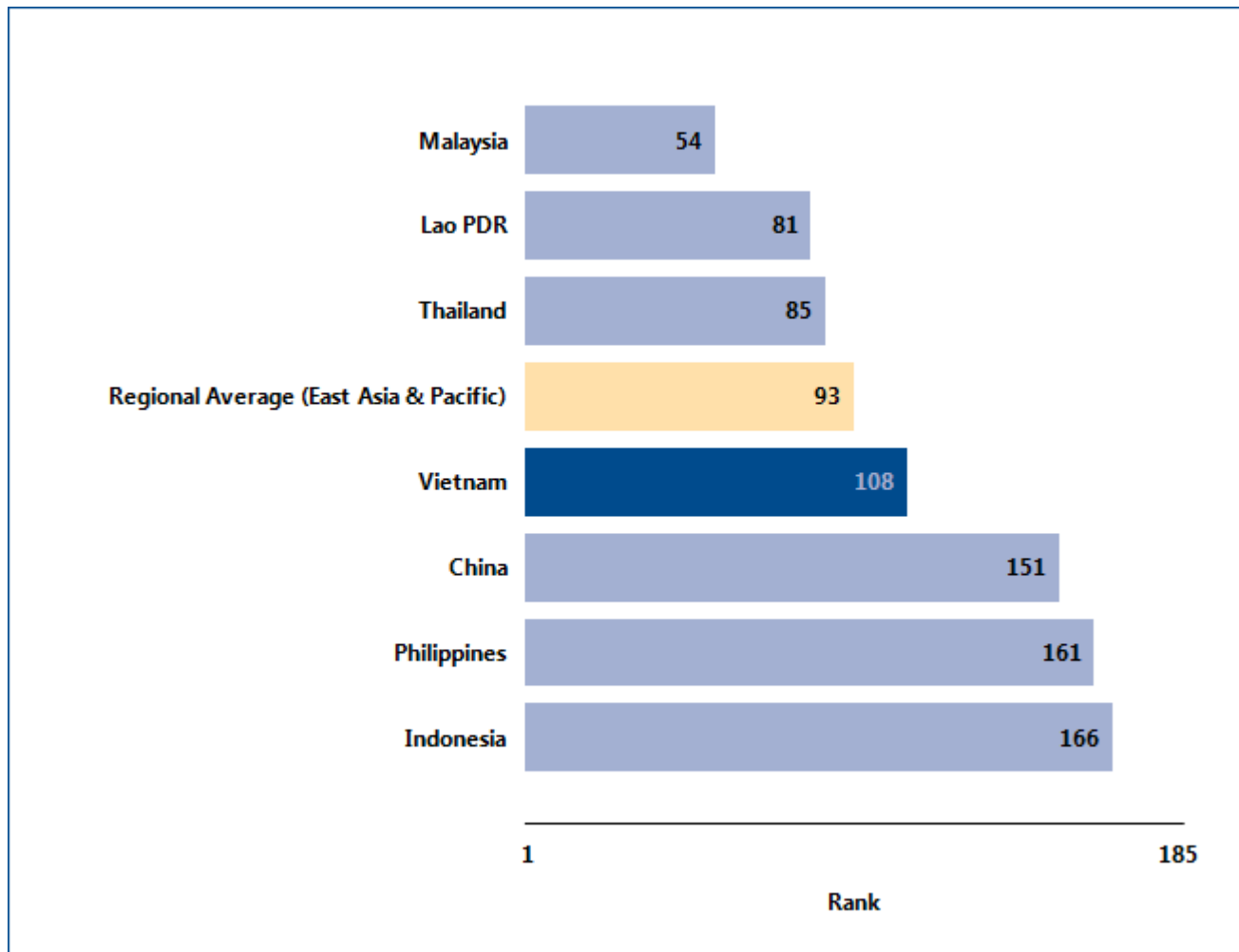
Source: *Doing Business* database.

STARTING A BUSINESS

Globally, Vietnam stands at 108 in the ranking of 185 economies on the ease of starting a business (figure 2.2). The rankings for comparator economies and the

regional average ranking provide other useful information for assessing how easy it is for an entrepreneur in Vietnam to start a business.

Figure 2.2 How Vietnam and comparator economies rank on the ease of starting a business



Source: Doing Business database.

STARTING A BUSINESS

What are the changes over time?

While the most recent *Doing Business* data reflect how easy (or difficult) it is to start a business in Vietnam today, data over time show which aspects of the

process have changed—and which have not (table 2.1). That can help identify where the potential for improvement is greatest.

Table 2.1 The ease of starting a business in Vietnam over time
By *Doing Business* report year

Indicator	DB2004	DB2005	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	..	..	109	108
Procedures (number)	12	11	11	11	11	11	11	10	10	10
Time (days)	59	51	45	45	39	39	39	38	38	34
Cost (% of income per capita)	31.9	30.6	27.6	24.3	20.0	16.8	13.3	12.1	10.6	8.7
Paid-in Min. Capital (% of income per capita)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings shown are not last year's published rankings but comparable rankings for DB2012 that capture the effects of such factors as data corrections and the addition of 2 economies (Barbados and Malta) to the sample this year.

Source: *Doing Business* database.

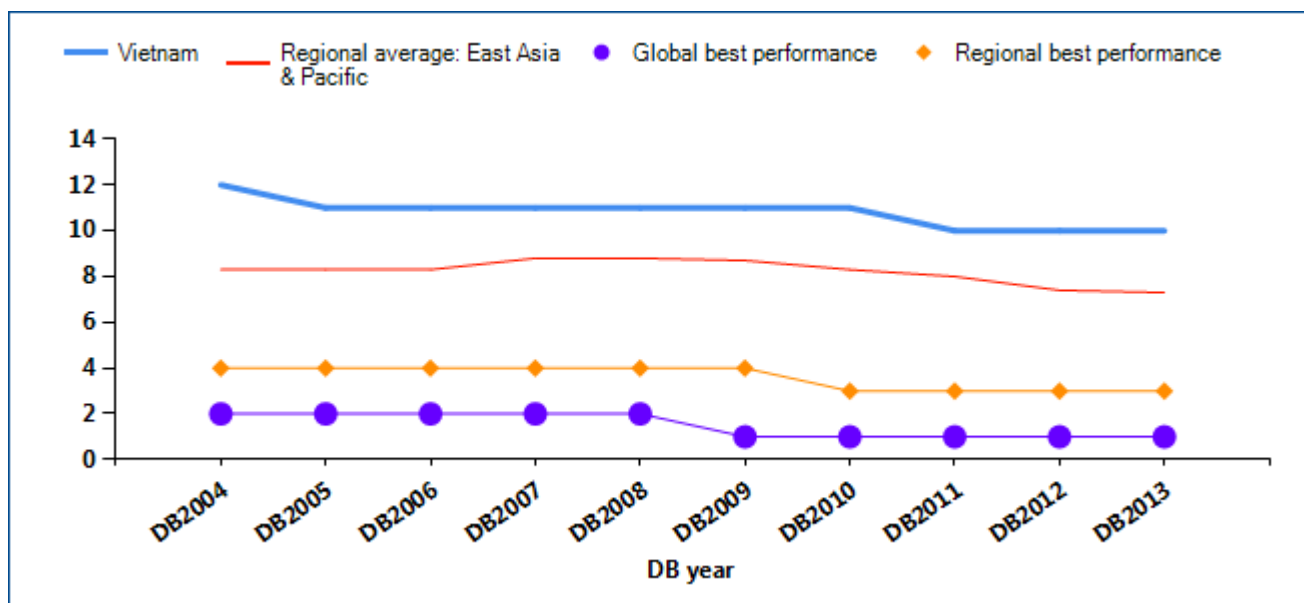
STARTING A BUSINESS

Equally helpful may be the benchmarks provided by the economies that over time have had the best performance regionally or globally on the procedures, time, cost or paid-in minimum capital required to start

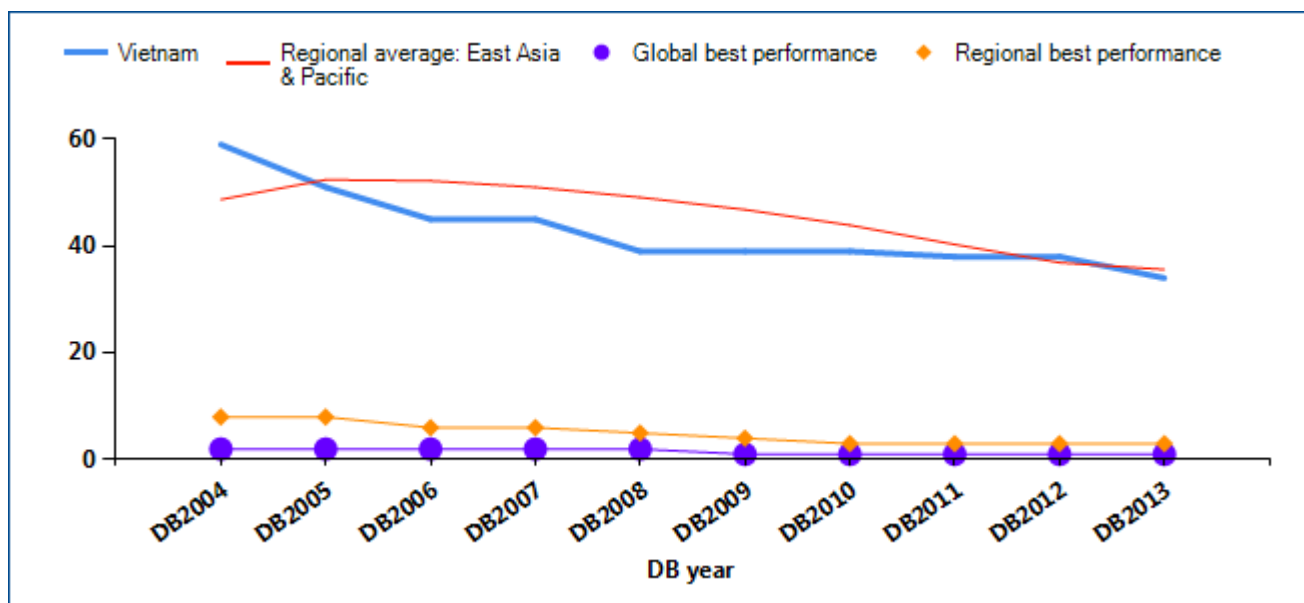
a business (figure 2.3). These benchmarks help show what is possible in making it easier to start a business. And changes in regional averages can show where Vietnam is keeping up—and where it is falling behind.

Figure 2.3 Has starting a business become easier over time?

Procedures (number)

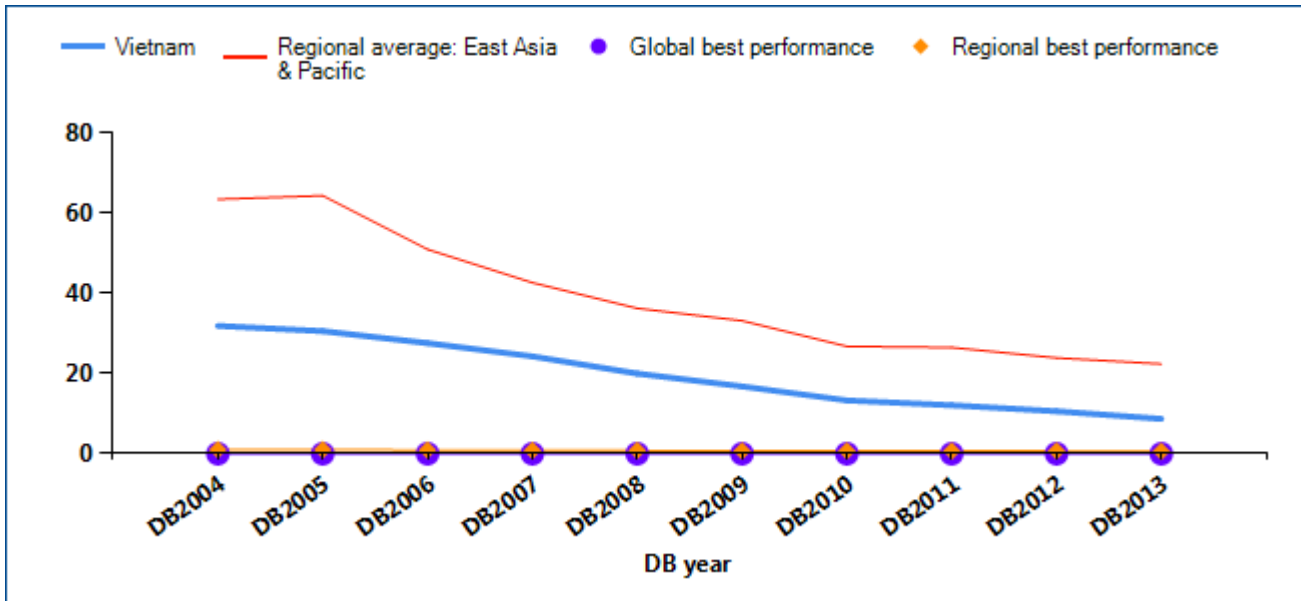


Time (days)

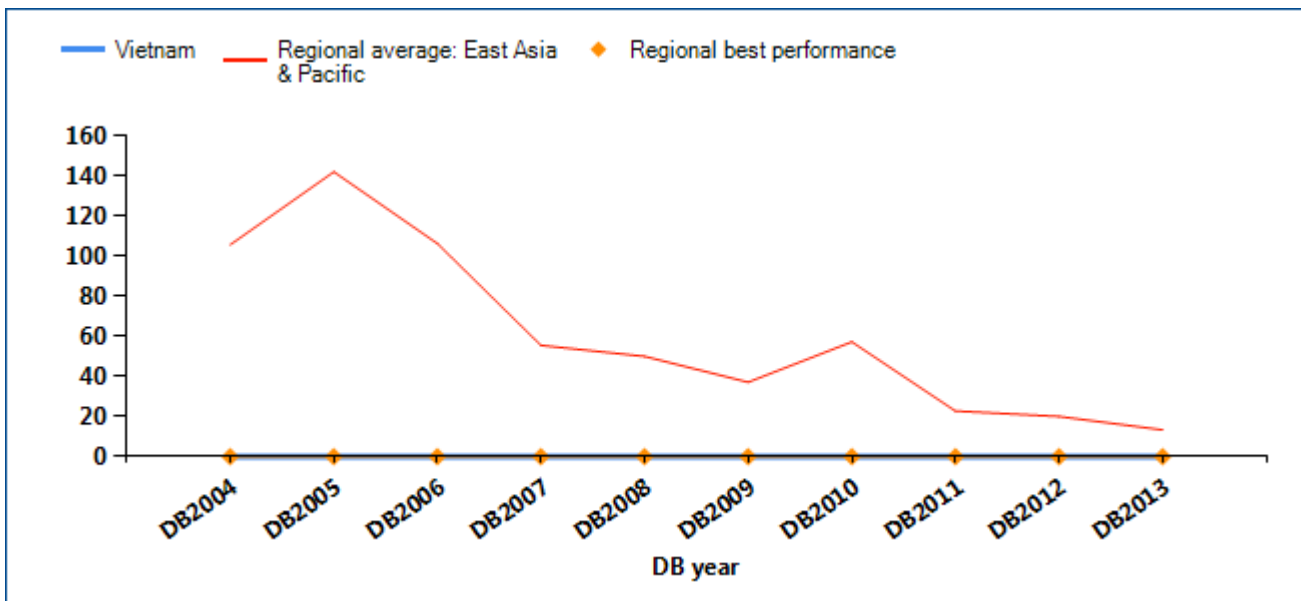


STARTING A BUSINESS

Cost (% of income per capita)



Paid-in minimum capital (% of income per capita)



Note: Ninety-one economies globally have no paid-in minimum capital requirement.

Source: Doing Business database.

STARTING A BUSINESS

Economies around the world have taken steps making it easier to start a business—streamlining procedures by setting up a one-stop shop, making procedures simpler or faster by introducing technology and reducing or eliminating minimum capital requirements. Many have undertaken business registration reforms in stages—and they often are part of a larger regulatory reform program. Among the benefits have been

greater firm satisfaction and savings and more registered businesses, financial resources and job opportunities.

What business registration reforms has *Doing Business* recorded in Vietnam (table 2.2)?

Table 2.2 How has Vietnam made starting a business easier—or not?
By *Doing Business* report year

DB year	Reform
DB2008	No reform as measured by Doing Business.
DB2009	No reform as measured by Doing Business.
DB2010	No reform as measured by Doing Business.
DB2011	Vietnam eased company start-up by creating a one-stop shop that combines the processes for obtaining a business license and tax license and by eliminating the need for a seal for company licensing.
DB2012	No reform as measured by Doing Business.
DB2013	Vietnam made starting a business easier by allowing companies to use self-printed value added tax invoices.

Note: For information on reforms in earlier years (back to DB2005), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

Source: *Doing Business* database.

STARTING A BUSINESS

What are the details?

Underlying the indicators shown in this chapter for Vietnam is a set of specific procedures—the bureaucratic and legal steps that an entrepreneur must complete to incorporate and register a new firm. These are identified by *Doing Business* through collaboration with relevant local professionals and the study of laws, regulations and publicly available information on business entry in that economy. Following is a detailed summary of those procedures, along with the associated time and cost. These procedures are those that apply to a company matching the standard assumptions (the “standardized company”) used by *Doing Business* in collecting the data (see the section in this chapter on what the indicators measure).

STANDARDIZED COMPANY

City: Ho Chi Minh City

Legal Form: công ty trách nhiệm hữu hạn - Private Limited Liability Company

Paid in Minimum Capital Requirement: None

Start-up Capital: 10 times GNI per capita

Summary of procedures for starting a business in Vietnam—and the time and cost

No.	Procedure	Time to complete	Cost to complete
1	<p>Check the proposed company name; obtain a business registration certificate as well as a tax registration certificate from the local business registration office under the Department of Planning and Investment</p> <p>The applicant has to submit documents stipulated in article 15 of Decree 88 and also a Declaration of Tax Information in the prescribed format set out in the Joint Circular and in that case, the business registration office of the Department of Planning & Investment will issue a Business and Tax Registration Certificate to the enterprise. Forms can now be downloaded, and the application can be submitted online. The Business Registry Office must verify the online application for completeness and correctness and reply via email within 5 days from the day of the received application. If the application must be revised, the Business Registry Office must reply once again within a day of application revision. The registrant must submit the original application and related documents within 10 days of submitting the correct online application and must receive the license on the same day.</p>	14 days	VND 200,000 (official fees)
2	<p>Make a company seal</p>	6 days	VND 165,000 - VND 370,000 for bronze seal
3	<p>Registration of the sea-sample at the Police Department</p> <p>Most business transaction documents must be signed and stamped before they are considered valid and legal. The fee for the seal's certificate of registration is VND 20,000. The seal will be registered by</p>	1 day	VND 20,000

No.	Procedure	Time to complete	Cost to complete
	the police division. The representative has to lodge a copy of the Business and Tax Registration Certificate and also present his or her identity card.		
4	<p>Open a bank account</p> <p>Each bank requires a different minimum deposit to open an account. For instance, whereas Vietcombank requires the fixed amount of VND 5 million for an account in VND and USD 500 for one in USD, Asian Commercial Bank requires VND 1 million for a VND account and US 100 for a USD account. To open the account, the bank requires a bank-issued application form, the company seal, the company's business registration certificate, and the resolution of the management board on the authorized signatures.</p>	1 day	no charge
5	<p>Publish announcement in a daily newspaper</p>	5 days	VND 700,000
6	<p>* Pay business license tax</p> <p>The business licence tax is paid to the tax authority where the enterprise registers its tax reports or through designated commercial banks. Such business license tax is paid annually and in the first month of a year (with regards to enterprises are operating) and in the month when the newly established enterprise obtains the tax registration certificate and tax code. The new company established during the first 6 months of the year shall pay the entire annual business license tax, if established during the last 6 months, then pay 50% of annual license tax.</p>	1 day, simultaneous with previous procedure	VND 1,000,000 (business license tax)
7	<p>* Buy pre-printed VAT invoices from the Municipal Taxation Department or obtain and print self-printed VAT invoices</p> <p>All companies shall use their shelf-printed VAT invoices from 1 January 2011 according to Decree No.153/2010/ND-CP and its guidelines (if any), therefore, the Company must contact with the publisher to order the print of its VAT Invoice Books for its demand and must implement the legal procedure on registration and circulation of shelf-printed VAT Invoices with the Municipal Taxation Department.</p> <p>To register for self-printing of invoices, company founders must submit an application on a standard form, along with (a) a sample self-printed invoice, including all statutory details; (b) a map showing the location of the company's office or copy of the lease contract if the premises are leased, certified by the ward commune people's committee; (c) the general director's identification card; (d) a copy of the business registration certificate; and (e) and the tax registration certificate and copy.</p> <p>The company shall prepare an announcement of self- issuance of invoice and send it to the relevant tax authority of where the company has its head office, within 10 business days from the date of signing the announcement and 5 business days at the latest before the date on which the invoice is in use, and the announcement must immediately be</p>	10 days, simultaneous with previous procedure	about VND 200,000 per book

No.	Procedure	Time to complete	Cost to complete
	<p>listed at all establishments using such invoice to sell goods and services during the entire period of such use (Article 11 of Decree 51 and Article 9.4 of Circular 153/2010/TT-BTC guiding the implementation of Decree 51).</p> <p>In total, it may take about 10 days to get the printed VAT invoices and register them with the Municipal Taxation Department.</p>		
8	<p>* Register with the local labor office to declare use of labor (Municipal Department for Labor, Invalids and Social Affairs).</p> <p>Within 30 days of starting operations, the employer must register all employees and their qualifications with the Labor Office (in conformity with set forms). The relationship between the employer and its employees are regulated by the Labor Code and set forth in labor contracts.</p>	1 day, simultaneous with previous procedure	no charge
9	<p>* Register employees with the Social Insurance Fund for the payment of health insurance and social insurance.</p> <p>The company must register with the Social Insurance Fund all employees who have contracts for 3 months or longer. The employer must complete a form provided by the Hanoi Social Insurance and include the following information: the employee name and date of birth, salary (as stated in the labor contract), the social insurance book serial number (for employees already issued with those books), a certified copy of the company's business registration certificate, and a copy of each labor contract.</p> <p>The Social Insurance Office will issue an insurance registration book for each new employee that was not issued such book by the previous employer. The employer is responsible for paying social and health insurance contributions for each employee. Since the health insurance merged with the social insurance funds, payment is made (monthly or quarterly) directly to the Social Insurance Fund. Health insurance certificates are issued during the first month of the year.</p>	1 day, simultaneous with previous procedure	no charge
10	<p>* Register for trade union with Vietnam General Confederation of Labour</p> <p>The employer must register with the local trade union or industry trade union (as defined below) no later than 6 months from the date it starts operations.</p> <p>The term "trade union" includes (a) provincial or municipal-level confederations of labor under the Vietnam General Confederation of Labour; (b) central-level industry trade unions; (c) trade unions of corporations under the Vietnam General Confederation of Labor; (d) confederations of labor of districts, towns, and provincial cities; (e) local-level industry trade unions, (f) trade unions of processing zones, industrial zones, and high-tech zones; (f) trade unions of corporations; and (g) superior trade unions of other establishments. These trade unions are responsible for establishing a trade union for the company,</p>	7 days, simultaneous with previous procedure	no charge

No.	Procedure	Time to complete	Cost to complete
	<p>according to the provisions of the Labour Code, the Law on Trade Unions, and the Charter of the Trade Union of Vietnam, to represent and protect the lawful and legitimate rights and interests of the employees and the labor collective.</p> <p>If a company trade union is not established within 6 months, the superior trade union shall appoint a provisional executive committee of the trade union to represent and protect the lawful and legitimate rights and interests of the employees and the labor collective. This mandate is provided for by the Labour Code, the Law on Trade Unions, and the Charter of the Trade Union of Vietnam. The term of the provisional executive committee of the trade union and the extension of that term is subject to the regulations of the Vietnam General Confederation of Labor.</p>		

* Takes place simultaneously with another procedure.

Source: *Doing Business* database.

DEALING WITH CONSTRUCTION PERMITS

Regulation of construction is critical to protect the public. But it needs to be efficient, to avoid excessive constraints on a sector that plays an important part in every economy. Where complying with building regulations is excessively costly in time and money, many builders opt out. They may pay bribes to pass inspections or simply build illegally, leading to hazardous construction that puts public safety at risk. Where compliance is simple, straightforward and inexpensive, everyone is better off.

What do the indicators cover?

Doing Business records the procedures, time and cost for a business to obtain all the necessary approvals to build a simple commercial warehouse in the economy's largest business city, connect it to basic utilities and register the property so that it can be used as collateral or transferred to another entity.

The ranking on the ease of dealing with construction permits is the simple average of the percentile rankings on its component indicators: procedures, time and cost.

To make the data comparable across economies, *Doing Business* uses several assumptions about the business and the warehouse, including the utility connections.

The business:

- Is a limited liability company operating in the construction business and located in the largest business city.
- Is domestically owned and operated.
- Has 60 builders and other employees.

The warehouse:

- Is a new construction (there was no previous construction on the land).
- Has complete architectural and technical plans prepared by a licensed architect.

WHAT THE DEALING WITH CONSTRUCTION PERMITS INDICATORS MEASURE

Procedures to legally build a warehouse (number)

Submitting all relevant documents and obtaining all necessary clearances, licenses, permits and certificates

Completing all required notifications and receiving all necessary inspections

Obtaining utility connections for water, sewerage and a fixed telephone line

Registering the warehouse after its completion (if required for use as collateral or for transfer of the warehouse)

Time required to complete each procedure (calendar days)

Does not include time spent gathering information

Each procedure starts on a separate day

Procedure completed once final document is received

No prior contact with officials

Cost required to complete each procedure (% of income per capita)

Official costs only, no bribes

- Will be connected to water, sewerage (sewage system, septic tank or their equivalent) and a fixed telephone line. The connection to each utility network will be 10 meters (32 feet, 10 inches) long.
- Will be used for general storage, such as of books or stationery (not for goods requiring special conditions).
- Will take 30 weeks to construct (excluding all delays due to administrative and regulatory requirements).

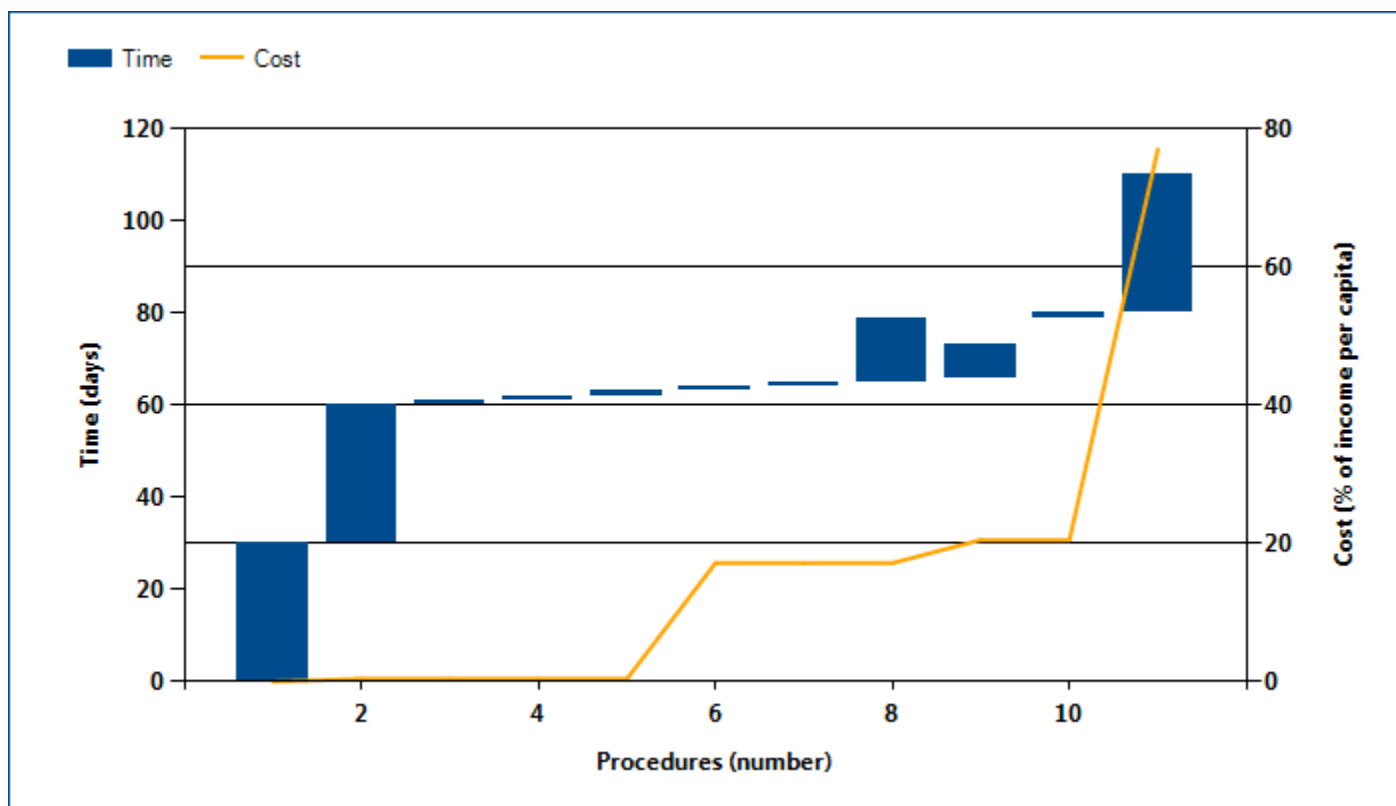
DEALING WITH CONSTRUCTION PERMITS

Where does the economy stand today?

What does it take to comply with the formalities to build a warehouse in Vietnam? According to data collected by *Doing Business*, dealing with construction

permits there requires 11 procedures, takes 110 days and costs 67.3% of income per capita (figure 3.1).

Figure 3.1 What it takes to comply with formalities to build a warehouse in Vietnam



Note: Time shown in the figure above may not reflect simultaneity of procedures. For more information on the methodology of the dealing with construction permits indicators, see the *Doing Business* website (<http://www.doingbusiness.org>). For details on the procedures reflected here, see the summary at the end of this chapter.

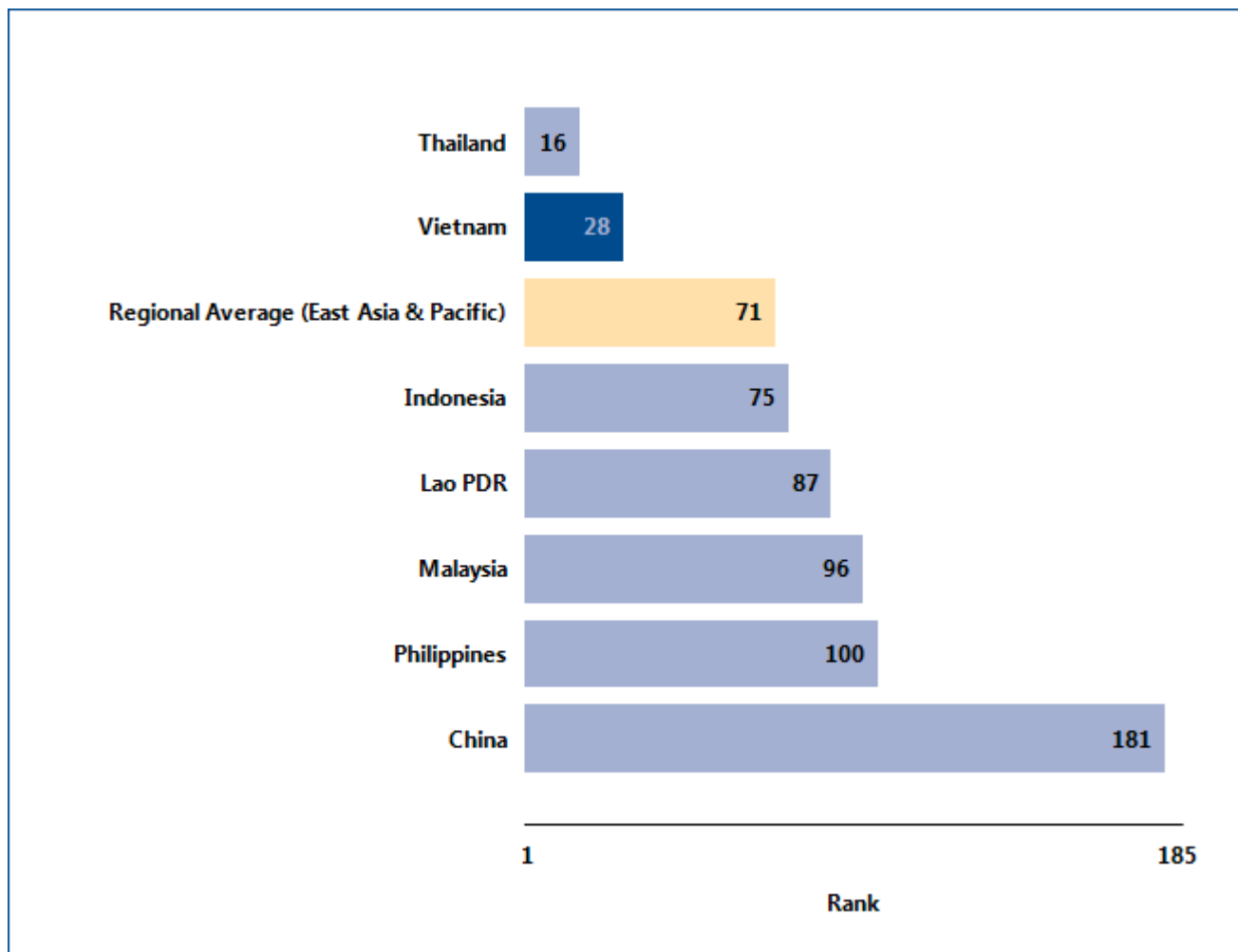
Source: *Doing Business* database.

DEALING WITH CONSTRUCTION PERMITS

Globally, Vietnam stands at 28 in the ranking of 185 economies on the ease of dealing with construction permits (figure 3.2). The rankings for comparator economies and the regional average ranking provide

other useful information for assessing how easy it is for an entrepreneur in Vietnam to legally build a warehouse.

Figure 3.2 How Vietnam and comparator economies rank on the ease of dealing with construction permits



Source: Doing Business database.

DEALING WITH CONSTRUCTION PERMITS

What are the changes over time?

While the most recent *Doing Business* data reflect how easy (or difficult) it is to deal with construction permits in Vietnam today, data over time show which aspects

of the process have changed—and which have not (table 3.1). That can help identify where the potential for improvement is greatest.

Table 3.1 The ease of dealing with construction permits in Vietnam over time
By *Doing Business* report year

Indicator	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	27	28
Procedures (number)	11	11	11	11	11	11	11	11
Time (days)	120	110	110	110	110	110	110	110
Cost (% of income per capita)	211.6	186.1	166.8	139.8	110.8	101.0	88.3	67.3

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings shown are not last year's published rankings but comparable rankings for DB2012 that capture the effects of such factors as data corrections and the addition of 2 economies (Barbados and Malta) to the sample this year. For more information on "no practice" marks, see the data notes.

Source: *Doing Business* database.

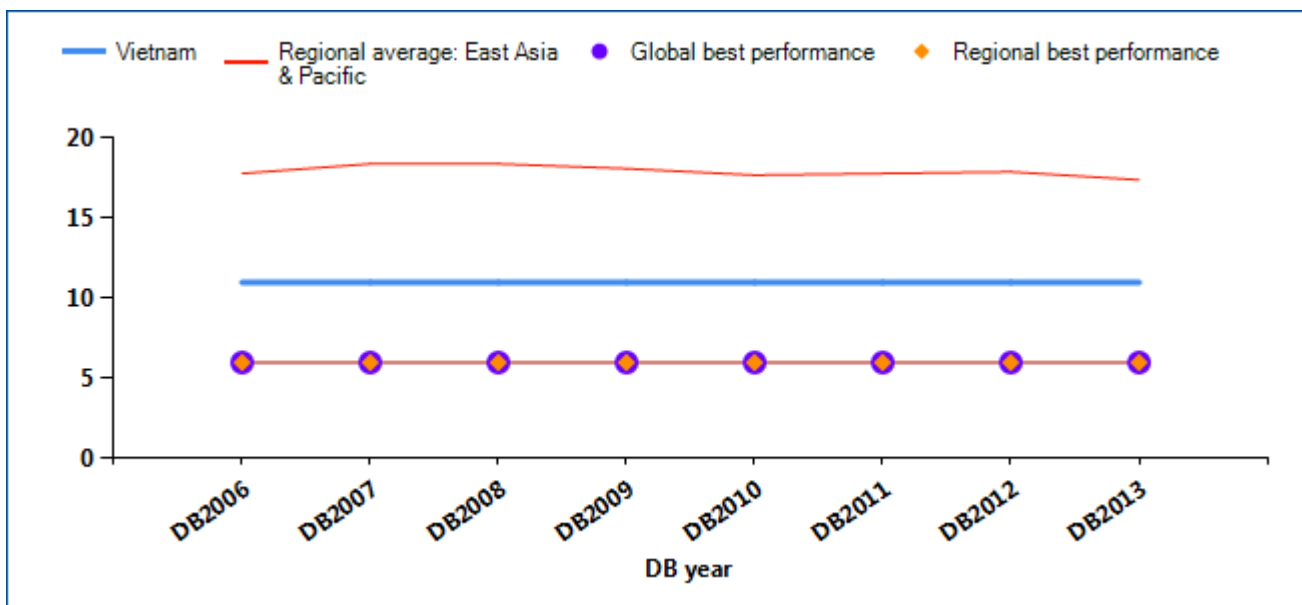
DEALING WITH CONSTRUCTION PERMITS

Equally helpful may be the benchmarks provided by the economies that over time have had the best performance regionally or globally on the procedures, time or cost required to deal with construction permits (figure 3.3). These benchmarks help show what is

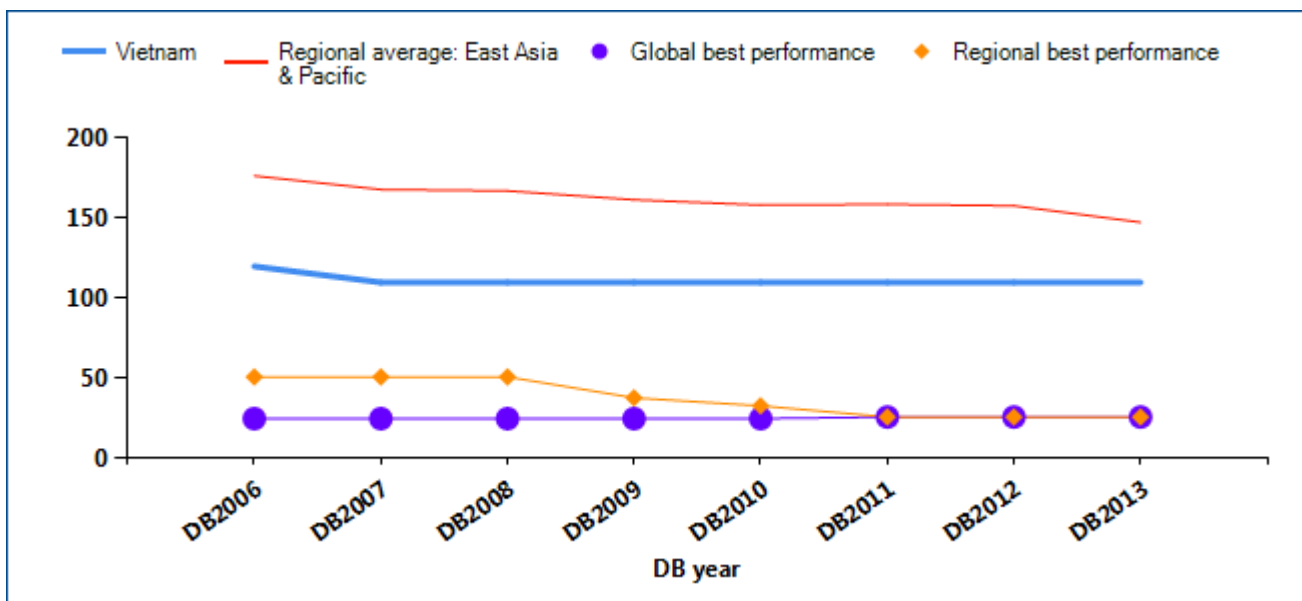
possible in making it easier to deal with construction permits. And changes in regional averages can show where Vietnam is keeping up—and where it is falling behind.

Figure 3.3 Has dealing with construction permits become easier over time?

Procedures (number)

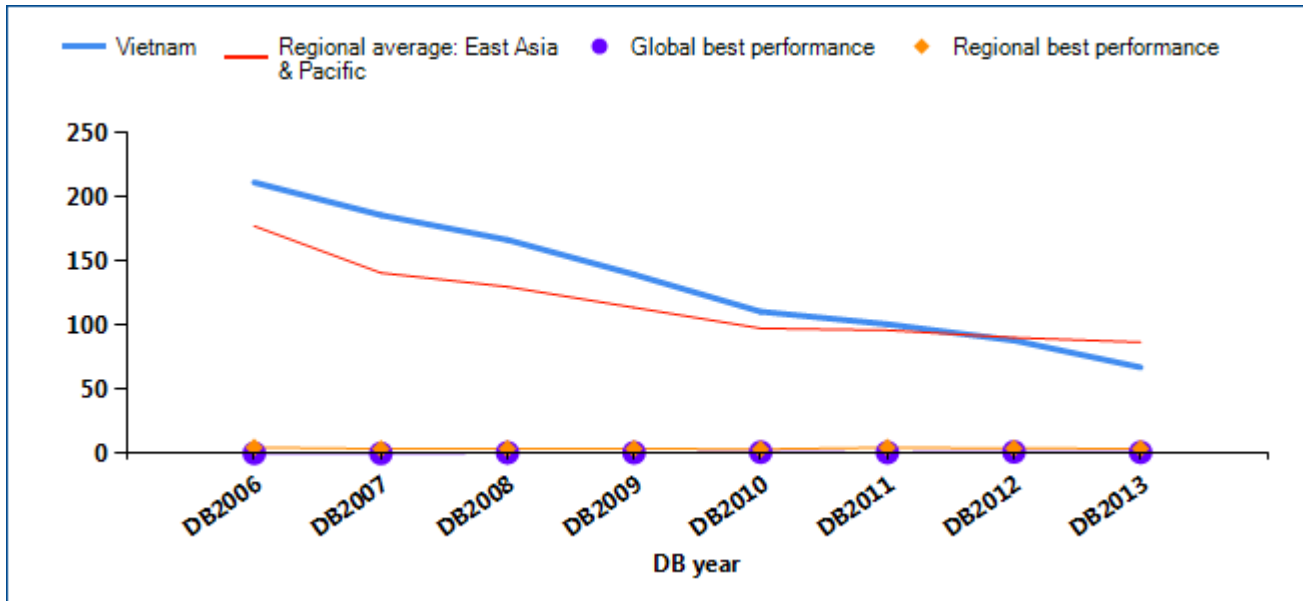


Time (days)



DEALING WITH CONSTRUCTION PERMITS

Cost (% of income per capita)



Source: Doing Business database.

DEALING WITH CONSTRUCTION PERMITS

Smart regulation ensures that standards are met while making compliance easy and accessible to all. Coherent and transparent rules, efficient processes and adequate allocation of resources are especially important in sectors where safety is at stake. Construction is one of them. In an effort to ensure

building safety while keeping compliance costs reasonable, governments around the world have worked on consolidating permitting requirements. What construction permitting reforms has *Doing Business* recorded in Vietnam (table 3.2)?

Table 3.2 How has Vietnam made dealing with construction permits easier—or not?
By *Doing Business* report year

DB year	Reform
DB2008	No reform as measured by Doing Business.
DB2009	No reform as measured by Doing Business.
DB2010	No reform as measured by Doing Business.
DB2011	Vietnam made dealing with construction permits easier by reducing the cost to register newly completed buildings by 50% and transferring the authority to register buildings from local authorities to the Department of National Resources and Environment.
DB2012	No reform as measured by Doing Business.
DB2013	No reform as measured by Doing Business.

Note: For information on reforms in earlier years (back to DB2006), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

Source: *Doing Business* database.

DEALING WITH CONSTRUCTION PERMITS

What are the details?

The indicators reported here for Vietnam are based on a set of specific procedures—the steps that a company must complete to legally build a warehouse—identified by *Doing Business* through information collected from experts in construction licensing, including architects, construction lawyers, construction firms, utility service providers and public officials who deal with building regulations. These procedures are those that apply to a company and structure matching the standard assumptions used by *Doing Business* in collecting the data (see the section in this chapter on what the indicators cover).

BUILDING A WAREHOUSE

City : Ho Chi Minh City

Estimated Warehouse Value : VND 2,601,200,000

The procedures, along with the associated time and cost, are summarized below.

Summary of procedures for dealing with construction permits in Vietnam —and the time and cost

No.	Procedure	Time to complete	Cost to complete
1	<p>Obtain the certification of the designs from the Fire-fighters prevention Department</p> <p>According to regulation NGH? Đ?NH S? 35/2003/NĐ-CP NGÀY 04 - 4 - 2003 C?A CH?NH PH? of 2003, all new commercial buildings need to obtain a certification of the designs from Fire-fighters prevention Department. The certification is included in the building permit application.</p>	30 days	no charge
2	<p>Request and obtain construction permit from the (District) Department of Construction of Ho Chi Minh City</p> <p>The decision to grant a construction permit is made by the Chairman of the People's Committee, at the provincial level, and the Director of the Department of Construction. The following documents are required:</p> <ul style="list-style-type: none"> • Application letter (in the approved form) • A copy of the land use rights certificate with abstracts from the real estate registry or an outline of the construction site. Land is national property in Vietnam. Only a business could be the holder of the land-use right. It is assumed that the BuildCo already holds the land-use certificate • Business license • One set of construction designs <p>If deemed necessary, the Department of Construction consults any of the following related offices:</p> <ul style="list-style-type: none"> • Office of the Chief Architect • Office for Land Planning • Office for Land Management • Department of Culture • Department of Health • Department of Natural Resources and Environment • Fire Protection Office 	30 days	VND 100,000

No.	Procedure	Time to complete	Cost to complete
	<ul style="list-style-type: none"> • Department of Public Traffic and Transportation • Local National Defense Office <p>Each consultation separately takes 10 days. However, the Department of Construction is required to abide by the overall time limit of 30 working days to issue or refuse the license. In practice, this time limit is seldom met. The application form can be obtained at the local department of construction. It is currently required for a construction company to go to the office and obtain the form. Internet download is not possible yet. After obtaining a construction permit, within a time limit of 7 working days prior to the date of commencement of construction of the warehouse, BuildCo is required to provide written notification of the commencement date to the People's Committee at the district level where the warehouse is located. (See Article 68.2 (a) of the Law on Construction No. 16/2003/QH11, dated November 16, 2003.)</p>		
3	<p>Receive inspection by the Department of Construction of Ho Chi Minh City</p> <p>This inspection and the following ones are not stipulated by specific regulations. However, because the authority is mandated to supervise the inspections, these do take place in practice.</p>	1 day	no charge
4	<p>Receive inspection from the municipality after completion of foundation works</p> <p>The company must notify the Department of Construction at the different stages of construction and suspend construction until the department visits the site 3 days after the notification.</p>	1 day	no charge
5	<p>Receive inspection from the municipality at completion of building surroundings</p> <p>The company must notify the Department of Construction at the different stages of construction and suspend construction until the department visits the site a week after the notification.</p>	1 day	no charge
6	<p>Request water and sewage connection</p> <p>Different areas in Ho Chi Minh City are covered by different public water companies. Therefore, BuildCo is required to contact the relevant water company and submit the following documents:</p> <ul style="list-style-type: none"> • The application form (available at the water company) • A notarized copy of the business registration certificate of BuildCo <p>The costs of obtaining water/sewage connection depend on the usage capacity of the warehouse, as well as on its exact location in relation to the main water lines. The standard water meters cost approximately VND 1.5 million.</p>	1 day	VND 4,000,000
7	<p>* Receive inspection by water company</p>	1 day	no charge

No.	Procedure	Time to complete	Cost to complete
8	* Connect to water and sewage services	14 days	no charge
9	* Request and connect to phone line The time frame for requesting and receiving telephone service depends on the district in which BuildCo is located. The cost varies between VND 545,454.00 and VND 727,272.00 (decided by the director of each provincial post office). Link.	7 days	VND 800,000
10	Notify and receive inspection from the municipality after completion of building At the end of construction, the Department of Construction visits the site to confirm that the building was built according to the master plans, rules, and regulations. BuildCo must provide written notification of the completion of construction.	1 day	no charge
11	Register the building at the Department of National resources and Environment The cost for registering ownership of the warehouse should include an administrative fee of VND 500,000.00 (about USD 31.25) and a registration fee of 1% of the warehouse value. For the registration fee, the value of the construction contract signed between BuildCo and the construction contractor will be taken as the warehouse value, provided that it is higher than the minimum value calculated by the Tax Department based on the minimum unit price as provided for by the People's Committee of Ho Chi Minh City. The application file should be submitted to the Department of Construction of Ho Chi Minh City. According to Decree 95/2005/ND-CP (dated July 15, 2005), On Issuance of Certificates of Ownership of Residential Houses and Construction Works, the work carried out by the Department of Construction may take 55 working days, including time for taking measurements or checking the measurements of the construction works, if any; reviewing the application file; submitting the file for approval and signature; and notifying the applicant to make payment of financial obligations (e.g., payment of the registration fee at Tax Department). Decree 95/2005/ND-CP also states that the applicant must pay all financial obligations within 60 working days from the date of receipt of the notification from the Department of Construction.	30 days	VND 13,506,000

* Takes place simultaneously with another procedure.

Source: *Doing Business* database.

GETTING ELECTRICITY

Access to reliable and affordable electricity is vital for businesses. To counter weak electricity supply, many firms in developing economies have to rely on self-supply, often at a prohibitively high cost. Whether electricity is reliably available or not, the first step for a customer is always to gain access by obtaining a connection.

What do the indicators cover?

Doing Business records all procedures required for a local business to obtain a permanent electricity connection and supply for a standardized warehouse, as well as the time and cost to complete them. These procedures include applications and contracts with electricity utilities, clearances from other agencies and the external and final connection works. The ranking on the ease of getting electricity is the simple average of the percentile rankings on its component indicators: procedures, time and cost. To make the data comparable across economies, several assumptions are used.

The warehouse:

- Is located in the economy's largest business city, in an area where other warehouses are located.
- Is not in a special economic zone where the connection would be eligible for subsidization or faster service.
- Has road access. The connection works involve the crossing of a road or roads but are carried out on public land.
- Is a new construction being connected to electricity for the first time.
- Has 2 stories, both above ground, with a total surface of about 1,300.6 square meters (14,000 square feet), and is built on a plot of 929 square meters (10,000 square feet).

The electricity connection:

- Is a 3-phase, 4-wire Y, 140-kilovolt-ampere (kVA) (subscribed capacity) connection.

WHAT THE GETTING ELECTRICITY INDICATORS MEASURE

Procedures to obtain an electricity connection (number)

Submitting all relevant documents and obtaining all necessary clearances and permits

Completing all required notifications and receiving all necessary inspections

Obtaining external installation works and possibly purchasing material for these works

Concluding any necessary supply contract and obtaining final supply

Time required to complete each procedure (calendar days)

Is at least 1 calendar day

Each procedure starts on a separate day

Does not include time spent gathering information

Reflects the time spent in practice, with little follow-up and no prior contact with officials

Cost required to complete each procedure (% of income per capita)

Official costs only, no bribes

Excludes value added tax

- Is 150 meters long.
- Is to either the low-voltage or the medium-voltage distribution network and either overhead or underground, whichever is more common in the economy and in the area where the warehouse is located. The length of any connection in the customer's private domain is negligible.
- Involves installing one electricity meter. The monthly electricity consumption will be 0.07 gigawatt-hour (GWh). The internal electrical wiring has been completed.

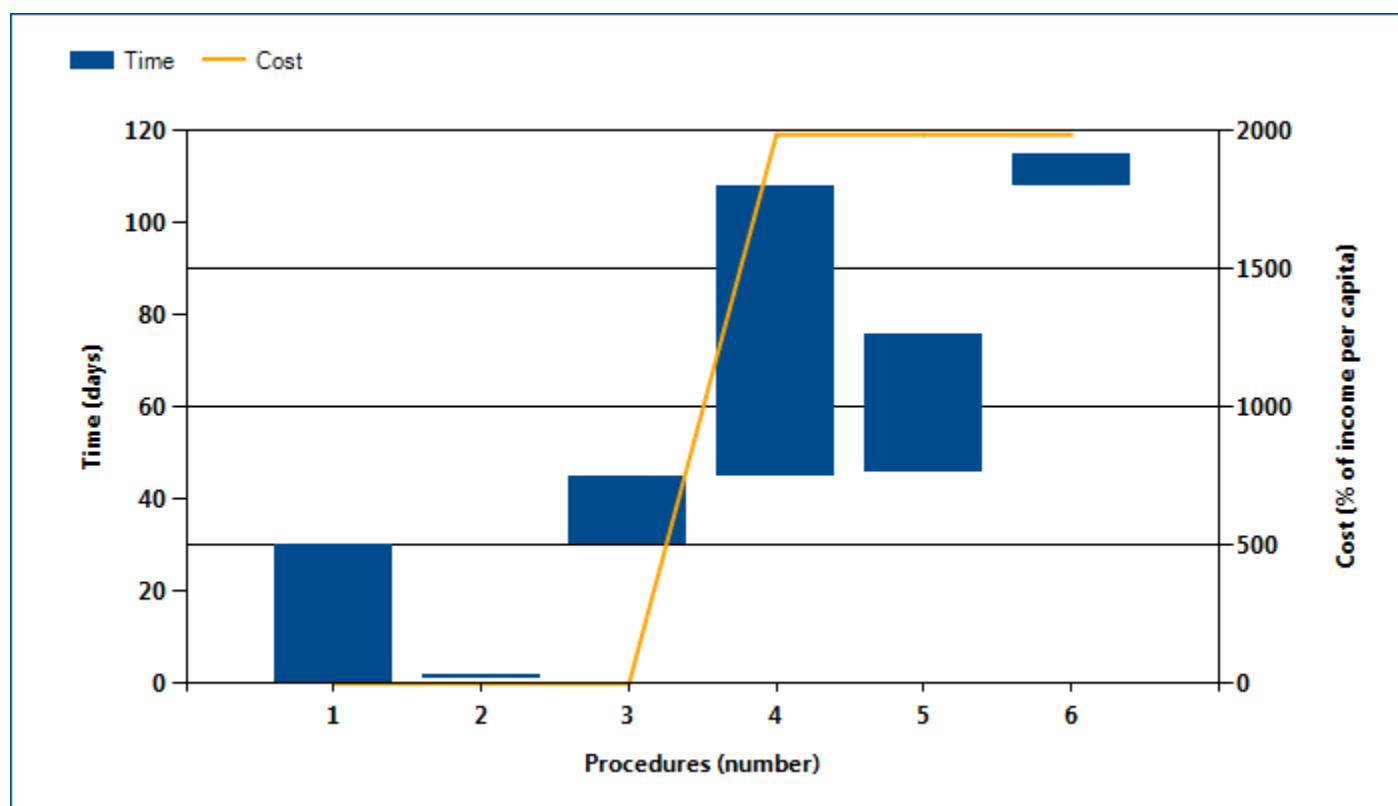
GETTING ELECTRICITY

Where does the economy stand today?

What does it take to obtain a new electricity connection in Vietnam? According to data collected by *Doing Business*, getting electricity there requires 6

procedures, takes 115 days and costs 1988.3% of income per capita (figure 4.1).

Figure 4.1 What it takes to obtain an electricity connection in Vietnam



Note: Time shown in the figure above may not reflect simultaneity of procedures. For more information on the methodology of the getting electricity indicators, see the *Doing Business* website (<http://www.doingbusiness.org>). For details on the procedures reflected here, see the summary at the end of this chapter.

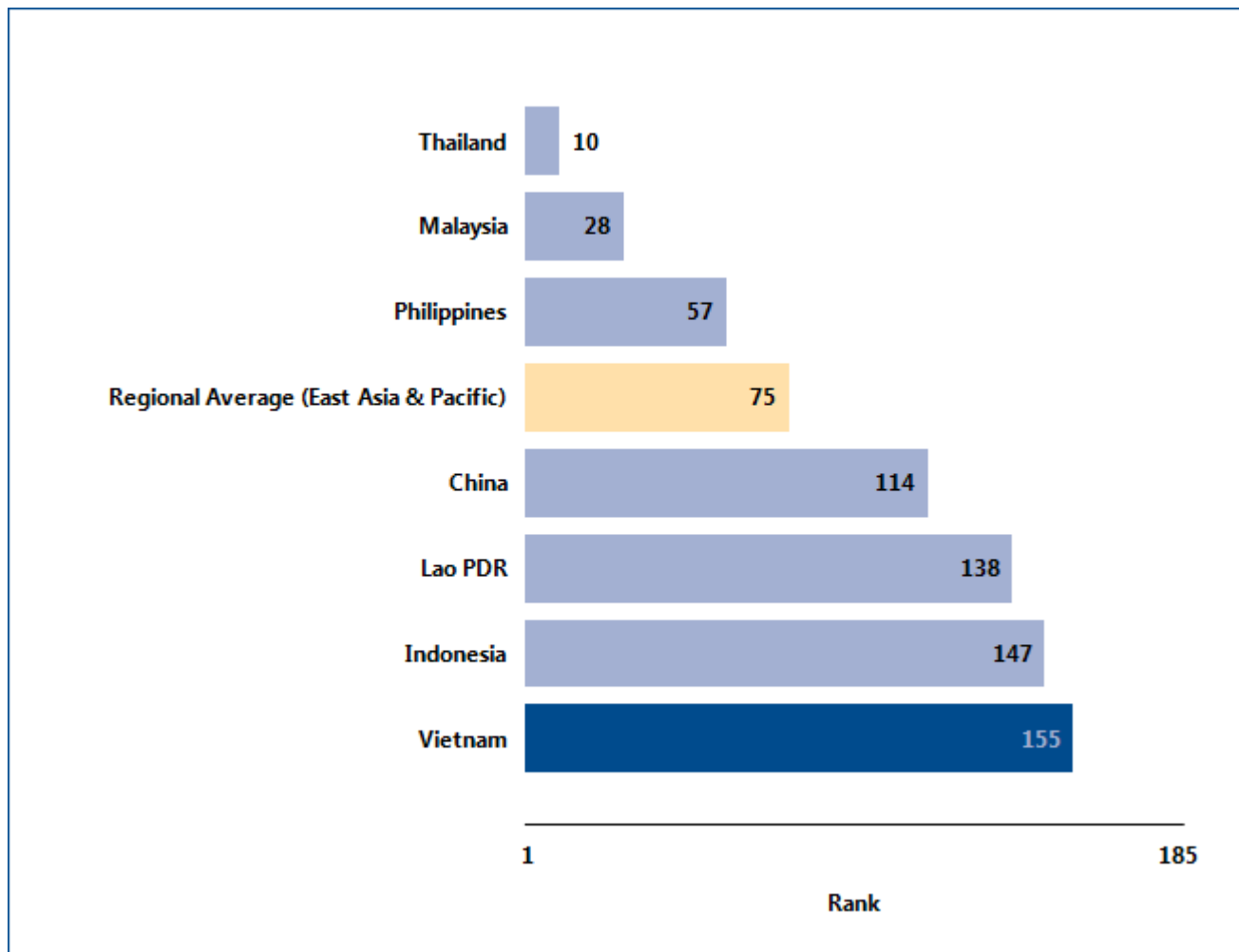
Source: *Doing Business* database.

GETTING ELECTRICITY

Globally, Vietnam stands at 155 in the ranking of 185 economies on the ease of getting electricity (figure 4.2). The rankings for comparator economies and the

regional average ranking provide another perspective in assessing how easy it is for an entrepreneur in Vietnam to connect a warehouse to electricity.

Figure 4.2 How Vietnam and comparator economies rank on the ease of getting electricity



Source: Doing Business database.

GETTING ELECTRICITY

Even more helpful than rankings on the ease of getting electricity may be the indicators underlying those rankings (table 4.1). And regional and global best performers on these indicators may provide useful benchmarks.

Table 4.1 The ease of getting electricity in Vietnam

Indicator	Vietnam DB2013	Vietnam DB2012	Best performer in East Asia & Pacific DB2013	Best performer globally DB2013
Rank	155	157	Hong Kong SAR, China (4)	Iceland (1)
Procedures (number)	6	6	Timor-Leste (3)	Germany (3)*
Time (days)	115	115	Taiwan, China (24)	Germany (17)
Cost (% of income per capita)	1,988.3	2,609.3	Hong Kong SAR, China (1.6)	Japan (0.0)

Note: DB2012 rankings shown are not last year's published rankings but comparable rankings for DB2012 that capture the effects of such factors as data corrections and the addition of 2 economies (Barbados and Malta) to the sample this year.

* Two or more economies share the top ranking on this indicator. For a list of these economies, see the *Doing Business* website (<http://www.doingbusiness.org>).

Source: *Doing Business* database.

GETTING ELECTRICITY

Obtaining an electricity connection is essential to enable a business to conduct its most basic operations. In many economies the connection process is complicated by the multiple laws and regulations involved—covering service quality, general safety, technical standards, procurement practices and internal wiring installations. In an effort to ensure

safety in the connection process while keeping connection costs reasonable, governments around the world have worked to consolidate requirements for obtaining an electricity connection. What reforms in getting electricity has *Doing Business* recorded in Vietnam (table 4.2)?

Table 4.2 How has Vietnam made getting electricity easier—or not?

By *Doing Business* report year

DB year	Reform
DB2012	No reform as measured by Doing Business.
DB2013	No reform as measured by Doing Business.

Source: *Doing Business* database.

GETTING ELECTRICITY

What are the details?

The indicators reported here for Vietnam are based on a set of specific procedures—the steps that an entrepreneur must complete to get a warehouse connected to electricity by the local distribution utility—identified by *Doing Business*. Data are collected from the distribution utility, then completed and verified by electricity regulatory agencies and independent professionals such as electrical engineers, electrical contractors and construction companies. The electricity distribution utility surveyed is the one serving the area (or areas) in which warehouses are located. If there is a choice of distribution utilities, the one serving the largest number of customers is selected.

OBTAINING AN ELECTRICITY CONNECTION

City: Ho Chi Minh City

Name of Utility: Ho Chi Minh City Power Company

The procedures are those that apply to a warehouse and electricity connection matching the standard assumptions used by *Doing Business* in collecting the data (see the section in this chapter on what the indicators cover). The procedures, along with the associated time and cost, are summarized below.

Summary of procedures for getting electricity in Vietnam—and the time and cost

No.	Procedure	Time to complete	Cost to complete
1	<p>The customer applies for electricity connection and awaits clearance from Ho Chi Minh City Power Corporation (EVN HCMC)</p> <p>Along with the application, the following documents are needed for requesting electricity connection:</p> <p>A. Request document for power supply or official dispatch sent to Distribution Department under regulation at Clause 5 of this process attached by breakdown of equipment, regulations, and capacities.</p> <p>For the purposes of manufacturing and business, a service having a maximum capacity of over 80kW or a transformer with a capacity beyond 100kVA, a copy of the load schedule and technical specification of the equipment must also be submitted.</p> <p>B. There are also the following 2 categories of documents (notarized copies):</p> <p>B.1 The first category is related to the construction location:</p> <ul style="list-style-type: none"> • Ownership certificate; • Certificate of land-using right; • House-hiring Contract confirmed by authorized organization; • Land-hiring Contract confirmed by authorized organization; and • Decision of handling over house or land of Authorized organization. <p>In case these documents are not available, one can submit a Confirmation Paper from the authorized organization or local administration when requesting power supply (not adhering to this Clause in the case of a specific construction is investigated by the utility).</p>	30 calendar days	no charge

No.	Procedure	Time to complete	Cost to complete
	<p>B.2 The other category of documents is related to the client:</p> <ul style="list-style-type: none"> • Business registration Certificate or Certificate of registration of branch, representative office; • Investment license; and • Decision of unit foundation. <p>After the utility has received the application, it inspects the site to determine the specifics of the connection. No estimate of connection fees is prepared. However, the client needs to await approval (clearance) of Ho Chi Minh City Power Corporation (EVNHCMC) on the requested power.</p>		
2	<p>* The customer obtains external inspection from Ho Chi Minh City Power Corporation (EVN HCMC)</p>	1 calendar day	no charge
3	<p>The customer has to obtain an excavation permit for the underground connection at the Traffic and Transport Department</p> <p>The customer has to obtain an excavation permit for the underground connection at the Traffic and Transport Department.</p>	15 calendar days	no charge
4	<p>The customer hires a private firm for the design and carrying out of the external works</p> <p>The customer can either ask the Distribution Department of EVN HCMC to do the works for them or hire a private firm for that. The more common approach is to hire an outside firm.</p> <p>If more than 100 kVA is needed, a substation must be built. In the case where the customer chooses to hire an outside agency to carry out the works, the electricity company must first approve the designs.</p> <p>A contract is signed after both parties have agreed on the capacity, construction schedule, construction border, etc. There is no inspection of the entire internal wiring, and any electrician can carry out the internal installation. To ensure liability, the customer could hire a licensed electrical construction company.</p>	63 calendar days	VND 544,000,000.0
5	<p>* The customer obtains certification of the design of the substation from Fire Fighters prevention Department</p> <p>For any sub-station with a transformer of at least 110 Kva, the Fire-fighters prevention Department has to give an approval/certification of the designs. This is required by regulation NGH? Đ?NH S? 35/2003/NĐ-CP NGÀY 04 - 4 - 2003 C?A CHÍNH PH? of 2003.</p>	30 calendar days	no charge
6	<p>The customer obtains meter installation and final connection from Ho Chi Minh City Power Corporation (EVN HCMC)</p> <p>When the external works have been completed, the customer requests meter installation from the Distribution Department of the utility.</p>	7 calendar days	no charge

* Takes place simultaneously with another procedure.

Source: Doing Business database.

REGISTERING PROPERTY

Ensuring formal property rights is fundamental. Effective administration of land is part of that. If formal property transfer is too costly or complicated, formal titles might go informal again. And where property is informal or poorly administered, it has little chance of being accepted as collateral for loans—limiting access to finance.

What do the indicators cover?

Doing Business records the full sequence of procedures necessary for a business to purchase property from another business and transfer the property title to the buyer's name. The transaction is considered complete when it is opposable to third parties and when the buyer can use the property, use it as collateral for a bank loan or resell it. The ranking on the ease of registering property is the simple average of the percentile rankings on its component indicators: procedures, time and cost.

To make the data comparable across economies, several assumptions about the parties to the transaction, the property and the procedures are used.

The parties (buyer and seller):

- Are limited liability companies, 100% domestically and privately owned.
- Are located in the periurban area of the economy's largest business city.
- Have 50 employees each, all of whom are nationals.
- Perform general commercial activities.

The property (fully owned by the seller):

- Has a value of 50 times income per capita. The sale price equals the value.
- Is registered in the land registry or cadastre, or both, and is free of title disputes.
- Is located in a periurban commercial zone, and no rezoning is required.

WHAT THE REGISTERING PROPERTY INDICATORS MEASURE

Procedures to legally transfer title on immovable property (number)

Preregistration (for example, checking for liens, notarizing sales agreement, paying property transfer taxes)

Registration in the economy's largest business city

Postregistration (for example, filing title with the municipality)

Time required to complete each procedure (calendar days)

Does not include time spent gathering information

Each procedure starts on a separate day

Procedure completed once final document is received

No prior contact with officials

Cost required to complete each procedure (% of property value)

Official costs only, no bribes

No value added or capital gains taxes included

- Has no mortgages attached and has been under the same ownership for the past 10 years.
- Consists of 557.4 square meters (6,000 square feet) of land and a 10-year-old, 2-story warehouse of 929 square meters (10,000 square feet). The warehouse is in good condition and complies with all safety standards, building codes and legal requirements. The property will be transferred in its entirety.

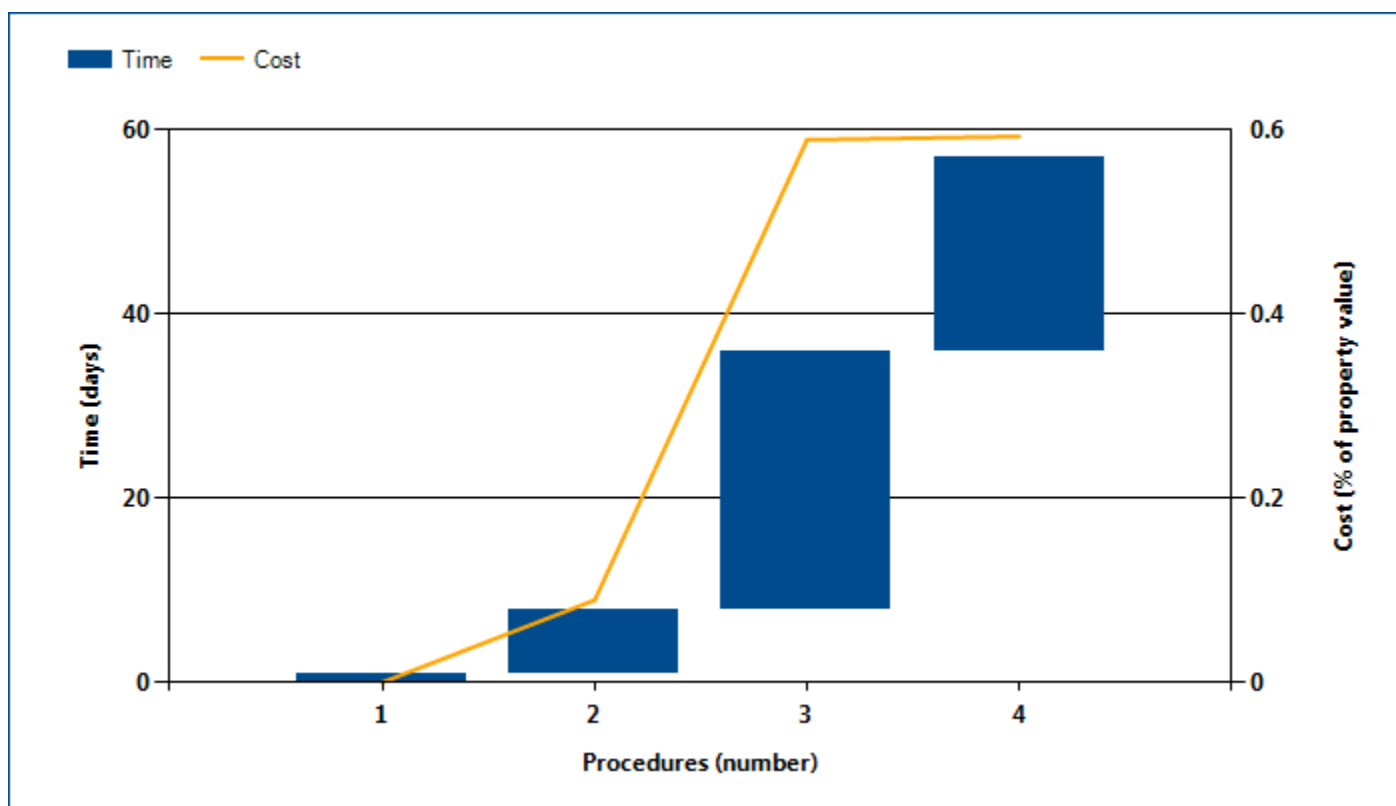
REGISTERING PROPERTY

Where does the economy stand today?

What does it take to complete a property transfer in Vietnam? According to data collected by *Doing Business*, registering property there requires 4

procedures, takes 57 days and costs 0.6% of the property value (figure 5.1).

Figure 5.1 What it takes to register property in Vietnam



Note: Time shown in the figure above may not reflect simultaneity of procedures. For more information on the methodology of the registering property indicators, see the *Doing Business* website (<http://www.doingbusiness.org>). For details on the procedures reflected here, see the summary at the end of this chapter.

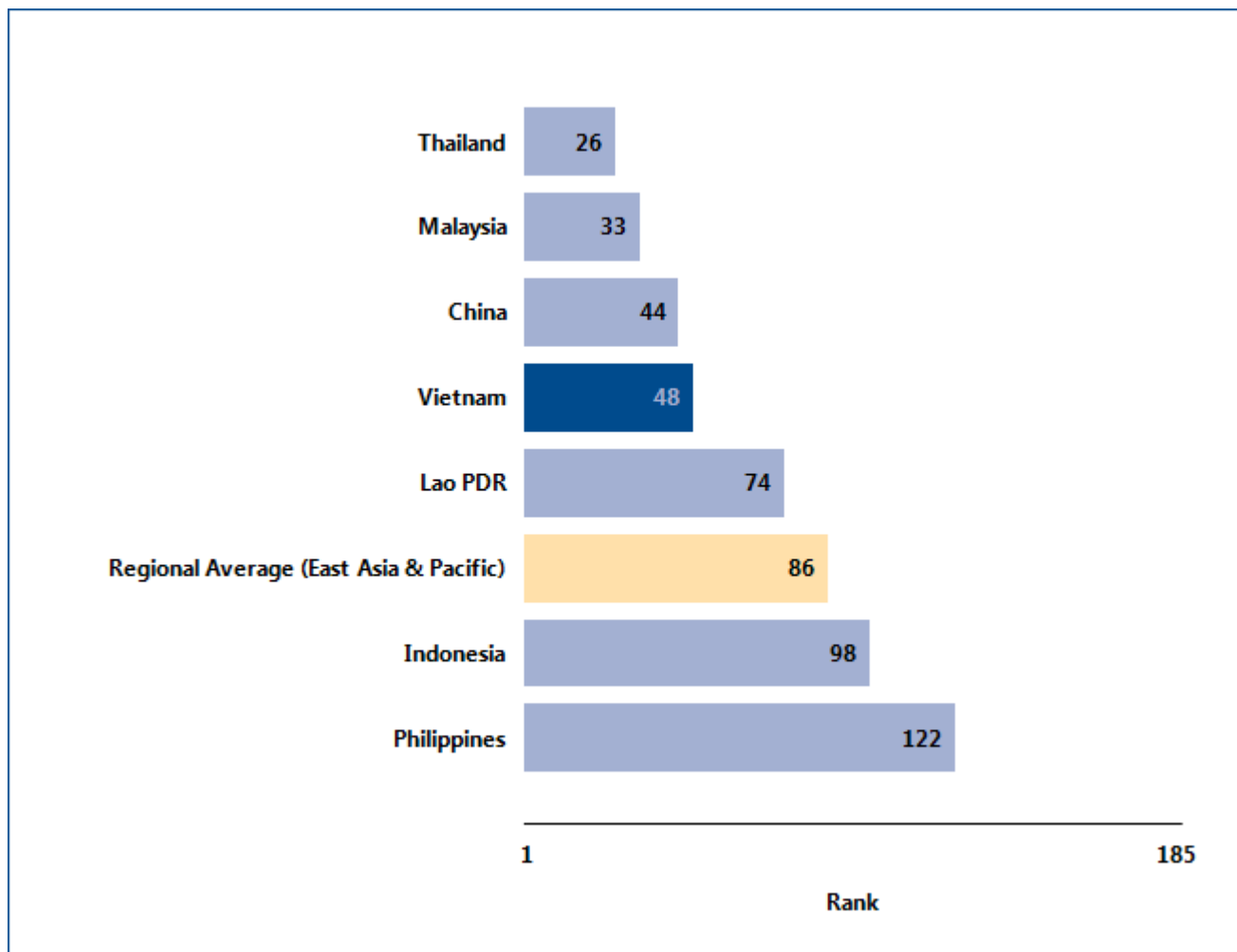
Source: *Doing Business* database.

REGISTERING PROPERTY

Globally, Vietnam stands at 48 in the ranking of 185 economies on the ease of registering property (figure 5.2). The rankings for comparator economies and the

regional average ranking provide other useful information for assessing how easy it is for an entrepreneur in Vietnam to transfer property.

Figure 5.2 How Vietnam and comparator economies rank on the ease of registering property



Source: Doing Business database.

REGISTERING PROPERTY

What are the changes over time?

While the most recent *Doing Business* data reflect how easy (or difficult) it is to register property in Vietnam today, data over time show which aspects of the process have changed—and which have not (table 5.1). That can help identify where the potential for improvement is greatest.

Table 5.1 The ease of registering property in Vietnam over time
By *Doing Business* report year

Indicator	DB2005	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	..	48	48
Procedures (number)	4	4	4	4	4	4	4	4	4
Time (days)	67	67	67	67	57	57	57	57	57
Cost (% of property value)	5.3	1.2	1.2	1.2	1.2	1.1	0.6	0.6	0.6

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings shown are not last year's published rankings but comparable rankings for DB2012 that capture the effects of such factors as data corrections and the addition of 2 economies (Barbados and Malta) to the sample this year. For more information on "no practice" marks, see the data notes.

Source: *Doing Business* database.

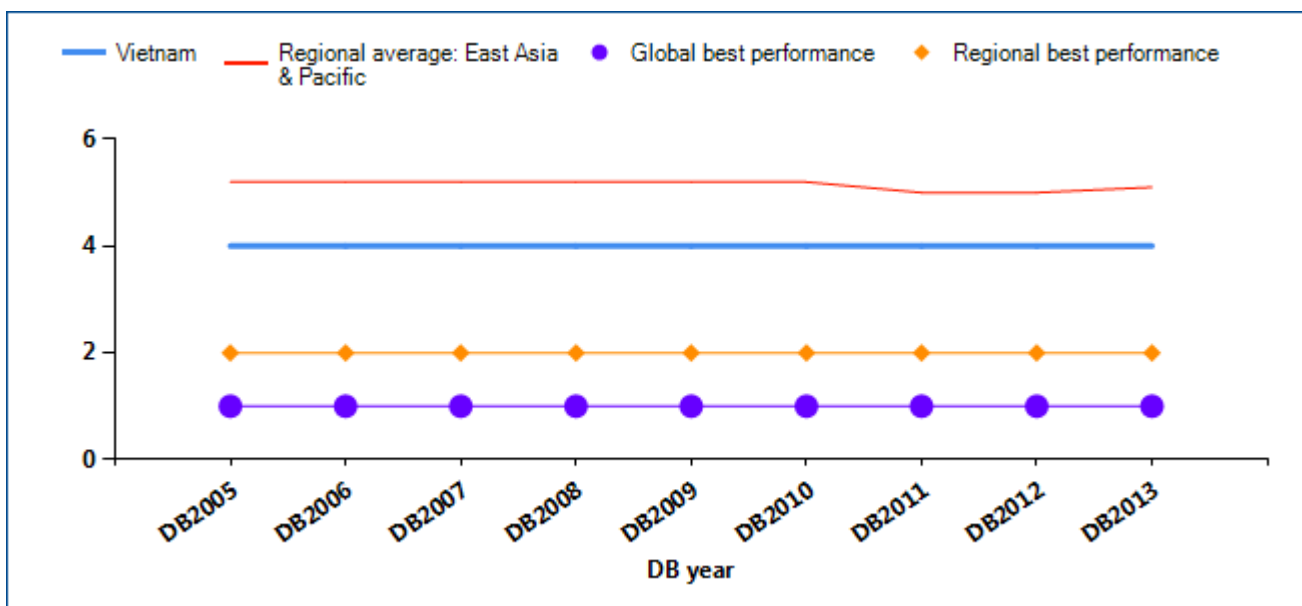
REGISTERING PROPERTY

Equally helpful may be the benchmarks provided by the economies that over time have had the best performance regionally or globally on the procedures, time or cost required to complete a property transfer

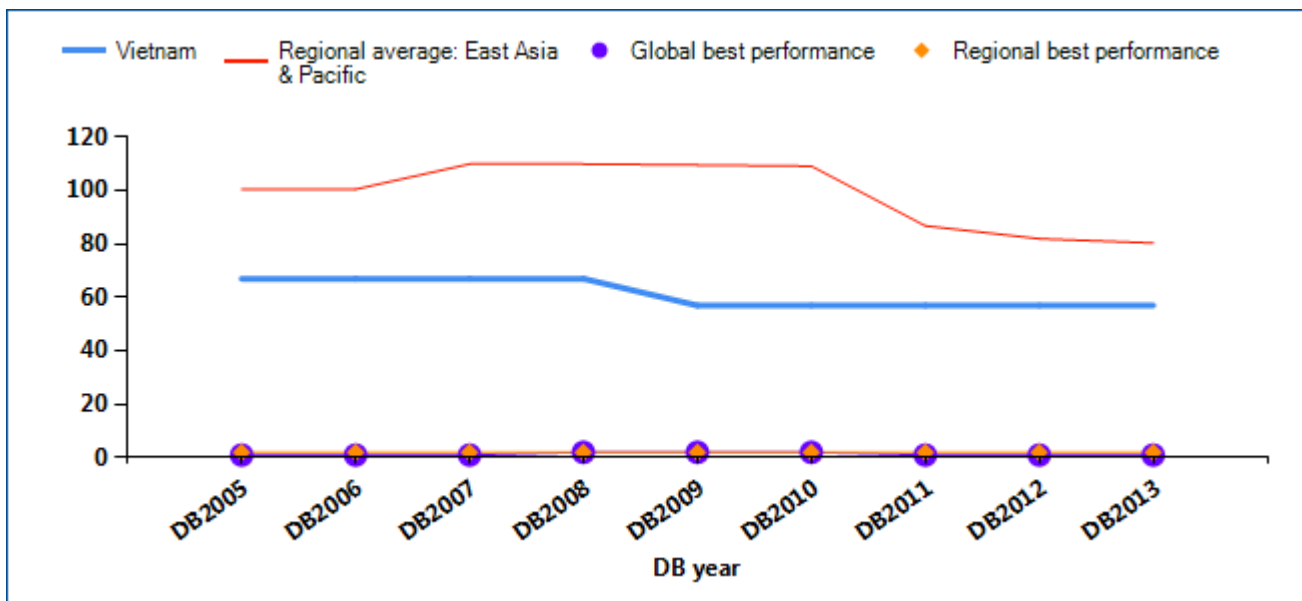
(figure 5.3). These benchmarks help show what is possible in making it easier to register property. And changes in regional averages can show where Vietnam is keeping up—and where it is falling behind.

Figure 5.3 Has registering property become easier over time?

Procedures (number)

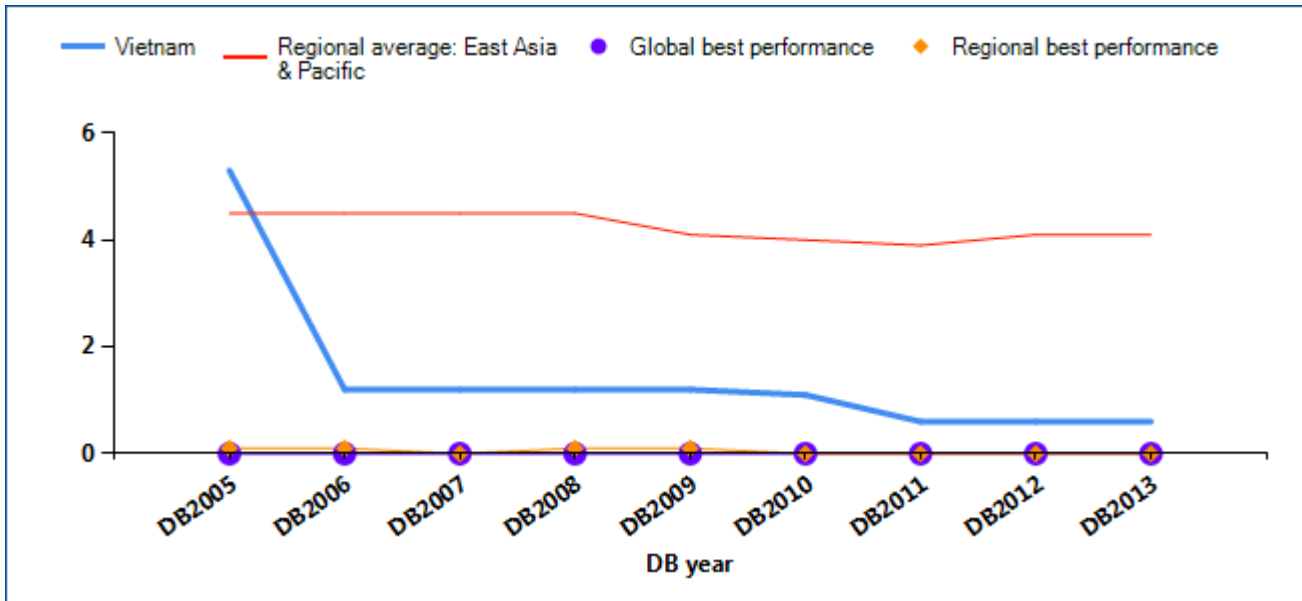


Time (days)



REGISTERING PROPERTY

Cost (% of property value)



Source: Doing Business database.

REGISTERING PROPERTY

Economies worldwide have been making it easier for entrepreneurs to register and transfer property—such as by computerizing land registries, introducing time limits for procedures and setting low fixed fees. Many

have cut the time required substantially—enabling buyers to use or mortgage their property earlier. What property registration reforms has *Doing Business* recorded in Vietnam (table 5.2)?

Table 5.2 How has Vietnam made registering property easier—or not?
By *Doing Business* report year

DB year	Reform
DB2008	No reform as measured by Doing Business.
DB2009	No reform as measured by Doing Business.
DB2010	No reform as measured by Doing Business.
DB2011	No reform as measured by Doing Business.
DB2012	No reform as measured by Doing Business.
DB2013	No reform as measured by Doing Business.

Note: For information on reforms in earlier years (back to DB2005), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

Source: *Doing Business* database.

REGISTERING PROPERTY

What are the details?

The indicators reported here are based on a set of specific procedures—the steps that a buyer and seller must complete to transfer the property to the buyer's name—identified by *Doing Business* through information collected from local property lawyers, notaries and property registries. These procedures are those that apply to a transaction matching the standard assumptions used by *Doing Business* in collecting the data (see the section in this chapter on what the indicators cover).

STANDARD PROPERTY TRANSFER

City: Ho Chi Minh City
Property Value: VND 1,367,991,814

The procedures, along with the associated time and cost, are summarized below.

Summary of procedures for registering property in Vietnam—and the time and cost

No.	Procedure	Time to complete	Cost to complete
1	<p>Build an application for the transfer of land use rights and ownership of assets attached to the land</p> <p>Parties buy a land use right transfer contract (standard form). The dossier includes: Land-use right (LUR) certificate, Decision or Resolution of the highest decision-making body of the company regarding the LUR transfer, and company's legal status documents.</p>	1 day	VND 4,000
2	<p>The transferor and transferee will sign the contract which will be witnessed and certified by a notary located in the same area as the property</p> <p>The land use right transfer contract shall be made in duplicate, one for the seller and another for the buyer. The Contract for Transfer of Property must be notarized by the public notary where the land is located (based on Decree 181/2004/ND-CP Guiding the Implementation of the Land Law (Government, October 29, 2004, as amended on January 27, 2006) , Art. 119.1.b). The dossier for the public notary office includes:</p> <ul style="list-style-type: none"> • Request for notarization of the contract or transaction on the standard form; • Property transfer contract; • Document evidencing transferor's title to the land and warehouse (e.g., land use right certificate for the 557.4 square meters land and construction works ownership registration certificate for the warehouse or certificate of land use right and assets attached to the land for both land and warehouse; • business registration certificate of the transferor and transferee; • the transferor's corporate approval on transfer of property to the transferee; • power of attorney granted by the legal representatives of the transferor 	2-10 days	VND 1 million + 0.06% of the amount exceeding VND 1 billion

No.	Procedure	Time to complete	Cost to complete
	<p>and transferee if the signatory is not legal representative of the transferor and transferee; and</p> <ul style="list-style-type: none"> • ID card of the signatory (including the legal representative and authorized person, if any) (Joint Circular No. 04/2006/TTLT-BTP-BTNMT dated June 13, 2006 of the Ministry of Justice and the Ministry of Natural Resource and Environment). • Copies of other documents relevant to the contract or transaction which the law stipulates must be available (Article 35 of Law No. 82-2006-QH11 on Notarization, effective as of 1 July 2007) <p>The time-limit for notarization shall not exceed 2 working days in the case of a complex contract or transaction, this time-limit may be extended but not beyond 10 working days (Article 38 Law on Notarization No. 82/2006/QH11 takes effect in 1/7/2007).</p> <p>If the value of property or contract between VND 1.000,000,000 and VND 3.000,000,000 notary fee is VND 1.000,000+0,06 % of the amount of the value of property or value of the contract/transaction exceeding 1.000,000,000 . (Joint Circular No. 08/2012/TTLT-BTC-BTP dated January 19, 2012 of the Ministry of Finance and the Ministry of Justice on rates, collection, payment, management and use of notary fees ("Circular 08"), effective from March 15, 2012 which replaces Joint Circular No. 92/2008/TTLT-BTC-BTP dated October 17, 2008 of the Ministry of Finance and the Ministry of Justice ("Circular 91")</p>		
<p>3</p>	<p>The parties pay income tax on assignment of the land-use right and the registration fee at the relevant District Department of Taxation</p> <p>The registration fee (paid by the transferee) is 0.5% (Decree 45/2011/ND-CP and Circular 124/2011/TT-BTC on registration fee) .</p> <p>1. Corporate Income Tax ("CIT"):</p> <ul style="list-style-type: none"> • Law No. 14/2008/QH12 on Corporate Income Tax, adopted by the National Assembly on 03 June 2008 and took effect on 01 January 2009 ("CIT Law"); • Decree No. 124/2008//ND-CP dated 11 December 2008 of the Government providing details and guidelines for the implementation of a number of articles of the CIT Law ("Decree 124"); • Circular No. 130/2008/TT-BTC dated 26 December 2008 of the Ministry of Finance ("MOF") providing guidelines for the implementation of a number of articles of the CIT Law and Decree 124 ("Circular 130"); and (iv) Circular 18/2011/TT-BTC dated 10 February 2011 of the MOF amending and supplementing Circular 130. <p>A transfer of the Property is subject to the new standard CIT rate of 25% for both transferring of land use rights and transferring of the warehouse; no surtax applies (Articles 3.2 and 10.1 of the CIT Law).</p> <p>2. VAT: (i) Law No. 13/2008/QH12 on VAT adopted by the National Assembly on 03 June 2008 and took effect on 01 January 2009 ("VAT</p>	<p>25-30 days</p>	<p>The registration fee (paid by the transferee) is 0,5% (Circular 79/2008/TT- BTC dated 15/9/2008 replaced Item II Section II Circular 95/2005/TT- BTC guiding on registration fee).</p> <p>The tax rate of the income tax from the assignment of land use right (paid by the transferor) is 25% (Based on Part G Section II.2 Circular 130/2008/TT-BTC dated 26/12/2008 guiding of implementation of</p>

No.	Procedure	Time to complete	Cost to complete
	<p>Law"); (ii) Decree No. 123/2008/ND-CP dated 08 December 2008 of the Government providing details and guidelines for the implementation of a number of articles of the VAT Law ("Decree 123"); and (iii) Circular No. 129/2008/TT-BTC dated 26 December 2008 of the MOF providing guidelines for the implementation of a number of articles of the VAT Law and Decree 123.</p> <p>A transfer of land use rights is not subject to VAT (Article 5.6 of the VAT Law), but a transfer of the warehouse is subject to VAT rate of 10% (Article 8.3 of the VAT Law).</p> <p>3. Registration Fee: (i) Decree 176/1999/ND-CP dated 21 December 1999 of the Government on registration fee ("Decree 176"), as amended by (ii) Decree No. 80/2008/ND-CP dated 29 July 2008 of the Government on amending and supplementing a number of articles of Decree 176 ("Decree 80").</p> <p>A registration of the Property in the Buyer's name is subject to the rate of 0.5% of the value of the Property (Article 6.1 of the Decree 176 and Article 1.2 of Decree No. 80).</p> <p>Within 30 days of the date of the agreement on sale and purchase of the Property or the date of confirmation of the legal dossier of the Property by the competent authorities, the Buyer and the Seller must declare the transfer for payment of the registration fee (Article 7.1 of the Amended Decree 176).</p>		<p>Corporate income tax).</p> <p>The transferor is required to declare the corporate income tax for each time of transferring property. The taxation authority will base on the declaration to record, adjust the payable tax and issue a tax notice to the taxpayer within 3 working days from the day of receiving such declaration. (Part G Section II & III Circular 130/2008/TT-BTC dated 26/12/2008 guiding on implement of corporate income tax).</p>
4	<p>The land-use right transferee shall register the right to use land</p> <p>The Land Use Right Registration Office is the prescribed authority. Currently, there are many land use rights registration offices in Ho Chi Minh City, including the provincial land use rights registration office (immediately under the Department of Natural Resources and Environment of Ho Chi Minh City) and district land use rights registration offices (under the people's committee of districts).</p> <p>According to Article 4.1 of Circular No. 20/2010/TT-BTNMT dated October 22, 2010 of the Ministry of Natural Resources and Environment, in order to obtain the LUR certificate, the transferee may request the LUR Office to issue a new LUR certificate or an update on the existing LUR certificate.</p> <p>1. Issuance of a new LUR certificate</p> <p>Dossier: According to Article 21.1 of Decree 88 and Article 23.1 (a), the application dossier for issuance of new LUR certificate includes: (i) application for issuance of LUR certificate;</p>	15-30 days	<p>According to Circular 106/2010/TT-BTC dated 26 July 2010 issued by the Ministry of Finance, the cost for registering the LURC are as follows:</p> <p>(a) Not over VND100,000 for the issuance of a new LURC; or</p> <p>(b) Not over VND50,000 for the update/amendment to the existing LURC in the event of 1 (b) above occurs</p>

No.	Procedure	Time to complete	Cost to complete
	<p>(ii) a copy of the business license; (iii) the sale and purchase contract for the Property; (iv) the original LUR certificate and the certificate of ownership of the warehouse; (v) copies of relevant tax payment receipts; and (vi) a map of the Property (if existing documents on the Property do not have such a map).</p> <p>Time-limit: 28 working days from the date of receipt of the proper dossier (Article 3.2 of Circular 16).</p> <p>2. Update on the existing LUR certificate</p> <p>Dossier: According to Article 23.1(a) of Circular 17 and Article 6 of Circular 16, the application dossier for update on the existing LUR Certificate includes: (i) the sale and purchase contract for the Property; and (ii) the original LUR certificate and the certificate of ownership of the warehouse.</p> <p>Time line: not over 20 working days from the date of receipt of the valid dossier (Circular 16/2011/TT-BTNMT,article 3.2(a) dated May 20, 2011).</p>		

* Takes place simultaneously with another procedure.

Source: *Doing Business* database.

GETTING CREDIT

Two types of frameworks can facilitate access to credit and improve its allocation: credit information systems and the legal rights of borrowers and lenders in collateral and bankruptcy laws. Credit information systems enable lenders to view a potential borrower's financial history (positive or negative)—valuable information to consider when assessing risk. And they permit borrowers to establish a good credit history that will allow easier access to credit. Sound collateral laws enable businesses to use their assets, especially movable property, as security to generate capital—while strong creditors' rights have been associated with higher ratios of private sector credit to GDP.

What do the indicators cover?

Doing Business assesses the sharing of credit information and the legal rights of borrowers and lenders with respect to secured transactions through 2 sets of indicators. The depth of credit information index measures rules and practices affecting the coverage, scope and accessibility of credit information available through a public credit registry or a private credit bureau. The strength of legal rights index measures whether certain features that facilitate lending exist within the applicable collateral and bankruptcy laws. *Doing Business* uses case scenarios to determine the scope of the secured transactions system, involving a secured borrower and a secured lender and examining legal restrictions on the use of movable collateral. These scenarios assume that the borrower:

- Is a private, limited liability company.
- Has its headquarters and only base of operations in the largest business city.

WHAT THE GETTING CREDIT INDICATORS MEASURE

Strength of legal rights index (0–10)

Protection of rights of borrowers and lenders through collateral laws

Protection of secured creditors' rights through bankruptcy laws

Depth of credit information index (0–6)

Scope and accessibility of credit information distributed by public credit registries and private credit bureaus

Public credit registry coverage (% of adults)

Number of individuals and firms listed in public credit registry as percentage of adult population

Private credit bureau coverage (% of adults)

Number of individuals and firms listed in largest private credit bureau as percentage of adult population

- Has 100 employees.
- Is 100% domestically owned, as is the lender.

The ranking on the ease of getting credit is based on the percentile rankings on the sum of its component indicators: the depth of credit information index and the strength of legal rights index.

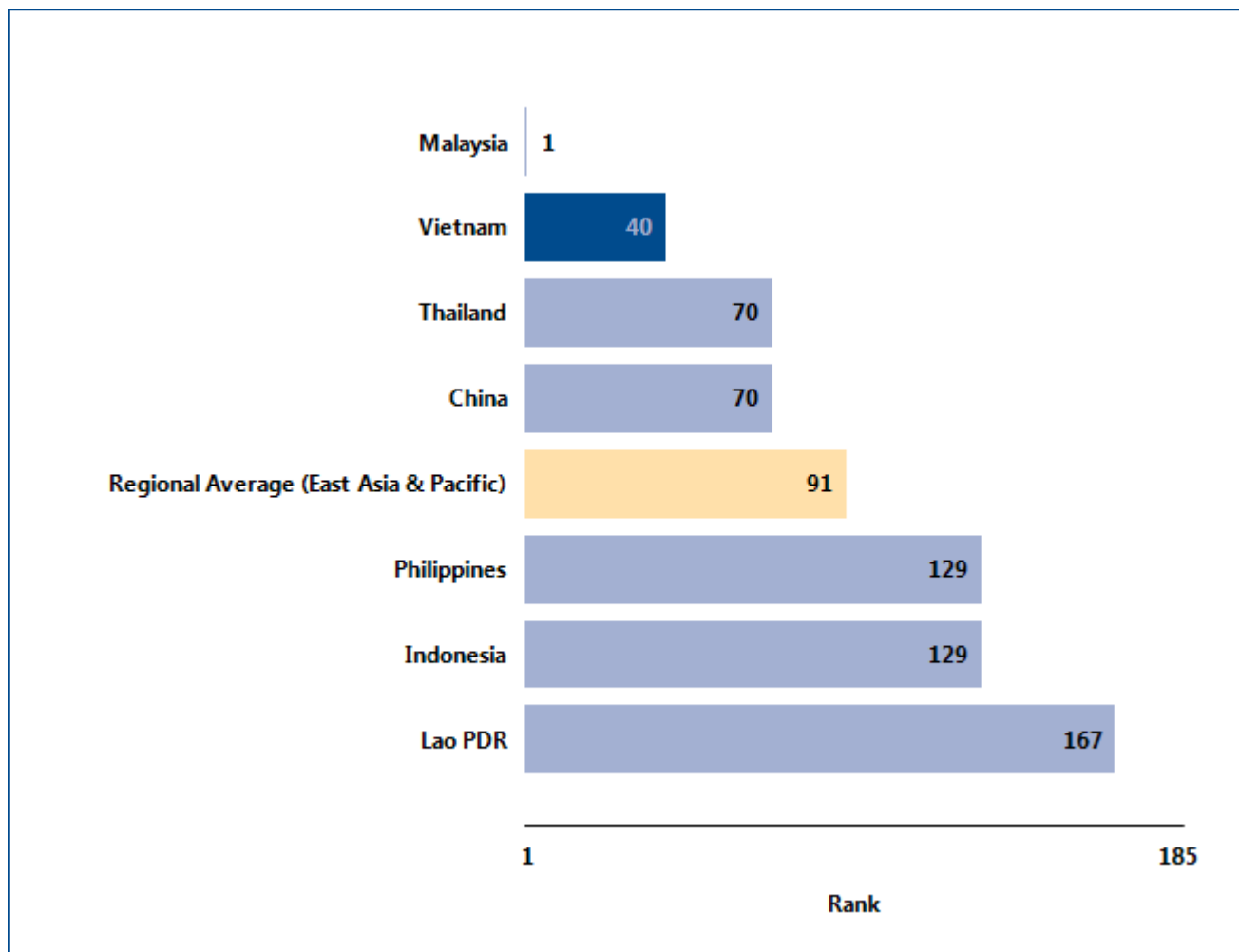
GETTING CREDIT

Where does the economy stand today?

How well do the credit information system and collateral and bankruptcy laws in Vietnam facilitate access to credit? The economy has a score of 4 on the depth of credit information index and a score of 8 on the strength of legal rights index (see the summary of scoring at the end of this chapter for details). Higher scores indicate more credit information and stronger legal rights for borrowers and lenders.

Globally, Vietnam stands at 40 in the ranking of 185 economies on the ease of getting credit (figure 6.1). The rankings for comparator economies and the regional average ranking provide other useful information for assessing how well regulations and institutions in Vietnam support lending and borrowing.

Figure 6.1 How Vietnam and comparator economies rank on the ease of getting credit



Source: Doing Business database.

GETTING CREDIT

What are the changes over time?

While the most recent *Doing Business* data reflect how well the credit information system and collateral and bankruptcy laws in Vietnam support lending and borrowing today, data over time can help show where

institutions and regulations have been strengthened—and where they have not (table 6.1). That can help identify where the potential for improvement is greatest.

Table 6.1 The ease of getting credit in Vietnam over time
By *Doing Business* report year

Indicator	DB2005	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	..	38	40
Strength of legal rights index (0-10)	6	6	6	8	8	8	8	8	8
Depth of credit information index (0-6)	2	3	3	3	4	4	4	4	4
Public registry coverage (% of adults)	0.8	1.1	2.7	9.2	13.4	19.0	26.4	29.8	37.8
Private bureau coverage (% of adults)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings shown are not last year's published rankings but comparable rankings for DB2012 that capture the effects of such factors as data corrections and the addition of 2 economies (Barbados and Malta) to the sample this year.

Source: *Doing Business* database.

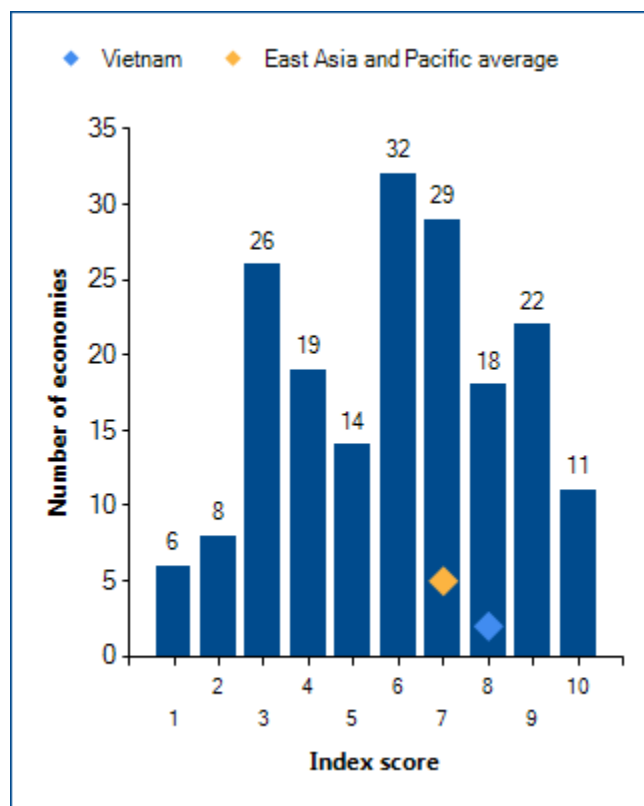
GETTING CREDIT

One way to put an economy's score on the getting credit indicators into context is to see where the economy stands in the distribution of scores across economies. Figure 6.2 highlights the score on the strength of legal rights index for Vietnam in 2012 and

shows the number of economies with this score in 2012 as well as the regional average score. Figure 6.3 shows the same thing for the depth of credit information index.

Figure 6.2 How strong are legal rights for borrowers and lenders?

Number of economies with each score on strength of legal rights index (0–10), 2012

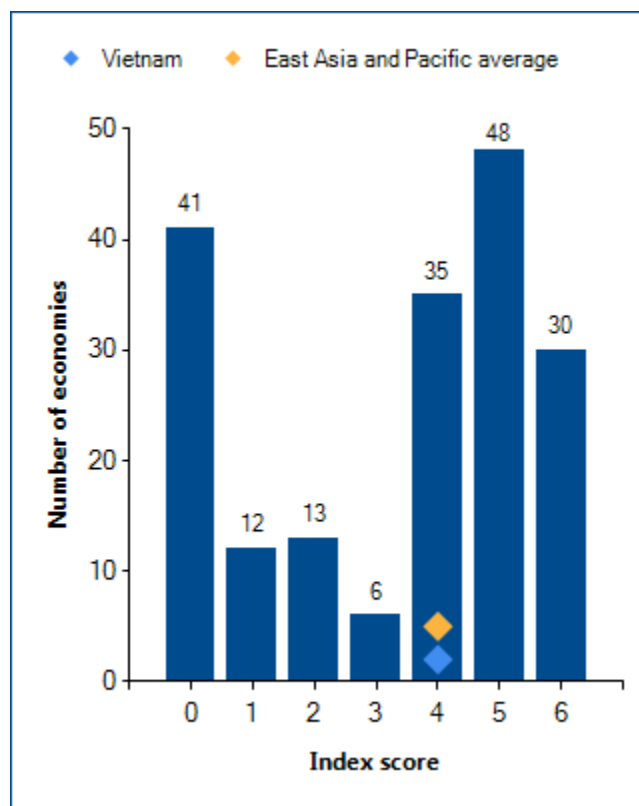


Note: Higher scores indicate that collateral and bankruptcy laws are better designed to facilitate access to credit.

Source: Doing Business database.

Figure 6.3 How much credit information is shared—and how widely?

Number of economies with each score on depth of credit information index (0–6), 2012



Note: Higher scores indicate the availability of more credit information, from either a public credit registry or a private credit bureau, to facilitate lending decisions. Regional averages for the depth of credit information index exclude economies with no public registry or private bureau.

Source: Doing Business database.

GETTING CREDIT

When economies strengthen the legal rights of lenders and borrowers under collateral and bankruptcy laws, and increase the scope, coverage and accessibility of credit information, they can increase entrepreneurs' access to credit. What credit reforms has *Doing Business* recorded in Vietnam (table 6.2)?

Table 6.2 How has Vietnam made getting credit easier—or not?
By *Doing Business* report year

DB year	Reform
DB2008	Vietnam expanded the range of assets that can be used as collateral and allowed them to be generically described.
DB2009	The public credit registry in Vietnam extended the historical credit information distributed from 2 to 5 years, partially explaining a 32% increase in coverage to more than 8 million individuals and firms.
DB2010	No reform as measured by Doing Business.
DB2011	Vietnam improved its credit information system by allowing borrowers to examine their own credit report and correct errors.
DB2012	No reform as measured by Doing Business.
DB2013	No reform as measured by Doing Business.

Note: For information on reforms in earlier years (back to DB2005), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

Source: *Doing Business* database.

GETTING CREDIT

What are the details?

The getting credit indicators reported here for Vietnam are based on detailed information collected in that economy. The data on credit information sharing are collected through a survey of a public credit registry or private credit bureau (if one exists). To construct the depth of credit information index, a score of 1 is assigned for each of 6 features of the public credit registry or private credit bureau (see summary of scoring below).

The data on the legal rights of borrowers and lenders are gathered through a survey of financial lawyers and verified through analysis of laws and regulations as well as public sources of information on collateral and bankruptcy laws. For the strength of legal rights index, a score of 1 is assigned for each of 8 aspects related to legal rights in collateral law and 2 aspects in bankruptcy law.

Summary of scoring for the getting credit indicators in Vietnam

Indicator	Vietnam	East Asia & Pacific average	OECD high income average
Strength of legal rights index (0-10)	8	7	7
Depth of credit information index (0-6)	4	4	5
Public registry coverage (% of adults)	37.8	36.4	31.5
Private bureau coverage (% of adults)	0.0	51.2	74.6

Note: In cases where an economy's regional classification is "OECD high income," regional averages above are only displayed once. Regional averages for the depth of credit information index exclude economies with no public registry or private bureau. Regional averages for the public registry coverage exclude economies with no public registry. Regional averages for the private bureau coverage exclude economies with no private bureau.

Strength of legal rights index (0-10)	Index score: 8
Can any business use movable assets as collateral while keeping possession of the assets; and any financial institution accept such assets as collateral ?	Yes
Does the law allow businesses to grant a non possessory security right in a single category of movable assets, without requiring a specific description of collateral?	Yes
Does the law allow businesses to grant a non possessory security right in substantially all of its assets, without requiring a specific description of collateral?	Yes
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; can all types of debts and obligations be secured between parties; and can the collateral agreement include a maximum amount for which the assets are encumbered?	Yes
Is a collateral registry in operation, that is unified geographically and by asset type, with an electronic database indexed by debtor's names?	Yes

Strength of legal rights index (0–10)	Index score: 8
Are secured creditors paid first (i.e. before general tax claims and employee claims) when a debtor defaults outside an insolvency procedure?	Yes
Are secured creditors paid first (i.e. before general tax claims and employee claims) when a business is liquidated?	Yes
Are secured creditors either not subject to an automatic stay or moratorium on enforcement procedures when a debtor enters a court-supervised reorganization procedure, or the law provides secured creditors with grounds for relief from an automatic stay or	No
Does the law allow parties to agree in a collateral agreement that the lender may enforce its security right out of court, at the time a security interest is created?	Yes

Depth of credit information index (0–6)	Private credit bureau	Public credit registry	Index score: 4
Are data on both firms and individuals distributed?	No	Yes	1
Are both positive and negative data distributed?	No	Yes	1
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	Yes	1
Is data on all loans below 1% of income per capita distributed?	No	Yes	1
Is it guaranteed by law that borrowers can inspect their data in the largest credit registry?	No	No	0

Note: An economy receives a score of 1 if there is a "yes" to either private bureau or public registry.

Coverage	Private credit bureau	Public credit registry
Number of firms	0	500,000
Number of individuals	0	23,000,000

Source: Doing Business database.

PROTECTING INVESTORS

Investor protections matter for the ability of companies to raise the capital they need to grow, innovate, diversify and compete. If the laws do not provide such protections, investors may be reluctant to invest unless they become the controlling shareholders. Strong regulations clearly define related-party transactions, promote clear and efficient disclosure requirements, require shareholder participation in major decisions of the company and set clear standards of accountability for company insiders.

What do the indicators cover?

Doing Business measures the strength of minority shareholder protections against directors' use of corporate assets for personal gain—or self-dealing. The indicators distinguish 3 dimensions of investor protections: transparency of related-party transactions (extent of disclosure index), liability for self-dealing (extent of director liability index) and shareholders' ability to sue officers and directors for misconduct (ease of shareholder suits index). The ranking on the strength of investor protection index is the simple average of the percentile rankings on these 3 indices. To make the data comparable across economies, a case study uses several assumptions about the business and the transaction.

The business (Buyer):

- Is a publicly traded corporation listed on the economy's most important stock exchange (or at least a large private company with multiple shareholders).
- Has a board of directors and a chief executive officer (CEO) who may legally act on behalf of Buyer where permitted, even if this is not specifically required by law.

The transaction involves the following details:

- Mr. James, a director and the majority shareholder of the company, proposes that

WHAT THE PROTECTING INVESTORS INDICATORS MEASURE

Extent of disclosure index (0–10)

Who can approve related-party transactions
Disclosure requirements in case of related-party transactions

Extent of director liability index (0–10)

Ability of shareholders to hold interested parties and members of the approving body liable in case of related-party transactions

Available legal remedies (damages, repayment of profits, fines, imprisonment and rescission of the transaction)

Ability of shareholders to sue directly or derivatively

Ease of shareholder suits index (0–10)

Access to internal corporate documents (directly or through a government inspector)

Documents and information available during trial

Strength of investor protection index (0–10)

Simple average of the extent of disclosure, extent of director liability and ease of shareholder suits indices

the company purchase used trucks from another company he owns.

- The price is higher than the going price for used trucks, but the transaction goes forward.
- All required approvals are obtained, and all required disclosures made, though the transaction is prejudicial to Buyer.
- Shareholders sue the interested parties and the members of the board of directors.

PROTECTING INVESTORS

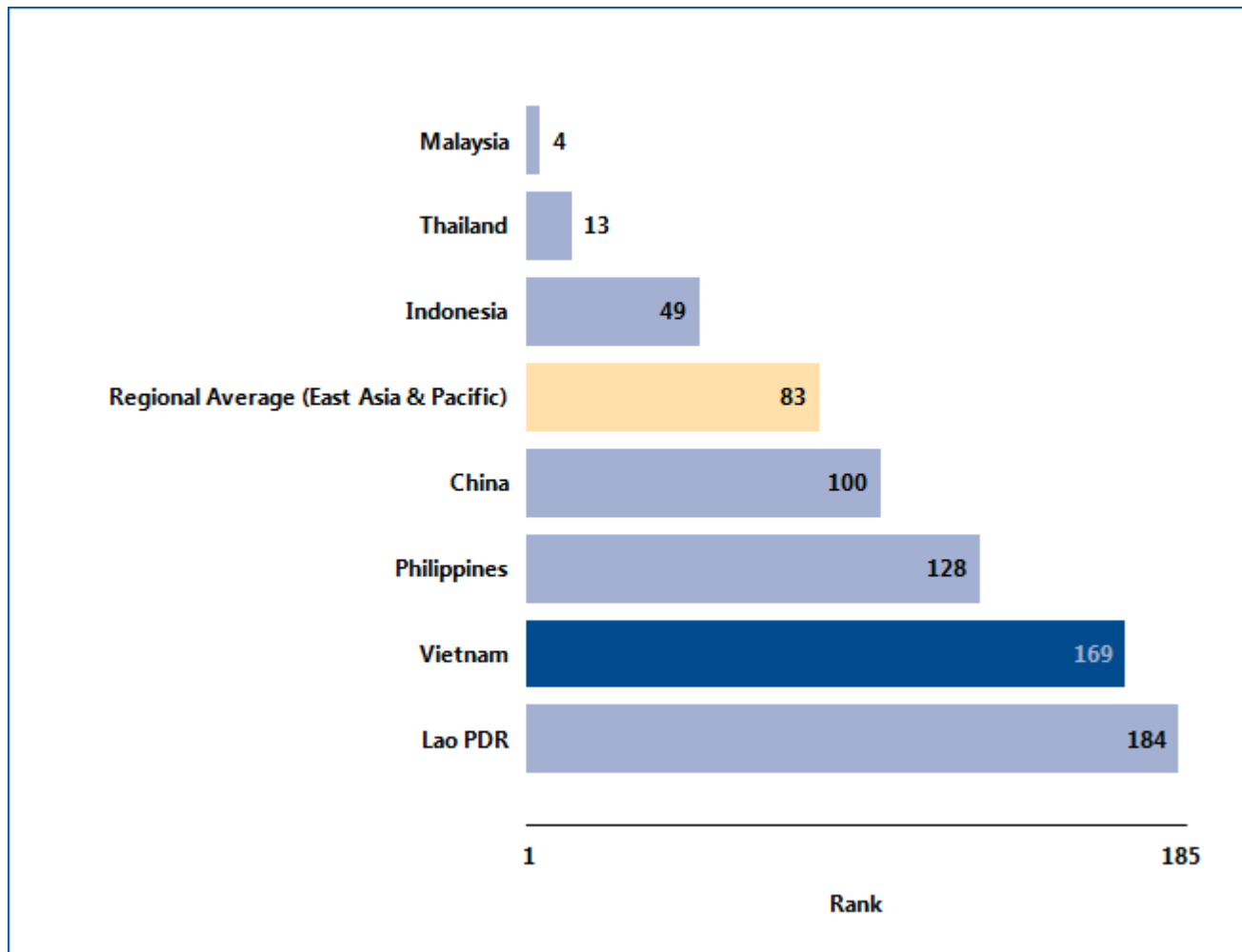
Where does the economy stand today?

How strong are investor protections in Vietnam? The economy has a score of 3.0 on the strength of investor protection index, with a higher score indicating stronger protections (see the summary of scoring at the end of this chapter for details).

Globally, Vietnam stands at 169 in the ranking of 185 economies on the strength of investor protection

index (figure 7.1). While the indicator does not measure all aspects related to the protection of minority investors, a higher ranking does indicate that an economy's regulations offer stronger investor protections against self-dealing in the areas measured.

Figure 7.1 How Vietnam and comparator economies rank on the strength of investor protection index



Source: Doing Business database.

PROTECTING INVESTORS

What are the changes over time?

While the most recent *Doing Business* data reflect how well regulations in Vietnam protect minority investors today, data over time show whether the protections have been strengthened (table 7.1). And the global

ranking on the strength of investor protection index over time shows whether the economy is slipping behind other economies in investor protections—or surpassing them.

Table 7.1 The strength of investor protections in Vietnam over time
By *Doing Business* report year

Indicator	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	167	169
Extent of disclosure index (0-10)	3	3	6	6	6	6	6	6
Extent of director liability index (0-10)	0	0	0	0	0	0	1	1
Ease of shareholder suits index (0-10)	2	2	2	2	2	2	2	2
Strength of investor protection index (0-10)	1.7	1.7	2.7	2.7	2.7	2.7	3.0	3.0

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings shown are not last year's published rankings but comparable rankings for DB2012 that capture the effects of such factors as data corrections and the addition of 2 economies (Barbados and Malta) to the sample this year.

Source: *Doing Business* database.

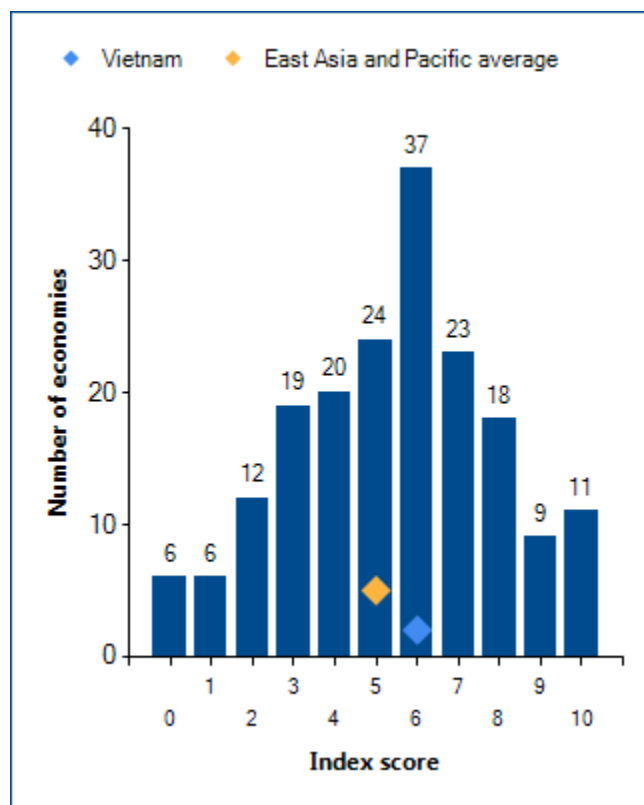
PROTECTING INVESTORS

One way to put an economy's scores on the protecting investors indicators into context is to see where the economy stands in the distribution of scores across economies. Figure 7.2 highlights the score on the extent of disclosure index for Vietnam in 2012 and

shows the number of economies with this score in 2012 as well as the regional average score. Figure 7.3 shows the same thing for the extent of director liability index, and figure 7.4 for the ease of shareholder suits index.

Figure 7.2 How strong are disclosure requirements?

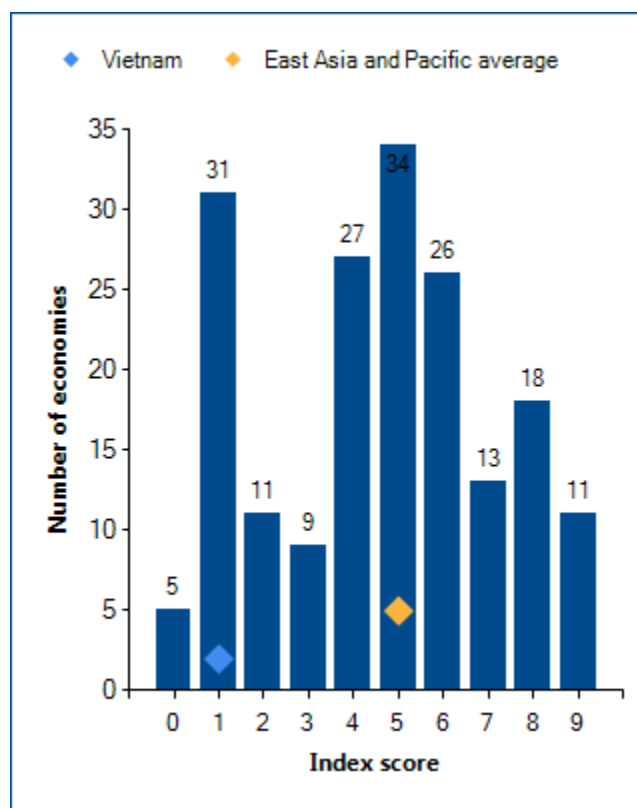
Number of economies with each score on extent of disclosure index (0–10), 2012



Note: Higher scores indicate greater disclosure.
Source: Doing Business database.

Figure 7.3 How strong is the liability regime for directors?

Number of economies with each score on extent of director liability index (0–10), 2012

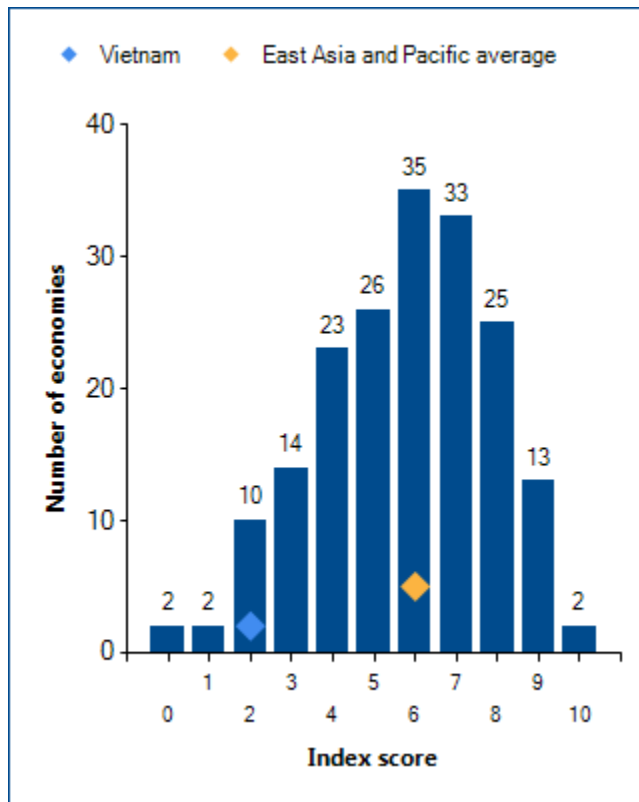


Note: Higher scores indicate greater liability of directors. No economy receives a score of 10 on the extent of director liability index.
Source: Doing Business database.

PROTECTING INVESTORS

Figure 7.4 How easy is access to internal corporate documents?

Number of economies with each score on ease of shareholder suits index (0–10), 2012



Note: Higher scores indicate greater powers of shareholders to challenge the transaction.

Source: *Doing Business* database.

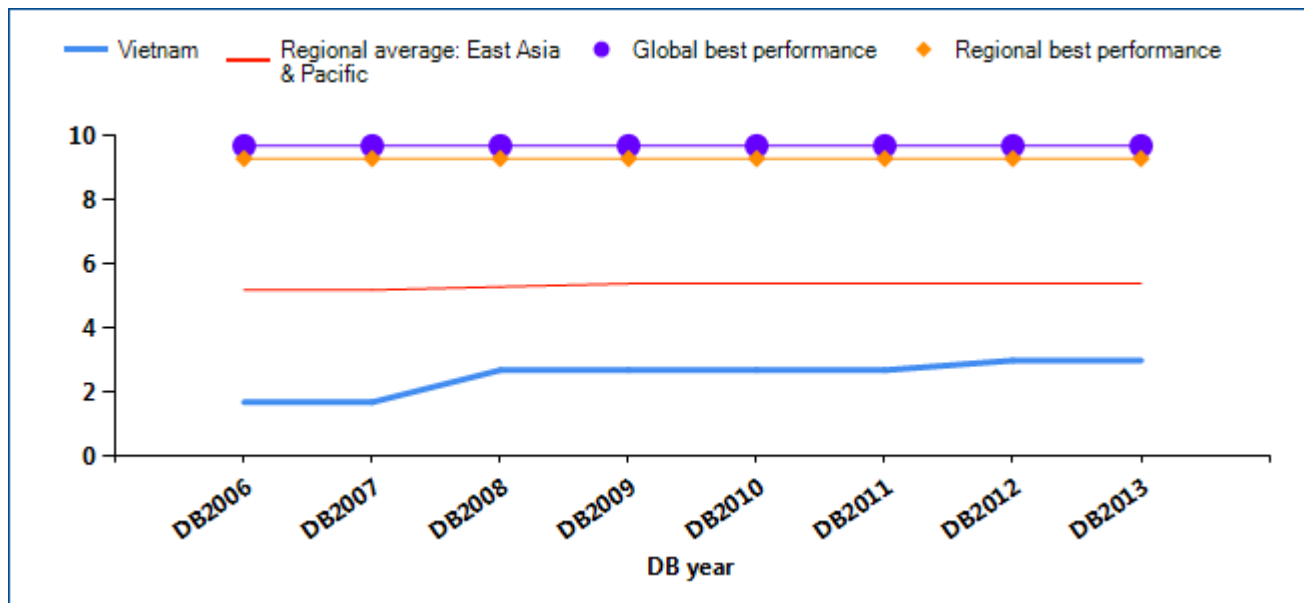
PROTECTING INVESTORS

The scores recorded over time for Vietnam on the strength of investor protection index may also be revealing (figure 7.5). Equally interesting may be the

changes over time in the regional average score on this index.

Figure 7.5 Have investor protections become stronger over time?

Strength of investor protection index (0–10)



Note: The higher the score, the stronger the investor protections.

Source: Doing Business database.

PROTECTING INVESTORS

Economies with the strongest protections of minority investors from self-dealing require more disclosure and define clear duties for directors. They also have well-functioning courts and up-to-date procedural rules that give minority investors the means to prove their case and obtain a judgment within a reasonable

time. So reforms to strengthen investor protections may move ahead on different fronts—such as through new or amended company laws or civil procedure rules. What investor protection reforms has *Doing Business* recorded in Vietnam (table 7.2)?

Table 7.2 How has Vietnam strengthened investor protections—or not?
By *Doing Business* report year

DB year	Reform
DB2008	Vietnam strengthened investor protections by increasing disclosure requirements in regular transactions and in case of related-party transaction.
DB2009	No reform as measured by <i>Doing Business</i> .
DB2010	No reform as measured by <i>Doing Business</i> .
DB2011	No reform as measured by <i>Doing Business</i> .
DB2012	Vietnam strengthened investor protections by requiring higher standards of accountability for company directors.
DB2013	No reform as measured by <i>Doing Business</i> .

Note: For information on reforms in earlier years (back to DB2006), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

Source: *Doing Business* database.

PROTECTING INVESTORS

What are the details?

The protecting investors indicators reported here for Vietnam are based on detailed information collected through a survey of corporate and securities lawyers as well as on securities regulations, company laws and court rules of evidence. To construct the extent of disclosure, extent of director liability and ease of

shareholder suits indices, a score is assigned for each of a range of conditions relating to disclosure, director liability and shareholder suits in a standard case study transaction (see the notes at the end of this chapter). The summary below shows the details underlying the scores for Vietnam.

Summary of scoring for the protecting investors indicators in Vietnam

Indicator	Vietnam	East Asia & Pacific average	OECD high income average
Extent of disclosure index (0-10)	6	5	6
Extent of director liability index (0-10)	1	5	5
Ease of shareholder suits index (0-10)	2	6	7
Strength of investor protection index (0-10)	3.0	5.4	6.1

Note: In cases where an economy's regional classification is "OECD high income," regional averages above are only displayed once.

	Score	Score description
Extent of disclosure index (0-10)	6	
What corporate body provides legally sufficient approval for the transaction?	2	Board of directors and Mr. James is not allowed to vote
Whether disclosure of the conflict of interest by Mr. James to the board of directors is required?	2	Full disclosure of all material facts
Whether immediate disclosure of the transaction to the public and/or shareholders is required?	0	No disclosure obligation
Whether disclosure of the transaction in published periodic filings (annual reports) is required?	2	Disclosure on the transaction and Mr. James' conflict of interest
Whether an external body must review the terms of the transaction before it takes place?	0	No
Extent of director liability index (0-10)	1	
Whether shareholders can sue directly or derivatively for the damage that the Buyer-Seller transaction causes to the company?	1	Yes

	Score	Score description
Whether shareholders can hold Mr. James liable for the damage that the Buyer-Seller transaction causes to the company?	0	Not liable
Whether shareholders can hold members of the approving body liable for the damage that the Buyer-Seller transaction causes to the company?	0	Not liable
Whether a court can void the transaction upon a successful claim by a shareholder plaintiff?	0	Not possible or only in case of Seller's fraud or bad faith
Whether Mr. James pays damages for the harm caused to the company upon a successful claim by the shareholder plaintiff?	0	No
Whether Mr. James repays profits made from the transaction upon a successful claim by the shareholder plaintiff?	0	No
Whether fines and imprisonment can be applied against Mr. James?	0	No
Ease of shareholder suits index (0-10)	2	
Whether shareholders owning 10% or less of Buyer's shares can inspect transaction documents before filing suit?	0	No
Whether shareholders owning 10% or less of Buyer's shares can request an inspector to investigate the transaction?	0	No
Whether the plaintiff can obtain any documents from the defendant and witnesses during trial?	0	No documents available
Whether the plaintiff can request categories of documents from the defendant without identifying specific ones?	0	No
Whether the plaintiff can directly question the defendant and witnesses during trial?	2	Yes, without approval from the judge
Whether the level of proof required for civil suits is lower than that of criminal cases?	0	No
Strength of investor protection index (0-10)	3.0	

Source: *Doing Business* database.

PAYING TAXES

Taxes are essential. They fund the public amenities, infrastructure and services that are crucial for a properly functioning economy. But the level of tax rates needs to be carefully chosen—and needless complexity in tax rules avoided. According to *Doing Business* data, in economies where it is more difficult and costly to pay taxes, larger shares of economic activity end up in the informal sector—where businesses pay no taxes at all.

What do the indicators cover?

Using a case scenario, *Doing Business* measures the taxes and mandatory contributions that a medium-size company must pay in a given year as well as the administrative burden of paying taxes and contributions. This case scenario uses a set of financial statements and assumptions about transactions made over the year. Information is also compiled on the frequency of filing and payments as well as time taken to comply with tax laws. The ranking on the ease of paying taxes is the simple average of the percentile rankings on its component indicators: number of annual payments, time and total tax rate, with a threshold being applied to the total tax rate.¹ To make the data comparable across economies, several assumptions about the business and the taxes and contributions are used.

- TaxpayerCo is a medium-size business that started operations on January 1, 2010.
- 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.

WHAT THE PAYING TAXES INDICATORS MEASURE

Tax payments for a manufacturing company in 2011 (number per year adjusted for electronic or joint filing and payment)

Total number of taxes and contributions paid, including consumption taxes (value added tax, sales tax or goods and service tax)

Method and frequency of filing and payment

Time required to comply with 3 major taxes (hours per year)

Collecting information and computing the tax payable

Completing tax return forms, filing with proper agencies

Arranging payment or withholding

Preparing separate tax accounting books, if required

Total tax rate (% of profit before all taxes)

Profit or corporate income tax

Social contributions and labor taxes paid by the employer

Property and property transfer taxes

Dividend, capital gains and financial transactions taxes

Waste collection, vehicle, road and other taxes

- Taxes and mandatory contributions include corporate income tax, turnover tax and all labor taxes and contributions paid by the company.
- A range of standard deductions and exemptions are also recorded.

¹ The threshold is defined as the highest total tax rate among the top 15% of economies in the ranking on the total tax rate. It is calculated and adjusted on a yearly basis. The threshold is not based on any economic theory of an "optimal tax rate" that minimizes distortions or maximizes efficiency in the tax system of an economy overall. Instead, it is mainly empirical in nature, set at the lower end of the distribution of tax rates levied on medium-size enterprises in the manufacturing sector as observed through the paying taxes indicators. This reduces the bias in the indicators toward economies that do not need to levy significant taxes on companies like the *Doing Business* standardized case study company because they raise public revenue in other ways—for example, through taxes on foreign companies, through taxes on sectors other than manufacturing or from natural resources (all of which are outside the scope of the methodology). This year's threshold is 25.7%.

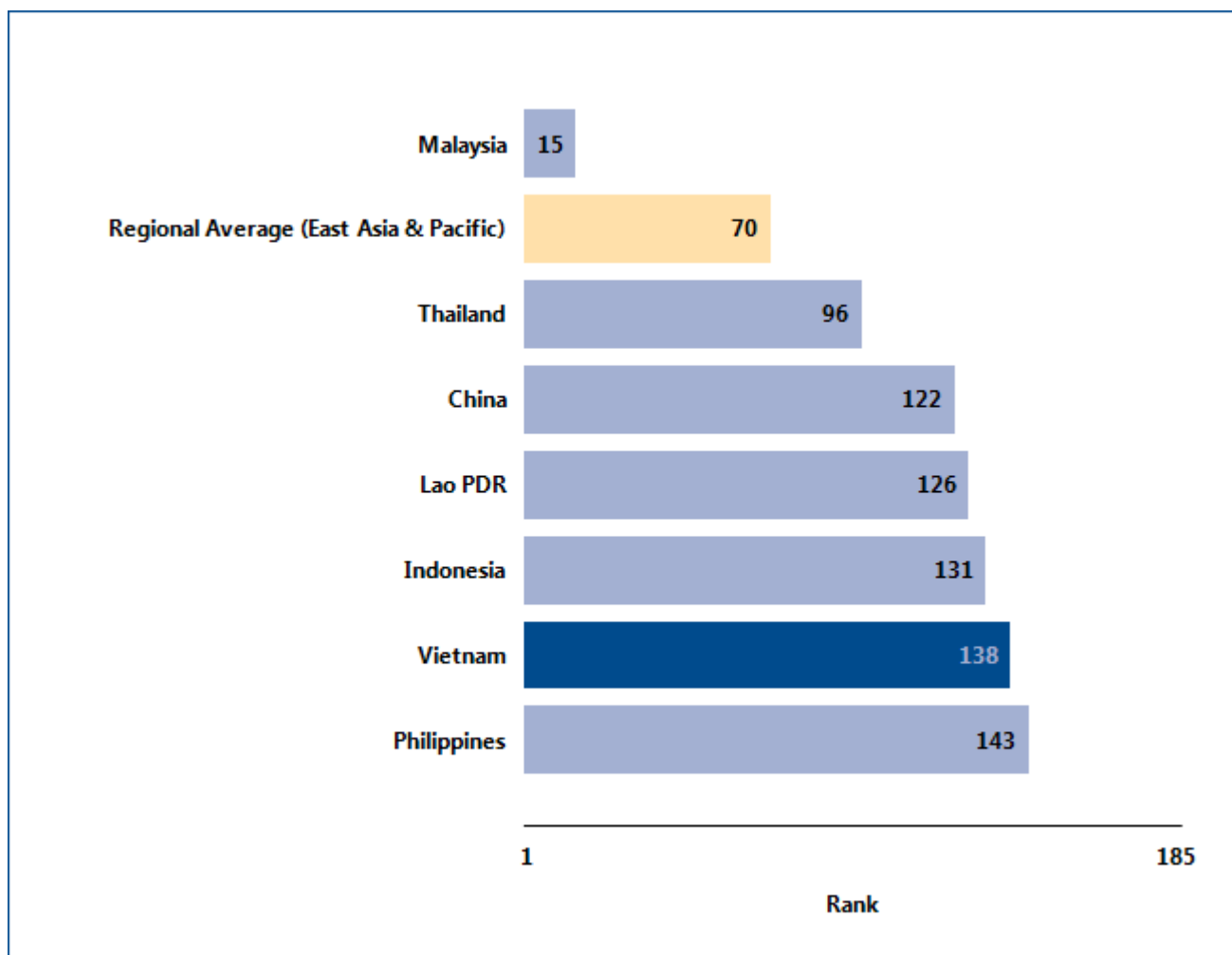
PAYING TAXES

Where does the economy stand today?

What is the administrative burden of complying with taxes in Vietnam—and how much do firms pay in taxes? On average, firms make 32 tax payments a year, spend 872 hours a year filing, preparing and paying taxes and pay total taxes amounting to 34.5% of profit (see the summary at the end of this chapter for details).

Globally, Vietnam stands at 138 in the ranking of 185 economies on the ease of paying taxes (figure 8.1). The rankings for comparator economies and the regional average ranking provide other useful information for assessing the tax compliance burden for businesses in Vietnam.

Figure 8.1 How Vietnam and comparator economies rank on the ease of paying taxes



Note: DB2013 rankings reflect changes to the methodology. For all economies with a total tax rate below the threshold of 25.7% applied in DB2013, the total tax rate is set at 25.7% for the purpose of calculating the ranking on the ease of paying taxes.

Source: *Doing Business* database.

PAYING TAXES

What are the changes over time?

While the most recent *Doing Business* data reflect how easy (or difficult) it is to comply with tax rules in Vietnam today, data over time show which aspects of

the process have changed — and which have not (table 8.1). That can help identify where the potential for easing tax compliance is greatest.

Table 8.1 The ease of paying taxes in Vietnam over time
By *Doing Business* report year

Indicator	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	153	138
Payments (number per year)	32	32	32	32	32	32	32	32
Time (hours per year)	1,050	1,050	1,050	1,050	1,050	941	941	872
Total tax rate (% profit)	40.0	40.0	40.0	40.1	40.1	33.1	40.1	34.5

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings shown are not last year's published rankings but comparable rankings for DB2012 that capture the effects of such factors as data corrections and the addition of 2 economies (Barbados and Malta) to the sample this year. DB2013 rankings reflect changes to the methodology. For all economies with a total tax rate below the threshold of 25.7% applied in DB2013, the total tax rate is set at 25.7% for the purpose of calculating the ranking on the ease of paying taxes.

Source: *Doing Business* database.

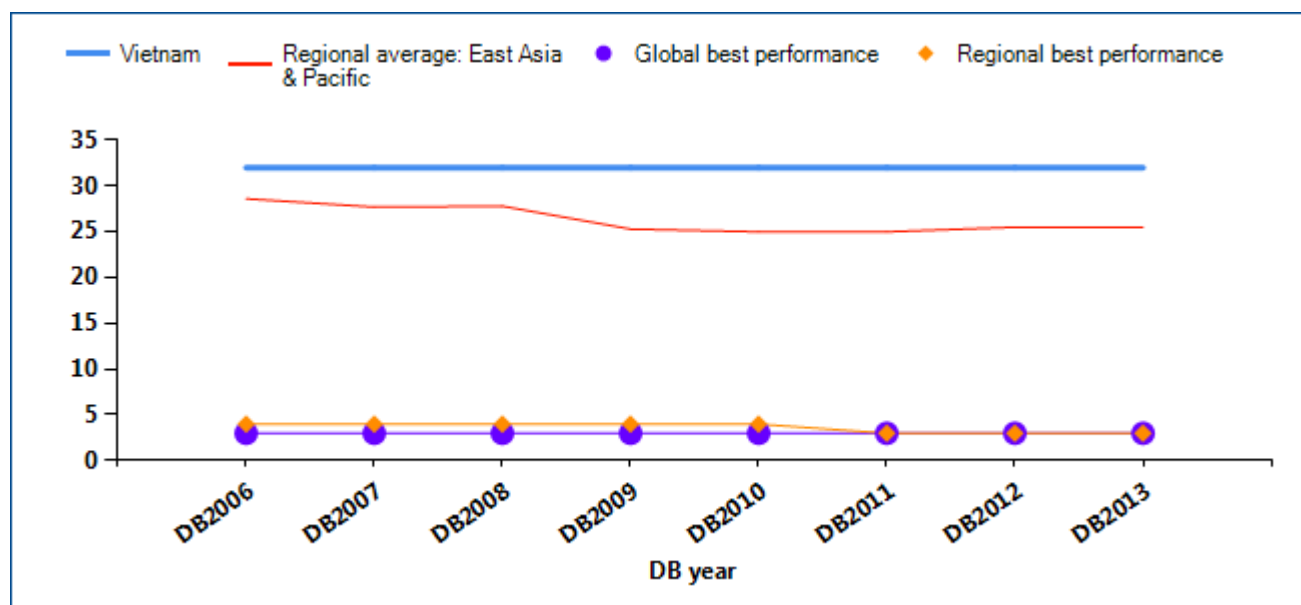
PAYING TAXES

Equally helpful may be the benchmarks provided by the economies that over time have had the best performance regionally or globally on the number of payments or the time required to prepare and file taxes (figure 8.2). These benchmarks help show what is

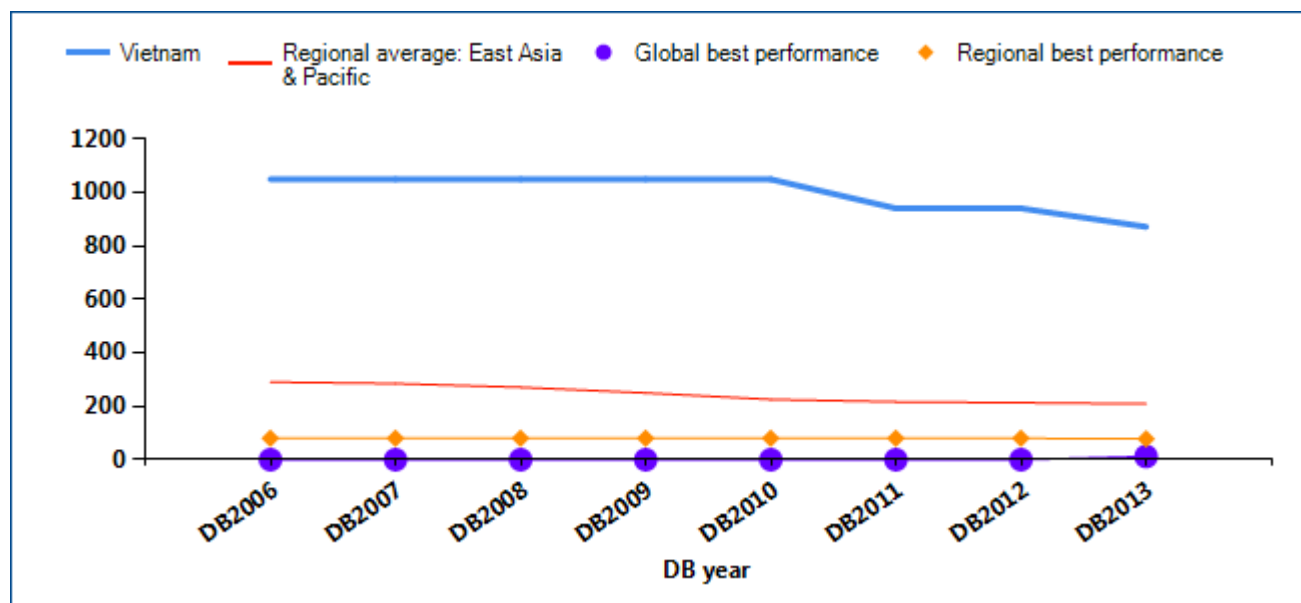
possible in easing the administrative burden of tax compliance. And changes in regional averages can show where Vietnam is keeping up—and where it is falling behind.

Figure 8.2 Has paying taxes become easier over time?

Payments (number per year)

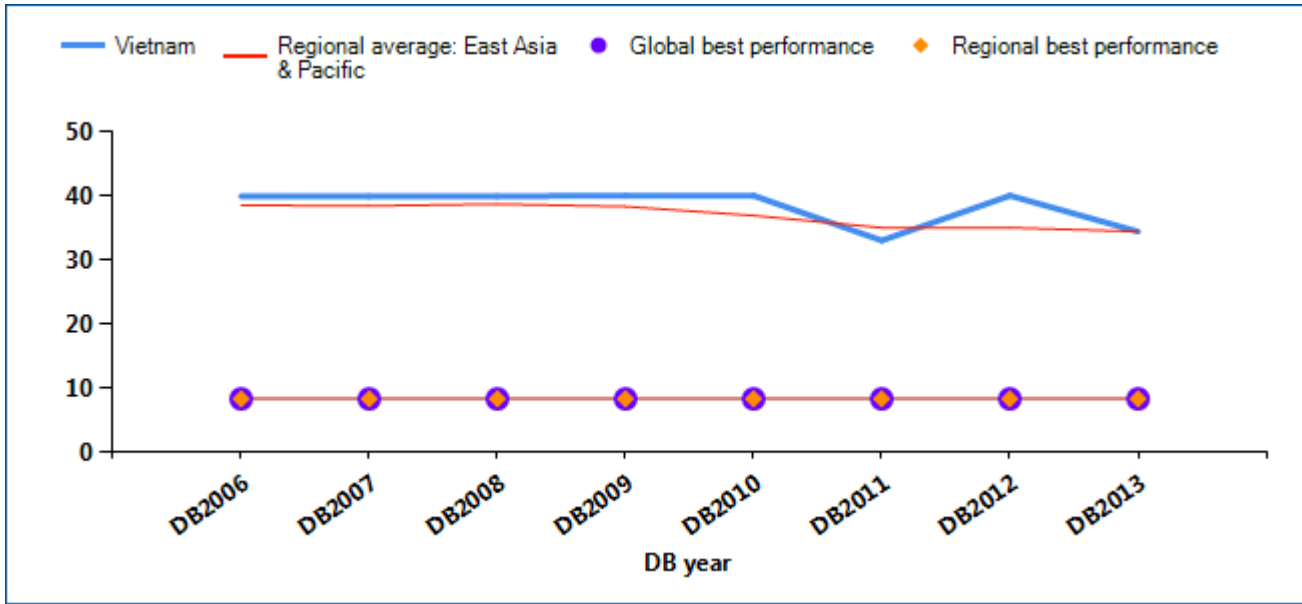


Time (hours per year)



PAYING TAXES

Total tax rate (% of profit)



Source: Doing Business database.

PAYING TAXES

Economies around the world have made paying taxes faster and easier for businesses—such as by consolidating filings, reducing the frequency of payments or offering electronic filing and payment. Many have lowered tax rates. Changes have brought

concrete results. Some economies simplifying tax payment and reducing rates have seen tax revenue rise. What tax reforms has *Doing Business* recorded in Vietnam (table 8.2)?

Table 8.2 How has Vietnam made paying taxes easier—or not?
By *Doing Business* report year

DB year	Reform
DB2008	No reform as measured by Doing Business.
DB2009	No reform as measured by Doing Business.
DB2010	Vietnam has relieved the tax burden on business by reducing both the corporate income tax and the value added tax, and eliminating the surtax on income from the transfer of land use.
DB2011	No reform as measured by Doing Business.
DB2012	No reform as measured by Doing Business.
DB2013	No reform as measured by Doing Business.

Note: For information on reforms in earlier years (back to DB2006), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

Source: *Doing Business* database.

PAYING TAXES

What are the details?

The indicators reported here for Vietnam are based on a standard set of taxes and contributions that would be paid by the case study company used by *Doing Business* in collecting the data (see the section in this chapter on what the indicators cover). Tax practitioners are asked to review standard financial statements as well as 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.

LOCATION OF STANDARDIZED COMPANY

City: Ho Chi Minh City

The taxes and contributions paid are listed in the summary below, along with the associated number of payments, time and tax rate.

Summary of tax rates and administrative burden in Vietnam

Indicator	Vietnam	East Asia & Pacific average	OECD high income average
Payments (number per year)	32	25	12
Time (hours per year)	872	209	176
Profit tax (%)	11.6	16.7	15.2
Labor tax and contributions (%)	22.6	10.9	23.8
Other taxes (%)	0.3	6.9	3.7
Total tax rate (% profit)	34.5	34.5	42.7

Note: In cases where an economy's regional classification is "OECD high income," regional averages above are only displayed once.

Tax or mandatory contribution	Payments (number)	Notes on payments	Time (hours)	Statutory tax rate	Tax base	Total tax rate (% of profit)	Notes on total tax rate
Employer paid - Social Security contributions	12		335	16%	gross salaries	18	
Corporate income tax	5		217	25%	taxable profit	10.3	
Employer paid - Health insurance contributions	0	paid jointly	0	3%	gross salaries	3.4	
Income tax from transfer of land use rights	1		0	25%	capital gains	1.3	

Tax or mandatory contribution	Payments (number)	Notes on payments	Time (hours)	Statutory tax rate	Tax base	Total tax rate (% of profit)	Notes on total tax rate
Employer paid - Unemployment insurance	0	paid jointly	0	1%	gross salaries	1.1	
Fuel tax	1		0	5%	fuel consumption	0.2	included in fuel price
Business Licensing Tax	1		0	VND 1,000,000	fixed fee	0.2	
Value added tax (VAT)	12		320	10%	value added	0	not included
Totals	32		872			34.5	

Source: Doing Business database.

TRADING ACROSS BORDERS

In today's globalized world, making trade between economies easier is increasingly important for business. Excessive document requirements, burdensome customs procedures, inefficient port operations and inadequate infrastructure all lead to extra costs and delays for exporters and importers, stifling trade potential. Research shows that exporters in developing countries gain more from a 10% drop in their trading costs than from a similar reduction in the tariffs applied to their products in global markets.

What do the indicators cover?

Doing Business measures the time and cost (excluding tariffs and the time and cost for sea transport) associated with exporting and importing a standard shipment of goods by sea transport, and the number of documents necessary to complete the transaction. The indicators cover procedural requirements such as documentation requirements and procedures at customs and other regulatory agencies as well as at the port. They also cover trade logistics, including the time and cost of inland transport to the largest business city. The ranking on the ease of trading across borders is the simple average of the percentile rankings on its component indicators: documents, time and cost to export and import.

To make the data comparable across economies, *Doing Business* uses several assumptions about the business and the traded goods.

The business:

- Is of medium size and employs 60 people.
- Is located in the periurban area of the economy's largest business city.
- Is a private, limited liability company, domestically owned, formally registered and operating under commercial laws and regulations of the economy.

The traded goods:

- Are not hazardous nor do they include military items.

WHAT THE TRADING ACROSS BORDERS INDICATORS MEASURE

Documents required to export and import (number)

- Bank documents
- Customs clearance documents
- Port and terminal handling documents
- Transport documents

Time required to export and import (days)

- Obtaining, filling out and submitting all the documents
- Inland transport and handling
- Customs clearance and inspections
- Port and terminal handling
- Does not include sea transport time

Cost required to export and import (US\$ per container)

- All documentation
- Inland transport and handling
- Customs clearance and inspections
- Port and terminal handling
- Official costs only, no bribes

- Do not require refrigeration or any other special environment.
- Do not require any special phytosanitary or environmental safety standards other than accepted international standards.
- Are one of the economy's leading export or import products.
- Are transported in a dry-cargo, 20-foot full container load.

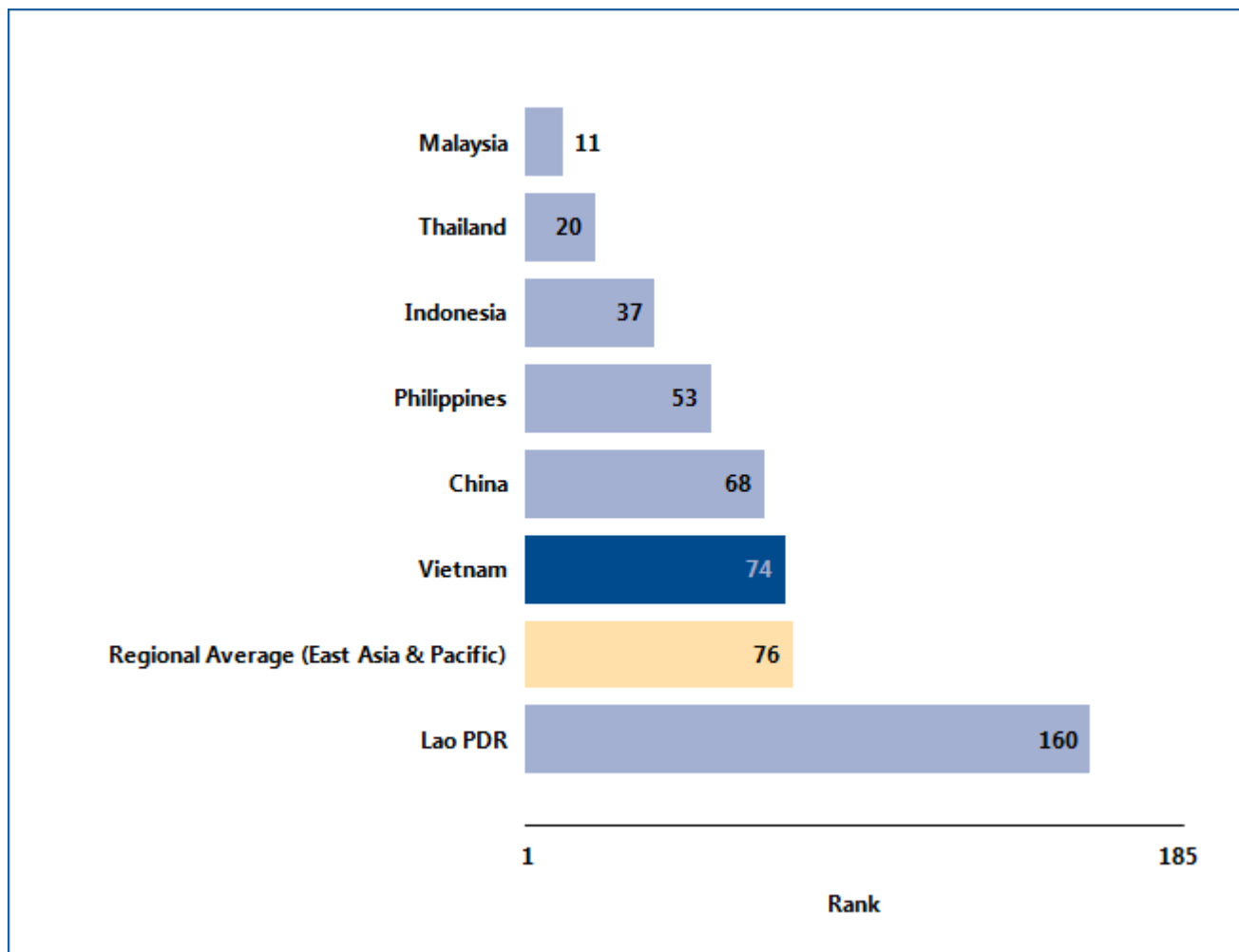
TRADING ACROSS BORDERS

Where does the economy stand today?

What does it take to export or import in Vietnam? According to data collected by *Doing Business*, exporting a standard container of goods requires 6 documents, takes 21 days and costs \$610. Importing the same container of goods requires 8 documents, takes 21 days and costs \$600 (see the summary of procedures and documents at the end of this chapter for details).

Globally, Vietnam stands at 74 in the ranking of 185 economies on the ease of trading across borders (figure 9.1). The rankings for comparator economies and the regional average ranking provide other useful information for assessing how easy it is for a business in Vietnam to export and import goods.

Figure 9.1 How Vietnam and comparator economies rank on the ease of trading across borders



Source: *Doing Business* database.

TRADING ACROSS BORDERS

What are the changes over time?

While the most recent *Doing Business* data reflect how easy (or difficult) it is to export or import in Vietnam today, data over time show which aspects of the

process have changed—and which have not (table 9.1). That can help identify where the potential for improvement is greatest.

Table 9.1 The ease of trading across borders in Vietnam over time
By *Doing Business* report year

Indicator	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	74	74
Documents to export (number)	6	6	6	6	6	6	6	6
Time to export (days)	24	24	24	24	22	22	22	21
Cost to export (US\$ per container)	468	468	468	533	555	555	580	610
Documents to import (number)	8	8	8	8	8	8	8	8
Time to import (days)	23	23	23	23	21	21	21	21
Cost to import (US\$ per container)	586	586	586	606	645	645	670	600

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings shown are not last year's published rankings but comparable rankings for DB2012 that capture the effects of such factors as data corrections and the addition of 2 economies (Barbados and Malta) to the sample this year.

Source: *Doing Business* database.

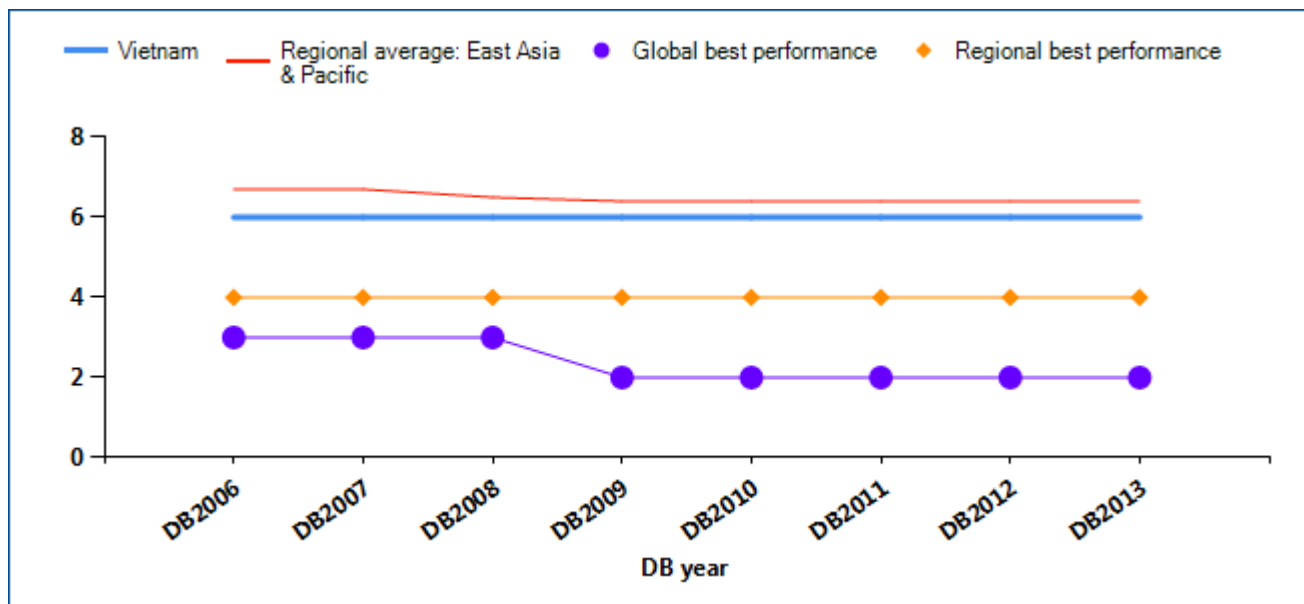
TRADING ACROSS BORDERS

Equally helpful may be the benchmarks provided by the economies that over time have had the best performance regionally or globally on the documents, time or cost required to export or import (figure 9.2).

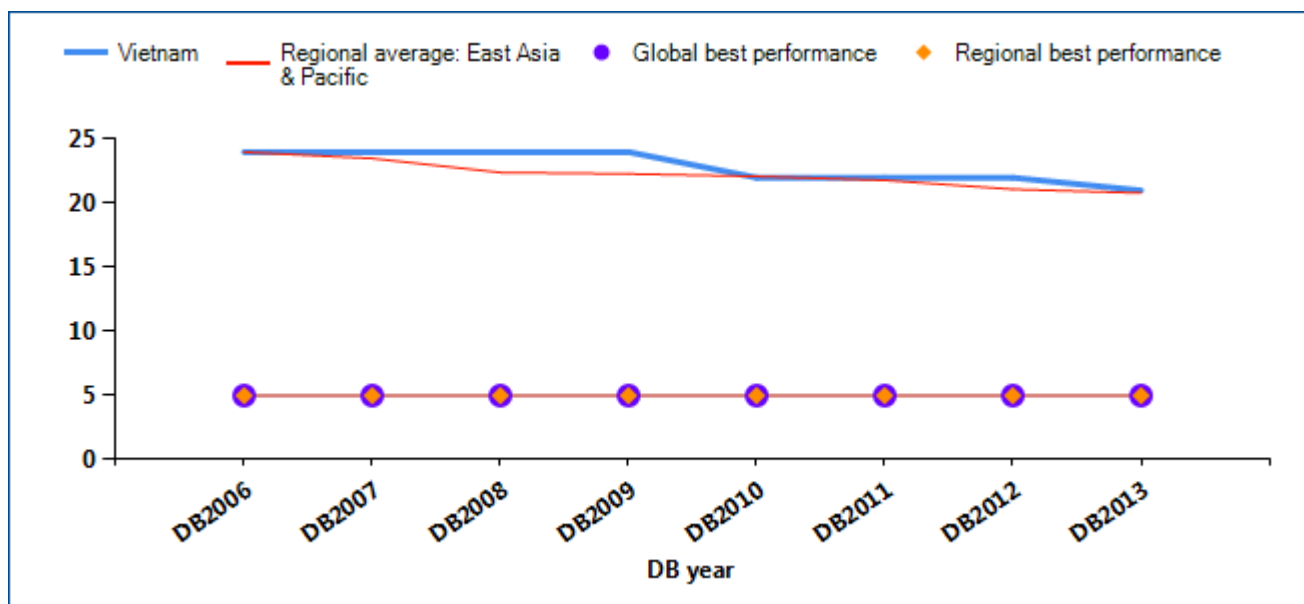
These benchmarks help show what is possible in making it easier to trade across borders. And changes in regional averages can show where Vietnam is keeping up—and where it is falling behind.

Figure 9.2 Has trading across borders become easier over time?

Documents to export (number)

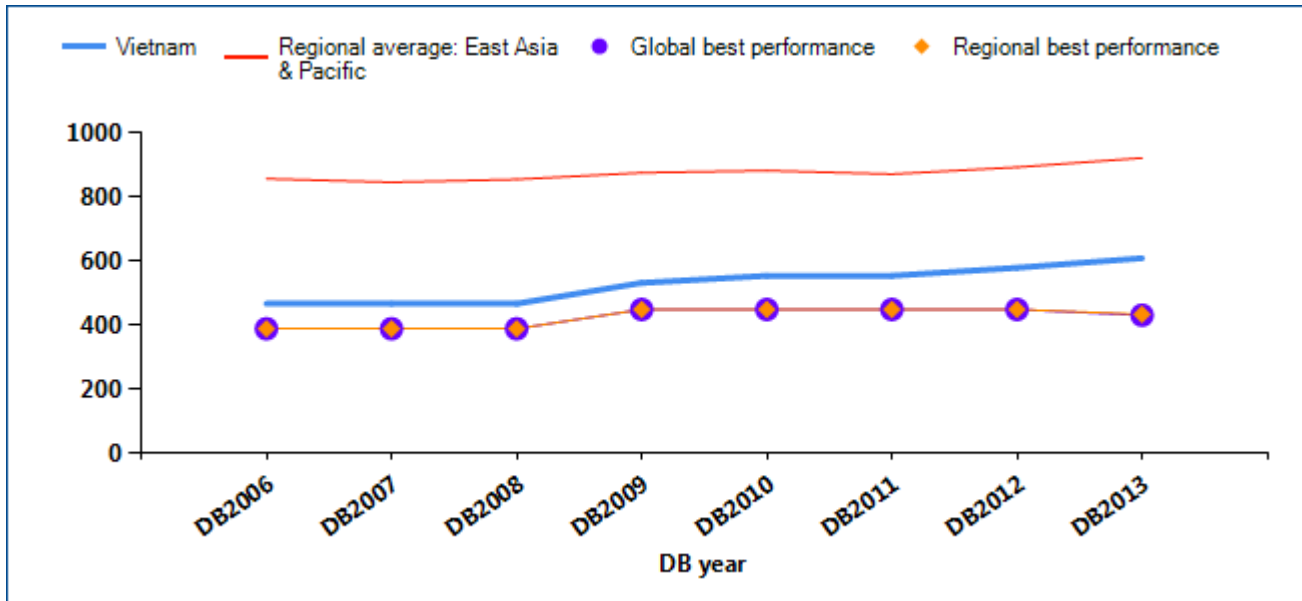


Time to export (days)

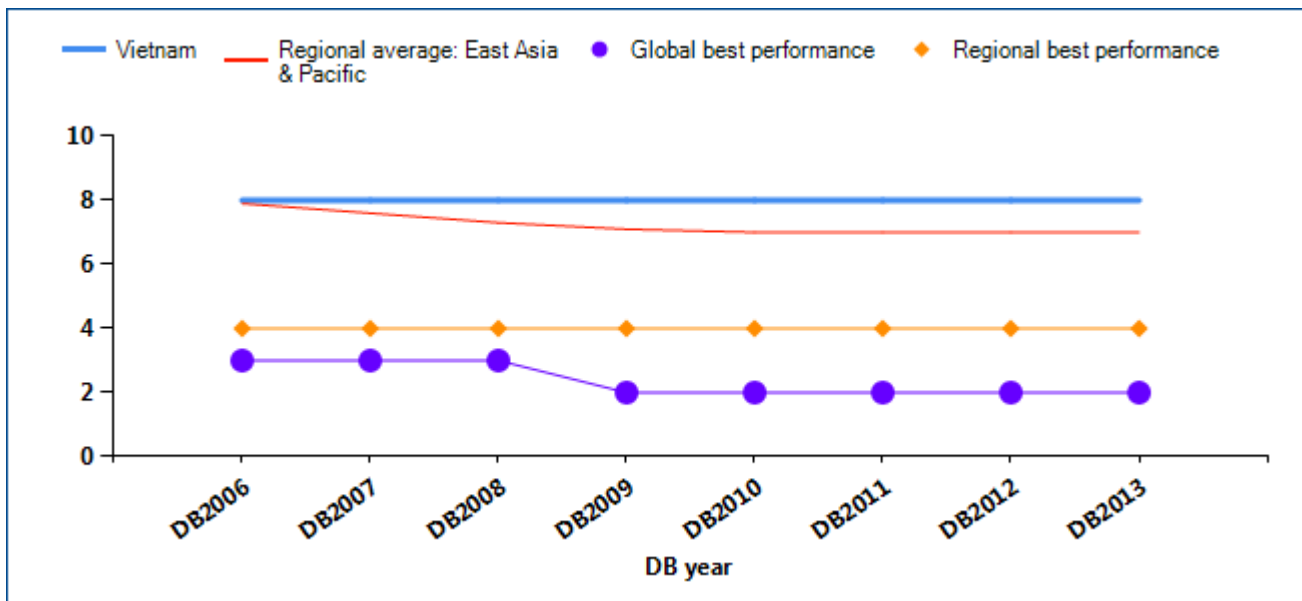


TRADING ACROSS BORDERS

Cost to export (US\$ per container)

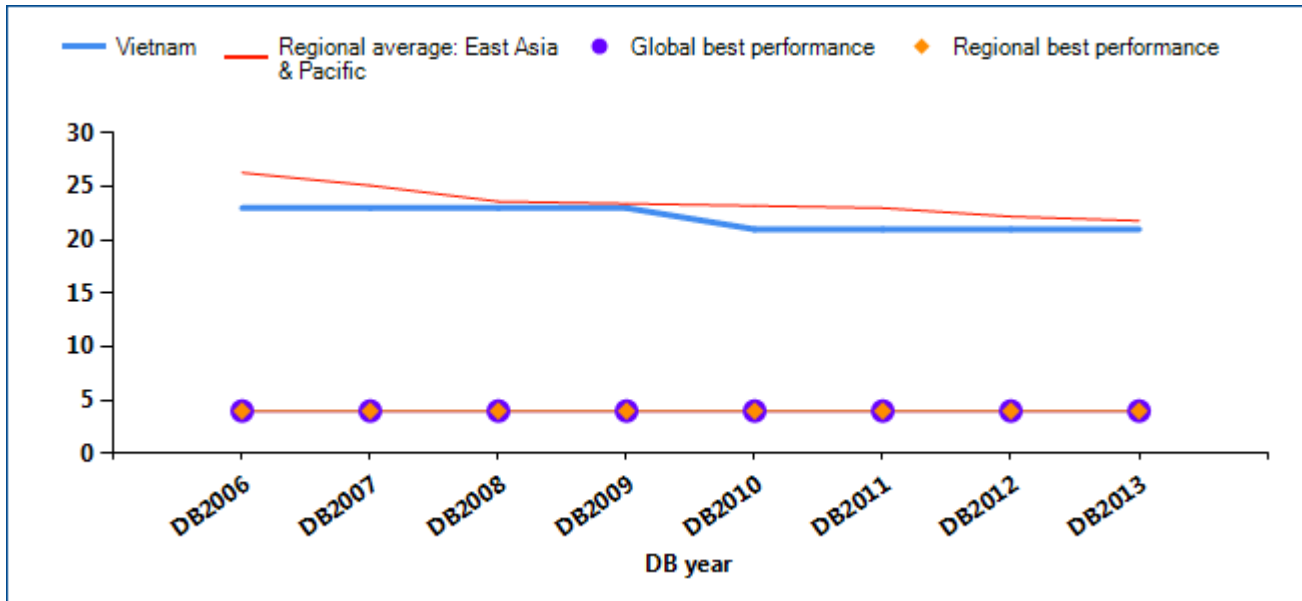


Documents to import (number)

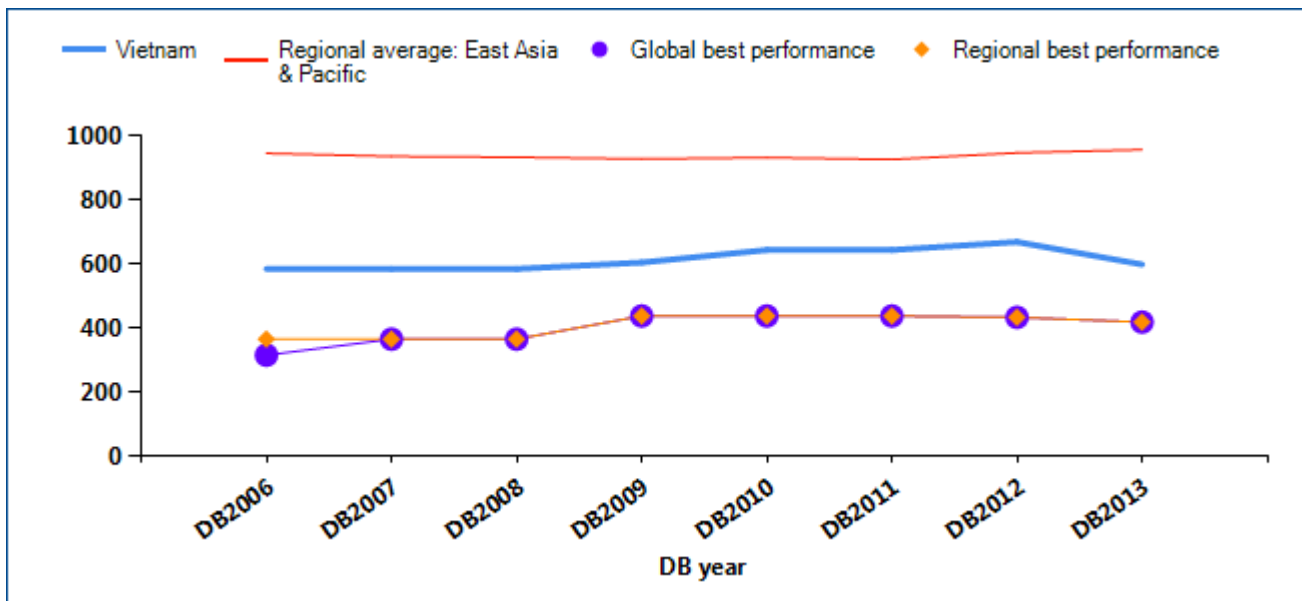


TRADING ACROSS BORDERS

Time to import (days)



Cost to import (US\$ per container)



Source: Doing Business database.

TRADING ACROSS BORDERS

In economies around the world, trading across borders as measured by *Doing Business* has become faster and easier over the years. Governments have introduced tools to facilitate trade—including single windows, risk-based inspections and electronic data interchange

systems. These changes help improve the trading environment and boost firms' international competitiveness. What trade reforms has *Doing Business* recorded in Vietnam (table 9.2)?

Table 9.2 How has Vietnam made trading across borders easier—or not?
By *Doing Business* report year

DB year	Reform
DB2008	No reform as measured by Doing Business.
DB2009	No reform as measured by Doing Business.
DB2010	Increasing competition in the logistics industry along with application of new customs administration procedures as part of the WTO membership reform program have reduced delays to trade in Vietnam.
DB2011	No reform as measured by Doing Business.
DB2012	No reform as measured by Doing Business.
DB2013	No reform as measured by Doing Business.

Note: For information on reforms in earlier years (back to DB2006), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

Source: *Doing Business* database.

TRADING ACROSS BORDERS

What are the details?

The indicators reported here for Vietnam are based on a set of specific procedural requirements for trading a standard shipment of goods by ocean transport (see the section in this chapter on what the indicators cover). Information on the procedures as well as the required documents and the time and cost to complete each procedure is collected from local freight forwarders, shipping lines, customs brokers, port officials and banks.

LOCATION OF STANDARDIZED COMPANY

City: Ho Chi Minh City

The procedural requirements, and the associated time and cost, for exporting and importing a standard shipment of goods are listed in the summary below, along with the required documents.

Summary of procedures and documents for trading across borders in Vietnam

Indicator	Vietnam	East Asia & Pacific average	OECD high income average
Documents to export (number)	6	6	4
Time to export (days)	21	21	10
Cost to export (US\$ per container)	610	923	1,028
Documents to import (number)	8	7	5
Time to import (days)	21	22	10
Cost to import (US\$ per container)	600	958	1,080

Note: In cases where an economy's regional classification is "OECD high income," regional averages above are only displayed once.

Procedures to export	Time (days)	Cost (US\$)
Documents preparation	12	160
Customs clearance and technical control	4	100
Ports and terminal handling	3	150
Inland transportation and handling	2	200
Totals	21	610

Procedures to import	Time (days)	Cost (US\$)
Documents preparation	12	130
Customs clearance and technical control	4	95

Procedures to import	Time (days)	Cost (US\$)
Ports and terminal handling	4	175
Inland transportation and handling	1	200
Totals	21	600

Documents to export
Bill of Lading
Certificate of origin
Commercial invoice
Customs export declaration
Packing list
Technical standard/health certificate

Source: Doing Business database.

Documents to import
Bill of Lading
Cargo release order
Commercial invoice
Customs import declaration
Inspection report
Packing list
Technical standard/health certificate
Terminal handling receipts

ENFORCING CONTRACTS

Well-functioning courts help businesses expand their network and markets. Without effective contract enforcement, people might well do business only with family, friends and others with whom they have established relationships. Where contract enforcement is efficient, firms are more likely to engage with new borrowers or customers, and they have greater access to credit.

What do the indicators cover?

Doing Business measures the efficiency of the judicial system in resolving a commercial dispute before local courts. Following the step-by-step evolution of a standardized case study, it collects data relating to the time, cost and procedural complexity of resolving a commercial lawsuit. The ranking on the ease of enforcing contracts is the simple average of the percentile rankings on its component indicators: procedures, time and cost.

The dispute in the case study involves the breach of a sales contract between 2 domestic businesses. The case study assumes that the court hears an expert on the quality of the goods in dispute. This distinguishes the case from simple debt enforcement. To make the data comparable across economies, *Doing Business* uses several assumptions about the case:

- The seller and buyer are located in the economy's largest business city.
- The buyer orders custom-made goods, then fails to pay.
- The seller sues the buyer before a competent court.
- The value of the claim is 200% of income per capita.
- The seller requests a pretrial attachment to secure the claim.

WHAT THE ENFORCING CONTRACTS INDICATORS MEASURE

Procedures to enforce a contract through the courts (number)

Any interaction between the parties in a commercial dispute, or between them and the judge or court officer

Steps to file and serve the case

Steps for trial and judgment

Steps to enforce the judgment

Time required to complete procedures (calendar days)

Time to file and serve the case

Time for trial and obtaining judgment

Time to enforce the judgment

Cost required to complete procedures (% of claim)

No bribes

Average attorney fees

Court costs

Enforcement costs

- The dispute on the quality of the goods requires an expert opinion.
- The judge decides in favor of the seller; there is no appeal.
- The seller enforces the judgment through a public sale of the buyer's movable assets.

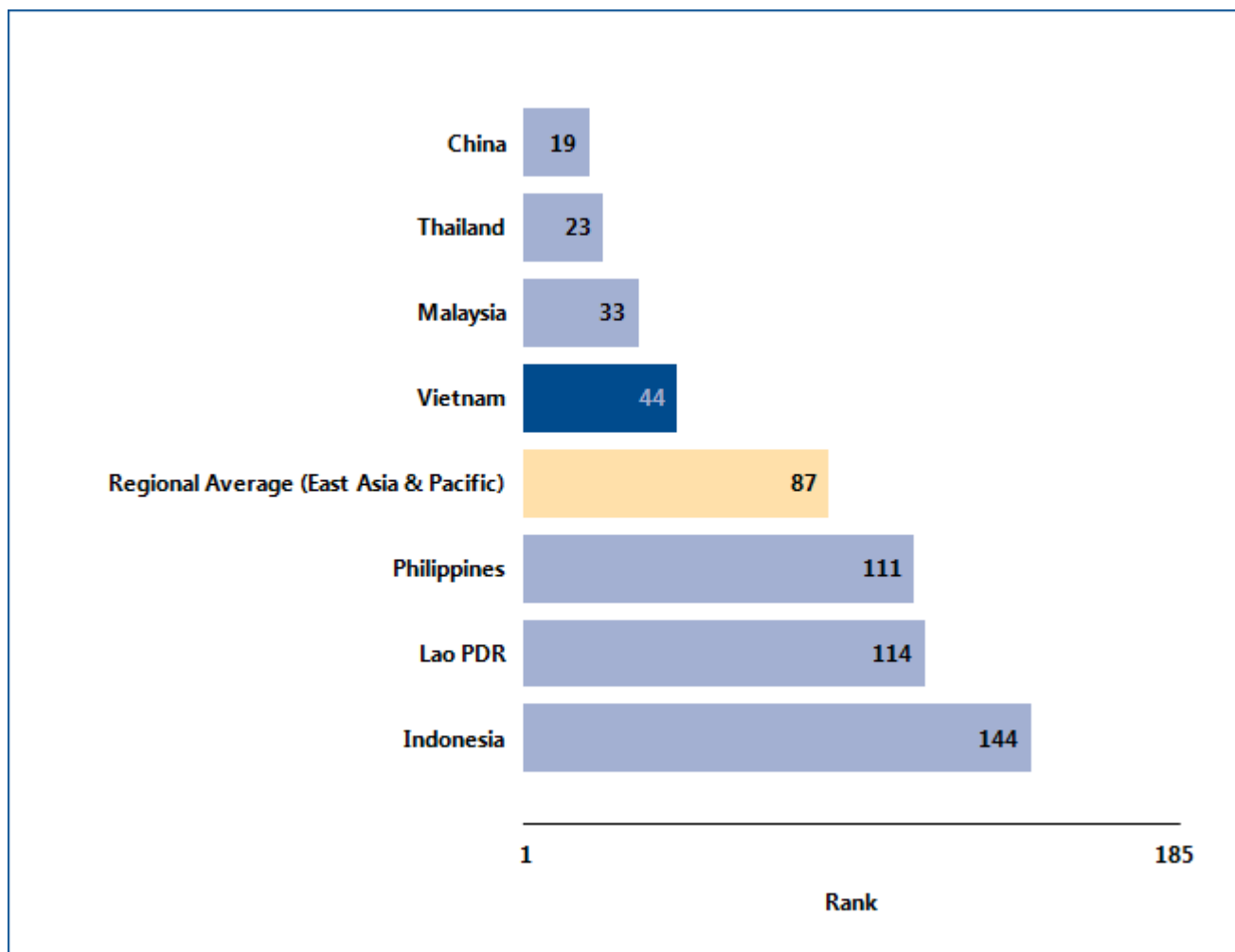
ENFORCING CONTRACTS

Where does the economy stand today?

How efficient is the process of resolving a commercial dispute through the courts in Vietnam? According to data collected by *Doing Business*, enforcing a contract takes 400 days, costs 29.0% of the value of the claim and requires 34 procedures (see the summary at the end of this chapter for details).

Globally, Vietnam stands at 44 in the ranking of 185 economies on the ease of enforcing contracts (figure 10.1). The rankings for comparator economies and the regional average ranking provide other useful benchmarks for assessing the efficiency of contract enforcement in Vietnam.

Figure 10.1 How Vietnam and comparator economies rank on the ease of enforcing contracts



Source: *Doing Business* database.

ENFORCING CONTRACTS

What are the changes over time?

While the most recent *Doing Business* data reflect how easy (or difficult) it is to enforce a contract in Vietnam today, data on the underlying indicators over time help

identify which areas have changed and where the potential for improvement is greatest (table 10.1).

Table 10.1 The ease of enforcing contracts in Vietnam over time
By *Doing Business* report year

Indicator	DB2004	DB2005	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	..	..	41	44
Time (days)	461	461	400	400	400	400	400	400	400	400
Cost (% of claim)	31.0	31.0	31.0	31.0	31.0	31.0	28.5	28.5	28.5	29.0
Procedures (number)	34	34	34	34	34	34	34	34	34	34

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings shown are not last year's published rankings but comparable rankings for DB2012 that capture the effects of such factors as data corrections and the addition of 2 economies (Barbados and Malta) to the sample this year.

Source: *Doing Business* database.

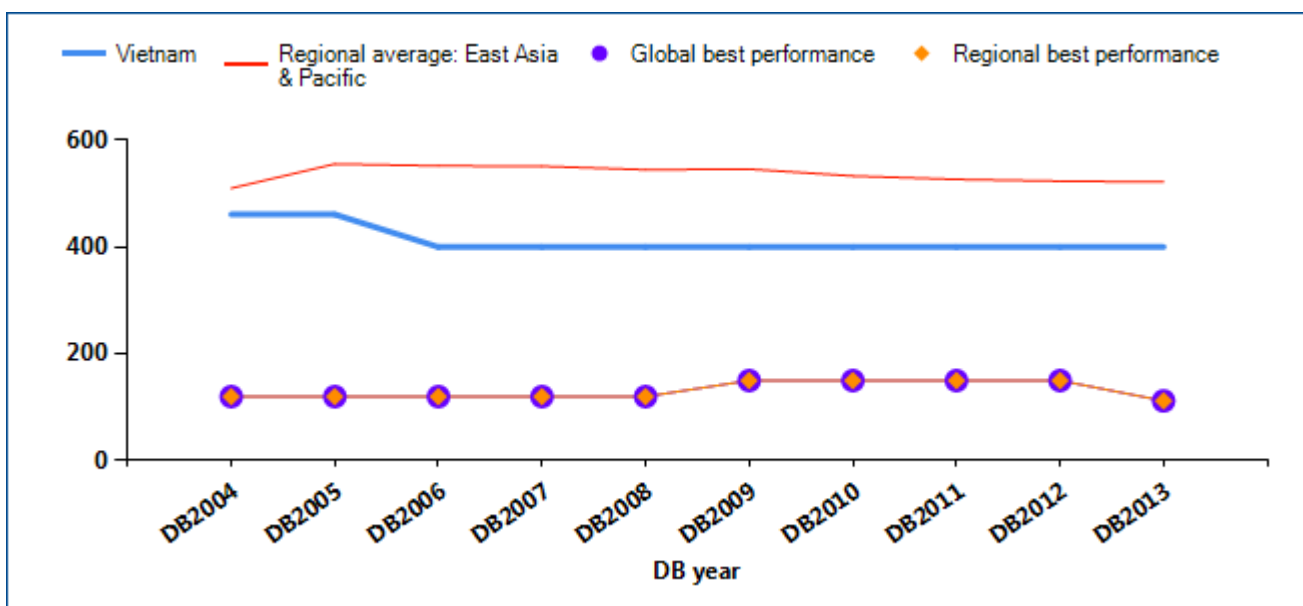
ENFORCING CONTRACTS

Equally helpful may be the benchmarks provided by the economies that over time have had the best performance regionally or globally on the number of steps, time or cost required to enforce a contract through the courts (figure 10.2). These benchmarks

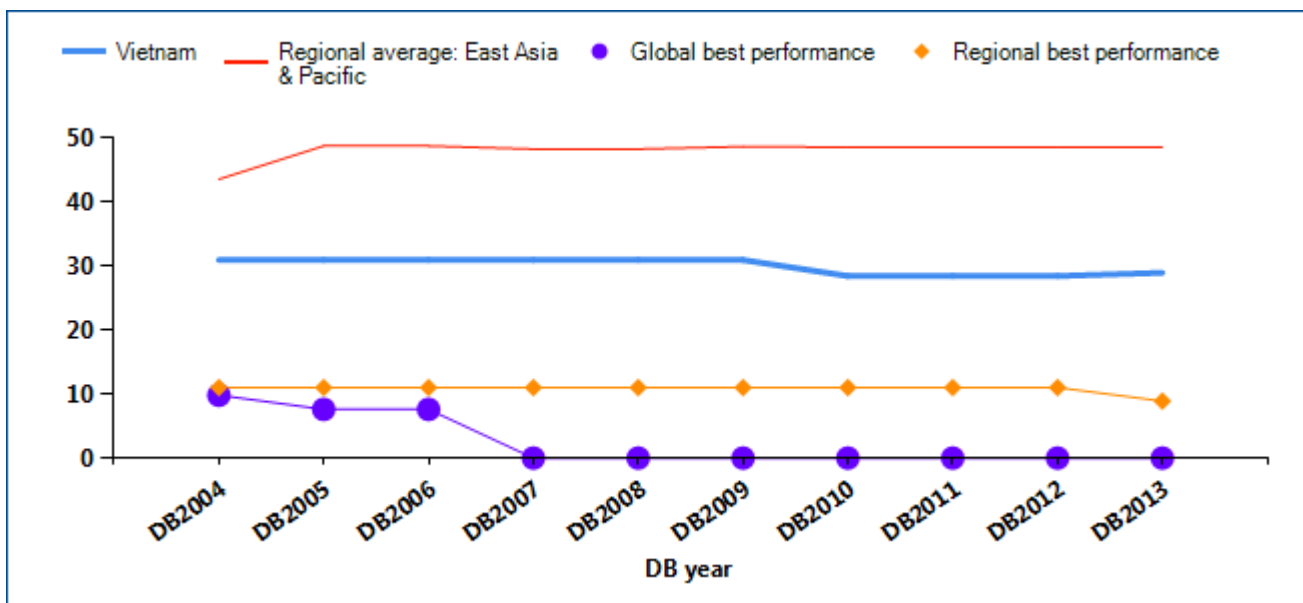
help show what is possible in improving the efficiency of contract enforcement. And changes in regional averages can show where Vietnam is keeping up—and where it is falling behind.

Figure 10.2 Has enforcing contracts become easier over time?

Time (days)

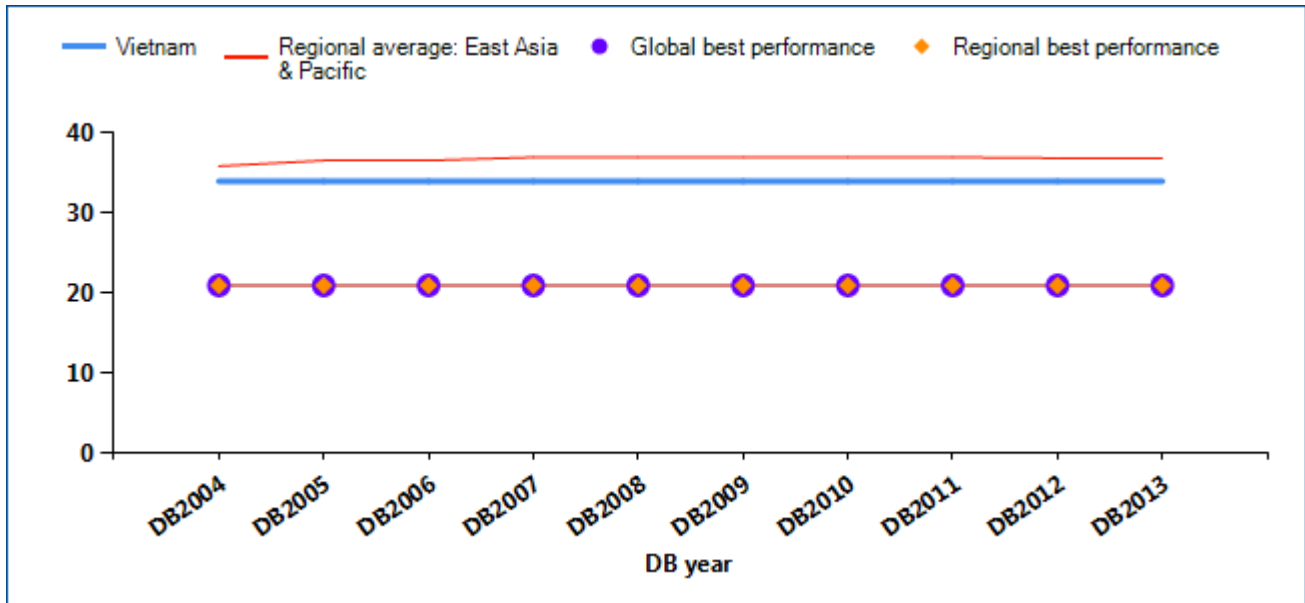


Cost (% of claim)



ENFORCING CONTRACTS

Procedures (number)



Source: Doing Business database.

ENFORCING CONTRACTS

Economies in all regions have improved contract enforcement in recent years. A judiciary can be improved in different ways. Higher-income economies tend to look for ways to enhance efficiency by introducing new technology. Lower-income economies

often work on reducing backlogs by introducing periodic reviews to clear inactive cases from the docket and by making procedures faster. What reforms making it easier (or more difficult) to enforce contracts has *Doing Business* recorded in Vietnam (table 10.2)?

Table 10.2 How has Vietnam made enforcing contracts easier—or not?

By *Doing Business* report year

DB year	Reform
DB2008	No reform as measured by Doing Business.
DB2009	No reform as measured by Doing Business.
DB2010	No reform as measured by Doing Business.
DB2011	No reform as measured by Doing Business.
DB2012	No reform as measured by Doing Business.
DB2013	No reform as measured by Doing Business.

Note: For information on reforms in earlier years (back to DB2005), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

Source: *Doing Business* database.

ENFORCING CONTRACTS

What are the details?

The indicators reported here for Vietnam are based on a set of specific procedural steps required to resolve a standardized commercial dispute through the courts (see the section in this chapter on what the indicators cover). These procedures, and the time and cost of completing them, are identified 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 economies covered by *Doing Business*, by judges as well).

COMPETENT COURT

City: Ho Chi Minh City

The procedures for resolving a commercial lawsuit, and the associated time and cost, are listed in the summary below.

Summary of procedures for enforcing a contract in Vietnam—and the time and cost

Indicator	Vietnam	East Asia & Pacific average	OECD high income average
Time (days)	400	522	510
Filing and service	50		
Trial and judgment	200		
Enforcement of judgment	150		
Cost (% of claim)	29.0	48.6	20.1
Attorney cost (% of claim)	21.0		
Court cost (% of claim)	5.0		
Enforcement Cost (% of claim)	3.0		
Procedures (number)	34	37	31

Note: In cases where an economy's regional classification is "OECD high income," regional averages above are only displayed once.

ENFORCING CONTRACTS

No.	Procedure
	Filing and service:
1	Plaintiff requests payment: Plaintiff or his lawyer asks Defendant orally or in writing to comply with the contract.
*	Plaintiff's filing of summons and complaint: Plaintiff files his summons and complaint with the court, orally or in writing.
*	Plaintiff's payment of court fees: Plaintiff pays court duties, stamp duties, or any other type of court fee.
2	Registration of court case: The court administration registers the lawsuit or court case. This includes assigning a reference number to the lawsuit or court case.
*	Assignment of court case to a judge: The court case is assigned to a specific judge through a random procedure, automated system, ruling of an administrative judge, court officer, etc.
3	Court scrutiny of summons and complaint: A judge examines Plaintiff's summons and complaint for formal requirements.
*	Judge admits summons and complaint: After verifying the formal requirements, the judge decides to admit Plaintiff's summons and complaint.
4	Delivery of summons and complaint to person authorized to perform service of process on Defendant: The judge or a court officer delivers the summons to a summoning office, officer, or authorized person (including Plaintiff), for service of process on Defendant.
*	Mailing of summons and complaint: Court or process server, including (private) bailiff, mails summons and complaint to Defendant.
5	First attempt at physical delivery: A first attempt to physically deliver summons and complaint to Defendant is successful in the majority of cases.
6	Second attempt at physical delivery: If a first attempt was not successful, a second attempt to physically deliver the summons and complaint to Defendant is required by law or standard practice.
7	Substituted service: Substituted service is accomplished by publication in newspapers, by affixing a notice in court or on public bulletin boards, etc.
*	Application for pre-judgment attachment: Plaintiff submits an application in writing for the attachment of Defendant's property prior to judgment. (see assumption 5)
*	Decision on pre-judgment attachment: The judge decides whether to grant Plaintiff's request for pre-judgment attachment of Defendant's property and notifies Plaintiff and Defendant of the decision. This step may include requesting that Plaintiff submit guarantees or bonds to secure Defendant
8	Pre-judgment attachment.: Defendant's property is attached prior to judgment. Attachment is either physical or achieved by registering, marking, debiting or separating assets. (see assumption 5)
9	Report on pre-judgment attachment: Court enforcement officer or (private) bailiff issues and delivers a report on the attachment of Defendant's property to the judge. (see assumption 5)
	Trial and judgment:

No.	Procedure
10	Defendant's filing of defense or answer to Plaintiff's claim: Defendant files a written pleading which includes his defense or answer on the merits of the case. Defendant's written answer may or may not include witness statements, expert statements, the documents Defendant relies on as evidence and the legal authority
11	Framing of issues: Plaintiff and Defendant assist the court in framing issues on which evidence is to be presented.
*	Court appointment of independent expert: Judge appoints, either at the parties' request or at his own initiative, an independent expert to decide whether the quality of the goods Plaintiff delivered to Defendant is adequate. (see assumption 6-b of this case)
12	Notification of court-appointment of independent expert: The court notifies both parties that the court is appointing an independent expert. (see assumption 6-b of this case)
*	Delivery of expert report by court-appointed expert: The independent expert appointed by the court delivers his or her expert report to the court. (see assumption 6-b of this case)
*	Setting of date for mediation hearing: The judge sets a date for a mediation hearing, sometimes also called a 'pre-trial conference,' and notifies the parties of the hearing date.
13	Mediation hearing: The judge during this informal meeting with the parties encourages them to settle the case. The judge acts as mediator. If the case cannot be settled, the judge may draft a pre-trial conference report, after which the case may be allocated to another judge
*	Setting of date(s) for oral hearing or trial: The judge sets the date(s) for the oral hearing or trial.
14	Summoning of (expert) witnesses: The court summons (expert) witnesses to appear in court for the oral hearing or trial. (see assumption 6-a)
15	Oral hearing (prevalent in civil law): The parties argue the merits of the case at an oral hearing before the judge. Witnesses and a court-appointed independent expert may be heard and questioned at the oral hearing.
*	Final arguments: The parties present their final factual and legal arguments to the court either by oral presentation or by a written submission.
16	Notification of judgment in court: The parties are notified of the judgment at a court hearing.
17	Writing of judgment: The judge produces a written copy of the judgment.
18	Registration of judgment: The court office registers the judgment after receiving a written copy of the judgment.
19	Court notification of availability of the written judgment: The court notifies the parties that the written judgment is available at the courthouse.
20	Plaintiff's receipt of a copy of written judgment: Plaintiff receives a copy of the written judgment.
21	Notification of Defendant of judgment: Plaintiff or court formally notifies the Defendant of the judgment. The appeal period starts to run the day the Defendant is formally notified of the judgment.
22	Appeal period: By law, Defendant has the opportunity to appeal the judgment during a period specified in the law. Defendant decides not to appeal. Judgment becomes final the day the appeal period ends.
23	Reimbursement by Defendant of Plaintiff's court fees: The judgment obliges Defendant to reimburse Plaintiff for the court fees Plaintiff has advanced, because Defendant has lost the case.
	Enforcement of judgment:

No.	Procedure
*	Plaintiff's request for enforcement order: Plaintiff applies to the court to obtain the enforcement order ('seal' on judgment).
24	Attachment of enforcement order to judgment: The judge attaches the enforcement order ('seal') to the judgment.
25	Judge's order for physical enforcement: The judge orders the police to assist with the physical enforcement of the attachment of Defendant's movable goods.
26	Request to Defendant to comply voluntarily with judgment: Plaintiff, a court enforcement officer or a (private) bailiff requests Defendant to voluntarily comply with the judgment, giving Defendant a last chance to comply voluntarily with the judgment.
27	Identification of Defendant's assets for attachment by court official or Defendant: Judge, a court enforcement officer, a (private) bailiff or the Defendant himself identifies Defendant's movable assets for attachment.
28	Notification of intent to attach: A court enforcement officer or (private) bailiff notifies other creditors of the intent to attach Defendant's goods.
29	Attachment: Defendant's movable goods are attached (physically or by registering, marking or separating assets).
30	Valuation or appraisal of attached movable goods: The court or court appointed valuation expert evaluates the attached goods.
31	Call for public auction: The judge calls a public auction by, for example, advertising or publication in the newspapers.
32	Sale through public auction: The Defendant's movable property is sold at public auction.
33	Judge's decision on bids: The judge determines the adequacy of the bids presented at public auction.
34	Distribution of proceeds: The proceeds of the public auction are distributed to various creditors (including Plaintiff), according to the rules of priority.
35	Payment: Court orders that the proceeds of the public auction or the direct sale be delivered to Plaintiff.

* Takes place simultaneously with another procedure.

Source: *Doing Business* database.

RESOLVING INSOLVENCY

A robust bankruptcy system functions as a filter, ensuring the survival of economically efficient companies and reallocating the resources of inefficient ones. Fast and cheap insolvency proceedings result in the speedy return of businesses to normal operation and increase returns to creditors. By improving the expectations of creditors and debtors about the outcome of insolvency proceedings, well-functioning insolvency systems can facilitate access to finance, save more viable businesses and thereby improve growth and sustainability in the economy overall.

What do the indicators cover?

Doing Business studies the time, cost and outcome of insolvency proceedings involving domestic entities. It does not measure insolvency proceedings of individuals and financial institutions. The data are derived from survey responses by local insolvency practitioners and verified through a study of laws and regulations as well as public information on bankruptcy systems.

The ranking on the ease of resolving insolvency is based on the recovery rate, which is recorded as cents on the dollar recouped by creditors through reorganization, liquidation or debt enforcement (foreclosure) proceedings. The recovery rate is a function of time, cost and other factors, such as lending rate and the likelihood of the company continuing to operate.

To make the data comparable across economies, *Doing Business* uses several assumptions about the business and the case. It assumes that the company:

- Is a domestically owned, limited liability company operating a hotel.
- Operates in the economy's largest business city.

WHAT THE RESOLVING INSOLVENCY INDICATORS MEASURE

Time required to recover debt (years)

Measured in calendar years

Appeals and requests for extension are included

Cost required to recover debt (% of debtor's estate)

Measured as percentage of estate value

Court fees

Fees of insolvency administrators

Lawyers' fees

Assessors' and auctioneers' fees

Other related fees

Recovery rate for creditors (cents on the dollar)

Measures the cents on the dollar recovered by creditors

Present value of debt recovered

Official costs of the insolvency proceedings are deducted

Depreciation of furniture is taken into account

Outcome for the business (survival or not) affects the maximum value that can be recovered

- Has 201 employees, 1 main secured creditor and 50 unsecured creditors.
- Has a higher value as a going concern—and the efficient outcome is either reorganization or sale as a going concern, not piecemeal liquidation.

RESOLVING INSOLVENCY

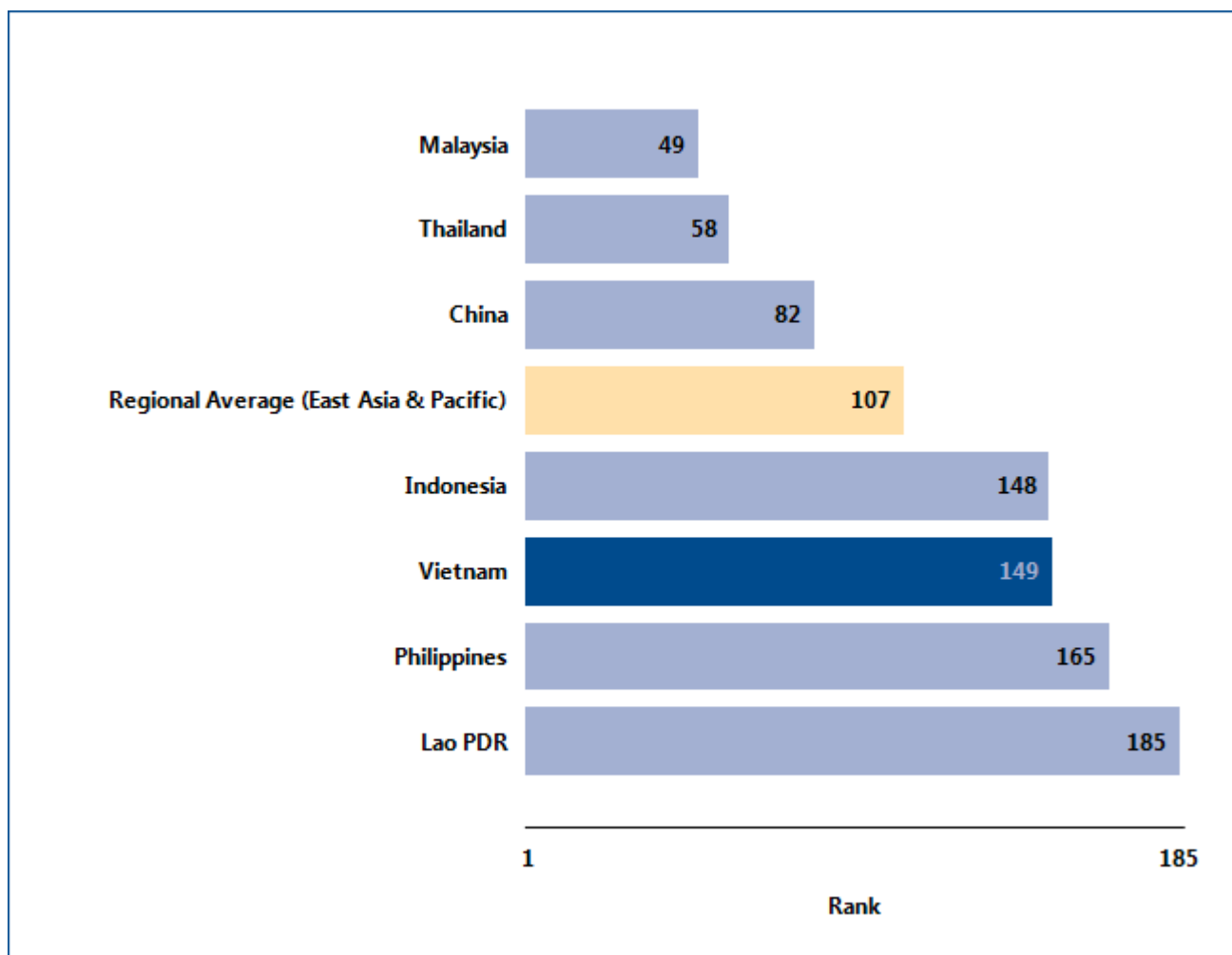
Where does the economy stand today?

Speed, low costs and continuation of viable businesses characterize the top-performing economies. How efficient are insolvency proceedings in Vietnam? According to data collected by *Doing Business*, resolving insolvency takes 5.0 years on average and costs 15% of the debtor’s estate, with the most likely outcome being that the company will be sold as

piecemeal sale. The average recovery rate is 13.9 cents on the dollar.

Globally, Vietnam stands at 149 in the ranking of 185 economies on the ease of resolving insolvency (figure 11.1). The rankings for comparator economies and the regional average ranking provide other useful benchmarks for assessing the efficiency of insolvency proceedings in Vietnam.

Figure 11.1 How Vietnam and comparator economies rank on the ease of resolving insolvency



Source: *Doing Business* database.

RESOLVING INSOLVENCY

What are the changes over time?

While the most recent *Doing Business* data reflect the efficiency of insolvency proceedings in Vietnam today, data over time show where the efficiency has changed—and where it has not (table 11.1). That can help identify where the potential for improvement is greatest.

Table 11.1 The ease of resolving insolvency in Vietnam over time

By *Doing Business* report year

Indicator	DB2004	DB2005	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	..	..	145	149
Time (years)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Cost (% of estate)	15	15	15	15	15	15	15	15	15	15
Recovery rate (cents on the dollar)	19.4	19.4	19.2	18.0	18.0	18.0	18.0	18.6	16.5	13.9

Note: n.a. = not applicable (the economy was not included in *Doing Business* for that year). DB2012 rankings shown are not last year's published rankings but comparable rankings for DB2012 that capture the effects of such factors as data corrections and the addition of 2 economies (Barbados and Malta) to the sample this year. "No practice" indicates that in each of the previous 5 years the economy had no cases involving a judicial reorganization, judicial liquidation or debt enforcement procedure (foreclosure). This means that creditors are unlikely to recover their money through a formal legal process (in or out of court). The recovery rate for "no practice" economies is 0.

Source: *Doing Business* database.

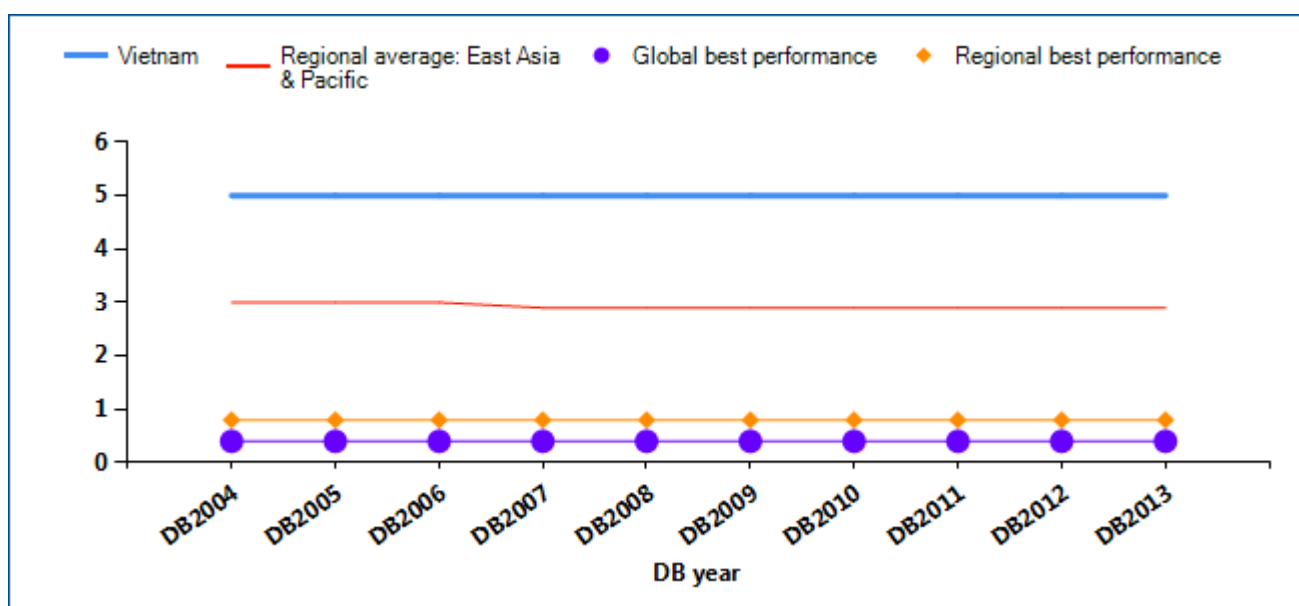
RESOLVING INSOLVENCY

Equally helpful may be the benchmarks provided by the economies that over time have had the best performance regionally or globally on the time or cost of insolvency proceedings or on the recovery rate (figure 11.2). These benchmarks help show what is

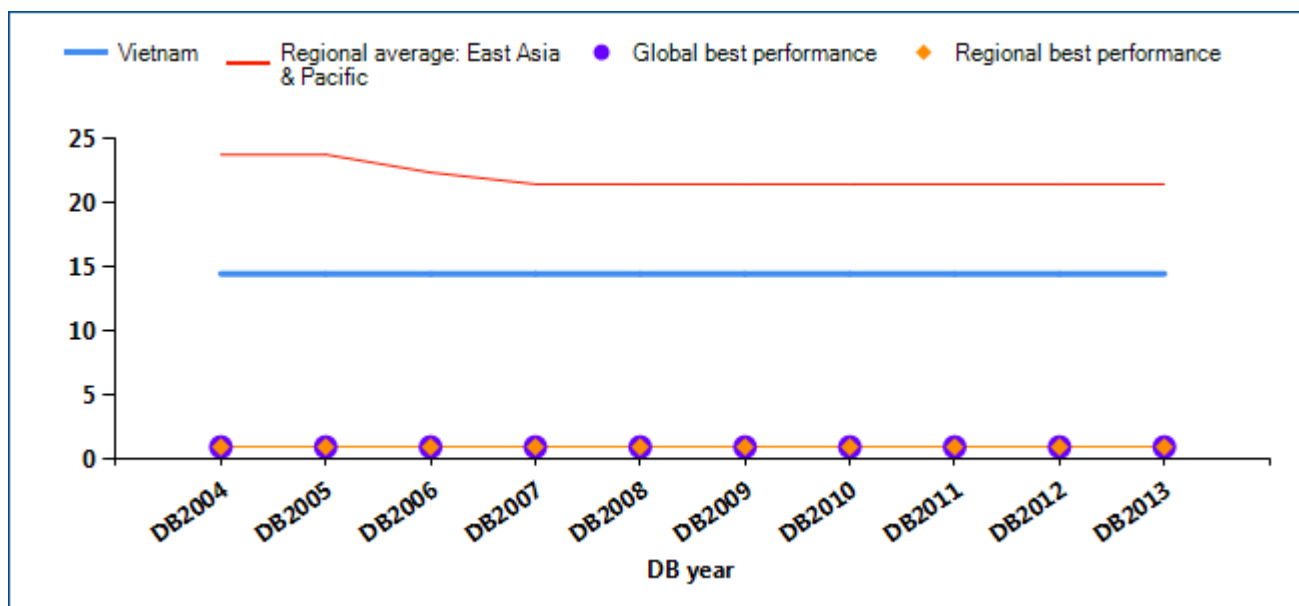
possible in improving the efficiency of insolvency proceedings. And changes in regional averages can show where Vietnam is keeping up—and where it is falling behind.

Figure 11.2 Has resolving insolvency become easier over time?

Time (years)

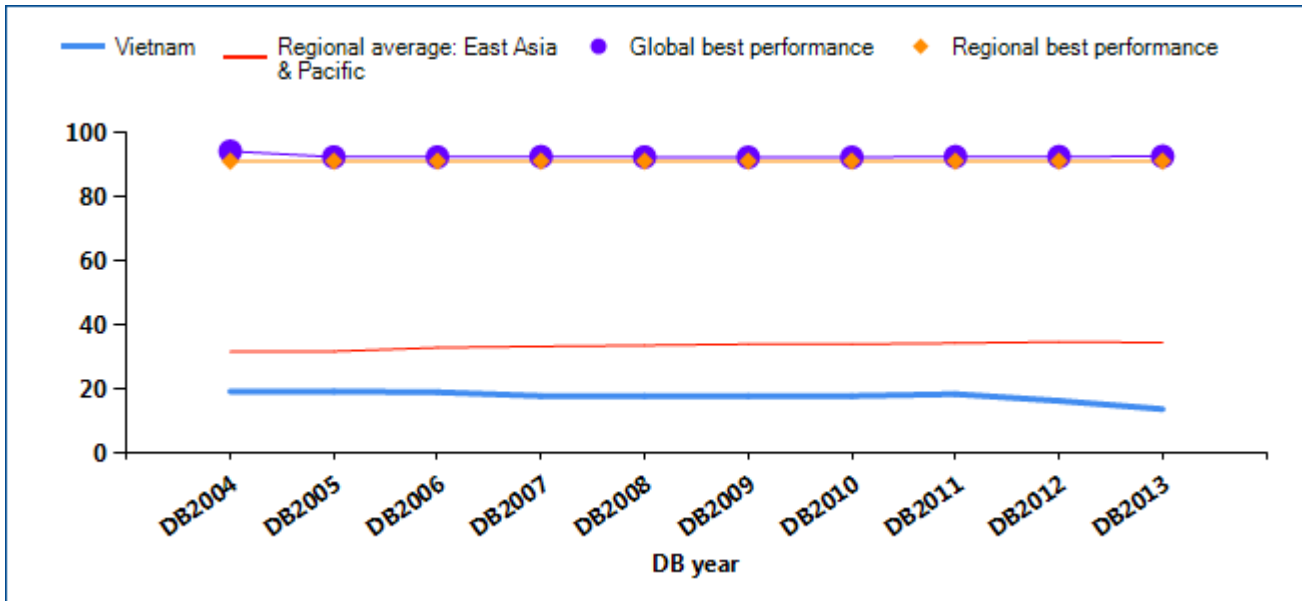


Cost (% of estate)



RESOLVING INSOLVENCY

Recovery rate (cents on the dollar)



Note: Regional averages on time and cost exclude economies with a “no practice” mark.

Source: Doing Business database.

RESOLVING INSOLVENCY

A well-balanced bankruptcy system distinguishes companies that are financially distressed but economically viable from inefficient companies that should be liquidated. But in some insolvency systems even viable businesses are liquidated. This is starting to

change. Many recent reforms of bankruptcy laws have been aimed at helping more of the viable businesses survive. What insolvency reforms has *Doing Business* recorded in Vietnam (table 11.2)?

Table 11.2 How has Vietnam made resolving insolvency easier—or not?

By *Doing Business* report year

DB year	Reform
DB2008	No reform as measured by Doing Business.
DB2009	No reform as measured by Doing Business.
DB2010	No reform as measured by Doing Business.
DB2011	No reform as measured by Doing Business.
DB2012	No reform as measured by Doing Business.
DB2013	No reform as measured by Doing Business.

Note: For information on reforms in earlier years (back to DB2005), see the *Doing Business* reports for these years, available at <http://www.doingbusiness.org>.

Source: *Doing Business* database.

EMPLOYING WORKERS

Doing Business measures flexibility in the regulation of employment, specifically as it affects the hiring and redundancy of workers and the rigidity of working hours. From 2007 to 2011 improvements were made to align the methodology for the employing workers indicators with the letter and spirit of the International Labour Organization (ILO) conventions. Only 4 of the 188 ILO conventions cover areas measured by *Doing Business*: employee termination, weekend work, holiday with pay and night work. The *Doing Business* methodology is fully consistent with these 4 conventions. The ILO conventions covering areas related to the employing workers indicators do not include the ILO core labor standards—8 conventions covering the right to collective bargaining, the elimination of forced labor, the abolition of child labor and equitable treatment in employment practices.

Between 2009 and 2011 the World Bank Group worked with a consultative group—including labor lawyers, employer and employee representatives, and experts from the ILO, the Organisation for Economic Co-operation and Development, civil society and the private sector—to review the employing workers methodology and explore future areas of research.

A full report with the conclusions of the consultative group is available at <http://www.doingbusiness.org/methodology/employing-workers>.

Doing Business 2013 does not present rankings of economies on the employing workers indicators or include the topic in the aggregate ranking on the ease of doing business. The report does present the data on the employing workers indicators in an annex. Detailed data collected on labor regulations are available on the *Doing Business* website (<http://www.doingbusiness.org>).

Particular data for Vietnam are presented here without scoring.

To make the data on employing workers comparable across economies, several assumptions about the worker and the business are used.

The worker:

- Earns a salary plus benefits equal to the economy's average wage during the entire period of his employment.
- Has a pay period that is the most common for workers in the economy.
- Is a lawful citizen who belongs to the same race and religion as the majority of the economy's population.
- Resides in the economy's largest business city.
- Is not a member of a labor union, unless membership is mandatory.

The business:

- Is a limited liability company.
- Operates in the economy's largest business city.
- Is 100% domestically owned.
- Operates in the manufacturing sector.
- Has 60 employees.
- Is 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.
- Abides by every law and regulation but does not grant workers more benefits than mandated by law, regulation or (if applicable) collective bargaining agreement.

EMPLOYING WORKERS

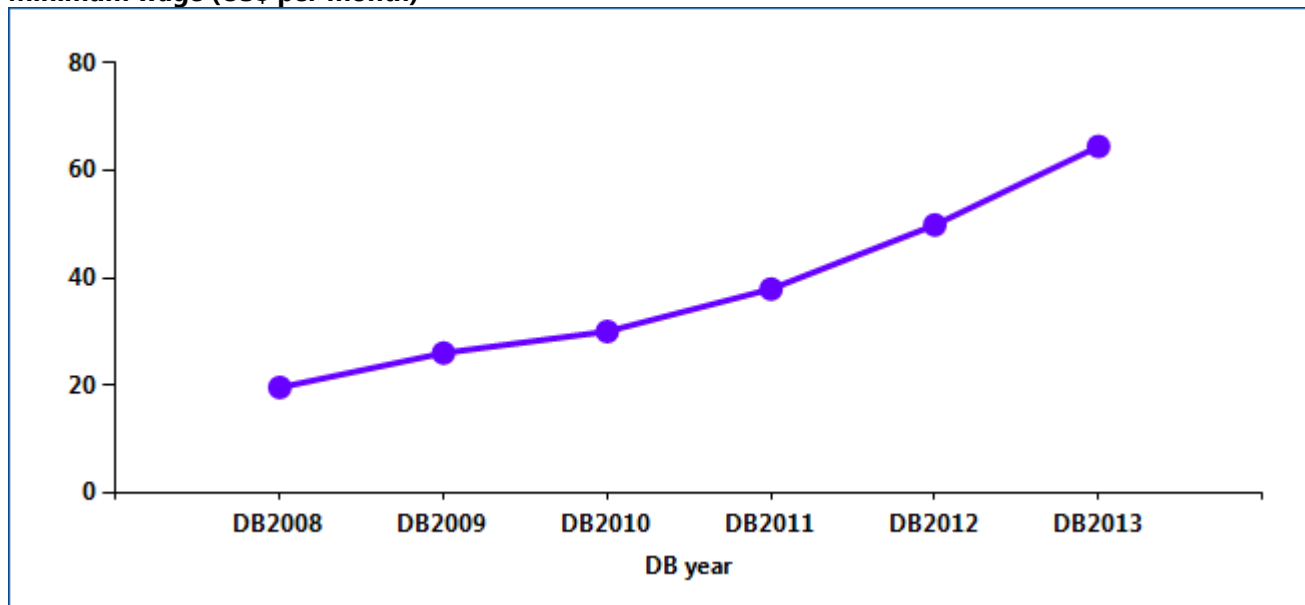
What do some of the data show?

One of the employing workers indicators is the difficulty of hiring index. This measure assesses, among other things, the minimum wage for a 19-year-old

worker in his or her first job. *Doing Business* data show the trend in the minimum wage applied by Vietnam (figure 12.1).

Figure 12.1 Has the minimum wage for a 19-year-old worker or an apprentice increased over time?

Minimum wage (US\$ per month)



Note: A horizontal line along the x-axis of the figure indicates that the economy has no minimum wage.

Source: *Doing Business* database.

EMPLOYING WORKERS

Employment laws are needed to protect workers from arbitrary or unfair treatment and to ensure efficient contracting between employers and workers. Many economies that changed their labor regulations in the

past 4 years did so in ways that increased labor market flexibility. What changes did Vietnam adopt that affected the *Doing Business* indicators on employing workers (table 12.1)?

Table 12.1 What changes did Vietnam make in employing workers in 2012?

Reform
No reform as measured by Doing Business.

Source: *Doing Business* database.

EMPLOYING WORKERS

What are the details?

The data on employing workers reported here for Vietnam are based on a detailed survey of employment regulations that is completed by local

lawyers and public officials. Employment laws and regulations as well as secondary sources are reviewed to ensure accuracy.

Rigidity of employment index

The rigidity of employment index measures 3 areas of labor regulation: difficulty of hiring, rigidity of hours and difficulty of redundancy.

Difficulty of hiring index

The difficulty of hiring index measures whether fixed-term contracts are prohibited for permanent tasks; the maximum cumulative duration of fixed-term contracts; and the ratio of the minimum wage for a trainee or first-time employee to the average value added per

worker. (The average value added per worker is the ratio of an economy's gross national income per capita to the working-age population as a percentage of the total population.)

Difficulty of hiring index	Data
Fixed-term contracts prohibited for permanent tasks?	No
Maximum length of a single fixed-term contract (months)	36 - Article 27.1 of Labor Code (as amended 2 April 2002)
Maximum length of fixed-term contracts, including renewals (months)	72
Minimum wage for a 19-year old worker or an apprentice (US\$/month)	64.5
Ratio of minimum wage to value added per worker	0.43

Source: *Doing Business* database.

EMPLOYING WORKERS

Rigidity of hours index

The rigidity of hours index has 5 components: whether there are restrictions on night work; whether there are restrictions on weekly holiday work; whether the workweek can consist of 5.5 days or is more than 6 days; whether the workweek can extend to 50 hours or more (including overtime) for 2 months a year to

respond to a seasonal increase in production; and whether the average paid annual leave for a worker with 1 year of tenure, a worker with 5 years and a worker with 10 years is more than 26 working days or fewer than 15 working days.

Rigidity of hours index	Data
Standard workday in manufacturing (hours)	8 hours - According to Article 68.1 of Labor Code (as amended 2 April 2002), working hours shall not exceed 8 hours per day or 48 hours per week. A company shall have the right to determine the working hours on a daily or weekly basis provided that the wo
50-hour workweek allowed for 2 months a year in case of a seasonal increase in production?	Yes
Maximum working days per week	6.0
Premium for night work (% of hourly pay) in case of continuous operations	30%
Premium for work on weekly rest day (% of hourly pay) in case of continuous operations	100%
Major restrictions on night work in case of continuous operations?	No
Major restrictions on weekly holiday in case of continuous operations?	No
Paid annual leave for a worker with 1 year of tenure (in working days)	12.0
Paid annual leave for a worker with 5 years of tenure (in working days)	13.0
Paid annual leave for a worker with 10 years of tenure (in working days)	14.0
Paid annual leave (average for workers with 1, 5 and 10 years of tenure, in working days)	13.0

Source: *Doing Business* database.

EMPLOYING WORKERS

Difficulty of redundancy index

The difficulty of redundancy index has 8 components: whether redundancy is disallowed as a basis for terminating workers; whether the employer needs to notify a third party (such as a government agency) to terminate 1 redundant worker; whether the employer needs to notify a third party to terminate a group of 9 redundant workers; whether the employer needs approval from a third party to terminate 1 redundant

worker; whether the employer needs approval from a third party to terminate a group of 9 redundant workers; whether the law requires the employer to reassign or retrain a worker before making the worker redundant; whether priority rules apply for redundancies; and whether priority rules apply for reemployment.

Difficulty of redundancy index	Data
Dismissal due to redundancy allowed by law?	Yes
Third-party notification if 1 worker is dismissed?	No
Third-party approval if 1 worker is dismissed?	No
Third-party notification if 9 workers are dismissed?	Yes
Third-party approval if 9 workers are dismissed?	Yes
Retraining or reassignment obligation before redundancy?	Yes
Priority rules for redundancies?	Yes
Priority rules for reemployment?	No

Source: *Doing Business* database.

EMPLOYING WORKERS

Redundancy cost

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. The average value of

notice requirements and severance payments applicable to a worker with 1 year of tenure, a worker with 5 years and a worker with 10 years is used to assign the score.

Redundancy cost indicator	Data
Notice period for redundancy dismissal (for a worker with 1 year of tenure, in salary weeks)	0.0
Notice period for redundancy dismissal (for a worker with 5 years of tenure, in salary weeks)	0.0
Notice period for redundancy dismissal (for a worker with 10 years of tenure, in salary weeks)	0.0
Notice period for redundancy dismissal (average for workers with 1, 5 and 10 years of tenure, in salary weeks)	0.0
Severance pay for redundancy dismissal (for a worker with 1 year of tenure, in salary weeks)	8.7
Severance pay for redundancy dismissal (for a worker with 5 years of tenure, in salary weeks)	21.7
Severance pay for redundancy dismissal (for a worker with 10 years of tenure, in salary weeks)	43.3
Severance pay for redundancy dismissal (average for workers with 1, 5 and 10 years of tenure, in salary weeks)	24.6

Source: Doing Business database.

DATA NOTES

The indicators presented and analyzed in *Doing Business* measure business regulation and the protection of property rights—and their effect on businesses, especially small and medium-size domestic firms. First, the indicators document the complexity of regulation, such as the number of procedures to start a business or to register and transfer commercial property. Second, they gauge the time and cost of achieving a regulatory goal or complying with regulation, such as the time and cost to enforce a contract, go through bankruptcy or trade across borders. Third, they measure the extent of legal protections of property, for example, the protections of investors against looting by company directors or the range of assets that can be used as collateral according to secured transactions laws. Fourth, a set of indicators documents the tax burden on businesses. Finally, a set of data covers different aspects of employment regulation.

The data for all sets of indicators in *Doing Business 2013* are for June 2012.²

Methodology

The *Doing Business* data are collected in a standardized way. To start, the *Doing Business* team, with academic advisers, designs a questionnaire. The questionnaire uses a simple business case to ensure comparability across economies and over time—with assumptions about the legal form of the business, its size, its location and the nature of its operations. Questionnaires are administered through more than 9,600 local experts, including lawyers, business consultants, accountants, freight forwarders, government officials and other professionals routinely administering or advising on legal and regulatory requirements. These experts have several rounds of interaction with the *Doing Business* team, involving conference calls, written correspondence and visits by the team. For *Doing Business 2013* team members visited 24 economies to verify data and recruit respondents. The data from questionnaires are subjected to numerous rounds of verification, leading to revisions or expansions of the information collected.

² The data for paying taxes refer to January – December 2011.

ECONOMY CHARACTERISTICS

Gross national income per capita

Doing Business 2013 reports 2011 income per capita as published in the World Bank's *World Development Indicators 2012*. Income is calculated using the Atlas method (current US\$). For cost indicators expressed as a percentage of income per capita, 2011 gross national income (GNI) in U.S. dollars is used as the denominator. GNI data were not available from the World Bank for Afghanistan; Australia; The Bahamas; Bahrain; Barbados; Brunei Darussalam; Cyprus; Djibouti; Guyana; the Islamic Republic of Iran; Kuwait; Malta; New Zealand; Oman; Puerto Rico (territory of the United States); Sudan; Suriname; the Syrian Arab Republic; Timor-Leste; West Bank and Gaza; and the Republic of Yemen. In these cases GDP or GNP per capita data and growth rates from the International Monetary Fund's World Economic Outlook database and the Economist Intelligence Unit were used.

Region and income group

Doing Business uses the World Bank regional and income group classifications, available at <http://data.worldbank.org/about/country-classifications>. The World Bank does not assign regional classifications to high-income economies. For the purpose of the *Doing Business* report, high-income OECD economies are assigned the "regional" classification *OECD high income*. Figures and tables presenting regional averages include economies from all income groups (low, lower middle, upper middle and high income).

Population

Doing Business 2013 reports midyear 2011 population statistics as published in *World Development Indicators 2012*.

The *Doing Business* methodology offers several advantages. It is transparent, using factual information about what laws and regulations say and allowing multiple interactions with local respondents to clarify potential misinterpretations of questions. Having

representative samples of respondents is not an issue; *Doing Business* is not a statistical survey, and the texts of the relevant laws and regulations are collected and answers checked for accuracy. The methodology is inexpensive and easily replicable, so data can be collected in a large sample of economies. Because standard assumptions are used in the data collection, comparisons and benchmarks are valid across economies. Finally, the data not only highlight the extent of specific regulatory obstacles to business but also identify their source and point to what might be reformed.

Information on the methodology for each *Doing Business* topic can be found on the *Doing Business* website at <http://www.doingbusiness.org/methodology/>.

Limits to what is measured

The *Doing Business* methodology has 5 limitations that should be considered when interpreting the data. First, the collected data refer to businesses in the economy's largest business city (which in some economies differs from the capital) and may not be representative of regulation in other parts of the economy. To address this limitation, subnational *Doing Business* indicators were created (see the section on subnational *Doing Business* indicators). Second, the data often focus on a specific business form—generally a limited liability company (or its legal equivalent) of a specified size—and may not be representative of the regulation on other businesses, for example, sole proprietorships. Third, transactions described in a standardized case scenario refer to a specific set of issues and may not represent the full set of issues a business encounters. Fourth, the measures of time involve an element of judgment by the expert respondents. When sources indicate different estimates, the time indicators reported in *Doing Business* represent the median values of several responses given under the assumptions of the standardized case.

Finally, the methodology assumes that a business has full information on what is required and does not waste time when completing procedures. In practice, completing a procedure may take longer if the business lacks information or is unable to follow up promptly. Alternatively, the business may choose to disregard some burdensome procedures. For both reasons the time delays reported in *Doing Business*

2013 would differ from the recollection of entrepreneurs reported in the World Bank Enterprise Surveys or other perception surveys.

Subnational *Doing Business* indicators

This year *Doing Business* completed subnational studies for Indonesia, Kenya, Mexico, the Russian Federation and the United Arab Emirates. Each of these countries had already asked to have subnational data in the past, and this year *Doing Business* updated the indicators, measured improvements over time and expanded geographic coverage to additional cities or added additional indicators. *Doing Business* also published regional studies for the Arab world, the East African Community and member states of the Organization for the Harmonization of Business Law in Africa (OHADA).

The subnational studies point to differences in business regulation and its implementation—as well as in the pace of regulatory reform—across cities in the same economy. For several economies subnational studies are now periodically updated to measure change over time or to expand geographic coverage to additional cities. This year that is the case for all the subnational studies published.

Changes in what is measured

The ranking methodology for paying taxes was updated this year. The threshold for the total tax rate introduced last year for the purpose of calculating the ranking on the ease of paying taxes was updated. All economies with a total tax rate below the threshold (which is calculated and adjusted on a yearly basis) receive the same ranking on the total tax rate indicator. The threshold is not based on any economic theory of an "optimal tax rate" that minimizes distortions or maximizes efficiency in the tax system of an economy overall. Instead, it is mainly empirical in nature, set at the lower end of the distribution of tax rates levied on medium-size enterprises in the manufacturing sector as observed through the paying taxes indicators. This reduces the bias in the indicators toward economies that do not need to levy significant taxes on companies like the *Doing Business* standardized case study company because they raise public revenue in other ways—for example, through

taxes on foreign companies, through taxes on sectors other than manufacturing or from natural resources (all of which are outside the scope of the methodology). Giving the same ranking to all economies whose total tax rate is below the threshold avoids awarding economies in the scoring for having an unusually low total tax rate, often for reasons unrelated to government policies toward enterprises. For example, economies that are very small or that are rich in natural resources do not need to levy broad-based taxes.

Data challenges and revisions

Most laws and regulations underlying the *Doing Business* data are available on the *Doing Business* website at <http://www.doingbusiness.org>. All the sample questionnaires and the details underlying the indicators are also published on the website. Questions on the methodology and challenges to data can be submitted through the website's "Ask a Question" function at <http://www.doingbusiness.org>.

Ease of doing business and distance to frontier

Doing Business 2013 presents results for 2 aggregate measures: the aggregate ranking on the ease of doing business and the distance to frontier measure. The ease of doing business ranking compares economies with one another, while the distance to frontier measure benchmarks economies to the frontier in regulatory practice, measuring the absolute distance to the best performance on each indicator. Both measures can be used for comparisons over time. When compared across years, the distance to frontier measure shows how much the regulatory environment for local entrepreneurs in each economy has changed over time in absolute terms, while the ease of doing business ranking can show only relative change.

Ease of doing business

The ease of doing business index ranks economies from 1 to 185. For each economy the ranking is calculated as the simple average of the percentile rankings on each of the 10 topics included in the index in *Doing Business 2013*: starting a business, dealing with construction permits, getting electricity, registering property, getting credit, protecting

investors, paying taxes, trading across borders, enforcing contracts, and resolving insolvency. The employing workers indicators are not included in this year's aggregate ease of doing business ranking. In addition to this year's ranking, *Doing Business* presents a comparable ranking for the previous year, adjusted for any changes in methodology as well as additions of economies or topics.³

Construction of the ease of doing business index

Here is one example of how the ease of doing business index is constructed. In Finland it takes 3 procedures, 14 days and 4% of annual income per capita in fees to register a property. On these 3 indicators Finland ranks in the 6th, 16th and 39th percentiles. So on average Finland ranks in the 20th percentile on the ease of registering property. It ranks in the 30th percentile on starting a business, 28th percentile on getting credit, 24th percentile on paying taxes, 13th percentile on enforcing contracts, 5th percentile on trading across borders and so on. Higher rankings indicate simpler regulation and stronger protection of property rights. The simple average of Finland's percentile rankings on all topics is 21st. When all economies are ordered by their average percentile rankings, Finland stands at 11 in the aggregate ranking on the ease of doing business.

More complex aggregation methods—such as principal components and unobserved components—yield a ranking nearly identical to the simple average used by *Doing Business*.⁴ Thus, *Doing Business* uses the simplest method: weighting all topics equally and,

³ In case of revisions to the methodology or corrections to the underlying data, the data are back-calculated to provide a comparable time series since the year the relevant economy or topic was first included in the data set. The time series is available on the *Doing Business* website (<http://www.doingbusiness.org>). Six topics and more than 50 economies have been added since the inception of the project. Earlier rankings on the ease of doing business are therefore not comparable.

⁴ See Simeon Djankov, Darshini Manraj, Caralee McLiesh and Rita Ramalho, "Doing Business Indicators: Why Aggregate, and How to Do It" (World Bank, Washington, DC, 2005). Principal components and unobserved components methods yield a ranking nearly identical to that from the simple average method because both these methods assign roughly equal weights to the topics, since the pairwise correlations among indicators do not differ much. An alternative to the simple average method is to give different weights to the topics, depending on which are considered of more or less importance in the context of a specific economy.

within each topic, giving equal weight to each of the topic components.⁵

If an economy has no laws or regulations covering a specific area—for example, insolvency—it receives a “no practice” mark. Similarly, an economy receives a “no practice” or “not possible” mark if regulation exists but is never used in practice or if a competing regulation prohibits such practice. Either way, a “no practice” mark puts the economy at the bottom of the ranking on the relevant indicator.

The ease of doing business index is limited in scope. It does not account for an economy’s proximity to large markets, the quality of its infrastructure services (other than services related to trading across borders and getting electricity), the strength of its financial system, the security of property from theft and looting, macroeconomic conditions or the strength of underlying institutions.

Variability of economies’ rankings across topics

Each indicator set measures a different aspect of the business regulatory environment. The rankings of an economy can vary, sometimes significantly, across indicator sets. The average correlation coefficient between the 10 indicator sets included in the aggregate ranking is 0.37, and the coefficients between any 2 sets of indicators range from 0.19 (between dealing with construction permits and getting credit) to 0.60 (between starting a business and protecting investors). These correlations suggest that economies rarely score universally well or universally badly on the indicators.

Consider the example of Canada. It stands at 17 in the aggregate ranking on the ease of doing business. Its ranking is 3 on starting a business, and 4 on both resolving insolvency and protecting investors. But its ranking is only 62 on enforcing contracts, 69 on dealing with construction permits and 152 on getting electricity.

Variation in performance across the indicator sets is not at all unusual. It reflects differences in the degree of priority that government authorities give to particular areas of business regulation reform and the

ability of different government agencies to deliver tangible results in their area of responsibility.

Economies that improved the most across 3 or more Doing Business topics in 2011/12

Doing Business 2013 uses a simple method to calculate which economies improved the most in the ease of doing business. First, it selects the economies that in 2011/12 implemented regulatory reforms making it easier to do business in 3 or more of the 10 topics included in this year’s ease of doing business ranking.⁶ Twenty-three economies meet this criterion: Benin, Burundi, Costa Rica, the Czech Republic, Georgia, Greece, Guinea, Kazakhstan, Korea, the Lao People’s Democratic Republic, Liberia, Mongolia, the Netherlands, Panama, Poland, Portugal, Serbia, the Slovak Republic, Slovenia, Sri Lanka, Ukraine, the United Arab Emirates and Uzbekistan. Second, *Doing Business* ranks these economies on the increase in their ranking on the ease of doing business from the previous year using comparable rankings.

Selecting the economies that implemented regulatory reforms in at least 3 topics and improved the most in the aggregate ranking is intended to highlight economies with ongoing, broad-based reform programs.

Distance to frontier measure

A drawback of the ease of doing business ranking is that it can measure the regulatory performance of economies only relative to the performance of others. It does not provide information on how the absolute quality of the regulatory environment is improving over time. Nor does it provide information on how large the gaps are between economies at a single point in time.

The distance to frontier measure is designed to address both shortcomings, complementing the ease of doing business ranking. This measure illustrates the distance of an economy to the “frontier,” and the change in the measure over time shows the extent to which the economy has closed this gap. The frontier is a score derived from the most efficient practice or highest score achieved on each of the component indicators in 9 *Doing Business* indicator sets (excluding

⁵ A technical note on the different aggregation and weighting methods is available on the *Doing Business* website (<http://www.doingbusiness.org>).

⁶ *Doing Business* reforms making it more difficult to do business are subtracted from the total number of those making it easier to do business.

the employing workers and getting electricity indicators) by any economy since 2005. In starting a business, for example, New Zealand has achieved the highest performance on the time (1 day), Canada and New Zealand on the number of procedures required (1), Slovenia on the cost (0% of income per capita) and Australia and 90 other economies on the paid-in minimum capital requirement (0% of income per capita). Calculating the distance to frontier for each economy involves 2 main steps. First, individual indicator scores are normalized to a common unit: except for the total tax rate. To do so, each of the 28 component indicators y is rescaled to $(\max - y)/(\max - \min)$, with the minimum value (min) representing the frontier—the highest performance on that indicator across all economies since 2005. For the total tax rate, consistent with the calculation of the rankings, the frontier is defined as the total tax rate corresponding to the 15th percentile based on the overall distribution of total tax rates for all years. Second, for each economy the scores obtained for individual indicators are aggregated through simple averaging into one distance to frontier score. An economy's distance to frontier is indicated on a scale from 0 to 100, where 0 represents the lowest performance and 100 the frontier.

The difference between an economy's distance to frontier score in 2005 and its score in 2012 illustrates the extent to which the economy has closed the gap to the frontier over time. And in any given year the score measures how far an economy is from the highest performance at that time.

The maximum (max) and minimum (min) observed values are computed for the 174 economies included in the *Doing Business* sample since 2005 and for all years (from 2005 to 2012). The year 2005 was chosen as the baseline for the economy sample because it was the first year in which data were available for the majority of economies (a total of 174) and for all 9 indicator sets included in the measure. To mitigate the effects of extreme outliers in the distributions of the rescaled data (very few economies need 694 days to complete the procedures to start a business, but many need 9 days), the maximum (max) is defined as the 95th percentile of the pooled data for all economies and all years for each indicator. The exceptions are the getting credit, protecting investors and resolving insolvency indicators, whose construction precludes outliers.

Take Ghana, which has a score of 67 on the distance to frontier measure for 2012. This score indicates that the economy is 33 percentage points away from the frontier constructed from the best performances across all economies and all years. Ghana was further from the frontier in 2005, with a score of 54. The difference between the scores shows an improvement over time.

The distance to frontier measure can also be used for comparisons across economies in the same year, complementing the ease of doing business ranking. For example, Ghana stands at 64 this year in the ease of doing business ranking, while Peru, which is 29 percentage points from the frontier, stands at 43.

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<http://www.doingbusiness.org>

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How economies rank—from 1 to 185
<http://www.doingbusiness.org/rankings/>

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All the data for 185 economies—topic rankings, indicator values, lists of regulatory procedures and details underlying indicators
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<http://www.doingbusiness.org/reforms/>

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Customized data sets since DB2004
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Online collection of business laws and regulations relating to business and gender issues
<http://www.doingbusiness.org/law-library/>
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