

Doing Business

2009

Country Profile for
Puerto Rico

COMPARING REGULATION IN 181 ECONOMIES

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1818 H Street NW
Washington, DC 20433
Telephone 202-473-1000

Internet www.worldbank.org

e-mail feedback@worldbank.org

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Introduction

Doing Business 2009 is the sixth in a series of annual reports investigating regulations that enhance business activity and those that constrain it. Doing Business presents quantitative indicators on business regulations and the protection of property rights that can be compared across 181 economies, from Afghanistan to Zimbabwe, over time.

A set of regulations affecting 10 stages of a business's life are measured : starting a business, dealing with construction permits, employing workers, registering property, getting credit, protecting investors, paying taxes, trading across borders, enforcing contracts and closing a business. Data in Doing Business 2009 are current as of June 1, 2008*. The indicators are used to analyze economic outcomes and identify what reforms have worked, where, and why.

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

The data set covers 181 economies: 46 in Sub-Saharan Africa, 32 in Latin America and The Caribbean, 25 in Eastern Europe and Central Asia, 24 in East Asia and Pacific, 19 in the Middle East and North Africa and 8 in South Asia, as well as 27 OECD high-income economies as benchmarks.

The following pages present the summary Doing Business indicators for Puerto Rico. The data used for this country profile come from the Doing Business database and are summarized in graphs. These graphs allow a comparison of the economies in each region not only with one another but also with the "good practice" economy for each indicator.

The good-practice economies are identified by their position in each indicator as well as their overall ranking and by their capacity to provide good examples of business regulation to other countries. These good-practice economies do not necessarily rank number 1 in the topic or indicator, but they are in the top 10.

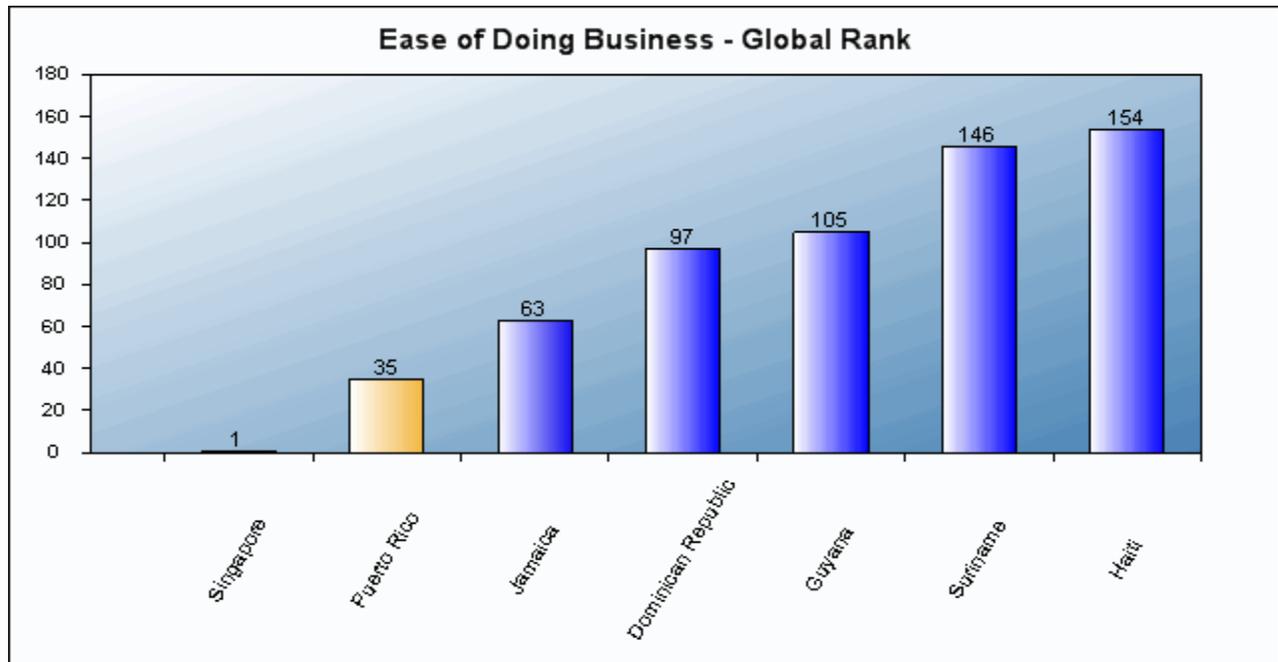
More information is available in the full report. Doing Business 2009 presents the indicators, analyzes their relationship with economic outcomes and recommends reforms. The data, along with information on ordering the report, are available on the Doing Business website (www.doingbusiness.org).

* Except for the Paying Taxes indicator that refers to the period January to December of 2007.

Economy Rankings - Ease of Doing Business

Puerto Rico is ranked 35 out of 181 economies. Singapore is the top ranked economy in the Ease of Doing Business.

Puerto Rico - Compared to global good practice economy as well as selected economies:



Puerto Rico's ranking in Doing Business 2009

Rank	Doing Business 2009
Ease of Doing Business	35
Starting a Business	9
Dealing with Construction Permits	144
Employing Workers	39
Registering Property	122
Getting Credit	12
Protecting Investors	15
Paying Taxes	98
Trading Across Borders	101
Enforcing Contracts	97
Closing a Business	28

Summary of Indicators - Puerto Rico

Starting a Business	Procedures (number)	7
	Duration (days)	7
	Cost (% GNI per capita)	0.8
	Paid in Min. Capital (% of GNI per capita)	0.0
Dealing with Construction Permits	Procedures (number)	22
	Duration (days)	209
	Cost (% of income per capita)	550.8
Employing Workers	Difficulty of Hiring Index	56
	Rigidity of Hours Index	0
	Difficulty of Firing Index	20
	Rigidity of Employment Index	25
	Firing costs (weeks of salary)	0
Registering Property	Procedures (number)	8
	Duration (days)	194
	Cost (% of property value)	1.5
Getting Credit	Legal Rights Index	8
	Credit Information Index	5
	Public registry coverage (% adults)	0.0
	Private bureau coverage (% adults)	61.4
Protecting Investors	Disclosure Index	7

Protecting Investors	Director Liability Index	6
	Shareholder Suits Index	8
	Investor Protection Index	7.0
Paying Taxes	Payments (number)	16
	Time (hours)	218
	Profit tax (%)	25.3
	Labor tax and contributions (%)	12.6
	Other taxes (%)	26.9
	Total tax rate (% profit)	64.7
Trading Across Borders	Documents for export (number)	7
	Time for export (days)	15
	Cost to export (US\$ per container)	1250
	Documents for import (number)	10
	Time for import (days)	16
	Cost to import (US\$ per container)	1250
Enforcing Contracts	Procedures (number)	39
	Duration (days)	620
	Cost (% of claim)	24.3
Closing a Business	Time (years)	3.8
	Cost (% of estate)	8
	Recovery rate (cents on the dollar)	55.2



Starting a Business

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

The data on starting a business is based on a survey and research investigating the procedures that a standard small to medium-size company needs to complete to start operations legally. These include obtaining all necessary permits and licenses and completing all required inscriptions, verifications and notifications with authorities to enable the company to formally operate. The time and cost required to complete each procedure under normal circumstances are calculated, as well as the minimum capital that must be paid in. It is assumed that all information is readily available to the entrepreneur, that there has been no prior contact with officials and that all government and nongovernment entities involved in the process function without corruption.

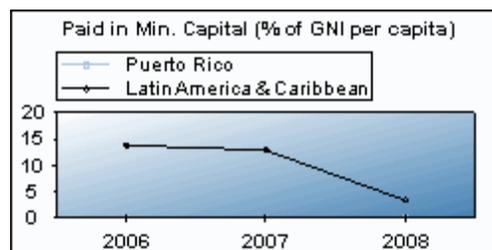
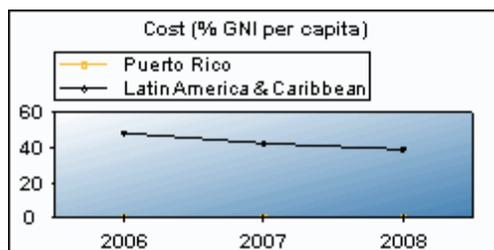
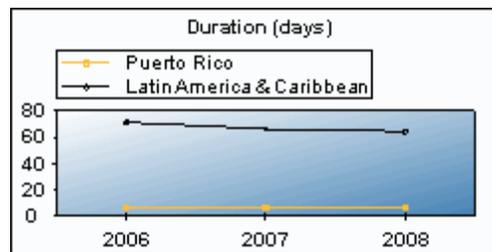
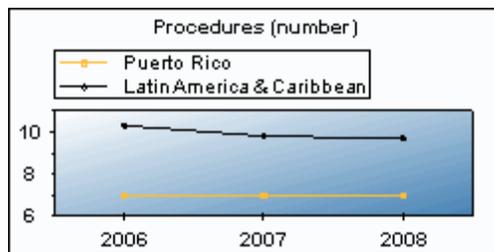
To make the data comparable across economies, detailed assumptions about the type of business are used. Among these assumptions are the following: the business is a limited liability company conducting general commercial activities in the largest business city; it is 100% domestically owned, with a start-up capital of 10 times income per capita, a turnover of at least 100 times income per capita and between 10 and 50 employees; and it does not qualify for any special benefits, nor does it own real estate. Procedures are recorded only where interaction is required with an external party. It is assumed that the founders complete all procedures themselves unless professional services (such as by a notary or lawyer) are required by law. Voluntary procedures are not counted, nor are industry-specific requirements and utility hook-ups. Lawful shortcuts are counted.

Cumbersome entry procedures are associated with more corruption, particularly in developing economies. Each procedure is a point of contact, a potential opportunity to extract a bribe. Analysis shows that burdensome entry regulations do not increase the quality of products, make work safer or reduce pollution. Instead, they constrain private investment; push more people into the informal economy; increase consumer prices and fuel corruption.

1. Historical data: Starting a Business in Puerto Rico

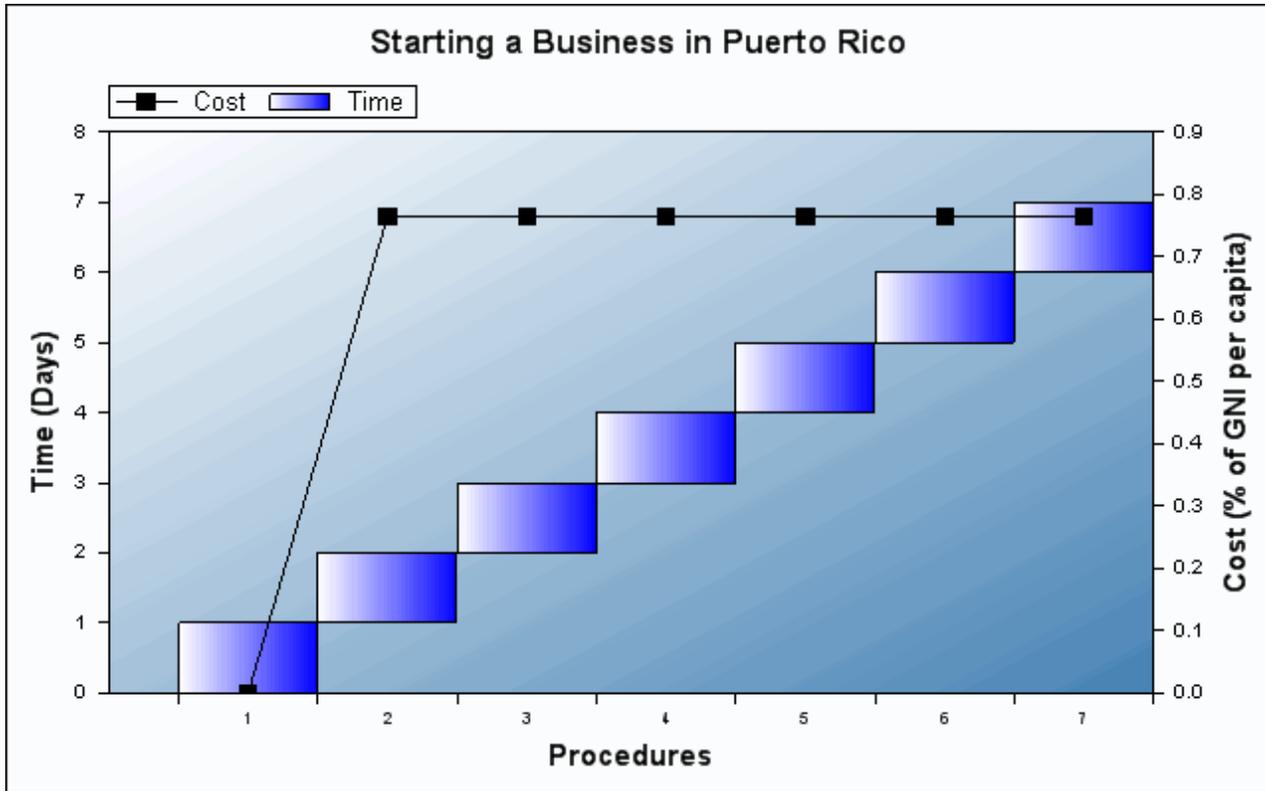
Starting a Business data	Doing Business 2007	Doing Business 2008	Doing Business 2009
Rank		7	9
Procedures (number)	7	7	7
Duration (days)	7	7	7
Cost (% GNI per capita)	0.8	0.8	0.8
Paid in Min. Capital (% of GNI per capita)	0.0	0.0	0.0

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



3. Steps to Starting a Business in Puerto Rico

It requires 7 procedures, takes 7 days, and costs 0.77 % GNI per capita to start a business in Puerto Rico.



List of Procedures:

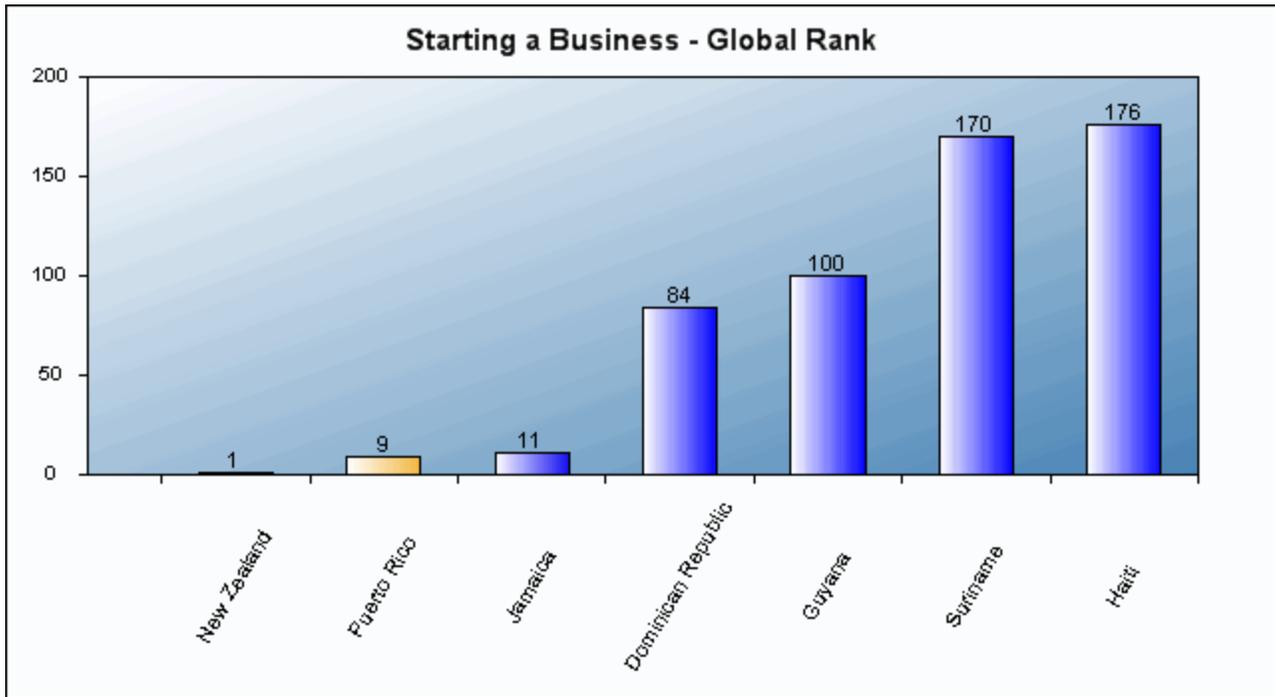
1. Check the uniqueness of the company name
2. Register the company at the Puerto Rico Department of State and obtain a business certificate
3. Apply for an employer identification number (EIN) with the Internal Revenue Service of the United States
4. Apply for a municipal business license (patente municipal)
5. Request unemployment and disability account numbers from the PR Department of Labor and Human Resources (Departamento del Trabajo y Recursos Humanos)
6. Subscribe to a workmen's insurance policy
7. File with the Registry of Merchants and Business, the Commercial Development Administration

More detail is included in the appendix.

4. Benchmarking Starting a Business Regulations:

Puerto Rico is ranked 9 overall for Starting a Business.

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



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

Good Practice Economies	Procedures (number)	Duration (days)	Cost (% GNI per capita)	Paid in Min. Capital (% of GNI per capita)
Denmark			0.0	
New Zealand*	1	1		0.0

<i>Selected Economy</i>				
Puerto Rico	7	7	0.8	0.0

<i>Comparator Economies</i>				
Dominican Republic	8	19	19.4	0.0
Guyana	8	40	68.4	0.0
Haiti	13	195	159.6	26.6
Jamaica	6	8	7.9	0.0
Suriname	13	694	125.2	0.8

* The following economies are also good practice economies for :

Procedures (number): **Canada**

Dealing with Construction Permits

Once entrepreneurs have registered a business, what regulations do they face in operating it? To measure such regulation, Doing Business focuses on the construction sector. Construction companies are under constant pressure; from government to comply with inspections and with licensing and safety regulations and from customers to be quick and cost-effective. These conflicting pressures point to the tradeoff in building regulation; the tradeoff between protecting people (construction workers, tenants, passersby) and keeping the cost of building affordable. Striking the right balance is a challenge when it comes to construction regulations. Good regulations ensure safety standards that protect the public while making the permitting process efficient, transparent and affordable for both building authorities and the private professionals who use it. If procedures are overly complicated or costly, builders build without a permit, leading to hazardous construction.

The indicators on dealing with construction permits record all procedures officially required for an entrepreneur in the construction industry to build a warehouse. These include submitting project documents (building plans, site maps) to the authorities, obtaining all necessary licenses and permits, completing all required notifications and receiving all necessary inspections. They also include procedures for obtaining utility connections, such as electricity, telephone, water and sewerage. The time and cost to complete each procedure under normal circumstances are calculated. All official fees associated with legally completing the procedures are included (bribes not included). Time is recorded in calendar days. The survey assumes that the entrepreneur is aware of all existing regulations and does not use an intermediary to complete the procedures unless required to do so by law. To make the data comparable across economies, several assumptions about the business and its operations are used. The business is a small to medium-size limited liability company, located in the most populous city, domestically owned and operated, in the construction business, with 60 qualified employees. The warehouse to be built:

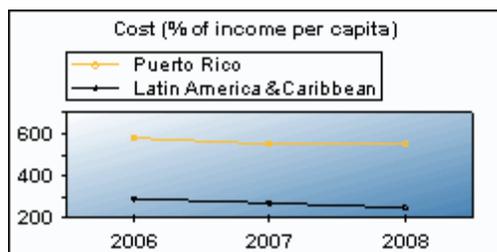
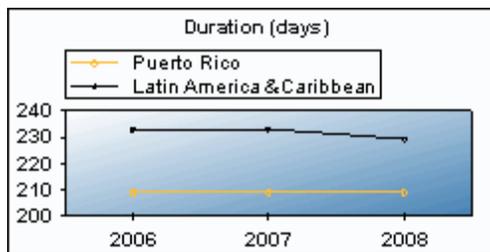
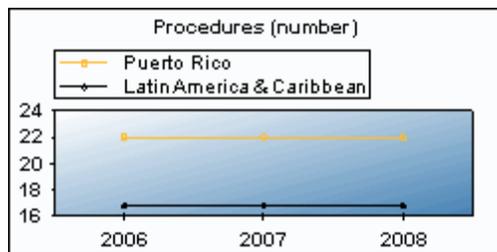
- Is a new construction (there was no previous construction on the land).
- Has 2 stories, both above ground, with a total surface of approximately 1,300.6 square meters (14,000 square feet). Each floor is 3 meters (9 feet, 10 inches) high
- Has complete architectural and technical plans prepared by a licensed architect.
- Will be connected to electricity, water, sewerage (sewage system, septic tank or their equivalent) and one land phone line. The connection to each utility network will be 32 feet, 10 inches (10 meters) long.
- Will be used for general storage, such as of books or stationery. The warehouse will not be used for any goods requiring special conditions, such as food, chemicals or pharmaceuticals.
- Will take 30 weeks to construct (excluding all delays due to administrative and regulatory requirements).

Where the regulatory burden is large, entrepreneurs move their activity into the informal economy. There they operate with less concern for safety, leaving everyone worse off.

1. Historical data: Dealing with Construction Permits in Puerto Rico

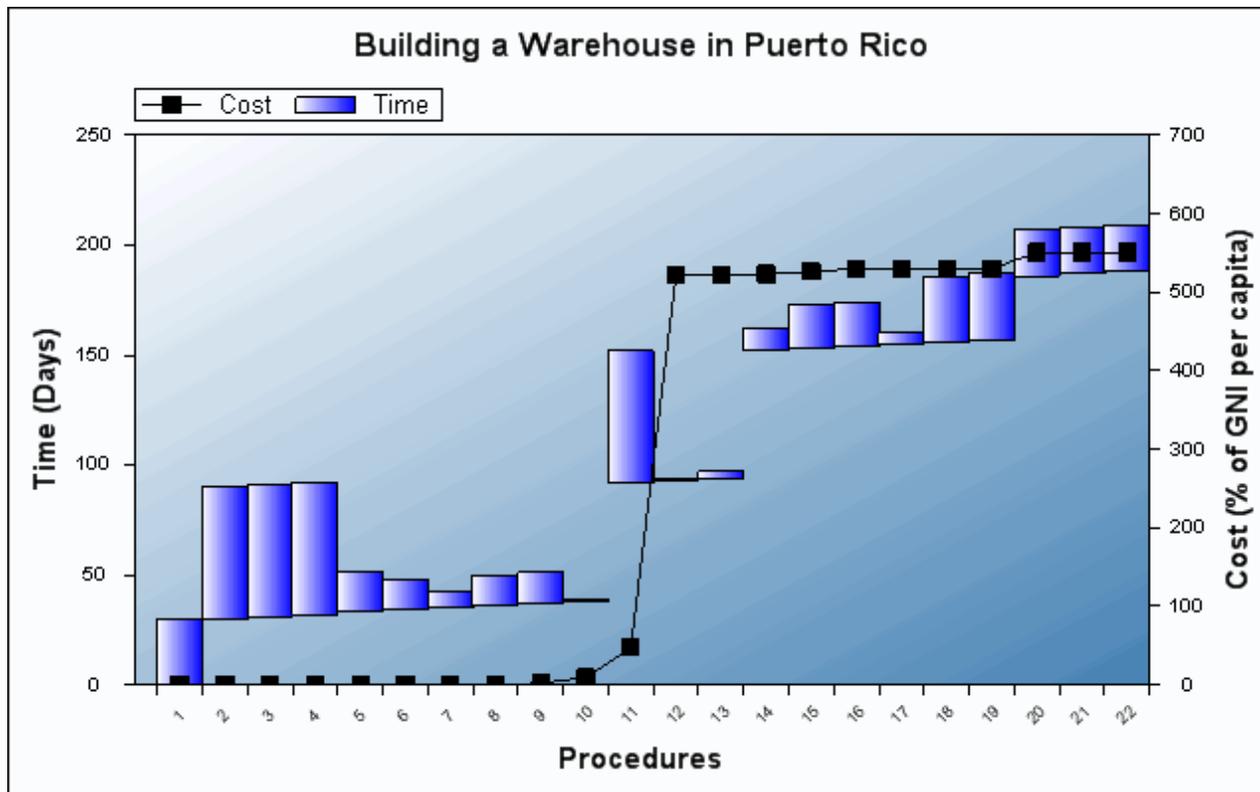
Dealing with Construction Permits data	Doing Business 2007	Doing Business 2008	Doing Business 2009
Rank		135	144
Procedures (number)	22	22	22
Duration (days)	209	209	209
Cost (% of income per capita)	580.0	550.8	550.8

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



3. Steps to Building a Warehouse in Puerto Rico

It requires 22 procedures, takes 209 days, and costs 550.83 % GNI per capita to build a warehouse in Puerto Rico.



List of Procedures:

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Request and obtain land use authorization from ARPE (Regulations and Permits Authority) 2. Request and obtain legal endorsement from Environmental Quality Board 3. Request and obtain legal endorsement from Natural Resources Department 4. Request and obtain legal endorsement from AAA (Water and Sewage Authority) 5. Request and obtain legal endorsement from Municipal Government 6. Request and obtain legal endorsement from PREPA (Electric Power authority) 7. Request and obtain legal endorsement from PRTC (Puerto Rico Telephone Company) 8. Request and obtain approval from Cultural Institute (Instituto Cultural) | <ol style="list-style-type: none"> 9. Request and obtain Fire Department approval (bomberos) 10. Buy stamps and pay the College of Engineers and Architects 11. Submit construction drawings for approval to the ARPE (Regulations and Permits Authority) and obtain preliminary approval 12. Pay municipal construction tax 13. Request and obtain permit from FSE (Workmen's compensation policy) 14. Request and obtain occupancy permit from ARPE 15. Request and obtain final approval from AAA (Water and Sewage authority) 16. Request and obtain final approval from PREPA (Electric Power authority) |
|--|---|

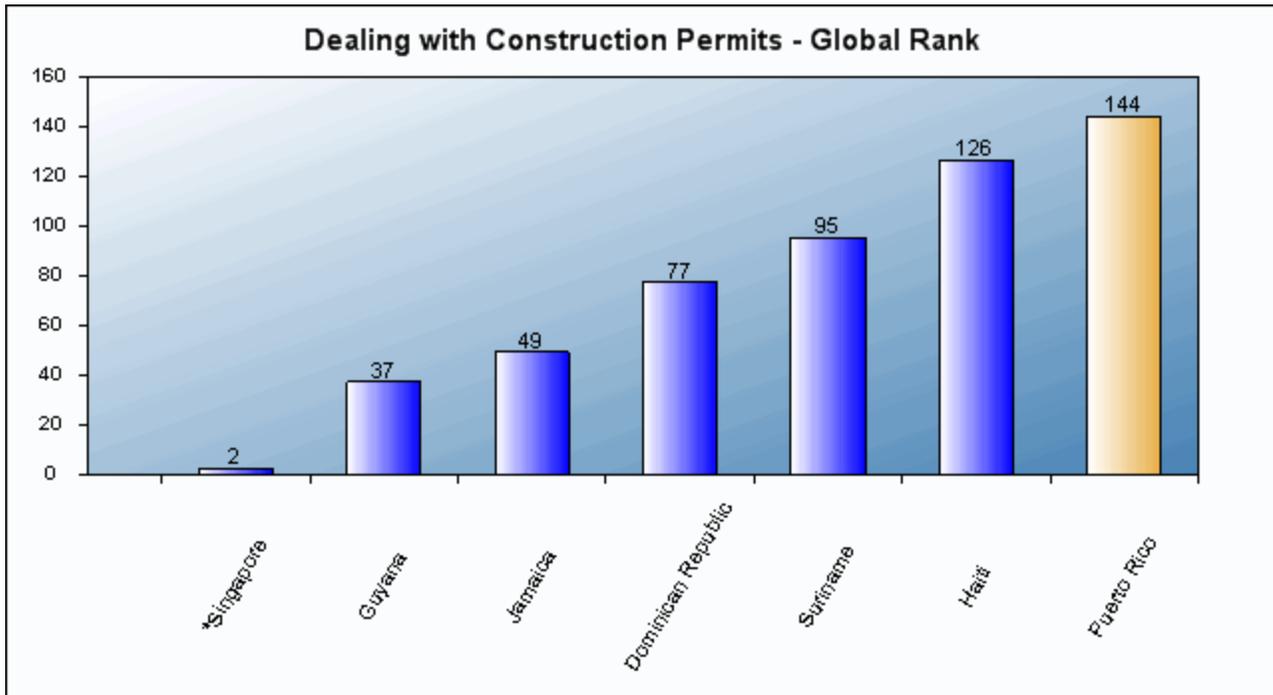
17. Request and obtain final approval from PRTC (Puerto Rico Telephone Company)
18. Request and obtain final approval from Environmental Quality Board
19. Request and obtain final approval from Natural Resources Department
20. Request and obtain water and sewage from AAA (Water and Sewage authority)
21. Request and connect to electricity services from PREPA (Electric Power authority)
22. Request and connect to phone services from PRTC (Puerto Rico Telephone Company)

More detail is included in the appendix.

4. Benchmarking Dealing with Construction Permits Regulations:

Puerto Rico is ranked 144 overall for Dealing with Construction Permits.

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



* The following economies are also good practice economies for Building a Warehouse: Belize, New Zealand, St. Vincent and the Grenadines

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

Good Practice Economies	Procedures (number)	Duration (days)	Cost (% of income per capita)
Denmark	6		
Korea		34	
Malaysia*			7.9

<i>Selected Economy</i>			
Puerto Rico	22	209	550.8

<i>Comparator Economies</i>			
Dominican Republic	17	214	93.2
Guyana	11	133	255.8
Haiti	11	1179	675.2
Jamaica	10	156	396.3
Suriname	14	431	105.7

* The following economies are also good practice economies for :

Cost (% of income per capita): Brunei, Palau, Qatar, St. Kitts and Nevis, Trinidad and Tobago, United Arab Emirates



Employing Workers

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

Two measures are presented: a rigidity of employment index and a firing cost measure. The rigidity of employment index is the average of three subindices: difficulty of hiring, rigidity of hours and difficulty of firing. Each index takes values between 0 and 100, with higher values indicating more rigid regulation. The difficulty of hiring index measures the flexibility of contracts and the ratio of the minimum wage to the value added per worker. The rigidity of hours index covers restrictions on weekend and night work, requirements relating to working time and the workweek, and mandated days of annual leave with pay. The difficulty of firing index covers workers' legal protections against dismissal, including the grounds permitted for dismissal and procedures for dismissal (individual and collective): notification and approval requirements, retraining or reassignment obligations and priority rules for dismissals and reemployment.

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

To make the data comparable across economies, a range of assumptions about the worker and the company are used. The company is assumed to be a limited liability manufacturing corporation that operates in the economy's most populous city, is 100% domestically owned and has 201 employees. The company is also assumed to be subject to collective bargaining agreements in economies where such agreements cover more than half the manufacturing sector and apply even to firms not party to them.

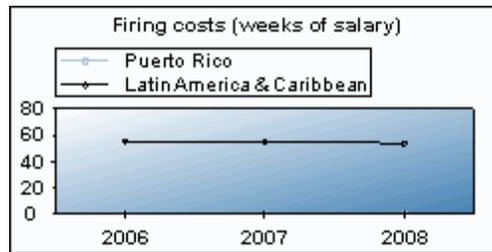
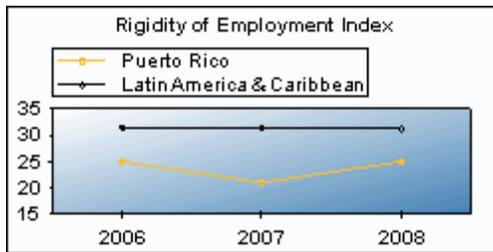
Employment regulations are needed to allow efficient contracting between employers and workers and to protect workers from discriminatory or unfair treatment by employers. In its indicators on employing workers, Doing Business measures flexibility in the regulation of hiring, working hours and dismissal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

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

1. Historical data: Employing Workers in Puerto Rico

Employing Workers data	Doing Business 2007	Doing Business 2008	Doing Business 2009
Rank		31	39
Rigidity of Employment Index	25	21	25
Firing costs (weeks of salary)	0	0	0

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



3. Benchmarking Employing Workers Regulations:

Puerto Rico is ranked 39 overall for Employing Workers.

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



* The following economies are also good practice economies for Employing Workers: Marshall Islands, Singapore

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

Good Practice Economies	Rigidity of Employment Index	Firing costs (weeks of salary)
Hong Kong, China*	0	
New Zealand*		0

<i>Selected Economy</i>		
Puerto Rico	25	0

<i>Comparator Economies</i>		
Dominican Republic	28	88
Guyana	21	56
Haiti	21	17
Jamaica	4	62
Suriname	23	26

* The following economies are also good practice economies for :

Rigidity of Employment Index: Maldives, Marshall Islands, Singapore, United States

Firing costs (weeks of salary): Afghanistan, Denmark, Iraq, Marshall Islands, Micronesia, Palau, Puerto Rico, Tonga, United States



Registering Property

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

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

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

- Number of procedures to register property.
- Time to register property (in calendar days).
- Official costs to register property (as a percentage of the property value).

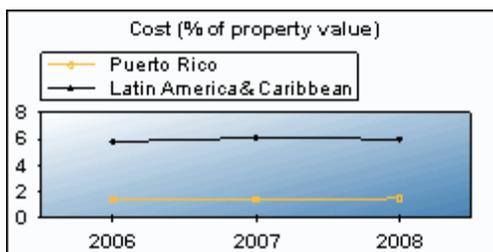
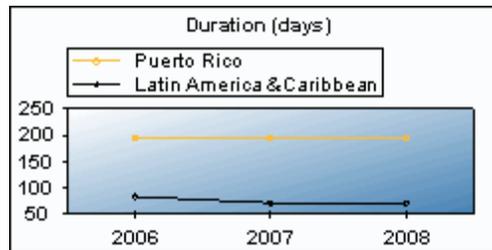
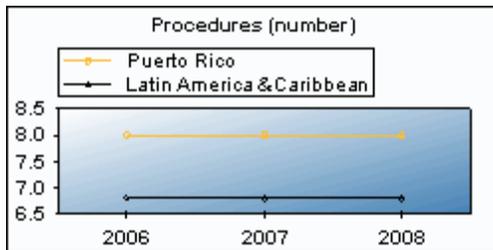
Many titling programs in Africa were futile because people bought and sold property informally, neglecting to update the title records in the property registry. Why? Doing Business shows that completing a simple formal property transfer in the largest business city of an African economy cost 10% of the value of the property and takes on average 90 days. Worse, the property registries are so poorly organized that they provide little security of ownership.

Efficient property registration reduces transaction costs and helps to formalize property titles. Simple procedures to register property are also associated with greater perceived security of property rights and less corruption. That benefits all entrepreneurs, especially women, the young and the poor. The rich have few problems protecting their property rights. They can afford to invest in security systems and other measures to defend their property. But small entrepreneurs cannot. Reform can change this. Twenty-four economies made it easier to register property in 2007/08. The most popular reform: lowering the cost of registration by reducing the property transfer tax, registration fees or stamp duty.

1. Historical data: Registering Property in Puerto Rico

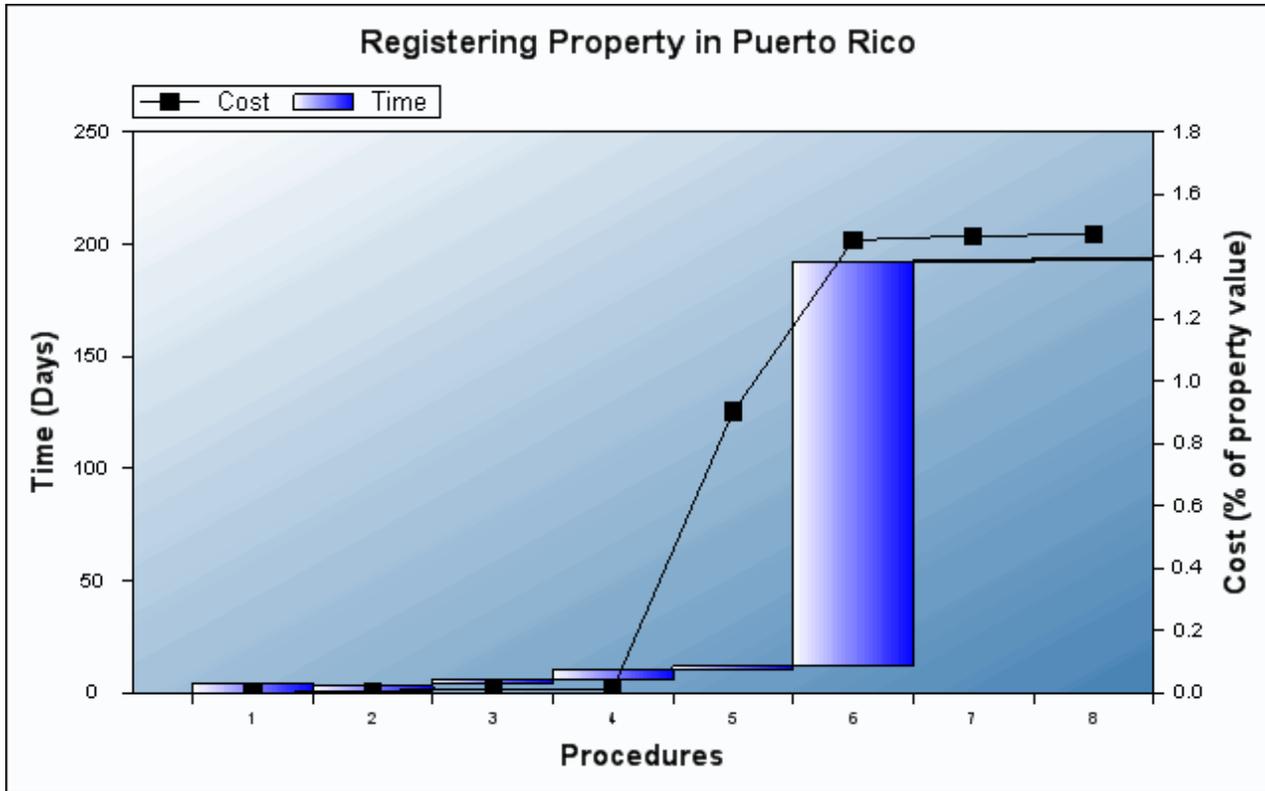
Registering Property data	Doing Business 2007	Doing Business 2008	Doing Business 2009
Rank		121	122
Procedures (number)	8	8	8
Duration (days)	194	194	194
Cost (% of property value)	1.4	1.4	1.5

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



3. Steps to Registering Property in Puerto Rico

It requires 8 procedures, takes 194 days, and costs 1.47% of property value to register the property in Puerto Rico.



List of Procedures:

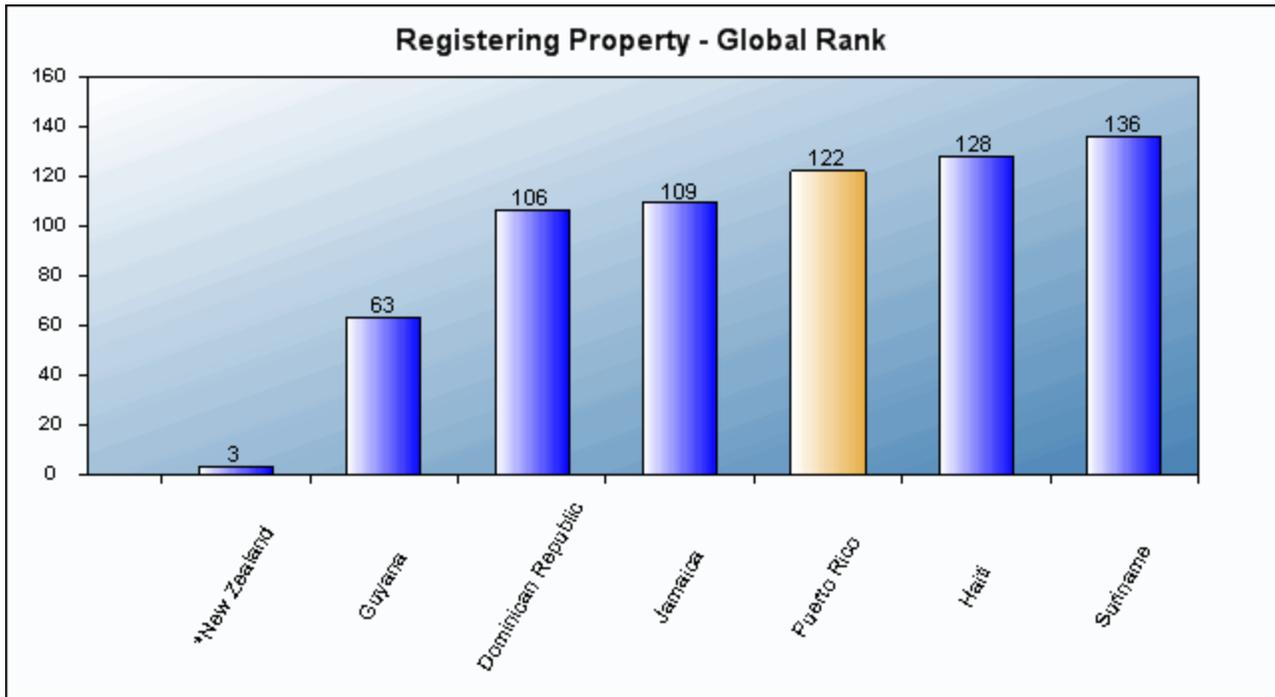
1. Obtain a property title report at the Property Registry
2. Obtain a property tax certificate from the Municipal Revenues Collection Center (CRIM)
3. Obtain Title Commitment for Title Insurance
4. The notary public prepares and authorizes and the parties execute the purchase and sale deed
5. Purchase Internal Revenue Stamps and Registry of Property filling vouchers
6. File and record the deed at the Registry of Property
7. File the notice of sale with the Treasury Department
8. File the notice of change of owner with the CRIM

More detail is included in the appendix.

4. Benchmarking Registering Property Regulations:

Puerto Rico is ranked 122 overall for Registering Property.

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



* The following economies are also good practice economies for Registering Property: Georgia, Saudi Arabia

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

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

<i>Selected Economy</i>			
Puerto Rico	8	194	1.5

<i>Comparator Economies</i>			
Dominican Republic	7	60	3.8
Guyana	6	34	4.5
Haiti	5	405	6.4
Jamaica	5	54	11.0
Suriname	4	193	13.9

* The following economies are also good practice economies for :

Procedures (number): Sweden

Duration (days): Saudi Arabia, Sweden, Thailand



Getting Credit

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

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

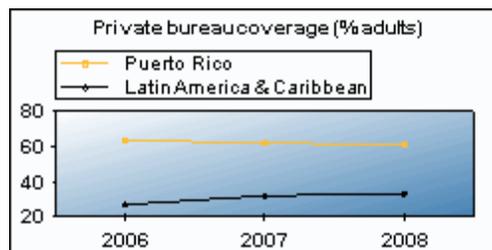
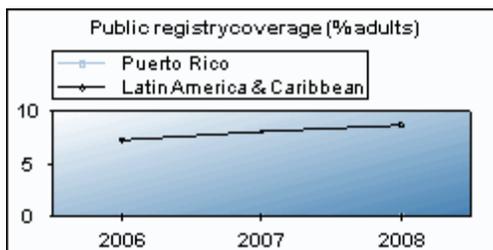
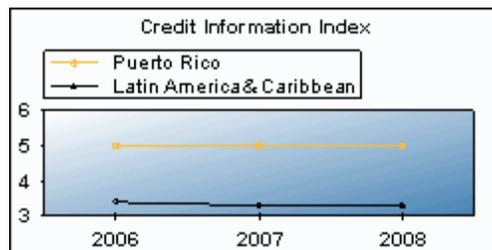
The strength of legal rights index measures the degree to which collateral and bankruptcy laws protect the rights of borrowers and lenders and thus facilitate lending. This year, three main changes were made; first, a standardized case scenario with specific assumptions was introduced to bring this indicator into line with other Doing Business indicators. Second, the indicator now focuses not on tangible movable collateral, such as equipment, but on revolving movable collateral, such as accounts receivable and inventory. Third, the indicator no longer considers whether management remains in place during a reorganization procedure, better accommodating economies that adopt reorganization procedures. The strength of legal rights index includes 8 aspects related to legal rights in collateral law and 2 aspects in bankruptcy law:

- Any business may use movable assets as collateral while keeping possession of the assets, and any financial institution may accept such assets as collateral.
- The law allows a business to grant a non possessory security right in a single category of revolving movable assets, without requiring a specific description of the secured assets.
- The law allows a business to grant a non possessory security right in substantially all of its assets, without requiring a specific description of the secured assets.
- A security right may extend to future or after-acquired assets and may extend automatically to the products, proceeds or replacements of the original assets.
- General description of debts and obligations is permitted in collateral agreements and in registration documents, so that all types of obligations and debts can be secured by stating a maximum rather than a specific amount between the parties.
- A collateral registry is in operation that is unified geographically and by asset type and that is indexed by the name of the grantor of a security right.
- Secured creditors are paid first when a debtor defaults outside an insolvency procedure or when a business is liquidated.
- Secured creditors are not subject to an automatic stay or moratorium on enforcement procedures when a debtor enters a court-supervised reorganization procedure.
- The law allows parties to agree in a collateral agreement that the lender may enforce its security right out of court.

1. Historical data: Getting Credit in Puerto Rico

Getting Credit data	Doing Business 2007	Doing Business 2008	Doing Business 2009
Rank		13	12
Legal Rights Index	8	8	8
Credit Information Index	5	5	5
Public registry coverage (% adults)	0.0	0.0	0.0
Private bureau coverage (% adults)	63.6	62.0	61.4

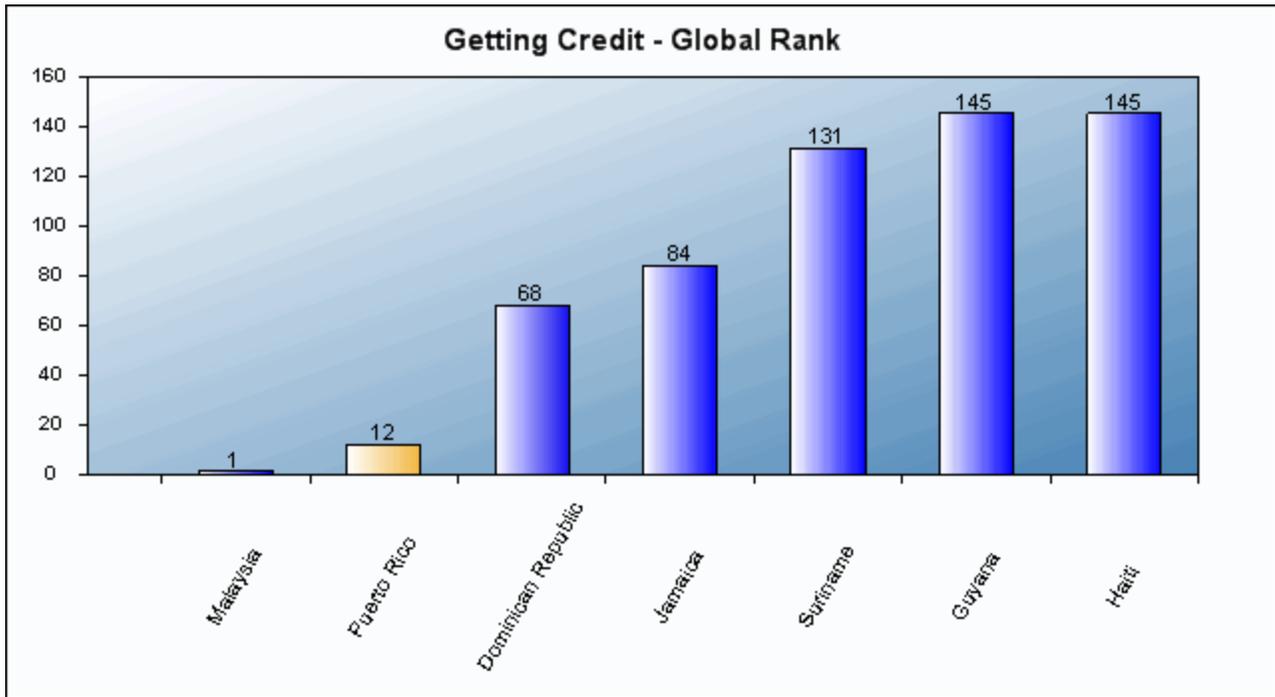
2. The following graphs illustrates the Getting Credit indicators in Puerto Rico over the past 3 years:



3. Benchmarking Getting Credit Regulations:

Puerto Rico is ranked 12 overall for Getting Credit.

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



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

Good Practice Economies	Legal Rights Index	Credit Information Index	Public registry coverage (% adults)	Private bureau coverage (% adults)
Malaysia*	10			
New Zealand*				100.0
Portugal			76.4	
United Kingdom		6		

<i>Selected Economy</i>				
Puerto Rico	8	5	0.0	61.4

<i>Comparator Economies</i>				
Dominican Republic	3	6	33.9	35.0
Guyana	4	0	0.0	0.0
Haiti	2	2	0.7	0.0
Jamaica	8	0	0.0	0.0
Suriname	5	0	0.0	0.0

* The following economies are also good practice economies for :

Legal Rights Index: Hong Kong, China, Kenya, Singapore

Private bureau coverage (% adults): Argentina, Australia, Canada, Iceland, Ireland, Nicaragua, Norway, Sweden, United Kingdom, United States

24 countries have the highest credit information index.



Protecting Investors

Companies grow by raising capital, either through a bank loan or by attracting equity investors. Selling shares allows companies to expand without the need to provide collateral and repay bank loans. But investors worry about their money, and look for laws that protect them. A study finds that the presence of legal and regulatory protections for investors explains up to 73% of the decision to invest. In contrast, company characteristics explain only between 4% and 22%*. Good protections for minority shareholders are associated with larger and more active stock markets. Thus both governments and businesses have an interest in reforms strengthening investor protections. To document some of the protections investors have, Doing Business measures how economies regulate a standard case of self-dealing, use of corporate assets for personal gain.

The case facts are straightforward. Mr. James, a director and the majority shareholder of a public company, proposes that the company purchase used trucks from another company he owns. The price is higher than the going price for used trucks. The transaction goes forward. All required approvals are obtained, and all required disclosures made, though the transaction is prejudicial to the purchasing company. Shareholders sue the interested parties and the members of the board of directors. Several questions arise. Who approves the transaction? What information must be disclosed? What company documents can investors access? What do minority shareholders have to prove to get the transaction stopped or to receive compensation from Mr. James? Three indices of investor protection are constructed based on the answers to these and other questions. All indices range from 0 to 10, with higher values indicating more protections or greater disclosure.

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

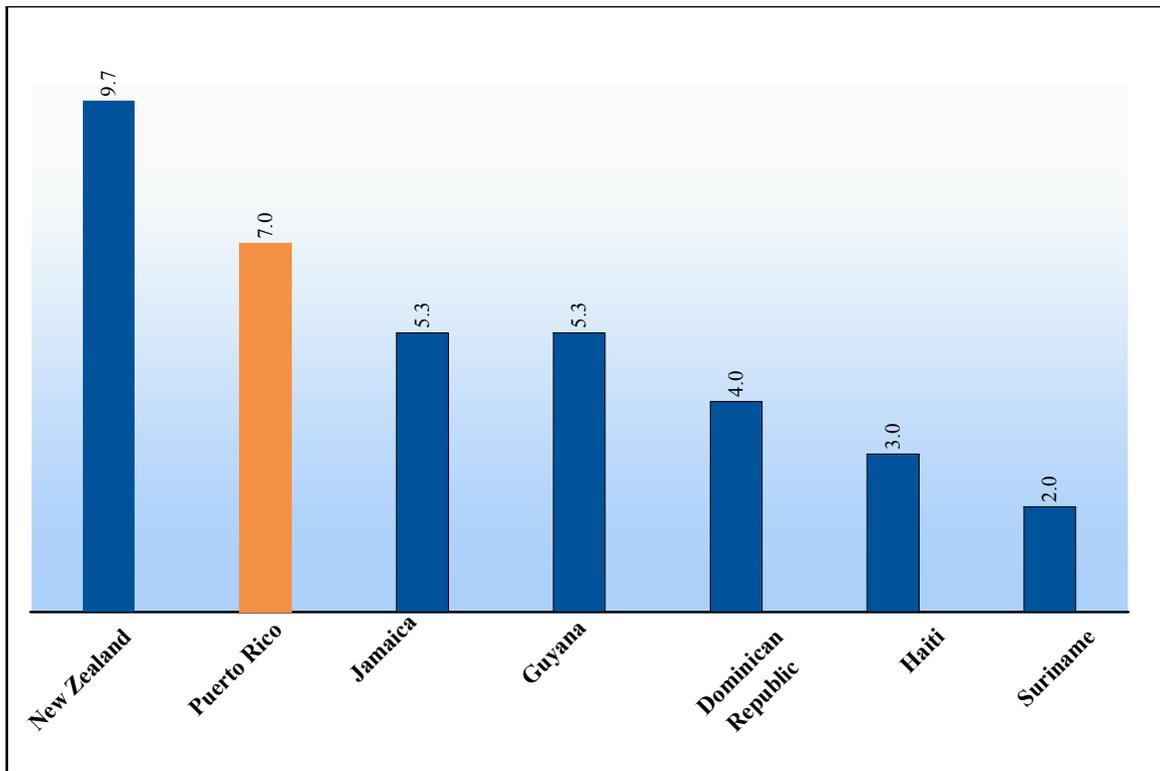
These three indices are averaged to create the strength of investor protection index. This index ranges from 0 to 10, with higher values indicating better investor protection.

*Doidge, Karayi and Stulz (2007)

1. Historical data: Protecting Investors in Puerto Rico

Protecting Investors data	Doing Business 2007	Doing Business 2008	Doing Business 2009
Rank		12	15
Investor Protection Index	7.0	7.0	7.0

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

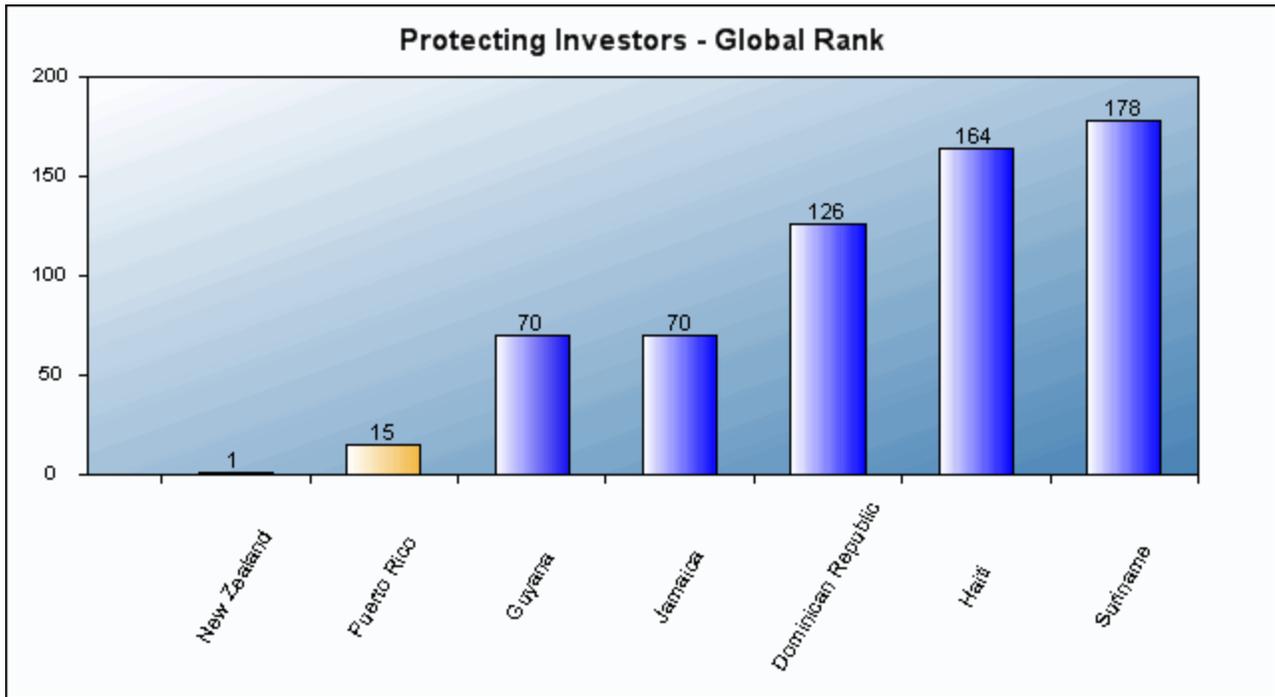


Note: The higher the score, the greater the investor protection.

3. Benchmarking Protecting Investors Regulations:

Puerto Rico is ranked 15 overall for Protecting Investors.

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



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

Good Practice Economies	Investor Protection Index
New Zealand	9.7

<i>Selected Economy</i>	
Puerto Rico	7.0

<i>Comparator Economies</i>	
Dominican Republic	4.0
Guyana	5.3
Haiti	3.0
Jamaica	5.3
Suriname	2.0



Paying Taxes

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

The Doing Business tax survey records the effective tax that a small and medium company must pay and the administrative costs of doing so. Imagine a medium-size business, TaxpayerCo, that started operations last year. Doing Business asks tax practitioners in 181 economies to review TaxpayerCo's financial statements and a standard list of transactions that the company completed during the year. Respondents are asked how much in taxes and mandatory contributions the business must pay and what the process is for doing so.

The business starts from the same financial position in each economy. All the taxes and mandatory contributions paid during the second year of operation are recorded. Taxes and mandatory contributions are measured at all levels of government and include corporate income tax, turnover tax, all labor taxes and contributions paid by the company (including mandatory contributions paid to private pension or insurance funds), property tax, property transfer tax, dividend tax, capital gains tax, financial transactions tax, vehicle tax, sales tax and other small taxes (such as fuel tax, stamp duty and local taxes). A range of standard deductions and exemptions are also recorded.

Three indicators are constructed:

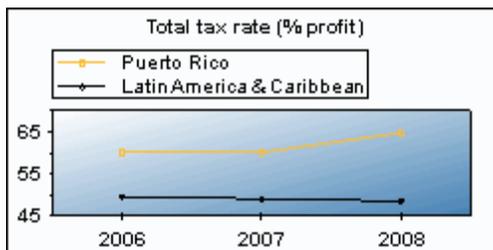
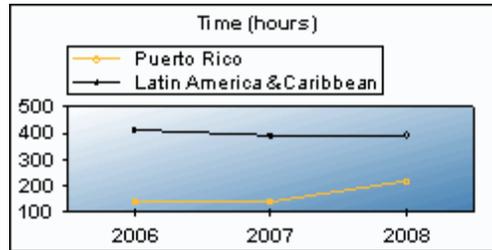
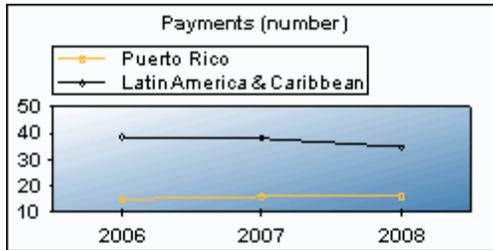
- Number of tax payments, which takes into account the method of payment, the frequency of payments and the number of agencies involved in our standardized case study.
- Time, which measures the number of hours per year necessary to prepare and file tax returns and to pay the corporate income tax, value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

Businesses care about what they get for their taxes and contributions, such as the quality of infrastructure and social services. Efficient tax systems tend to have less complex tax arrangements, comprising of straightforward compliance procedures and clear laws. Taxpayers in such economies often get more from their taxes. Simple, moderate taxes and fast, cheap administration mean less hassle for businesses, and also more revenue collected and better public services. More burdensome tax regimes create an incentive to evade taxes.

1. Historical data: Paying Taxes in Puerto Rico

Paying Taxes data	Doing Business 2007	Doing Business 2008	Doing Business 2009
Rank		73	98
Time (hours)	140	140	218
Total tax rate (% profit)	60.1	60.1	64.7
Payments (number)	15	16	16

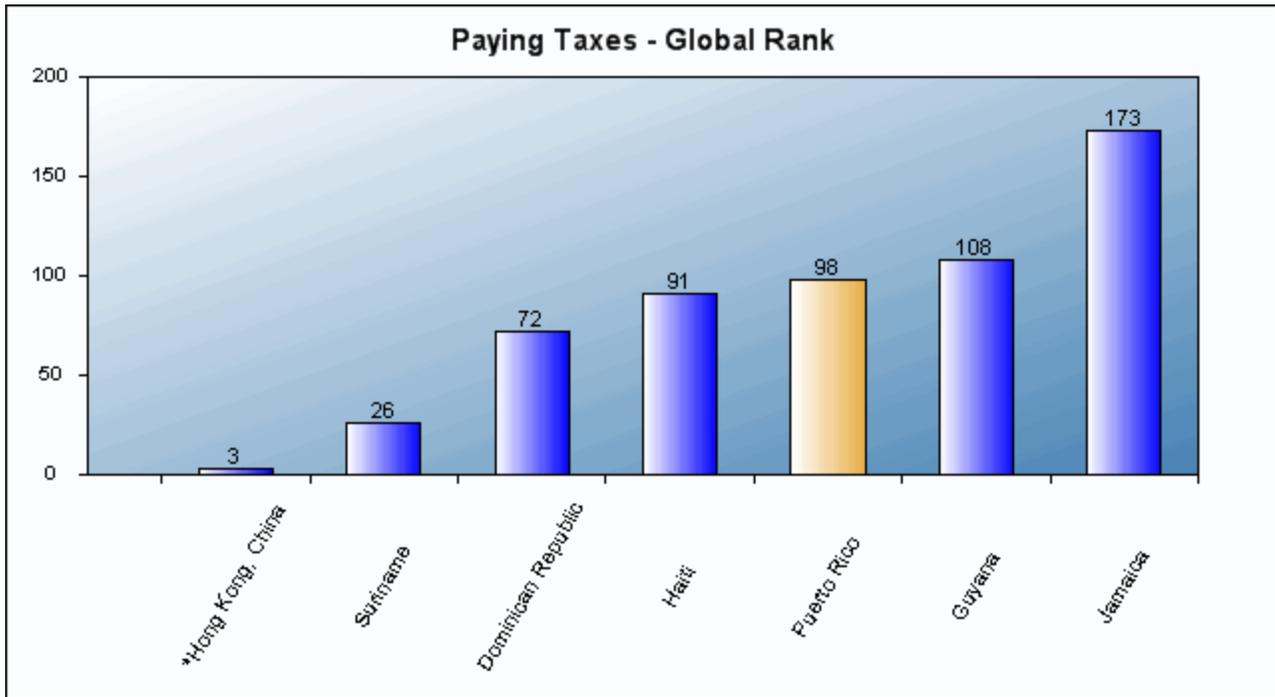
2. The following graphs illustrates the Paying Taxes indicators in Puerto Rico over the past 3 years:



3. Benchmarking Paying Taxes Regulations:

Puerto Rico is ranked 98 overall for Paying Taxes.

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



* The following economies are also good practice economies for Paying Taxes: Maldives, Qatar

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

Good Practice Economies	Payments (number)	Time (hours)	Total tax rate (% profit)
Luxembourg*		59	
Sweden*	2		
Vanuatu			8.4

<i>Selected Economy</i>			
Puerto Rico	16	218	64.7

<i>Comparator Economies</i>			
Dominican Republic	9	480	35.7
Guyana	34	288	39.4
Haiti	42	160	40.1
Jamaica	72	414	51.3
Suriname	17	199	27.9

* The following economies are also good practice economies for :

Payments (number): Maldives, Qatar

Time (hours): Bahamas, Bahrain, Maldives, Qatar, United Arab Emirates



Trading Across Borders

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

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

To make the data comparable across countries, several assumptions about the business and the traded goods are used. The business is of medium size, employs 60 people, and is located in the periurban area of the economy's most populous city. It is a private, limited liability company, domestically owned, formally registered and operating under commercial laws and regulations of the economy. The traded goods are ordinary, legally manufactured products transported in a dry-cargo, 20-foot FCL (full container load) container.

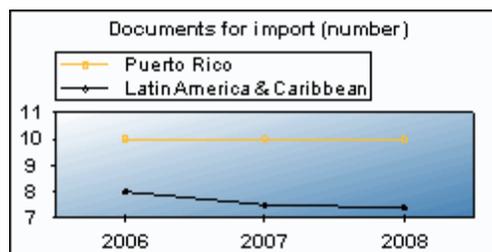
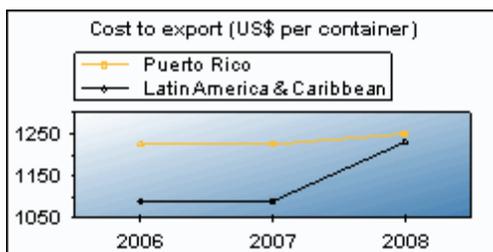
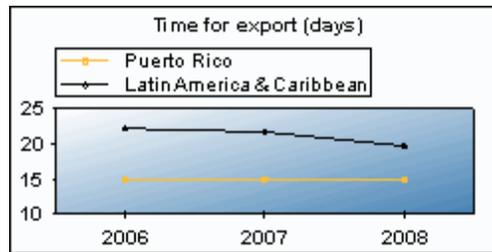
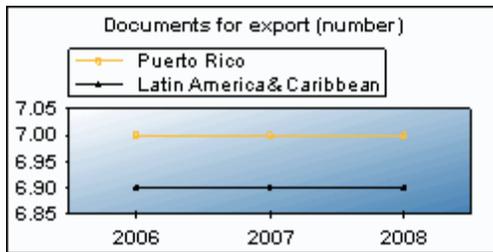
Documents recorded include port filing documents, customs declaration and clearance documents, as well as official documents exchanged between the parties to the transaction. Time is recorded in calendar days, from the beginning to the end of each procedure. Cost includes the fees levied on a 20-foot container in U.S. dollars. All the fees associated with completing the procedures to export or import the goods are included, such as costs for documents, administrative fees for customs clearance and technical control, terminal handling charges and inland transport. The cost measure does not include tariffs or duties.

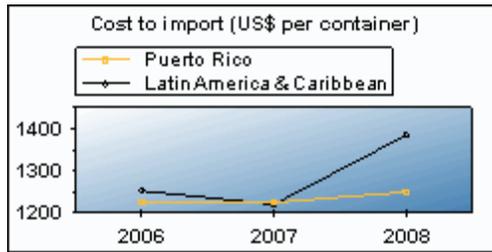
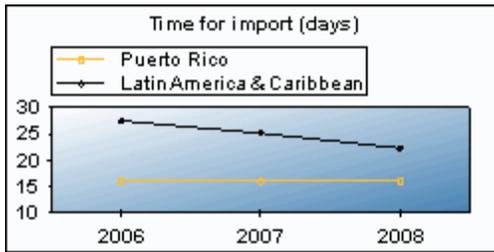
Economies that have efficient customs, good transport networks and fewer document requirements, making compliance with export and import procedures faster and cheaper, are more competitive globally. That can lead to more exports; and exports are associated with faster growth and more jobs. Conversely,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

1. Historical data: Trading Across Borders in Puerto Rico

Trading Across Borders data	Doing Business 2007	Doing Business 2008	Doing Business 2009
Rank		101	101
Documents for export (number)	7	7	7
Time for export (days)	15	15	15
Cost to export (US\$ per container)	1225	1225	1250
Documents for import (number)	10	10	10
Time for import (days)	16	16	16
Cost to import (US\$ per container)	1225	1225	1250

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

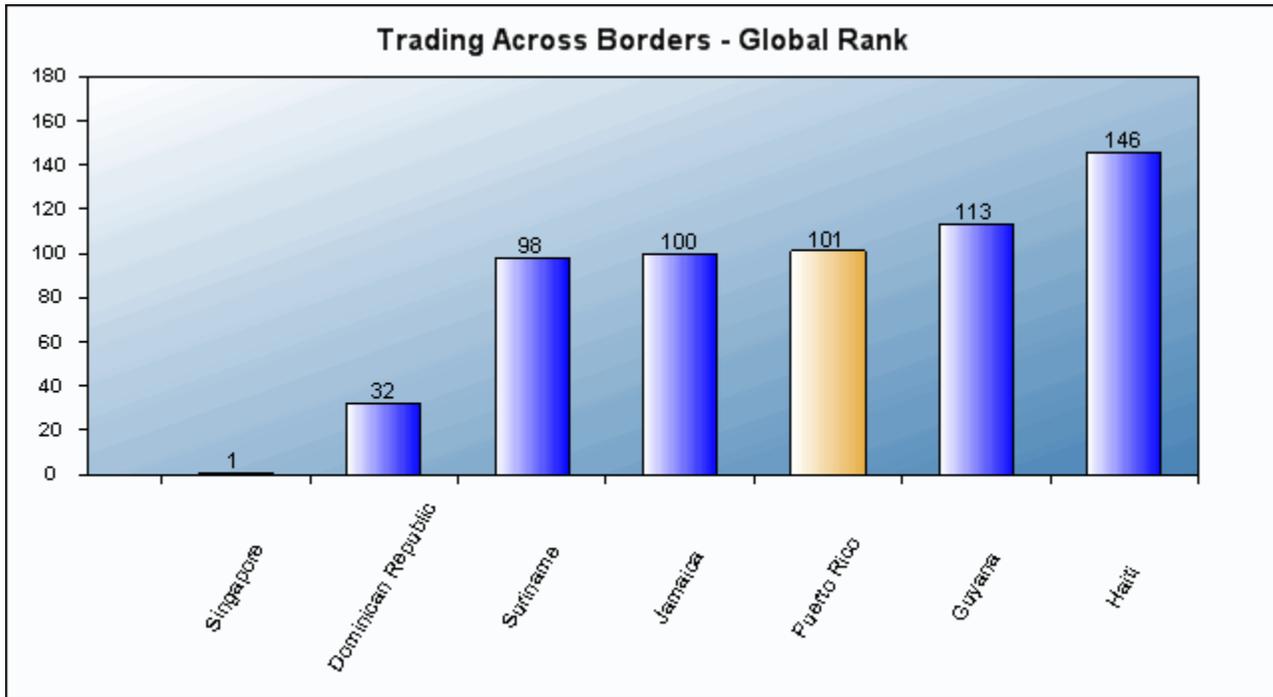




3. Benchmarking Trading Across Borders Regulations:

Puerto Rico is ranked 101 overall for Trading Across Borders.

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



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

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

<i>Selected Economy</i>						
Puerto Rico	7	15	1250	10	16	1250

<i>Comparator Economies</i>						
Dominican Republic	6	9	916	7	10	1150
Guyana	7	30	1050	8	35	1056
Haiti	8	43	1020	10	37	1560
Jamaica	6	21	1750	6	22	1420
Suriname	8	25	975	7	25	885

* The following economies are also good practice economies for :

Time for export (days): Estonia, Singapore



Enforcing Contracts

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

The dispute concerns a contract for the sale of goods between two businesses (the Seller and the Buyer) both located in the economy's largest business city.

The Seller sells and delivers goods, worth 200% of the economy's income per capita, to the Buyer. The Buyer refuses to pay on the grounds that they were not of adequate quality.

The Seller sues the Buyer to recover the amount under the sales agreement (200% of the economy's income per capita). The claim is filed before a court in the economy's largest business city with jurisdiction over commercial cases worth 200% of the income per capita and is disputed on the merits. Judgment is 100% in favor of the Seller and is not appealed. Seller enforces the judgment and the money is successfully collected through a public sale of Buyer's assets.

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

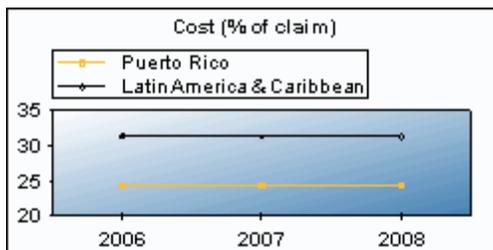
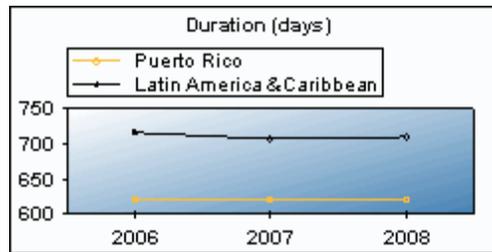
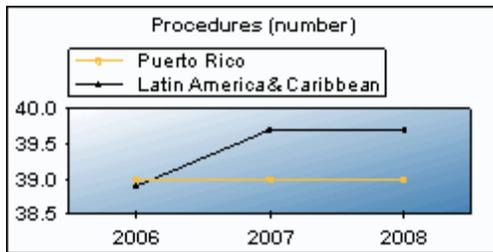
- Number of procedures, which are defined as any interaction between the parties or between them and the judge or court officer. This includes steps to file the case, steps for trial and judgment and steps necessary to enforce the judgment.
- Time, which counts the number of calendar days from the moment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

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

1. Historical data: Enforcing Contracts in Puerto Rico

Enforcing Contracts data	Doing Business 2007	Doing Business 2008	Doing Business 2009
Rank		97	97
Procedures (number)	39	39	39
Duration (days)	620	620	620
Cost (% of claim)	24.3	24.3	24.3

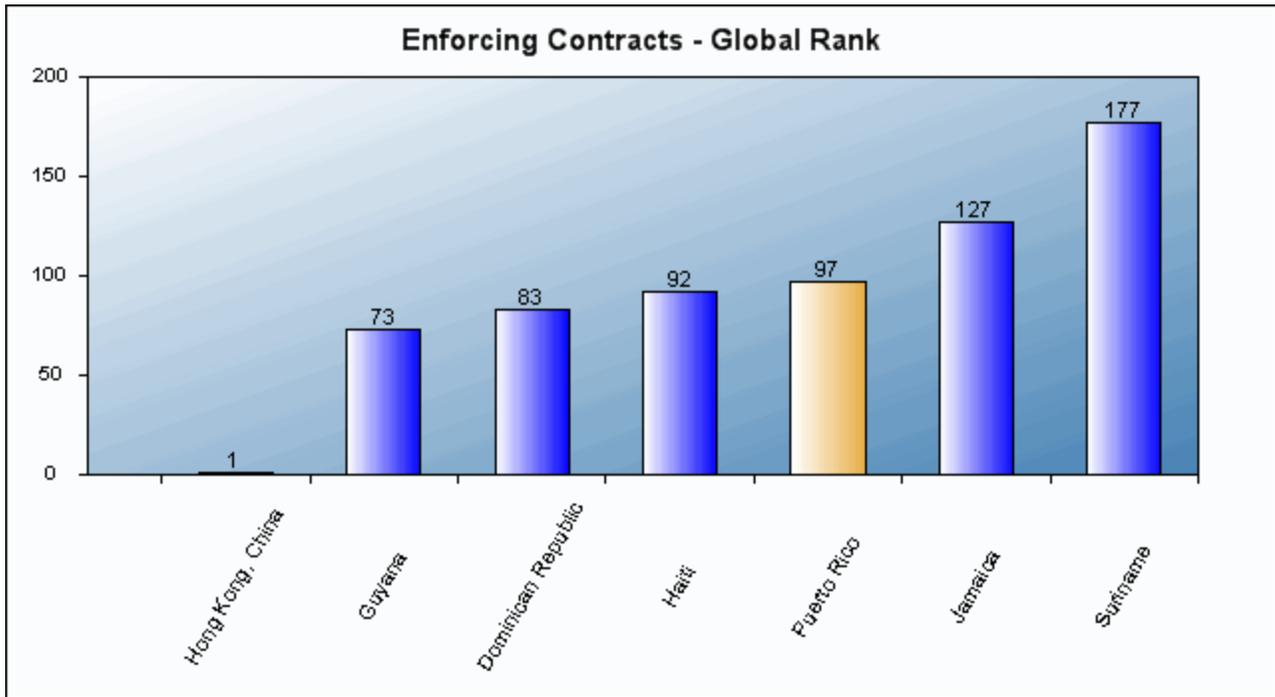
2. The following graphs illustrates the Enforcing Contracts indicators in Puerto Rico over the past 3 years:



3. Benchmarking Enforcing Contracts Regulations:

Puerto Rico is ranked 97 overall for Enforcing Contracts.

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



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

Good Practice Economies	Procedures (number)	Duration (days)	Cost (% of claim)
Iceland*			6.2
Ireland	20		
Singapore		150	

<i>Selected Economy</i>			
Puerto Rico	39	620	24.3

<i>Comparator Economies</i>			
Dominican Republic	34	460	40.9
Guyana	36	581	25.2
Haiti	35	508	42.6
Jamaica	35	655	45.6
Suriname	44	1715	37.1

* The following economies are also good practice economies for :

Cost (% of claim): Bhutan



Closing Business

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

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

The data on closing a business are developed using a standard set of case assumptions to track a company going through the step-by-step procedures of the bankruptcy process. It is assumed that the company is a domestically owned, limited liability corporation operating a hotel in the country's most populous city. The company has 201 employees, 1 main secured creditor and 50 unsecured creditors. Assumptions are also made about the debt structure and future cash flows. The case is designed so that the company has a higher value as a going concern—that is, the efficient outcome is either reorganization or sale as a going concern, not piecemeal liquidation. The data are derived from questionnaires answered by attorneys at private law firms.

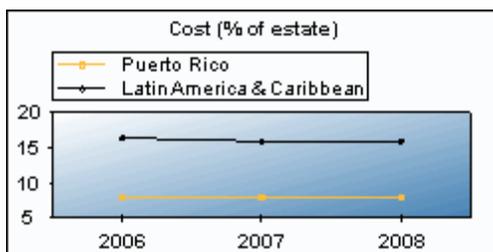
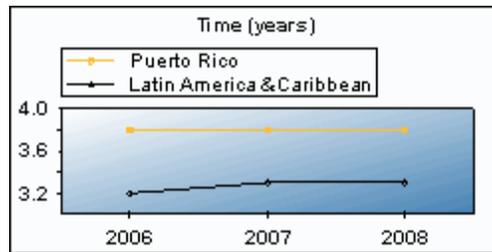
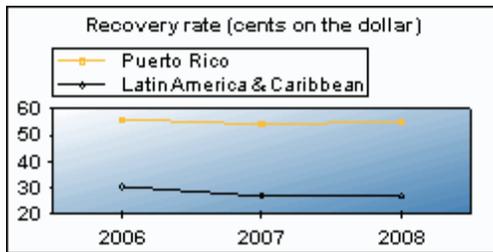
Three measures are constructed from the survey responses: the time to go through the insolvency process, the cost to go through the process and the recovery rate—how much of the insolvency estate is recovered by stakeholders, taking into account the time, cost, depreciation of assets and the outcome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

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

1. Historical data: Closing Business in Puerto Rico

Closing a Business data	Doing Business 2007	Doing Business 2008	Doing Business 2009
Rank		30	28
Time (years)	3.8	3.8	3.8
Cost (% of estate)	8	8	8
Recovery rate (cents on the dollar)	56.0	54.1	55.2

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



3. Benchmarking Closing Business Regulations:

Puerto Rico is ranked 28 overall for Closing a Business.

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



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

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

<i>Selected Economy</i>			
Puerto Rico	55.2	3.8	8

<i>Comparator Economies</i>			
Dominican Republic	8.9	3.5	38
Guyana	17.6	3.0	29
Haiti	2.7	5.7	30
Jamaica	64.5	1.1	18
Suriname	8.1	5.0	30

* The following economies are also good practice economies for :

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

DB2009 Reforms

Number of reforms in Doing Business 2009

Rank	Economy	Reform Topics									Total number of reforms
		Starting a Business	Dealing with Construction Permits	Employing Workers	Registering Property	Getting Credit	Protecting Investors	Paying Taxes	Trading Across Borders	Enforcing Contracts	
1	Azerbaijan	✓		✓	✓	✓	✓	✓		✓	7
2	Albania	✓				✓	✓	✓			4
3	Kyrgyz Republic	✓	✓				✓				3
4	Belarus	✓	✓		✓	✓		✓	✓		6
5	Senegal	✓			✓				✓		3
6	Burkina Faso		✓	✓	✓			✓			4
7	Botswana	✓					✓	✗	✓		3
8	Colombia	✓	✓					✓	✓	✓	5
9	Dominican Republic	✓			✓			✓	✓		4
10	Egypt	✓	✓		✓	✓	✓		✓		6
	Puerto Rico										
	Guyana										
	Suriname										
	Haiti							✓			1
	Jamaica		✓		✓						2

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

Albania

Albania, a top reformer globally and regionally, established a public credit registry allowing financial institutions to share credit information and covering 8.3 percent of the adult population. This reform allows banks to better evaluate the creditworthiness of potential borrowers, facilitating access to credit for firms and individuals. Albania also strengthened investor protections. A new company law requires that disinterested shareholders approve transactions between interested parties and obligates those parties to disclose all information on the transaction to the public. The law also reinforces directors' duties and requires directors, when found liable, to pay damages and return profits to the company. Starting a business became easier with online publication, reduction of the registration cost, and the consolidation of tax, health insurance, and labor registration into a single application. The corporate income tax rate was reduced from 20 percent to 10 percent effective January 1, 2008.

Azerbaijan

Azerbaijan, the top reformer globally and regionally, eliminated the minimum threshold for reporting loans to the public credit registry in September 2007. The public registry now records information on all loans made by the financial system, more than doubling the coverage of borrowers with a credit history. Substantial amendments to the labor code in May 2007 made hiring workers easier by allowing employers to use fixed-term contracts for permanent tasks, easing restrictions on night work, and reducing requirements for redundancy dismissals. Azerbaijan created a second commercial court in Baku, increasing the number of judges dealing with commercial cases from five to nine. The average time to enforce a contract through the courts fell from 267 days to 237. A new law strengthens investor protections by requiring that transactions between interested parties be approved by shareholders. Interested parties are allowed to vote on the matter. Other provisions protect investors because directors who are held liable must pay damages and disgorge profits. Azerbaijan introduced a new unified property registry, reducing the number of procedures required to register property from seven to four. In addition, the State Register Service introduced the option of expediting two of the four procedures, making it possible to register property in 11 days. Similarly, the country created a one-stop shop for company registration, cutting the number of procedures from 13 to six and reducing the time required by half. Azerbaijan reduced the tax burden by introducing an online filing and payment system with advanced accounting software for calculating taxes due. This saves more than 500 hours a year on average in dealing with paperwork.

Belarus

In Belarus, a top reformer globally and regionally, the public credit registry expanded credit information by eliminating the minimum threshold for loans recorded in its database. It also guaranteed the right of borrowers to review their data, improving accuracy. Starting a business became easier: a unified registry database was created, a time limit was introduced for registration, and the minimum capital requirement was cut by half. Belarus created a one-stop shop for property registration and introduced a broad administrative simplification program that set strict time limits at the registry and computerized its records. As a result, the time required to register property in Minsk fell from 231 days to 21. The time required for dealing with construction permits fell by 140 days, thanks to new statutory time limits for preapproval clearances and building permits. Belarus eased the tax burden by abolishing the "Chernobyl tax" (3 percent) and unemployment tax (1 percent) and amending the simplified tax system for small businesses. A new customs code and new banking regulations reduced the time to export

Botswana

Botswana improved its business environment by speeding the start-up process through computerization. A similar effort, which included training customs officers in using an electronic data interchange system, sped the processing of trade documents and reduced the time to export by two days and the time to import by a day. A new Company Act has come into force, requiring that shareholders approve related-party transactions and that directors repay damages and surrender profits if held liable. Finally, since January 2008, companies have been required to pay 0.2 percent of turnover for the training of workers.

Burkina Faso

Burkina Faso eliminated random inspections during construction. It also introduced a new one-stop shop for construction permits, which reduced approval fees and combined five separate payments into a single one. A new labor code, approved in May 2008, makes hiring workers easier by allowing employers to use fixed-term contracts for permanent tasks, removing the 48-month limit on the duration of such contracts, and easing restrictions on determining the weekly rest day. Requirements for redundancy dismissals were also eased: third-party notification and consent are no longer required for dismissal of a single worker, and priority rules for dismissals were abolished. Burkina Faso made it easier to transfer property by eliminating the requirement for authorization from the municipality, merging two taxes at the Land Registry (Conservation Foncière), and reducing the transfer tax. The changes reduced the time required by 46 days and the cost by 2 percent of the property value. Finally, Burkina Faso reduced the corporate income tax rate from 35 percent to 30 percent (effective January 1, 2008), and the tax on dividends from 15 percent to 12.5 percent.

Colombia	Colombia, a top global and regional reformer, improved in five of the 10 Doing Business indicators. It reduced the time and cost to start a business by simplifying registration formalities, including speeding up processes at the registry and eliminating the need to obtain a certificate of compliance with zoning regulations. A silence-is-consent principle for building permits is now applied, reducing the total time for dealing with construction permits by 32 days. A new unified application form was introduced. Colombia made electronic social security contributions mandatory for companies with more than 30 employees and created unified electronic forms for filing taxes. Trading across borders was expedited: better banking services and the implementation of e-payments, electronic data interchange, and coordinated inspections in customs reduced the time to export by 10 days and the time to import by five. Authorities also introduced two new insolvency proceedings: a reorganization procedure to restructure insolvent companies and a mandatory liquidation procedure. Its new insolvency law tightens time limits for negotiating reorganization agreements. Before, the term allowed was six months, with a possible extension of eight months. The new law limits the term to four months, and the extension to two.
Dominican Republic	The Dominican Republic, a top global and regional reformer, sped up formalities in several areas by making them electronic. An online system for filing and paying taxes, piloted in 2006, is now fully operational. And entrepreneurs can complete several start-up formalities online, including name verification, and commercial and tax registration. The Dominican Republic also reduced the corporate income tax rate from 29% to 25%, and abolished several taxes, including the stamp duty. The cost of property registration fell, thanks to a reduction in the transfer tax from 4.3% to 3%. Transferring property now costs 3.8% of the property value, down from 5.1%. In addition, authorities reduced the time to export by three days by improving the online portal for customs documentation and payment.
Egypt	Egypt was once again among the top 10 global reformers—the third time in 4 years—and top regional reformer this year. Egypt made starting a business easier by reducing the paid-in minimum capital requirement by more than 80%, abolishing bar association fees, and automating tax registration. A new building code introduced in 2008 is aimed at reducing the procedures and time required to deal with construction permits by establishing a single window for processing construction-related approvals. Simplified administrative procedures for registering property and new time limits have reduced the time to transfer property in Cairo from 193 days to 72. The port of Alexandria continued to upgrade its facilities and sped customs clearance, reducing the time to export by 1 day and the time to import by 3. New listing rules for the Cairo Stock Exchange strengthened protections for minority shareholders: now an independent body must assess transactions between interested parties before they are approved. And thanks to new regulations issued by the Central Bank of Egypt, borrowers have the right to inspect their data in the private credit bureau.
Guyana	In Guyana no major reform was recorded.
Haiti	Haiti reduced the time to export by a day, by implementing risk-based inspections in customs.
Jamaica	Jamaica, as part of an initiative to improve administrative efficiency, introduced a statutory time limit for issuing building permits, reducing the time required to build a warehouse by 80 days. It also reduced the property transfer tax from 7.5% to 6%, and the stamp duty from 5.5% to 4.5%, of the property value. That cut the cost to transfer property from 13.5% of the property value to 11%.
Kyrgyz Republic	The Kyrgyz Republic, a top reformer globally and regionally, strengthened investor protections through legal amendments allowing minority investors to take legal actions as shareholders. The amendments also require an independent assessment of a related-party transaction before it is approved. Moreover, directors can be held liable for negligence if they harm minority shareholders and will be forced to pay damages and disgorge profits. A new one-stop shop made it easier to start a business by streamlining and simplifying business registration processes and eliminating certain requirements such as proof of residence. Obtaining a company seal became optional. Dealing with construction permits also became easier, thanks to a one-stop shop making it possible to obtain a designing permit, construction license, and occupancy permit at a single place. This reform eliminated nine steps, reduced the time required by almost 6 months, and lowered the cost from 759 percent of income per capita to 406 percent.
Puerto Rico	In Puerto Rico no major reform was recorded.

Senegal

Senegal's one-stop shop for business start-up became fully operational, merging more than half the procedures and speeding the process as a result. Similarly, the introduction of time limits at the Land Registry and the Directorate of Taxes and Property sped property registration. The top reformer globally in easing trade, Senegal introduced a single window for customs clearance, cutting document requirements in half. It also set up an electronic data interchange system, implemented risk-based inspections, extended the operating hours of customs, and improved port and road infrastructure.

Suriname

In Suriname no major reform was recorded.

APPENDICES

Starting a Business in Puerto Rico

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

STANDARDIZED COMPANY

Legal Form: Corporation

Minimum Capital Requirement:

City: San Juan

Registration Requirements:

No:	Procedure	Time to complete	Cost to complete
1	Check the uniqueness of the company name	1 day	no charge
2	Register the company at the Puerto Rico Department of State and obtain a business certificate	1 day	\$100 + \$10 for the issuance of the Certificate of Existence
3	Apply for an employer identification number (EIN) with the Internal Revenue Service of the United States	1 day	no charge
4	Apply for a municipal business license (patente municipal)	1 day	no charge
5	Request unemployment and disability account numbers from the PR Department of Labor and Human Resources (Departamento del Trabajo y Recursos Humanos)	1 day	no charge
6	Subscribe to a workmen's insurance policy	1 day	no charge
7	File with the Registry of Merchants and Business, the Commercial Development Administration	1 day	no charge

Procedure 1 Check the uniqueness of the company name

Time to complete: 1 day

Cost to complete: no charge

Comment:

Procedure 2 Register the company at the Puerto Rico Department of State and obtain a business certificate

Time to complete: 1 day

Cost to complete: \$100 + \$10 for the issuance of the Certificate of Existence

Comment: The company's certificate of incorporation is filed at the Corporations Division of the Puerto Rico Department of State (División de Corporaciones, Departamento de Estado del Estado Libre Asociado de Puerto Rico). The certificate of incorporation generally sets forth the company's business purposes, the address of its registered office, the number of shares in each authorized class, and the rights of stockholders in each of these classes. If all documents are duly filed, the corporation may be formed and incorporated and start operations the same business day.

Fee schedule for company incorporation based on authorized capital with par value:

- Up to 20,000 shares (par value): USD 0.01 per share of authorized capital. (For the purposes of this computation, the law assigns USD 100 par value to each share computation.)
- From 20,001 to 200,000: USD 0.005 per share.
- Over 200,000: USD 0.002 per share.

Fee schedule for company incorporation based on authorized capital without par value:

- Up to 20,000 shares (without par value): USD 0.005 per share.
- From 20,001 to 2,000,000 shares: USD 0.0025 per share.
- Over 2,000,000 shares: USD 0.002 per share.

The minimum fee for company incorporation is USD 100.

Procedure 3 Apply for an employer identification number (EIN) with the Internal Revenue Service of the United States

Time to complete: 1 day

Cost to complete: no charge

Comment: The employer must apply for an employer identification number (EIN) with the U. S. Internal Revenue Service. The EIN is used for all tax purposes, including Medicare and Social Security taxes, collected by the federal government through the U.S. Internal Revenue Service. Upon receipt of the EIN, the employer must submit the EIN to the Puerto Rico Treasury Department (using Form 4809), and each employee must complete Form 499-R-4 for Puerto Rico tax withholding.

Procedure 4 Apply for a municipal business license (patente municipal)

Time to complete: 1 day

Cost to complete: no charge

Comment: Within 30 days of commencing operations, any person (natural or juridical) must apply for a municipal business license in the municipality where the company will conduct business. The law exempts the company from paying tax during the first semester of operation (January 1st to June 30th or July 1st to December 31th). Upon request and compliance with certain requirements, the Company will be issued a provisional license. Commonwealth of Puerto Rico law establishes the right of every municipality to impose and collect municipal license taxes (patentes municipales) based on the volume of business of up to .5% of gross sales. Most for-profit activities that generate revenues in excess of USD 5,000 per year are covered.

Procedure 5 Request unemployment and disability account numbers from the PR Department of Labor and Human Resources (Departamento del Trabajo y Recursos Humanos)

Time to complete: 1 day

Cost to complete: no charge

Comment: Unemployment insurance tax is administered by the Commonwealth of Puerto Rico Department of Labor and Human Resources. Temporary disability insurance may be obtained privately, and proof of such insurance filed with the Department of Labor, or it must be obtained from the Negociado de Seguro de Incapacidad No Ocupacional de los Trabajadores, SINOT.

Procedure 6 Subscribe to a workmen's insurance policy

Time to complete: 1 day

Cost to complete: no charge

Comment: Workers' compensation insurance is provided by the State Insurance Fund Corporation (Corporación del Fondo de Seguro del Estado). Insurance premiums vary with the type of business activity.

Procedure 7 File with the Registry of Merchants and Business, the Commercial Development Administration

Time to complete: 1 day

Cost to complete: no charge

Comment: According to Mandatory Registry of Merchants and Businesses (Act 71 of August 12, 2000 as amended by Act 159 of August 10, 2002 and Act 304 of September 15, 2004), all natural and juridical persons engaged in business activities in Puerto Rico must register with the Mandatory Registry of Merchants and Businesses at the Commerce and Exportation Company. The registration form must be filed on or before July 15 of each year. However, if the business commenced its operations between January 1 and July 15, the filing of the registration form is to be filed on or before July 15 of the following year. The regulation (No. 6620) imposes high fines for failure to register.

Dealing with Construction Permits in Puerto Rico

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

BUILDING A WAREHOUSE

Date as of: January 2, 2008

Estimated Warehouse Value:

City: San Juan

Registration Requirements:

No:	Procedure	Time to complete	Cost to complete
1	Request and obtain land use authorization from the ARPE (Regulations and Permits Authority)	30 days	USD 50
2	Request and obtain legal endorsement from the Environmental Quality Board	60 days	USD 10
3 *	Request and obtain legal endorsement from the Natural Resources Department	60 days	USD 10
4 *	Request and obtain legal endorsement from the AAA (water and sewerage authority)	60 days	USD 10
5 *	Request and obtain legal endorsement from the municipal government	18 days	USD 10
6 *	Request and obtain legal endorsement from the PREPA (electric power authority)	14 days	USD 10
7 *	Request and obtain legal endorsement from the PRTC (Puerto Rico Telephone Company)	7 days	USD 10
8 *	Request and obtain approval from the Cultural Institute (Instituto Cultural)	14 days	USD 50
9 *	Request and obtain approval from the Fire Department (bomberos)	14 days	USD 100
10 *	Buy stamps and pay the College of Engineers and Architects	1 day	USD 1,050
11	Submit construction drawings for approval to the ARPE (Regulations and Permits Authority) and obtain preliminary approval	60 days	USD 5,500
12 *	Pay municipal construction tax	1 day	USD 68,250
13 *	Request and obtain permit from the FSE (workers' compensation policy)	3 days	no charge
14	Request and obtain occupancy permit from the ARPE	10 days	USD 100

15 *	Request and obtain final approval from the AAA (water and sewerage authority)	20 days	USD 500
16 *	Request and obtain final approval from the PREPA (electric power authority)	20 days	USD 500
17 *	Request and obtain final approval from the PRTC (Puerto Rico Telephone Company)	5 days	no charge
18 *	Request and obtain final approval from the Environmental Quality Board	30 days	no charge
19 *	Request and obtain final approval from the Natural Resources Department	30 days	no charge
20	Request and obtain water and sewerage connection from the AAA (water and sewerage authority)	21 days	USD 3,000
21 *	Request and connect to electricity services through the PREPA (electric power authority)	21 days	no charge
22 *	Request and connect to telephone services through the PRTC (Puerto Rico Telephone Company)	21 days	no charge

* Takes place simultaneously with another procedure.

Procedure 1 Request and obtain land use authorization from the ARPE (Regulations and Permits Authority)

Time to complete: 30 days

Cost to complete: USD 50

Comment: Before starting the building permit request process, BuildCo must first obtain a land use permit. If there is no change in the land zoning, the process should take around a month. If a change in zoning is necessary, then the process can take much longer (around 3 months).

Procedure 2 Request and obtain legal endorsement from the Environmental Quality Board

Time to complete: 60 days

Cost to complete: USD 10

Comment: The Environmental Quality Board verifies compliance of the project with pollution regulations and the boundaries of the lot. Some applicants claim that the time to obtain this endorsement can be 90 days.

Procedure 3 Request and obtain legal endorsement from the Natural Resources Department

Time to complete: 60 days

Cost to complete: USD 10

Comment:

Procedure 4 Request and obtain legal endorsement from the AAA (water and sewerage authority)

Time to complete: 60 days

Cost to complete: USD 10

Comment:

Procedure 5 Request and obtain legal endorsement from the municipal government

Time to complete: 18 days

Cost to complete: USD 10

Comment:

Procedure 6 Request and obtain legal endorsement from the PREPA (electric power authority)

Time to complete: 14 days

Cost to complete: USD 10

Comment:

Procedure 7 Request and obtain legal endorsement from the PRTC (Puerto Rico Telephone Company)

Time to complete: 7 days

Cost to complete: USD 10

Comment:

Procedure 8 Request and obtain approval from the Cultural Institute (Instituto Cultural)

Time to complete: 14 days

Cost to complete: USD 50

Comment: Since 2006, all construction to be built on an archeological site must be approved by the Cultural Institute.

The cost is USD 50 for the first filing. Depending on the outcome of the evaluation, there might be additional costs. If the decision is that there might be archeological findings on the site, Phase I is initiated, and an inspector inspects the site at a cost of USD 100. If anything is found, Phase I-a starts, and the associated fee is USD 250, and so forth.

Assuming that the site is not archeological, the fees for this procedure would be only USD 50. This procedure is not a prerequisite for submission to the Regulations and Permits Authority (ARPE), but it is a prerequisite for obtaining the final occupancy permit.

Procedure 9 Request and obtain approval from the Fire Department (bomberos)

Time to complete: 14 days

Cost to complete: USD 100

Comment: The cost of obtaining approval from the Fire Department is USD 100 for the first 100,000 square feet and USD 75 for each additional 100,000 square feet.

This approval is not a prerequisite for the construction permit granted by the ARPE, but it is generally required for the project and construction licensing. A full set of plans must be submitted.

Procedure 10 Buy stamps and pay the College of Engineers and Architects

Time to complete: 1 day

Cost to complete: USD 1,050

Comment: The stamps can be bought at Westernbank, for example. The cost is 0.1% of the project value.

Procedure 11 Submit construction drawings for approval to the ARPE (Regulations and Permits Authority) and obtain preliminary approval

Time to complete: 60 days

Cost to complete: USD 5,500

Comment: The cost for this procedure is calculated as follows:
- 0.5% tax on the construction (cargo de radicación), which goes to the Ministry of Finance, or the Departamento de Hacienda, but is paid at the ARPE offices.
- About USD 250 fee paid to the ARPE, which depends on the size of the project. The amount in the case considered here is estimated at about USD 1,050,000, based on an estimate of USD 75 per square foot.

The payment must be made either by certified check or by direct ATM deposit. Personal checks or cash are not accepted.

This procedure is regulated by the Reglamento de Certificación, Administrative Order ARPE 99-7. The ARPE grants a preliminary approval, which is necessary to register for the FSE and to pay the municipal tax on the building (in the next two procedures), required steps to obtain the final construction permit. Note that the construction permit is not an occupancy permit.

Procedure 12 Pay municipal construction tax

Time to complete: 1 day

Cost to complete: USD 68,250

Comment: The cost is 6.5% of the project value.

Procedure 13 Request and obtain permit from the FSE (workers' compensation policy)

Time to complete: 3 days

Cost to complete: no charge

Comment:

Procedure 14 Request and obtain occupancy permit from the ARPE

Time to complete: 10 days

Cost to complete: USD 100

Comment: A licensed engineer or architect is responsible for ensuring that the building is compliant with the regulations and permit outlines, and for supervising the project during construction (inspections). At the end of the construction, the architect files with the authorities all plans, a final cost evaluation, and reports from all inspections. If the final cost differs from the original one, the difference in taxes must be paid. The architect guarantees compliance in an affidavit. There are inspections during construction, but they are all private. No officials from the municipality or the ARPE inspect the site.

Procedure 15 Request and obtain final approval from the AAA (water and sewerage authority)

Time to complete: 20 days

Cost to complete: USD 500

Comment:

Procedure 16 Request and obtain final approval from the PREPA (electric power authority)

Time to complete: 20 days

Cost to complete: USD 500

Comment:

Procedure 17 Request and obtain final approval from the PRTC (Puerto Rico Telephone Company)

Time to complete: 5 days

Cost to complete: no charge

Comment:

Procedure 18 Request and obtain final approval from the Environmental Quality Board

Time to complete: 30 days

Cost to complete: no charge

Comment:

Procedure 19 Request and obtain final approval from the Natural Resources Department

Time to complete: 30 days

Cost to complete: no charge

Comment:

Procedure 20 Request and obtain water and sewerage connection from the AAA (water and sewerage authority)

Time to complete: 21 days

Cost to complete: USD 3,000

Comment:

Procedure 21 Request and connect to electricity services through the PREPA (electric power authority)

Time to complete: 21 days

Cost to complete: no charge

Comment: The electric power authority (PREPA) provides the equipment, inspects the site, and makes the final installation. The procedure takes a day and can be done simultaneously with other procedures. There is no cost at the time of the connection. However, about USD 1,500 is charged with the first electricity bill.

Procedure 22 Request and connect to telephone services through the PRTC (Puerto Rico Telephone Company)

Time to complete: 21 days

Cost to complete: no charge

Comment:

Employing Workers in Puerto Rico

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

Employing Workers Indicators (2008)	Answer	Score
Rigidity of Employment Index		25.2
Difficulty of Hiring Index		55.6
Are fixed-term contracts prohibited for permanent tasks?	Yes	1
What is the maximum duration of fixed-term contracts (including renewals)? (in months)	No limit	0.0
What is the ratio of mandated minimum wage to the average value added per worker?	0.56	0.67
Rigidity of Hours Index		0.0
Can the workweek extend to 50 hours (including overtime) for 2 months per year to respond to a seasonal increase in production?	Yes	0
What is the maximum number of working days per week?	7	0
Are there restrictions on night work?	No	0
Are there restrictions on "weekly holiday" work?	No	0
What is the paid annual vacation (in working days) for an employee with 20 years of service?	15	0
Difficulty of Firing Index		20.0
Is the termination of workers due to redundancy legally authorized?	Yes	0
Must the employer notify a third party before terminating one redundant worker?	No	0
Does the employer need the approval of a third party to terminate one redundant worker?	No	0
Must the employer notify a third party before terminating a group of 25 redundant workers?	No	0
Does the employer need the approval of a third party to terminate a group of 25 redundant workers?	No	0
Is there a retraining or reassignment obligation before an employer can make a worker redundant?	No	0
Are there priority rules applying to redundancies?	Yes	1
Are there priority rules applying to re-employment?	Yes	1

Firing costs (weeks of salary)	0.0
What is the notice period for redundancy dismissal after 20 years of continuous employment? (weeks of salary)	0.0
What is the severance pay for redundancy dismissal after 20 years of employment? (weeks of salary)	0.0
What is the legally mandated penalty for redundancy dismissal? (weeks of salary)	0.0

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

Registering Property in Puerto Rico

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

STANDARDIZED PROPERTY

Property Value: 718,550.00

City: San Juan

Registration Requirements:

No:	Procedure	Time to complete	Cost to complete
1 *	Obtain a property title report at the Property Registry	3-5 days (simultaneous with procedure 2)	\$50
2 *	Obtain a property tax certificate from the Municipal Revenues Collection Center (CRIM)	2 days (simultaneous with procedure 1)	\$50
3	Obtain Title Commitment for Title Insurance	2 days	no cost
4	The notary public prepares and authorizes and the parties execute the purchase and sale deed	4 days	\$300 (Corporate Resolution) + 1% of property value up to \$500,000 + 0.5% of the excess over \$500,000 (notary fees)
5	Purchase Internal Revenue Stamps and Registry of Property filling vouchers	2 days	Cost of Vouchers = \$2,836.50, Stamps on the Original Purchase and Sale Deed = \$720, Stamps on Certified Copy of the Deed = \$360, Legal Aid Stamp = \$25 on the Original Deed and \$12.50 on the certified copy.
6	File and record the deed at the Registry of Property	180 days	\$100
7	File the notice of sale with the Treasury Department	1 day	\$20
8	File the notice of change of owner with the CRIM	1 day	\$20

* Takes place simultaneously with another procedure.

Procedure 1 Obtain a property title report at the Property Registry

Time to complete: 3-5 days (simultaneous with procedure 2)

Cost to complete: \$50

Comment: A Notary is an attorney authorized and licensed by the government of the Commonwealth of Puerto Rico to certify and attest as to, among other things, the legality of public deeds executed in his presence, the identity of the parties executing the public deed and the date and municipality in which the public deed was executed. Public deeds for the sale of immovable property must be prepared by a Notary and executed by the parties before such Notary. The Notary requires a title search which will show the status of the property at the Registry of the Property: owner, mortgages and encumbrances, etc.

Procedure 2 Obtain a property tax certificate from the Municipal Revenues Collection Center (CRIM)

Time to complete: 2 days (simultaneous with procedure 1)

Cost to complete: \$50

Comment: Obtain a property tax certificate (Form AD-25) from the Municipal Revenues Collection Center (CRIM). This certificate makes sure the property does not owe any property taxes and is required by any bank lending money for the transaction.

Procedure 3 Obtain Title Commitment for Title Insurance

Time to complete: 2 days

Cost to complete: no cost

Comment: The buyer obtains Title Commitment in order to obtain Title Insurance.

Procedure 4 The notary public prepares and authorizes and the parties execute the purchase and sale deed

Time to complete: 4 days

Cost to complete: \$300 (Corporate Resolution) + 1% of property value up to \$500,000 + 0.5% of the excess over \$500,000 (notary fees)

Comment: The Notary prepares the deed of purchase and sale to be executed in his presence by the parties. He attests as to the legality of the transaction, the identity and personal circumstances of the parties (marital status, legal age, profession and place of residence) or, in the case of juridical entities, the personal circumstances of the authorized representatives, when and where was the deed of purchase and sale executed by the parties and that it was executed in his presence. It is mandatory that the deed be prepared by a notary. The maximum notary fees allowed are 1% of property value for values up to \$ 500,000 plus 0.5% of the excess over \$500,000. But the fees are usually negotiated among parties below this maximum. Depending on the agreement reached with the Notary, he will also prepare a Corporate Resolution authorizing the representatives of the corporation to appear in the deed (\$300).

Procedure 5 Purchase Internal Revenue Stamps and Registry of Property filling vouchers

Time to complete: 2 days

Cost to complete: Cost of Vouchers = \$2,836.50, Stamps on the Original Purchase and Sales Deed = \$720, Stamps on the Certified Copy of the Deed = \$360, Legal Aid Stamps = \$25 on the Original Deed and \$12.50 on the certified copy.

Comment: Parties purchase Internal Revenue Stamps to be canceled on the original of deed of purchase and sale and first certified copy of deed to be filed in the Registry of Property. The original is kept by the notary and the certified copy is presented at the Registry. Vouchers for the Registry of Property must be bought before applying for registration. Both the stamps and the vouchers are available to the lawyers/notaries electronically.

For the cost of Vouchers ("Comprobantes") the formula is: the amount of the sale divided by 1000 multiplied by 4, minus 50. For the cost of stamps on the original deed one must divide the amount of the sale by 1000, plus 1. For the cost of stamps on the certified copy one must take the cost of stamps for the original deed and divide it by 2.

Procedure 6 File and record the deed at the Registry of Property

Time to complete: 180 days

Cost to complete: \$100

Comment: The buyer files the sale and purchase deed at the Registry of Property in ten days. The Registry of Property records the sale and purchase deed in six months.

Procedure 7 File the notice of sale with the Treasury Department

Time to complete: 1 day

Cost to complete: \$20

Comment: The Notary Public has to file to notice of sale with the Treasury Department on or before the 10th day of the month following the transaction

Procedure 8 File the notice of change of owner with the CRIM

Time to complete: 1 day

Cost to complete: \$20

Comment: The Notary Public has to file the notice of change of ownership with the CRIM on or before the 10th day of the month following the transaction.

Getting Credit in Puerto Rico

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

Getting Credit Indicators (2008)			Indicator
			score
Private bureau coverage (% adults)	Private credit bureau	Public credit registry	5
Are data on both firms and individuals distributed?	No	No	0
Are both positive and negative data distributed?	Yes	No	1
Does the registry distribute credit information from retailers, trade creditors or utility companies as well as financial institutions?	Yes	No	1
Are more than 2 years of historical credit information distributed?	Yes	No	1
Is data on all loans below 1% of income per capita distributed?	Yes	No	1
Is it guaranteed by law that borrowers can inspect their data in the largest credit registry?	Yes	No	1
Coverage		61.4	0.0
Number of individuals	
Number of firms	

Legal Rights Index	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 revolving movable assets, without requiring a specific description of the secured assets ?	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 the secured assets ?	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, so that all types of obligations and debts can be secured by stating a maximum amount rather than a specific amount between the parties ?	Yes
Is a collateral registry in operation, that is unified geographically and by asset type, as well as indexed by the grantor's name of a security right ?	Yes
Do secured creditors have absolute priority to their collateral outside bankruptcy procedures?	No
Do secured creditors have absolute priority to their collateral in bankruptcy procedures?	Yes

During reorganization, are secured creditors' claims exempt from an automatic stay on enforcement?

Yes

Does the law authorize parties to agree on out of court enforcement?

Yes

Protecting Investors in Puerto Rico

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

Protecting Investors Data (2008)	Indicator
Disclosure Index	7
What corporate body provides legally sufficient approval for the transaction? (0-3; see notes)	1
Immediate disclosure to the public and/or shareholders (0-2; see notes)	2
Disclosures in published periodic filings (0-2; see notes)	2
Disclosures by Mr. James to board of directors (0-2; see notes)	2
Requirement that an external body review the transaction before it takes place (0=no, 1=yes)	0
Director Liability Index	6
Shareholder plaintiff's ability to hold Mr. James liable for damage the Buyer-Seller transaction causes to the company. (0-2; see notes)	1
Shareholder plaintiff's ability to hold the approving body (the CEO or board of directors) liable for for damage to the company. (0-2; see notes)	2
Whether a court can void the transaction upon a successful claim by a shareholder plaintiff (0-2; see notes)	0
Whether Mr. James pays damages for the harm caused to the company upon a successful claim by the shareholder plaintiff (0=no, 1=yes)	1
Whether Mr. James repays profits made from the transaction upon a successful claim by the shareholder plaintiff (0=no, 1=yes)	1
Whether fines and imprisonment can be applied against Mr. James (0=no, 1=yes)	0
Shareholder plaintiff's ability to sue directly or derivatively for damage the transaction causes to the company (0-1; see notes)	1
Shareholder Suits Index	8
Documents available to the plaintiff from the defendant and witnesses during trial (0-4; see notes)	4
Ability of plaintiffs to directly question the defendant and witnesses during trial (0-2; see notes)	1
Plaintiff can request categories of documents from the defendant without identifying specific ones (0=no, 1=yes)	1
Shareholders owning 10% or less of Buyer's shares can request an inspector investigate the transaction (0=no, 1=yes)	0

Level of proof required for civil suits is lower than that for criminal cases (0=no, 1=yes) 1

Shareholders owning 10% or less of Buyer's shares can inspect transaction documents before filing suit (0=no, 1=yes) 1

Investor Protection Index

7.0

Notes:

Extent of Disclosure Index

What corporate body provides legally sufficient approval for the transaction?

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

Immediate disclosure to the public and/or shareholders

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

Disclosures in published periodic filings

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

Disclosures by Mr. James to board of directors

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

Director Liability Index

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

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

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

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

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

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

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

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

Shareholder Suits Index

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

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

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

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

Paying Taxes in Puerto Rico

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

Tax or mandatory contribution	Payments (number)	Notes on Payments	Time (hours)	Statutory tax rate	Tax base	Total tax rate (% profit)	Notes on TTR
Sales tax	1	online filing	78	7.0%	sales		
Capital gains tax			0	15.0%	capital gain	0.00	
Unemployment contribution	4			5.7%	gross salaries	1.62	
Accident insurance	1				gross salaries	2.31	
Real property tax	2			8.5%	replacement value of property	7.76	
Social security contributions	1	online filing	60	7.6%	gross salaries	8.63	
Municipal license tax	1			0.5%	sales	8.84	
Property tax	1			6.5%	book value of movable property	10.26	
Corporate income tax	5		80		taxable profit	25.29	
Totals	16		218			64.7	

Notes:

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

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

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

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

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

Trading Across Borders in Puerto Rico

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

Nature of Export Procedures (2008)	Duration (days)	US\$ Cost
Documents preparation	6	250
Customs clearance and technical control	4	275
Ports and terminal handling	3	450
Inland transportation and handling	2	275
Totals	15	1250

Nature of Import Procedures (2008)	Duration (days)	US\$ Cost
Documents preparation	9	250
Customs clearance and technical control	2	275
Ports and terminal handling	3	450
Inland transportation and handling	2	275
Totals	16	1250

Export

- Bill of lading
- Certificate of origin
- Commercial invoice
- Consular invoice
- Customs export declaration
- Packing list
- Pre-shipment inspection clean report of findings

Import

- Bill of lading
- Cargo release order
- Certificate of origin
- Commercial invoice

Customs import declaration
Foreign exchange authorization
Import license
Packing list
Tax certificate
Terminal handling receipts

Enforcing Contracts in Puerto Rico

This topic looks at the efficiency of contract enforcement in Puerto Rico.

Nature of Procedure (2008)	Indicator
Procedures (number)	39
Duration (days)	620
Filing and service	30.0
Trial and judgment	500.0
Enforcement of judgment	90.0
Cost (% of claim)*	24.30
Attorney cost (% of claim)	20.0
Court cost (% of claim)	4.0
Enforcement Cost (% of claim)	0.3

Court information: San Juan Court of First Instance("Tribunal de Primera Instancia")

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



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