

CHAPTER 9. DISPUTE RESOLUTION–METHODOLOGY NOTE

I. MOTIVATION

In developed and developing economies alike, commercial disputes inevitably occur. Adverse economic outcomes for the private sector, ranging from reduced entrepreneurial activity and lower investment to macroeconomic volatility, can arise when these disputes cannot be adequately resolved.¹ This makes a well-functioning dispute resolution system essential for a healthy business environment. Such a system requires efficiency and quality.²

Having time- and cost-effective mechanisms for resolving disputes is critical because excessively long and expensive proceedings may defeat the very purpose of bringing a case to formal institutions, making them unattractive and unaffordable.³ In fact, correlations have been established between judicial efficiency and facilitated entrepreneurial activity.⁴ Evidence also suggests that under a more effective court system businesses are likely to have greater access to finance and borrow more.⁵ In addition, expeditious judiciaries are associated with higher levels of domestic and foreign investment.⁶ When investors know that in case of nonperformance of an obligation their claim will be considered in a timely manner, they may have more incentives to increase investment.⁷ Also, enhancing the efficiency of the judiciary may strengthen competition and foster innovation.⁸

The quality of the dispute resolution process also matters.⁹ Claims should be considered with due care by credible institutions capable of issuing sound judgments.¹⁰ In economies with low confidence in court systems, firms are less willing to expand their businesses and look for alternative trade partners.¹¹ To attract more investors, economies should ensure not only judiciaries' effectiveness but also their strength and reliability.¹² Limited enforceability of contracts is associated with the suboptimal distribution of resources, the use of inefficient technologies, and greater macroeconomic volatility.¹³ Because poor commercial dispute resolution might deprive firms of timely and full payments, liquidity and insolvency issues can follow, as can subsequent bankruptcies and unemployment.¹⁴

Efficient and quality dispute resolution systems require a clear and up-to-date regulatory framework and enhanced public services.¹⁵ Robust laws and regulations are vital because they lay the foundation for resolving disputes in a timely and trustworthy manner.¹⁶ Well-designed regulatory frameworks must be put into effect through a sound public services system.¹⁷ Key elements of such a system include solid organizational structure, high degree of digitalization, increased transparency, and advanced services related to alternative dispute resolution (ADR).¹⁸ In light of this, the Dispute Resolution topic focuses on quality of regulations and public services, as well as the operational efficiency with which these are applied in practice.

II. INDICATORS

The Dispute Resolution topic measures the efficiency and quality of the resolution of commercial disputes—those arising in the business context between firms—across three different dimensions, referred to as pillars. The first pillar assesses the adequacy of legislation pertaining to both court processes and alternative dispute resolution, covering *de jure* features that are necessary for the efficient processing of cases, facilitated resolution of cross-border claims, creating alternative venues for settling disputes, and ensuring trust in relevant institutions. The second pillar focuses on judicial organizational structure, courts' digitalization and transparency, as well as ADR-related services, thus capturing the *de facto* provision of public services. The third pillar measures the reliability of dispute resolution, the time and cost required to resolve a dispute, as well as the time and cost associated with the recognition and enforcement of decisions. Each pillar is divided into categories—defined by common features that inform the grouping into a particular category—and each category is further divided into subcategories. All subcategories are

composed of specific indicators, which, in turn, consist of one or several components. Relevant points are assigned to each indicator and subsequently aggregated to obtain the number of points for each subcategory, category, and pillar. Table 1 summarizes all three pillars and their respective categories.

Table 1. Summary Table of all Three Pillars for the Dispute Resolution Topic

Pillar I—Quality of Regulations for Dispute Resolution (26 indicators)	
1.1	Court Litigation (16 indicators)
1.1.1	Procedural Certainty (includes environment) (10 indicators)
1.1.2	Judicial Integrity (includes gender) (6 indicators)
1.2	Alternative Dispute Resolution (ADR) (10 indicators)
1.2.1	Legal Safeguards in Arbitration (6 indicators)
1.2.2	Legal Safeguards in Mediation (4 indicators)
Pillar II—Public Services for Dispute Resolution (29 indicators)	
2.1	Court Litigation (20 indicators)
2.1.1	Organizational Structure of Courts (5 indicators)
2.1.2	Digitalization of Court Processes (8 indicators)
2.1.3	Transparency of Courts (includes gender) (7 indicators)
2.2	Alternative Dispute Resolution (ADR) (9 indicators)
2.2.1	Public Services for Arbitration (includes gender) (5 indicators)
2.2.2	Public Services for Mediation (includes gender) (4 indicators)
Pillar III—Ease of Resolving a Commercial Dispute (14 indicators)	
3.1	Court Litigation (8 indicators)
3.1.1	Reliability of Courts (2 indicators)
3.1.2	Operational Efficiency of Court Processes (6 indicators)
3.2	Alternative Dispute Resolution (ADR) (6 indicators)
3.2.1	Reliability of ADR (2 indicators)
3.2.2	Operational Efficiency of Arbitration Processes (4 indicators)

1. PILLAR I. QUALITY OF REGULATIONS FOR DISPUTE RESOLUTION

Table 2 shows the structure for Pillar I, Quality of Regulations for Dispute Resolution. Each of this pillar's categories and subcategories will be discussed in more detail in the order shown in the table.

Table 2. Pillar I—Quality of Regulations for Dispute Resolution

1.1	Court Litigation
1.1.1	Procedural Certainty (includes environment)
1.1.2	Judicial Integrity (includes gender)
1.2	Alternative Dispute Resolution (ADR)
1.2.1	Legal Safeguards in Arbitration
1.2.2	Legal Safeguards in Mediation

1.1 Court Litigation

Category 1.1 is divided into two subcategories consisting of several indicators, each of which may, in turn, have several components.

1.1.1 Procedural Certainty (includes environment)

Increasing procedural certainty in dispute resolution tends to facilitate the conduct of proceedings and prevent deadlocks.¹⁹ For example, time standards for specific key processes may address some of the most common inefficiencies in litigation, such as the ones related to serving a complaint on the defendant or preparing an expert opinion.²⁰ In a similar vein, specifying a time limit, after which evidence can no longer be generally submitted, is likely to speed up the consideration of cases.²¹ Another important procedural

safeguard is to have limitations for adjournments that the judge can grant.²² Crucially, holding a pre-trial conference is equally associated with procedural certainty.²³ The dispute resolution process may be further streamlined when the judge has powers to issue a default judgment in case a duly notified defendant fails to respond to a court summons or to appear in court.²⁴

To streamline international dispute resolution, it is important to lay down clear and straightforward rules on the process of recognizing foreign judgments. For example, such rules eliminate the requirement for the creditor to provide a security and ensure that the local court is not allowed to review foreign judgments on the merits.²⁵ As to enforcement proceedings, they can be facilitated by providing enforcement agents with explicit powers to seize more classes of assets, such as the debtor's monetary claims toward a third party, financial instruments, or electronic assets (such as cryptocurrency).²⁶

Last but not least, considering the growing importance of environmental sustainability for the private sector, it is critical to ensure that relevant environmental disputes are also settled promptly and thoroughly. Efficiency gains in this area can be achieved through making it easier to file a lawsuit against a polluting firm, requiring businesses to consider the impact of their operations on the environment, and allowing the courts to issue additional dispute-specific remedies.²⁷ Therefore, Subcategory 1.1.1–Procedural Certainty (includes environment) comprises ten indicators (table 3).

Table 3. Subcategory 1.1.1–Procedural Certainty (includes environment)

	Indicators	Components
1	Time Standards	i) Serving a complaint on the defendant ii) Filing a statement of defense iii) Issuing an expert opinion iv) Submitting a judgment
2	Deadline to Consider a Request for Interim Measures	Existence of a deadline to consider a request for interim measures
3	Time Limit on Suggesting Evidence	Existence of a time limit on suggesting evidence
4	Limitations on Adjournments	i) Restricted grounds for adjournments ii) Maximum number of adjournments
5	Holding a Pre-Trial Conference	Holding a pre-trial conference
6	Availability of a Default Judgment	Availability of a default judgment
7	Recognition and Enforcement of Foreign Judgments	i) Allowing the use of apostilles ii) Not requiring a security from a foreign judgment creditor iii) Grounds for denying recognition and enforcement of foreign judgments
8	Time Limit for Enforcing a Judgment	Existence of a time limit for enforcing a judgment
9	Powers of Enforcement Agents to Seize Extra Types of Assets	i) Powers of enforcement agents to seize the debtor's monetary claims toward a third party ii) Powers of enforcement agents to seize the debtor's financial instruments, such as bonds and stocks iii) Powers of enforcement agents to seize the debtor's electronic assets (such as cryptocurrency)
10	Environmental Sustainability	i) Expanded legal standing in environmental disputes ii) Holding polluting firms accountable for environmental damage caused abroad iii) Obligation for businesses to consider the impact of operations on the environment iv) Expanded range of remedies in environmental disputes

1.1.2 Judicial Integrity (includes gender)

Judicial integrity is key to ensuring public trust in the dispute resolution system. Businesses may avoid courts altogether if they perceive them as unreliable, biased, or corrupt.²⁸ Incorporating good practices that strengthen the independence and impartiality of judges into the law is essential for judicial integrity.²⁹ For

example, protections should be put in place to protect judges from interference with the adjudication of their cases by the chairperson of a court, as well as from subjecting them to disciplinary proceedings for reasons solely related to how they apply and interpret the law.³⁰ Requiring judges to disclose their assets may contribute positively to their accountability.³¹

Codified targeted instruments—such as the code of ethics for judges or the code of ethics for enforcement agents—also help promote integrity.³² Economies may further enhance courts’ reliability through enacting a judicial whistleblowing policy.³³ To ensure equal justice under the law, the dispute resolution system should serve as an example in the area of gender inclusion. This implies making it possible for women to participate in proceedings on equal footing with men.³⁴ Therefore, Subcategory 1.1.2–Judicial Integrity (includes gender) has six indicators (table 4).

Table 4. Subcategory 1.1.2–Judicial Integrity (includes gender)

	Indicators	Components
1	Protections against Interference with Judges’ Work	i) Preventing the chairperson of a court from interfering with the adjudication by other judges ii) Precluding the commencement of disciplinary proceedings against judges for the reasons solely related to how they apply and interpret the law
2	Disclosure of Assets by Judges	i) Obligation for judges to disclose their assets on an annual basis ii) Making judges’ disclosures of assets available for the public scrutiny
3	Code of Ethics for Judges	Code of ethics for judges
4	Code of Ethics for Enforcement Agents	Code of ethics for enforcement agents
5	Existence of a Judicial Whistleblowing Policy	Existence of a judicial whistleblowing policy
6	Equal Rights for Men and Women in Commercial Litigation	Equal rights for men and women in commercial litigation

1.2 Alternative Dispute Resolution (ADR)

Category 1.2 is divided into two subcategories consisting of several indicators, each of which may, in turn, have several components.

1.2.1 Legal Safeguards in Arbitration

Arbitration is an alternative dispute resolution mechanism that is widely used by firms to resolve their commercial disputes.³⁵ To benefit fully from arbitration, consideration should be given to respecting the parties’ autonomy, in particular by lifting restrictions that limit the freedom to choose arbitrators and legal counsel.³⁶ It is equally important to provide broad access to arbitration. For example, the law can tackle this issue by removing restrictions for state-owned enterprises and public bodies to use arbitration in resolving commercial disputes or expressly authorizing third-party funding to help smaller businesses cover their legal costs.³⁷ As in other types of dispute resolution, safeguards of independence and impartiality are critical in arbitration. Specifically, these include incorporating rules on disclosure of conflict of interest by arbitrators and parties’ right to call into question arbitrators’ independence and impartiality.³⁸

Another key element of a robust regulatory framework on arbitration is the recognition of the “*kompetenz-kompetenz*” principle, which empowers an arbitral tribunal to rule on its own jurisdiction and requires domestic courts to defer to the arbitral tribunal on this question.³⁹ Considering that the judiciary performs the primary role in any dispute resolution system, court support is crucial for making arbitration truly attractive. In particular, courts may render such support by assisting arbitral tribunals with interim measures and facilitating the collection of evidence.⁴⁰ Moreover, the attractiveness of arbitration can be further enhanced if the legislation sets out a straightforward, up-to-date, and predictable regime for recognizing and enforcing arbitral awards. Such a regime allows for recognition and enforcement of interim and partial

awards as well as ensures that domestic and foreign awards may not be reviewed on the grounds of error of law or fact.⁴¹ Therefore, Subcategory 1.2.1–Legal Safeguards in Arbitration comprises six indicators (table 5).

Table 5. Subcategory 1.2.1–Legal Safeguards in Arbitration

	Indicators	Components
1	Parties' Autonomy in Arbitration	i) Allowing the parties to freely select arbitrators ii) Allowing the parties to freely select a legal counsel
2	Access to Arbitration	i) Arbitration in disputes with state-owned enterprises and public bodies ii) Provision of third-party funding
3	Independence and Impartiality of Arbitrators	i) Disclosure of conflict of interest by arbitrators ii) Parties' right to call into question arbitrators' independence and impartiality
4	Incorporation of the Principle " <i>Kompetenz-Kompetenz</i> "	Incorporation of the principle " <i>kompetenz-kompetenz</i> "
5	Court Support of Arbitration	i) Support by courts in ordering interim measures in arbitration ii) Support by courts in the collection of evidence in arbitration
6	Recognition and Enforcement of Arbitral Awards	i) Recognition and enforcement of interim awards ii) Recognition and enforcement of partial awards iii) Grounds for setting aside, annulling, or vacating a domestic arbitral award iv) Grounds for denying recognition and enforcement of a foreign arbitral award

1.2.2 Legal Safeguards in Mediation

Mediation provides the parties with a unique mechanism to settle disputes in a constructive and mutually agreeable manner. Several good practices have proven to facilitate the conduct of mediation proceedings. As in arbitration, it is essential to guarantee respect for parties' autonomy in mediation. Prescribing that commercial mediation is voluntary, for example, helps arrange that only parties interested in an amicable settlement resort to it.⁴² Safeguards of independence and impartiality are also relevant for mediation. In particular, these include establishing rules on the disclosure of conflict of interest by the mediator and setting forth the restriction for the mediator to act as an arbitrator in the same or related dispute.⁴³ Another crucial guarantee in mediation relates to ensuring that suggestions and statements made for the purpose of mediation may not be used in other proceedings.⁴⁴ Further, mediation may become more appealing when the legal framework provides for a streamlined enforcement regime for mediation agreements and also allows for recognition of international mediation agreements.⁴⁵ Therefore, Subcategory 1.2.2–Legal Safeguards in Mediation comprises four indicators (table 6).

Table 6. Subcategory 1.2.2–Legal Safeguards in Mediation

	Indicators	Components
1	Parties' Autonomy in Mediation	i) Voluntary nature of commercial mediation ii) Allowing the parties to freely select mediators
2	Independence and Impartiality of Mediators	i) Disclosure of conflict of interest by the mediator ii) Restriction for the mediator to act as an arbitrator in the same or related dispute
3	Inadmissibility of Using Suggestions and Statements Made for the Purpose of Mediation in Other Proceedings	Inadmissibility of using suggestions and statements made for the purpose of mediation in other proceedings
4	Recognition and Enforcement of Mediation Agreements	i) Streamlined enforcement regime for mediation settlement agreements ii) Recognition and enforcement of international mediation agreements

2. PILLAR II. PUBLIC SERVICES FOR DISPUTE RESOLUTION

Table 7 shows the structure for Pillar II, Public Services for Dispute Resolution. Each of this pillar's categories and subcategories will be discussed in more detail in the order shown in the table.

Table 7. Pillar II–Public Services for Dispute Resolution

2.1	Court Litigation
2.1.1	Organizational Structure of Courts
2.1.2	Digitalization of Court Processes
2.1.3	Transparency of Courts (includes gender)
2.2	Alternative Dispute Resolution (ADR)
2.2.1	Public Services for Arbitration (includes gender)
2.2.2	Public Services for Mediation (includes gender)

2.1 Court Litigation

Category 2.1 is divided into three subcategories consisting of several indicators, each of which may, in turn, have several components.

2.1.1 Organizational Structure of Courts

Effective and reliable dispute resolution processes are conditional upon having a robust organizational structure. Within such a framework, aspects of court specialization, access to justice, and integrity play an essential role.⁴⁶ Ensuring that commercial cases are handled by specialized courts or divisions at the level of first instance may have a positive impact on the efficiency and quality of dispute resolution.⁴⁷ Due to their unique nature, international cases may benefit from increased specialization too. This can be ensured by establishing a court or division of a court dedicated to hearing international commercial matters and setting up a public agency or government unit tasked specifically with the prevention and early resolution of investor-state disputes.⁴⁸

Access to justice matters in commercial litigation too, with micro and small businesses being particularly vulnerable in this regard.⁴⁹ To ensure access to justice for all market participants, economies may establish small claims courts or procedures, as well as create legal aid programs targeting entrepreneurs who cannot afford legal costs.⁵⁰ Furthermore, in administering justice, complaints may often arise with respect to how the dispute resolution system is organized and how cases are handled in practice. If left unaddressed, these complaints may lead to a decline in institutional credibility and cause procedural inefficiencies. It is, therefore, critical to set up specific and independent review mechanisms that would allow aggrieved parties to submit their complaints, especially in areas such as judicial appointments (and promotions, where applicable), judges' misconduct, as well as misconduct of enforcement agents.⁵¹ Therefore, Subcategory 2.1.1–Organizational Structure of Courts comprises five indicators (table 8).

Table 8. Subcategory 2.1.1–Organizational Structure of Courts

	Indicators	Components
1	Existence of a Commercial Court or Division	Existence of a commercial court or division
2	Automated Random Assignment of Cases	Automated random assignment of cases
3	Access to Justice for Micro and Small Businesses	i) Establishment of a small claims court or procedure ii) Self-representation before a small claims court or procedure iii) Existence of a legal aid program for micro and small businesses
4	Facilitated International Dispute Resolution	i) Existence of an international court or division ii) Setting up a mechanism for prevention and early resolution of investor-state disputes

5	Special Review Mechanisms to Support Judicial Integrity	i) Review mechanism for complaints filed against decisions on appointment (and promotion, where applicable) of judges ii) Review mechanism for complaints filed against judges' misconduct iii) Review mechanism for complaints filed against the misconduct of enforcement agents
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2.1.2 Digitalization of Court Processes

A key lesson from the COVID-19 pandemic for dispute resolution is that digitalization may have a substantial effect on ensuring access to justice and the streamlining of proceedings. Through technological advancement, litigants should be allowed to file and be served with court documents electronically. This includes filing and service during the commencement of proceedings and in all subsequent stages, extending to the receipt of court decisions in an electronic format.⁵² When relevant, it is equally important to ensure that parties can communicate with court staff and enforcement agents through electronic means.⁵³

Digitalization of dispute resolution can be further promoted by providing for the admissibility of electronic evidence and introducing virtual hearings.⁵⁴ Other important aspects of digital proceedings include electronic payment of court fees, electronic tracking of cases, electronic access to court schedules, and electronic issuing and verifying of apostilles.⁵⁵ When it comes to enforcement, its digitalization is particularly associated with online auctions.⁵⁶ Therefore, Subcategory 2.1.2–Digitalization of Court Processes comprises eight indicators (table 9).

Table 9. Subcategory 2.1.2–Digitalization of Court Processes

	Indicators	Components
1	Electronic Initiation of a Case	i) Electronic filing of the initial complaint ii) Electronic service of process for the initial complaint
2	Electronic Flow of Documents during the Proceedings	Electronic flow of documents during the proceedings
3	Issuing an Electronic Judgment	Issuing an electronic judgment
4	Electronic Communication with Courts and Enforcement Agents	i) Electronic communication with courts ii) Electronic communication with enforcement agents
5	Admissibility of Digital Evidence	Admissibility of digital evidence
6	Virtual Hearings	Virtual hearings
7	Auxiliary Electronic Services	i) Electronic payment of court fees ii) Electronic tracking of cases iii) Electronic access to court schedule iv) Electronic issuance and verification of apostilles
8	Online Auctions	Online auctions

2.1.3 Transparency of Courts (includes gender)

Transparency is fundamental for building trust in the judiciary. A transparent dispute resolution system is associated with an increased degree of public control over courts and proceedings, and it provides the parties with more certainty about the handling of their cases. This starts with ensuring that all legal instruments (laws, regulations, directives, orders, and so on) are published free of charge.⁵⁷ Apart from laws and regulations, it is also vital to publish judgments of both first instance and higher courts.⁵⁸ As to the conduct of proceedings, the principle of transparency requires granting public access to hearings, whether they are held in person or online.⁵⁹

The credibility of the judiciary may further grow if the dispute resolution system demonstrates a commitment to collecting and publishing information about its organization and performance. To begin with, it is important to make publicly available the statistics on the number of judges, providing for disaggregation by the individual court, the level of the court, as well as by the sex of the judges.⁶⁰ Related

to this is the need to ensure that information on the process of appointment (and promotion, where applicable) of judges is published in a timely manner.⁶¹ Further, it is essential to produce and release key statistics about performance, such as data on the time it takes to adjudicate different categories of cases and the number of cases resolved versus the number of incoming cases.⁶² Publication of information is of no less significance in enforcement, where data on the average length of proceedings and number of resolved and unresolved cases represents a particular interest.⁶³ Therefore, Subcategory 2.1.3–Transparency of Courts (includes gender) comprises seven indicators (table 10).

Table 10. Subcategory 2.1.3–Transparency of Courts (includes gender)

	Indicators	Components
1	Public Database for Acts of Legislation	Public database for acts of legislation
2	Public Access to Court Hearings Held in Person	Public access to court hearings held in person
3	Public Access to Court Hearings Held Online	Public access to court hearings held online
4	Publication of Judgments of Higher Courts	Publication of judgments of higher courts
5	Publication of Judgments of First Instance Courts	Publication of judgments of first instance courts
6	Publication of Information on Courts' Composition	i) Statistics on the number of judges disaggregated by individual court and by level of court ii) Statistics on the number of judges disaggregated by sex iii) Publication of information on appointment (and promotion, where applicable) of judges
7	Publication of Information on Performance of Courts and Enforcement Agents	i) Time to disposition report ii) Clearance rate report iii) Statistics on the average length of enforcement proceedings iv) Statistics on the number of resolved cases and the number of unresolved cases (turnover rate)

2.2 Alternative Dispute Resolution (ADR)

Category 2.2 is divided into two subcategories consisting of several indicators, each of which may, in turn, have several components.

2.2.1 Public Services for Arbitration (includes gender)

In commercial dispute resolution, businesses can benefit from having access to alternative mechanisms, whether they are provided directly by the government or through private sector proxies. ADR mechanisms, such as arbitration and mediation, are typically more flexible than courts and thus may be better suited to the parties' specific needs. Considering their wide use, arbitration services—for both domestic and international cases—stand out as particularly important.⁶⁴ Arbitration can be made more attractive if the arbitration institution provides for special procedures intended to make the process more efficient. These include emergency arbitration, early dismissal, expedited (fast-track) arbitration, and consolidation of related arbitral proceedings and joinder of additional parties.⁶⁵

To further promote arbitration, a roster of qualified arbitrators may be set up, while also ensuring that choosing arbitrators outside the roster is not prohibited.⁶⁶ According to a different good practice, arbitration institutions can check the quality of draft arbitral awards prior to their formal issuance.⁶⁷ To keep up with the latest trends, arbitration services should embrace digitalization, which includes developing a relevant online platform, enabling virtual conferences and hearings, and introducing electronic signing.⁶⁸ Moreover, transparency is critical for the credibility of arbitration. This fosters arbitration institutions to collect and disclose statistics on the number of handled cases, time to resolve disputes, number of appointments of

arbitrators disaggregated by sex, as well as to publish summaries of arbitral awards.⁶⁹ Therefore, Subcategory 2.2.1–Public Services for Arbitration (includes gender) comprises five indicators (table 11).

Table 11. Subcategory 2.2.1–Public Services for Arbitration (includes gender)

	Indicators	Components
1	Availability of Commercial Arbitration Services	i) Availability of domestic arbitration ii) Availability of international arbitration
2	Special Procedures in Arbitration	i) Emergency arbitration procedure ii) Early dismissal procedure iii) Expedited (fast-track) procedure iv) Consolidation of related arbitral proceedings and joinder of additional parties
3	Promotion of Arbitration	i) Setting up a roster of arbitrators ii) Checking the quality of draft arbitral awards
4	Digitalization of Arbitration	i) Online platform for arbitration ii) Virtual conferences and hearings in arbitration iii) Electronic signing of an arbitral award
5	Transparency of Arbitration	i) Statistics on the number of cases resolved through arbitration ii) Statistics on the time to resolve cases through arbitration iii) Publication of summaries of arbitral awards iv) Statistics on the number of appointments of arbitrators disaggregated by sex

2.2.2 Public Services for Mediation (includes gender)

Mediation is another common type of ADR. The provision of mediation services—by both courts and private practitioners—is central to helping the parties to resolve disputes in an amicable manner.⁷⁰ As in arbitration, mediation institutions may facilitate the commencement process by creating a roster of qualified mediators, while also ensuring that choosing mediators outside the roster is not prohibited.⁷¹ To promote an amicable resolution of disputes through mediation, it can be essential to introduce relevant financial incentives in practice.⁷² In mediation, digitalization is equally important, which may extend to enabling electronic filing of a request to mediate, providing for virtual meetings, and introducing electronic signing.⁷³ Mediation benefits from transparency too, and collecting and publishing statistics on the number of resolved cases and the number of appointments of mediators disaggregated by sex can further increase its attractiveness.⁷⁴ Therefore, Subcategory 2.2.2–Public Services for Mediation (includes gender) comprises four indicators (table 12).

Table 12. Subcategory 2.2.2–Public Services for Mediation (includes gender)

	Indicators	Components
1	Availability of Commercial Mediation Services	i) Availability of court-annexed mediation ii) Availability of private mediation
2	Promotion of Mediation	i) Setting up a roster of mediators ii) Financial incentives to use mediation
3	Digitalization of Mediation	i) Electronic submission of a request to mediate ii) Virtual meetings in mediation iii) Electronic signing of a mediation agreement
4	Transparency of Mediation	i) Statistics on the number of cases resolved through mediation ii) Statistics on the number of appointments of mediators disaggregated by sex

3. PILLAR III. EASE OF RESOLVING A COMMERCIAL DISPUTE

Table 13 shows the structure for Pillar III, Ease of Resolving a Commercial Dispute. Each of this pillar's categories and subcategories will be discussed in more detail in the order shown in the table.

Table 13. Pillar III–Ease of Resolving a Commercial Dispute

3.1	Court Litigation
3.1.1	Reliability of Courts
3.1.2	Operational Efficiency of Court Processes

3.2	Alternative Dispute Resolution (ADR)
3.2.1	Reliability of ADR
3.2.2	Operational Efficiency of Arbitration Processes

3.1 Court Litigation

Category 3.1 is divided into two subcategories consisting of several indicators, each of which may, in turn, have several components.

3.1.1 Reliability of Courts

To turn to the dispute resolution system, businesses should know that the system is reliable and provides for good prospects that their cases would be handled with due care. When there is a lack of trust in the system, firms may consider avoiding it, subsequently giving up on their disputes, to the detriment of operations. Against this backdrop, ensuring that in resolving commercial disputes courts are independent and impartial is of paramount importance.⁷⁵ Therefore, Subcategory 3.1.1–Reliability of Courts comprises two indicators (table 14).

Table 14. Subcategory 3.1.1–Reliability of Courts

	Indicator	Component
1	In Resolving Commercial Disputes, Courts are Independent and Impartial	Perceptions of courts being independent and impartial in resolving commercial disputes
2	Courts are Not an Obstacle to Business Operations	Perceptions index of courts as a constraint

3.1.2 Operational Efficiency of Court Processes

Considerations of efficiency play a critical role in dispute resolution.⁷⁶ One of the core legal maxims in the field holds that justice delayed is justice denied. In a similar fashion, an excessively costly dispute resolution system may hamper access to justice.⁷⁷ Businesses, therefore, have a direct interest in courts resolving commercial disputes in a timely and cost-effective manner.⁷⁸ In particular, the overall time for court litigation may be affected by such components as the time to adjudicate a case at the court of first instance, the time to go through mandatory mediation (when applicable), or the time to complete the case’s review at the appellate court. The total cost may be influenced by attorney and court fees incurred at the first instance court, fees associated with mandatory mediation (when applicable), or attorney and court fees incurred at the appellate court. In cross-border litigation, it is equally important to guarantee that the process of recognition of foreign judgments before domestic courts is conducted effectively.⁷⁹ Specifically, this may depend on the time it takes for a local court to consider such a request and on related attorney and court fees.

Dispute resolution does not always end with the issuance of a final verdict. The creditor may be required to initiate enforcement proceedings should the losing party refuse to comply voluntarily with the judgment.⁸⁰ To ensure that businesses are not deprived of justice, such proceedings should also be handled in an efficient manner. In fact, it is in the creditor’s best interests to complete the enforcement process swiftly and with minimal extra costs. The time of compulsory enforcement may be influenced by the time that the relevant institution–enforcement institution or court–would take to locate the debtor’s assets, seize them, and complete their transfer to the creditor. Associated costs may include attorney fees and institutional charges. Therefore, Subcategory 3.1.2–Operational Efficiency of Court Processes comprises six indicators (table 15).

Table 15. Subcategory 3.1.2–Operational Efficiency of Court Processes

	Indicators	Components
1	Time for Court Litigation	Includes the time to adjudicate a commercial dispute at the court of first instance, time to go through mandatory mediation (when applicable), and time to complete the case's review at the appellate court
2	Cost for Court Litigation	Includes attorney and court fees incurred by the plaintiff at the first instance court, fees associated with mandatory mediation (when applicable), and attorney and court fees incurred by the plaintiff at the appellate court
3	Time to Recognize a Foreign Judgment	Includes the time for the local court to consider a request for recognizing a foreign judgment
4	Cost to Recognize a Foreign Judgment	Includes attorney and court fees incurred by the plaintiff in the process of recognizing a foreign judgment
5	Time to Enforce a Final Judgment	Includes the time for the relevant institution to locate the funds of the debtor, seize them, and complete their transfer to the creditor
6	Cost to Enforce a Final Judgment	Includes attorney and institutional fees incurred by the creditor (when applicable)

3.2 Alternative Dispute Resolution (ADR)

Category 3.2 is divided into two subcategories consisting of several indicators, each of which may, in turn, have several components.

3.2.1 Reliability of ADR

Reliability equally matters in alternative dispute resolution (ADR), such as arbitration and mediation. When businesses have sufficient confidence in ADR mechanisms, they are more likely to resort to them in practice.⁸¹ In contrast, when there is a lack of credibility in arbitration and mediation, such mechanisms may remain barely used, contributing to the backlog of cases in the judiciary and depriving firms of efficient and flexible alternatives. Therefore, Subcategory 3.2.1–Reliability of ADR has two indicators (table 16).

Table 16. Subcategory 3.2.1–Reliability of ADR

	Indicators	Components
1	Arbitration is a Reliable Mechanism to Resolve Commercial Disputes	Perceptions of arbitration being a reliable mechanism to resolve commercial disputes
2	Mediation is a Reliable Mechanism to Resolve Commercial Disputes	Perceptions of mediation being a reliable mechanism to resolve commercial disputes

3.2.2 Operational Efficiency of Arbitration Processes

Given that arbitration represents another type of dispute resolution in which a binding decision is imposed on the parties, considerations of time and cost play in this process a crucial role.⁸² The time for arbitration represents the time to resolve a commercial dispute at a domestic arbitration institution. The cost for arbitration is comprised of attorney, arbitrators', and administrative fees incurred by the claimant in this process. Similar to foreign judgments, foreign arbitral awards are, as a rule, subject to the process of recognition before domestic courts.⁸³ The efficiency of this process is conditional upon the time it takes for a local court to consider a request for recognizing a foreign arbitral award as well as upon associated attorney and court fees. Therefore, Subcategory 3.2.2–Operational Efficiency of Arbitration Processes comprises four indicators (table 17).

Table 17. Subcategory 3.2.2–Operational Efficiency of Arbitration Processes

	Indicators	Components
1	Time for Arbitration	Includes the time to resolve a commercial dispute at the domestic arbitration institution
2	Cost for Arbitration	Includes attorney fees, arbitrators' fees, and administrative fees incurred by claimant at the domestic arbitration institution

3	Time to Recognize a Foreign Arbitral Award	Includes the time for the local court to consider a request for recognizing a foreign arbitral award
4	Cost to Recognize a Foreign Arbitral Award	Includes attorney and court fees incurred by the claimant in the process of recognizing a foreign arbitral award

III. DATA SOURCES

4.1 Data Collection Sources

The data for Pillar I and Pillar II are collected through consultations with private sector experts. These are lawyers practicing commercial litigation, commercial arbitration, commercial mediation, international dispute resolution, and environmental law, as well as handling enforcement proceedings in commercial cases. Private sector arbitrators and mediators may be contacted too, when relevant. The data for Pillar III are obtained through expert consultations and Enterprise Surveys. In particular, the data on Operational Efficiency of Court Processes and Operational Efficiency of Arbitration Processes are collected through private sector experts, while the data on Reliability of Courts and Reliability of ADR are collected by way of Enterprise Surveys.

Enterprise Surveys provide representative data on the reliability of dispute resolution, as experienced by businesses in practice. A representative sample of companies captures the variation of user experience within each economy. Businesses with different characteristics, such as size, region, and sector, participate in the surveys. For more details on the collection of data by Enterprise Surveys, please refer to the Overview chapter of this Methodology Handbook.

4.2 Screening and Selection of Experts

The Dispute Resolution topic has one questionnaire. A screener questionnaire is used to assist the selection of experts receiving the Dispute Resolution topic questionnaire based on a set of criteria (table 18).

Table 18. Screener Questionnaire and Respondent Criteria

Relevant Experts' Professions
Private sector lawyers/attorneys, arbitrators, and mediators
Relevant Areas of Specialization
Commercial litigation, commercial arbitration, commercial mediation, international dispute resolution, environmental law, and enforcement proceedings in commercial cases
Assessment of Experts' Knowledge and Experience Related to Commercial Dispute Resolution and Associated Regulations, Services, and Processes
Knowledge of and experience with preparing documents on behalf of firms to initiate commercial litigation, arbitration, or mediation; representing firms before courts, arbitration tribunals, and mediators; participating in international commercial dispute resolution; handling environmental cases; conducting proceedings to recognize foreign judgments and arbitral awards; and undertaking compulsory proceedings to enforce final commercial judgments.

Thus, the information provided in the screener questionnaire allows the team to better understand the experts' professions, areas of specialization, and knowledge or experience related to dispute resolution processes.

IV. PARAMETERS

To ensure comparability of the data from expert consultations across economies, the Dispute Resolution topic uses general and specific parameters. A parameter refers to an assumption that is made about the business location (across all pillars), level of court (Pillar II only), and claim value (Pillar III only). Questionnaire respondents are presented with these parameters and asked to evaluate a standardized scenario that permits comparability across locations, jurisdictions, and economies.

5.1 General Parameters

Dispute Resolution employs one general parameter, business location. It applies across all pillars and to both court litigation and ADR. Many economies have subnational jurisdictions, which require a business location to be specified in order for experts to identify the relevant regulatory framework to be assessed.

5.1.1 Business Location

Justification:

Geographic location is a key parameter for assessing the efficiency and reliability of dispute resolution. Across all pillars, the Dispute Resolution topic focuses on the largest city. Regarding Pillar I, the regulatory framework governing dispute resolution may be subject to subnational differences in many economies. Given that legal instruments may have country, regional, or municipal characters, this parameter is necessary to ensure the accuracy of the data. In Pillar II, geographic location is even more important because the availability and quality of public services often vary substantially depending on a specific location within an economy. Focusing on the largest city is therefore important for the purposes of comparability and data quality. Similarly, in Pillar III, the operational efficiency of dispute resolution is prone to differences based on business location. For example, it may take significantly more time and cost to resolve a case in a city where there is a high demand for dispute resolution, compared to another city in the economy where demand is relatively low. Using the largest city as a reference point, therefore, helps guarantee that all economies are treated equally, and that the data are comparable. The largest city is chosen based on the population size, as detailed in the Overview chapter of this Methodology Handbook.

Application:

In Pillar I and Pillar II, the parameter of business location is used to determine the specific city in which the quality of regulations and public services for dispute resolution are assessed. In Pillar III, this parameter applies only in cases when the data are collected through expert consultations, not through Enterprise Surveys. Specifically, the parameter is relevant for measures in the categories of Operational Efficiency of Court Processes and Operational Efficiency of Arbitration Processes.

5.2 Specific Parameters

Dispute Resolution employs two specific parameters. One is level of court, which applies to Pillar II only. The other one is the claim value, relevant only for Pillar III.

5.2.1 Level of Court

Justification:

Availability and quality of public services may vary depending on the level of court (that is, first instance court, appellate court, supreme court, and so on). For example, the extent of digitalization in first instance courts can be significantly lower than in the apex court, which often has more resources. In terms of transparency, the nature and amount of released information may differ across various court levels, too. To ensure comparability of the data, in Pillar II, the topic will focus on public services in first instance courts. Generally, these are the first courts that adjudicate disputes and, accordingly, most cases go through them. Selecting first instance courts as a proxy also yields better representativeness because the data are relevant to the experience of most litigants.

Application:

The parameter of court level applies only to Pillar II and solely as regards its category of Court Litigation. Within this category, it is relevant to all three subcategories as they specifically assess judicial services: Organizational Structure of Courts, Digitalization of Court Processes, and Transparency of Courts (includes gender). The parameter does not apply to the Alternative Dispute Resolution (ADR) category.

5.2.2 Claim Value

Justification:

The time and cost characteristics of dispute resolution can vary depending on the claim value. Resources required to resolve a highly complex and extensive case that involves dozens of businesses are typically different from the resources needed to settle a straightforward dispute between two small firms. Importantly, the parameter of claim value has a substantial impact not only on the time and cost to resolve a dispute, but also on the efficiency of proceedings related to recognition of foreign judgments and arbitral awards. To ensure comparability of the data, it is therefore essential to use this parameter.

Application:

The Dispute Resolution topic assumes that the claim value is equal to 20 times the economy's gross national income (GNI) per capita. This amount is considered because it ensures that the dispute is of sufficient significance to firms: that is, the losses would be material if they decide to not pursue the case. In a similar vein, this amount makes the case attractive to attorneys. The indicated claim value also makes it clear that the resolution of the dispute across all economies would require using a regular court procedure, rather than a simplified one. At the same time, the amount of 20 times the economy's GNI per capita indicates that the case is typical and not too expensive; a higher amount could skew the data toward the experience of large corporations. To sum up, the value of the claim reflects the amount of common commercial cases; it is meant to be neither too small nor too big, which ensures both comparability and representativeness of the data.

Furthermore, to account for instances when an economy has a very low GNI per capita or when an economy is struck by hyperinflation, the topic establishes the minimum threshold for the value of the claim at US\$ 20,000. In line with this assumption, whenever 20 times the economy's GNI per capita is less than US\$ 20,000, the topic assumes that the claim value is equal to US\$20,000.

V. TOPIC SCORING

The Dispute Resolution topic has three pillars: Pillar I–Quality of Regulations for Dispute Resolution; Pillar II–Public Services for Dispute Resolution; and Pillar III–Ease of Resolving a Commercial Dispute. The total number of points for each pillar is further rescaled to values from 0 to 100, and subsequently aggregated into the total topic score. Each pillar contributes one-third to the total topic score. The scores distinguish between benefits to the firm (captured as firm flexibility points) and benefits to society's broader interests (captured as social benefits points). Table 19 shows the scoring for the Dispute Resolution topic. For further scoring details, please see Annex A, which complements this section.

Table 19. Aggregate Scoring Overview

Pillar Number	Pillars	Number of Indicators	Score			Rescaled Points (0–100)	Weight
			Firm Flexibility Points	Social Benefits Points	Total Points		
I	Quality of Regulations for Dispute Resolution	26	25	26	51	100	0.33
II	Public Services for Dispute Resolution	29	29	29	58	100	0.33
III	Ease of Resolving a Commercial Dispute	14	100	n/a	100	100	0.33

Note: n/a = not applicable (refers to the cases when the impact on firms or society is either ambiguous or nonexistent).

6.1 Pillar I—Quality of Regulations for Dispute Resolution

Pillar I covers 26 indicators with a total score of 51 points (25 points on firm flexibility and 26 points on social benefits) (table 20). The scoring for each category under this pillar is as follows:

- 6.1.1** *Court Litigation* has 16 indicators with a total maximum score of 31 points (15 points on firm flexibility and 16 points on social benefits). Specifically, the *Procedural Certainty (includes environment)* subcategory has 10 indicators, while the *Judicial Integrity (includes gender)* subcategory has 6 indicators. Both businesses (firm flexibility) and society at large (social benefits) benefit from a regulatory framework that ensures the efficiency and quality of court litigation. Hence, in most cases, equal points are assigned to both categories. The only exception is environmental sustainability, where points are not assigned to firm flexibility. This stems from the fact that once the legal framework makes it easier to lodge an environmental claim against a business, some firms may lose as they will be constrained to adjust their operations to environmentally friendly rules. Other firms, however, are likely to win because the clean environment will allow them to set long-term goals.
- 6.1.2** *Alternative Dispute Resolution (ADR)* has 10 indicators with a total maximum score of 20 points (10 points on firm flexibility and 10 on social benefits). In particular, the *Legal Safeguards in Arbitration* subcategory has 6 indicators, and the *Legal Safeguards in Mediation* subcategory has 4 indicators. A regulatory framework that promotes establishing strong alternatives for resolving disputes is advantageous to both firms (firm flexibility) and society (social benefits). Hence, equal points are assigned to both categories.

Table 20. Aggregate Scoring Pillar I

Pillar I—Quality of Regulations for Dispute Resolution		No. of Indicators	FFP	SBP	Total Points	Rescaled Points
1.1	Court Litigation	16	15	16	31	66.67
1.1.1	Procedural Certainty (includes environment)	10	9	10	19	40.00
1.1.2	Judicial Integrity (includes gender)	6	6	6	12	26.67
1.2	Alternative Dispute Resolution (ADR)	10	10	10	20	33.33
1.2.1	Legal Safeguards in Arbitration	6	6	6	12	16.67
1.2.2	Legal Safeguards in Mediation	4	4	4	8	16.67
	Total	26	25	26	51	100.00

Note: FFP = Firm Flexibility Point; SBP = Social Benefits Point.

6.2 Pillar II—Public Services for Dispute Resolution

Pillar II covers 29 indicators with a total score of 58 points (29 points on firm flexibility and 29 points on social benefits) (table 21). The scoring for each category under the pillar is as follows:

- 6.2.1** *Court Litigation* has 20 indicators with a total maximum score of 40 points (20 points on firm flexibility and 20 points on social benefits). The *Organizational Structure of Courts* subcategory has 5 indicators, while *Digitalization of Court Processes*—8, and *Transparency of Courts (includes gender)*—7. Both businesses (firm flexibility) and the general public (social benefits) have a direct interest in having a robust organizational structure of courts, accompanied with high degrees of digitalization and transparency. As a result, equal points are assigned to these categories.
- 6.2.2** *Alternative Dispute Resolution (ADR)* has 9 indicators with a total maximum score of 18 points (9 points on firm flexibility and 9 on social benefits). The subcategory on *Public Services for Arbitration (includes gender)* has 5 indicators, and the subcategory on *Public Services for*

Mediation (includes gender) has 4 indicators. Advanced services in the area of ADR make alternative channels for dispute resolution more attractive to the benefit of firms (firm flexibility) and society (social benefits). As a result, equal points are assigned to these categories.

Table 21. Aggregate Scoring Pillar II

Pillar II–Public Services for Dispute Resolution		No. of Indicators	FFP	SBP	Total Points	Rescaled Points
2.1	Court Litigation	20	20	20	40	66.67
2.1.1	Organizational Structure of Courts	5	5	5	10	22.22
2.1.2	Digitalization of Court Processes	8	8	8	16	22.22
2.1.3	Transparency of Courts (includes gender)	7	7	7	14	22.22
2.2	Alternative Dispute Resolution (ADR)	9	9	9	18	33.33
2.2.1	Public Services for Arbitration (includes gender)	5	5	5	10	16.67
2.2.2	Public Services for Mediation (includes gender)	4	4	4	8	16.67
Total		29	29	29	58	100.00

Note: FFP = Firm Flexibility Point; SBP = Social Benefits Point.

6.3 Pillar III–Ease of Resolving a Commercial Dispute

Pillar III covers 14 indicators with points ranging from 0 to 100 on firm flexibility (table 22). The points under this pillar are assigned to firm flexibility only, as the indicators measure the outcomes of service provision to businesses. For example, long times and high costs for resolving a commercial dispute may cause adverse consequences on firms, thus hampering firm flexibility. The scoring for each category under this pillar is as follows:

6.3.1 *Court Litigation* has 8 indicators with a total maximum score of 66.67 points. Specifically, the *Reliability of Courts* subcategory has 2 indicators, and the *Operational Efficiency of Court Processes* subcategory has 6 indicators.

6.3.2 *Alternative Dispute Resolution (ADR)* has 6 indicators with a total maximum score of 33.33 points. Specifically, the *Reliability of ADR* subcategory has 2 indicators, and the *Operational Efficiency of Arbitration Processes* subcategory has 4 indicators.

Table 22. Aggregate Scoring Pillar III

Pillar III–Ease of Resolving a Commercial Dispute		No. of Indicators	Rescaled Points
3.1	Court Litigation	8	66.67
3.1.1	Reliability of Courts	2	26.67
3.1.2	Operational Efficiency of Court Processes	6	40.00
3.2	Alternative Dispute Resolution (ADR)	6	33.33
3.2.1	Reliability of ADR	2	13.33
3.2.2	Operational Efficiency of Arbitration Processes	4	20.00
Total		14	100.00

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ANNEX A. DISPUTE RESOLUTION–SCORING SHEET

This document outlines the scoring approach for the Dispute Resolution topic. For every indicator, a Firm Flexibility Point (FFP) and/or a Social Benefits Point (SBP) are assigned, along with a clarification on the detailed scoring for each such indicator and a note on the relevant background literature.

PILLAR I–QUALITY OF REGULATIONS FOR DISPUTE RESOLUTION					
1.1 COURT LITIGATION					
1.1.1 Procedural Certainty (includes environment)					
Indicators	FFP	SBP	Total Points	Rescaled Points	Background Literature
Time Standards	1	1	2	4.21	CEPEJ (2021a); Jean and Gurbanov (2015); World Bank Group (2016)
Deadline to Consider a Request for Interim Measures	1	1	2	4.21	ECHR (2024); Jean and Gurbanov (2015)
Time Limit on Suggesting Evidence	1	1	2	4.21	CEPEJ (2018); Steelman (2008)
Limitations on Adjournments	1	1	2	4.21	UNODC (2011); World Bank Group (2016)
Holding a Pre-Trial Conference	1	1	2	4.21	CEPEJ (2016); NAPCO (2016)
Availability of a Default Judgment	1	1	2	4.21	EU (2006); World Bank Group (2016)
Recognition and Enforcement of Foreign Judgments	1	1	2	4.21	Browne, Watret, and Blears (2021); HCCH (1961, 2019)
Time Limit for Enforcing a Judgment	1	1	2	4.21	World Bank Group (2012, 2016)
Powers of Enforcement Agents to Seize Extra Types of Assets	1	1	2	4.21	CECL and UIHJ (2021)
Environmental Sustainability	n/a	1	1	2.11	Ellis (2012); Murase (1995); UNEP (2016)
Total Points for Subcategory 1.1.1	9	10	19	40.00	
1.1.2 Judicial Integrity (includes gender)					
Protections against Interference with Judges’ Work	1	1	2	4.45	OSCE (2010)
Disclosure of Assets by Judges	1	1	2	4.45	Transparency International (2007); UNODC (2011); USAID (2002, 2009)
Code of Ethics for Judges	1	1	2	4.45	UNODC (2011)
Code of Ethics for Enforcement Agents	1	1	2	4.45	GIZ (2020)
Existence of a Judicial Whistleblowing Policy	1	1	2	4.45	Council of Europe (2014); ICC (2014)

Equal Rights for Men and Women in Commercial Litigation	1	1	2	4.45	Feenan (2008); IDLO (2018); Samaha (2021); UN General Assembly (1979)
Total Points for Subcategory 1.1.2	6	6	12	26.67	
Total Points for Category 1.1	15	16	31	66.67	
1.2 ALTERNATIVE DISPUTE RESOLUTION (ADR)					
1.2.1 Legal Safeguards in Arbitration					
Parties' Autonomy in Arbitration	1	1	2	2.78	ArbitralWomen (2016); ICCA (2020); UNCITRAL (2008)
Access to Arbitration	1	1	2	2.78	CAM (2020); ICC (2012); European Parliament (2022); UNCITRAL (2022)
Independence and Impartiality of Arbitrators	1	1	2	2.78	UNCITRAL (2008)
Incorporation of the Principle “ <i>Kompetenz-Kompetenz</i> ”	1	1	2	2.78	UNCITRAL (2008)
Court Support of Arbitration	1	1	2	2.78	UNCITRAL (2008)
Recognition and Enforcement of Arbitral Awards	1	1	2	2.78	UNCITRAL (1958, 2008)
Total Points for Subcategory 1.2.1	6	6	12	16.67	
1.2.2 Legal Safeguards in Mediation					
Parties' Autonomy in Mediation	1	1	2	4.17	Decker (2013); Quek Anderson (2010); Reuben (2007); Streeter-Schaefer (2001); UNCITRAL (2018); World Bank Group (2016)
Independence and Impartiality of Mediators	1	1	2	4.17	UNCITRAL (2018)
Inadmissibility of Using Suggestions and Statements Made for the Purpose of Mediation in Other Proceedings	1	1	2	4.17	UNCITRAL (2018)
Recognition and Enforcement of Mediation Agreements	1	1	2	4.17	EU (2008); UN (2014); UNCITRAL (2018)
Total Points for Subcategory 1.2.2	4	4	8	16.67	
Total Points for Category 1.2	10	10	20	33.33	
Total Points for Pillar I	25	26	51	100.00	

Note: n/a = not applicable (refers to the cases when the impact on firms or society is either ambiguous or nonexistent). FFP = Firm Flexibility Point; SBP = Social Benefits Point.

PILLAR II—PUBLIC SERVICES FOR DISPUTE RESOLUTION					
2.1 COURT LITIGATION					
2.1.1 Organizational Structure of Courts					
Indicators	FFP	SBP	Total Points	Rescaled Points	Background Literature
Existence of a Commercial Court or Division	1	1	2	4.44	Blair (2019); OECD (2013a)
Automated Random Assignment of Cases	1	1	2	4.44	Cordella and Contini (2020); Gramckow and Nussenblatt (2013)
Access to Justice for Micro and Small Businesses	1	1	2	4.44	CEPEJ (2022); World Bank Group (2016, 2020)
Facilitated International Dispute Resolution	1	1	2	4.44	Brekoulakis and Dimitropoulos (2022); Johnson, Sachs, and Merrill (2021); UNCTAD (2010); World Bank Group (2019)
Special Review Mechanisms to Support Judicial Integrity	1	1	2	4.44	CEPEJ (2021); Council of Europe (1998, 2007); UNODC (2011); USAID (2002); World Bank Group (2021)
Total Points for Subcategory 2.1.1	5	5	10	22.22	
2.1.2 Digitalization of Court Processes					
Electronic Initiation of a Case	1	1	2	2.78	ABA (2006); Cabral et al. (2012); CEPEJ (2021); Cordella and Contini (2020); EBRD (2020); Gramckow and Nussenblatt (2013); Greacen (2018)
Electronic Flow of Documents during the Proceedings	1	1	2	2.78	CEPEJ (2021); Cordella and Contini (2020); Gramckow and Nussenblatt (2013)
Issuing an Electronic Judgment	1	1	2	2.78	Cordella and Contini (2020)
Electronic Communication with Courts and Enforcement Agents	1	1	2	2.78	CEPEJ (2017); Cordella and Contini (2020); EU (2021); Gramckow and Nussenblatt (2013)
Admissibility of Digital Evidence	1	1	2	2.78	Council of Europe (2019); JTC (2016)
Virtual Hearings	1	1	2	2.78	CEPEJ (2020a, 2021d); Greacen (2018); OECD (2020)
Auxiliary Electronic Services	1	1	2	2.78	Cabral et al. (2012); CEPEJ (2008b, 2021c); CJEU (n.d.); Cordella and Contini (2020); EBRD (2020); Gramckow and Nussenblatt (2013); HCCH (2024); UNODC (2011)
Online Auctions	1	1	2	2.78	CEPEJ (2015); EBRD (2020)
Total Points for Subcategory 2.1.2	8	8	16	22.22	

2.1.3 Transparency of Courts (includes gender)					
Public Database for Acts of Legislation	1	1	2	3.17	CEPEJ (2008c); World Bank Group (2016)
Public Access to Court Hearings Held in Person	1	1	2	3.17	ABA (2019); ECHR (2010); OHCHR (1966); UN (1948)
Public Access to Court Hearings Held Online	1	1	2	3.17	CEPEJ (2021)
Publication of Judgments of Higher Courts	1	1	2	3.17	CEPEJ (2008c); EU (2021); OSCE (2010); World Bank Group (2016, 2021)
Publication of Judgments of First Instance Courts	1	1	2	3.17	CEPEJ (2008c); EU (2021); OSCE (2010); World Bank Group (2016, 2021)
Publication of Information on Courts' Composition	1	1	2	3.17	CEPEJ (2020d); CEPEJ (2020b, 2020c); ECPR (2017); Transparency International (2021); UN (2016); UNODC (2011); UNODC (n.d.); USAID (2002)
Publication of Information on Performance of Courts and Enforcement Agents	1	1	2	3.17	CEPEJ (2008, 2020d); CEPEJ (2009, 2015, 2021); EU (2021); Gramckow (2014)
Total Points for Subcategory 2.1.3	7	7	14	22.22	
Total Points for Category 2.1	20	20	40	66.67	
2.2 ALTERNATIVE DISPUTE RESOLUTION (ADR)					
2.2.1 Public Services for Arbitration (includes gender)					
Availability of Commercial Arbitration Services	1	1	2	3.33	Pouget (2013); World Bank (2011); Yin (2021)
Special Procedures in Arbitration	1	1	2	3.33	Ashford (2021) ICC (2021b), UNCITRAL (2021), Wallach (2023)
Promotion of Arbitration	1	1	2	3.33	CIArb (2021); Schimmel et al. (2018)
Digitalization of Arbitration	1	1	2	3.33	Ongenae (2023); Piers and Aschauer (2018)
Transparency of Arbitration	1	1	2	3.33	Baetens (2020); CAM (2015); World Bank (2016); ICCA (2022); New York City Bar (2014); UN (2016); Zlatanska (2015)
Total Points for Subcategory 2.2.1	5	5	10	16.67	
2.2.2 Public Services for Mediation (includes gender)					
Availability of Mediation Services	1	1	2	4.17	European Parliament (2011); Pouget (2013); World Bank (2011)
Promotion of Mediation	1	1	2	4.17	European Parliament (2011); UNCITRAL (2018)
Digitalization of Mediation	1	1	2	4.17	Cordella and Contini (2020); Cortés (2011); EBRD (2021); Greacen (2018); OECD (2020); UNCITRAL (2017); Van den Heuvel (2000)

Transparency of Mediation	1	1	2	4.17	Gramckow et al. (2016); Kessedjian (2022); UN (2016, 2019)
Total Points for Subcategory 2.2.2	4	4	8	16.67	
Total Points for Category 2.2	9	9	18	33.33	
Total Points for Pillar II	29	29	58	100.00	

Note: n/a = not applicable (refers to the cases when the impact on firms or society is either ambiguous or nonexistent); n.d. = no date. FFP = Firm Flexibility Point; SBP = Social Benefits Point.

PILLAR III–EASE OF RESOLVING A COMMERCIAL DISPUTE					
3.1 COURT LITIGATION					
3.1.1 Reliability of Courts					
Indicators	FFP	SBP	Total Points	Rescaled Points	Background Literature
In Resolving Commercial Disputes, Courts are Independent and Impartial	50	n/a	50	13.33	Council of Europe (2020); Feld, Gutmann and Voigt (2015)
Courts are Not an Obstacle to Business Operations	50	n/a	50	13.33	Esposito, Lanau, and Pompe (2014); Garcia-Posada and Mora-Sanguinetti (2015); Giacomelli and Menon (2017); Staats and Biglaiser (2011); World Bank (2004, 2019)
Total Points for Subcategory 3.1.1	100	n/a	100	26.67	
3.1.2 Operational Efficiency of Court Processes					
Time for Court Litigation	29.2	n/a	29.2	11.67	Chemin (2009); Dejuan-Bitria and Mora-Sanguinetti (2021); Fabbri (2010); Moro, Maresch, and Ferrando (2018); Ramos Maqueda and Chen (2021)
Cost for Court Litigation	29.2	n/a	29.2	11.67	Garcia-Posada and Mora-Sanguinetti (2015); Lee III (2015); OECD (2013b)
Time to Recognize a Foreign Judgment	4.2	n/a	4.2	1.67	Garcimartin and Saumier (2020); Hulbert (2008).
Cost to Recognize a Foreign Judgment	4.2	n/a	4.2	1.67	Baker McKenzie (2020); Bluestone (2006); Garcimartin and Saumier (2020)
Time to Enforce a Final Judgment	16.7	n/a	16.7	6.67	Gramckow (2014)
Cost to Enforce a Final Judgment	16.7	n/a	16.7	6.67	Gramckow (2014)
Total Points for Subcategory 3.1.2	100	n/a	100	40.00	
Total Points for Category 3.1	100	n/a	100	66.67	
3.2 ALTERNATIVE DISPUTE RESOLUTION (ADR)					
3.2.1 Reliability of ADR					
Arbitration is a Reliable Mechanism to Resolve Commercial Disputes	50	n/a	50	6.67	Pouget (2013); World Bank (2011)
Mediation is a Reliable Mechanism to Resolve Commercial Disputes	50	n/a	50	6.67	Pouget (2013); World Bank (2011)
Total Points for Subcategory 3.2.1	100	n/a	100	13.33	

3.2.2 Operational Efficiency of Arbitration Processes					
Time for Arbitration	25	n/a	25	5.00	AAA (2013); Dejuan-Bitria and Mora-Sanguinetti (2021); Fry (2011); Slate II (2010); Waxman, Bleemer, and Hershenberg (2022); Weinstein (2017)
Cost for Arbitration	25	n/a	25	5.00	Garcia-Posada and Mora-Sanguinetti (2015); Lee III (2015); OECD (2013b); Slate II (2010)
Time to Recognize a Foreign Arbitral Award	25	n/a	25	5.00	IBA (2015); Mistelis and Baltag (2008)
Cost to Recognize a Foreign Arbitral Award	25	n/a	25	5.00	IBA (2015); Mistelis and Baltag (2008)
Total Points for Subcategory 3.2.2	100	n/a	100	20.00	
Total Points for Category 3.2	100	n/a	100	33.33	
Total Points for Pillar III	100	n/a	100	100.00	

Note: n/a = not applicable (refers to the cases when the impact on firms or society is either ambiguous or nonexistent). FFP = Firm Flexibility Point; SBP = Social Benefits Point.

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ANNEX B. DISPUTE RESOLUTION-ANNOTATED QUESTIONNAIRE

Annex B consists of a Glossary and Annotated Questionnaire for Dispute Resolution. The Annotated Questionnaire provides the mapping between each indicator and the corresponding question(s).

Glossary

Alternative dispute resolution (ADR): Arbitration and mediation.

Appellate court: The first court that handles the parties' appeal to a decision of the court of first instance in a commercial dispute of [CLAIM VALUE] that involves two business entities located in [CITY NAME]. Depending on the jurisdiction, this may include either a review of legal or factual errors, or legal errors alone.

Arbitration: An alternative dispute resolution process where parties submit their legal dispute to one or more independent third parties (arbitrators) who issue a binding decision (award).

Business entity: A legal entity, regardless of ownership, formed to conduct business for profit.

Commercial dispute: A legal dispute that occurs between two or more business entities in the conduct of their operations as a result of a failure to meet the terms or expectations of an agreement, including a contract, or a business relationship. Common examples of such disputes are as follows. Example 1 (goods): A buyer of auto parts (one firm) is not happy with their assortment and wants a replacement, which a seller (another firm) refuses to provide. Example 2 (services): A provider of accounting services (one firm) demands payment for its services, while a client (another firm) refuses to pay on the ground that the provided services were of inadequate quality. Please note that these examples are given for illustration purposes only and are by no means exhaustive.

Court litigation: The process of resolving disputes by filing and/or answering a complaint before a court, which makes a binding decision.

Court of first instance: A court that has primary jurisdiction over a commercial dispute of [CLAIM VALUE] that involves two business entities located in [CITY NAME]. This is the initial court before which a case is brought; also referred to as a trial court.

Court: A public body, composed of one or more judges, having the authority to resolve legal disputes between the parties and render binding decisions upon them.

Court-annexed mediation: Mediation that is conducted by the court.

Domestic arbitration: An arbitration that is not international, as defined below. If the definition of domestic arbitration in your jurisdiction is different from this definition, please refer to the definition used in your jurisdiction.

ECMS: Electronic case management system.

Enforcement agent: Any person, whether a public official or not, authorized by the government to enforce court orders and judgments. The enforcement agent may have a public status (for example, a judicial officer as court enforcement agent or civil servant under the executive department) or a private status (for example, a self-employed enforcement agent).

Enforcement institution: An established body composed of enforcement agents.

Environmental dispute: Any dispute regarding environmental quality, environmental protection or management, or other natural resources, including the enforcement of any legal right relating to the environment, that involves at least one business entity.

Foreign judgment: Any valid and final judgment, whether it grants a pecuniary or nonpecuniary relief, rendered by a court of a foreign country.

International arbitration: An arbitration where (1) the parties to an arbitration agreement have, at the time of the conclusion of that agreement, their places of business in different countries; or (2) one of the following places is situated outside the country in which the parties have their places of business: (a) the place of arbitration if determined in, or pursuant to, the arbitration agreement; (b) any place where a substantial part of the obligations of the commercial relationship is to be performed or the place with which the subject matter of the dispute is most closely connected; or (3) the parties have expressly agreed that the subject matter of the arbitration agreement relates to more than one country. If the definition of international arbitration in your jurisdiction is different from this definition, please refer to the definition used in your jurisdiction.

Investor-state dispute: A dispute between a foreign investor and the government of the country where the investment was made.

Legal framework: All legal instruments of general application that have a binding force in [CITY NAME], irrespective of whether they have a country, regional, or municipal character. This includes laws and statutes enacted by the legislature as well as regulations and decrees made by the executive. Case law is equally considered part of the legal framework, along with comprehensive sets of rules adopted by the highest judicial bodies (*for example, Supreme Court Mediation Rules or Supreme Court General Guidance on Extensions and Adjournments*). Furthermore, legal framework also includes international treaties to which a country is a party.

Local institutions: All institutions that are involved in the process of commercial dispute resolution in [CITY NAME].

Mediation: An alternative dispute resolution process, irrespective of the expression used or the basis upon which the process is carried out, whereby parties request an independent third person or persons (such as the mediator) to assist them in their attempt to reach an amicable settlement of a legal dispute. In contrast to court litigation or arbitration, the mediator does not have the authority to impose a solution on the parties to the dispute.

Private mediation: Mediation that is completely independent from the court and requires no court approval of a mediator or mediators chosen by the parties.

Public body: All branches and levels of government, as well as all other bodies that exercise a public function.

State-owned enterprise: A business entity that is majority owned or controlled by a national or local government whether directly or indirectly.

Supreme court: The highest court in the judicial system that serves as the final instance for resolving all legal disputes.

The 1958 New York Convention: The United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, June 10, 1958).

The 1961 Apostille Convention: The Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (The Hague, October 5, 1961).

The 2018 Singapore Convention: The United Nations Convention on International Settlement Agreements Resulting from Mediation (New York, December 20, 2018).

The 2019 Judgments Convention: The Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (The Hague, July 2, 2019).

DISPUTE RESOLUTION QUESTIONNAIRE

The tables that follow present all indicators (including their components, if applicable) under each pillar, with a reference to the corresponding question number in parenthesis. The questions are listed before each table for ease of reference.

For Y/N questions, the Y response accounts for the score and is considered as the good practice, unless otherwise indicated with the sign “Y/N; N – good practice”.

Certain questions are labeled as “not scored,” which indicates that they do not impact the score in any way. The purpose of these questions is to further inform and refine the questions design for subsequent years of the rollout phase, as needed, as well as to substantiate and provide further information for the scored questions.

PILLAR I–QUALITY OF REGULATIONS FOR DISPUTE RESOLUTION	
Parameters	
Business Location	The largest (most populous) city in the economy. The parameter is used in cases where regulations may not be applicable at a national level and vary across states or regions. In Pillar I, the parameter of business location is used to determine the specific city, in which the quality of regulations for dispute resolution will be measured.

1.1 COURT LITIGATION

In this part of the Questionnaire, please respond to the questions based on provisions of the legal framework only, regardless of practice.

1.1.1 Procedural Certainty (includes environment)

1. Please indicate the name of the first instance court that will have jurisdiction over the following commercial case: (not scored)

- The dispute involves two business entities located in [CITY NAME].
- The case relates solely to the conduct of their business.
- The value of the claim is [CLAIM VALUE].

Note: If several courts may have jurisdiction over this case at the first instance level, then please provide a response that would apply to the majority of commercial disputes in [CITY NAME].

2. Please indicate the name of the appellate court that will have jurisdiction over the same case at the appellate level. (not scored)

Note: If several courts may have jurisdiction over this case at the first instance level, then please provide a response that would apply to the majority of commercial disputes in [CITY NAME].

3. Does the legal framework provide for a time frame within which the defendant must be served with a copy of the initial complaint in a commercial case? (Y/N)

4. Does the legal framework provide for a time frame within which the defendant must file its statement of defense in a commercial case? (Y/N)

- 5. Does the legal framework provide for a time frame within which an expert must deliver his or her expert opinion in a commercial case? (Y/N)**

Note: The term expert is defined in accordance with the legal framework in your jurisdiction.

- 6. Does the legal framework provide for a time frame within which the judge must submit a complete written judgement after all hearings have been held? (Y/N)**

- 7. Does the legal framework provide for the time frame within which the judge must decide on a request for an interim measure? (Y/N)**

Note: “Interim measure” means a provisional or temporary relief granted by a court during the pendency of a case with the aim to safeguard the position or assets of a party and avoid irreversible harm before the final ruling on the merits.

- 8. Does the legal framework provide that, after a certain time period or court event (for example, first hearing), parties are no longer allowed to suggest new evidence? (Y/N)**

Note: The allowable exception to this rule covers instances when relevant evidence could not have been obtained with reasonable diligence prior to the indicated period of time or court event.

- 9. In commercial cases, are adjournments limited to unforeseen and exceptional circumstances (for example, serious illness of a party, willingness of the parties to attempt to reach a settlement, etc.)? (Y/N)**

- 10. Does the legal framework provide for the maximum number of adjournments of proceedings that can be granted in a commercial case? (Y/N)**

- 11. Does the legal framework provide for holding a pre-trial hearing in commercial cases? (Y/N)**

Note: “Pre-trial hearing” (also preparatory) means a separate hearing that takes place at the beginning of proceedings to expedite resolution of the dispute, in particular by narrowing down contentious issues, clarifying the evidence, and discussing the possibility of settlement.

- 12. Does the legal framework provide that when a duly notified defendant fails to respond to a court summons or to appear in court, the judge may outright issue a judgment in favor of the plaintiff (default judgment)? (Y/N)**

- 13. Does the legal framework allow for using apostille in the process of recognition and enforcement of a foreign judgment? (Y/N)**

Note: “Apostille” means a certificate issued in accordance with the 1961 Apostille Convention by the competent authority of the country from which the document emanates that certifies the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears.

Y → provide response to question 73.

- 14. Does the legal framework require that a security, bond, or deposit must be provided by a party who applies for the recognition and enforcement of a foreign judgment on the sole ground that such party is not domiciled or does not reside in your jurisdiction? (Y/N; N – good practice)**

Note: Please respond based on the assumption that the foreign judgment emanates from a country, which is solely bound by the 2019 Judgments Convention on this subject.

- 15. Does the legal framework allow the court to deny recognition and enforcement of a foreign judgment on the grounds of error of law or error of fact, i.e., authorize it to review a foreign judgment on the merits (“révision au fond”)? (Y/N; N – good practice)**

Note: Please respond based on the assumption that the foreign judgment emanates from a country, which is solely bound by the 2019 Judgments Convention on this subject.

16. Does the legal framework provide for a time frame within which the enforcement agent must complete enforcing of a final judgment following the receipt of a request by the creditor? (Y/N)

Note: Please answer Yes only if this time frame covers the period from the receipt of a request for enforcing a final judgment until the completion of the enforcement proceedings.

17. Does the legal framework provide the enforcement agent with the right to seize the debtor's monetary claims toward a third party? (Y/N)

Note: Please answer Yes only if the legal framework provides for direct and explicit provisions in this regard.

18. Does the legal framework provide the enforcement agent with the right to seize the debtor's financial instruments, such as bonds and stocks? (Y/N)

Note: Please answer Yes only if the legal framework provides for direct and explicit provisions in this regard.

19. Does the legal framework provide the enforcement agent with the right to seize the debtor's electronic assets (for example, cryptocurrency)? (Y/N)

Note: Please answer Yes only if the legal framework provides for direct and explicit provisions in this regard.

20. Does the legal framework allow any party, including business entities, non-governmental organizations or civil society, to bring an environmental dispute against a business entity in court, even if that party has not suffered actual harm? (Y/N)

Note: Please answer Yes only if the legal framework provides for direct and explicit provisions in this regard.

21. Does the legal framework allow filing a lawsuit against business entities operating in your country for alleged environmental damage that they have caused abroad? (Y/N)

Note: Please answer Yes only if the legal framework provides for direct and explicit provisions in this regard.

22. Does the legal framework impose on business entities an obligation to consider the impact of their operations on the environment? (Y/N)

Note: Please answer Yes even if the legal framework imposes this obligation only on larger firms.

23. As far as environmental disputes against a business entity are concerned, does the legal framework provide the court with the power to issue additional remedies, beyond pecuniary damages such as fines and compensation, in order to address the specific nature of environmental harm? (Y/N)

Note: Please answer Yes only if the legal framework allows the court to issue both restraining (for example, an order to stop a harmful activity) and restorative measures (for example, an order to restore the polluted land).

1.1.2 Judicial Integrity (includes gender)

24. Does the legal framework prevent the chairperson of a court from interfering with the adjudication by other judges? (Y/N)

25. Does the legal framework preclude commencing disciplinary proceedings against judges for the reasons solely related to how they apply and interpret the law? (Y/N)

26. Does the legal framework require judges to disclose their assets on an annual basis? (Y/N)

Y → provide response to question 27.

27. Does the legal framework require these disclosures to be available for the public scrutiny? (Y/N)

28. In your jurisdiction, is there a code of ethics for judges? (Y/N)

Note: Please answer Yes only if the code covers all or most of the following: conflict of interest; impartiality and independence; abuse of position; receipt of gifts; confidentiality; ex parte communications; diligent performance of official duties; extrajudicial activities.

29. In your jurisdiction, is there a code of ethics that specifically regulates the activity of enforcement agents (which is different from a generic code of ethics for civil servants)? (Y/N)

Note: Please answer Yes only if the code covers all or most of the following: conflict of interest; independence and impartiality; diligent performance of official duties; enforcement of defined procedures; disciplinary sanctions; transparency and predictability of costs.

30. In your jurisdiction, is there a judicial whistleblowing policy? (Y/N)

Note: “Judicial whistleblowing policy” means a set of rules that allows employees of the judiciary (whistleblowers) to confidentially report suspected wrongdoing in the administration of justice and protects them from retaliation.

31. According to the legal framework, do women have the same rights as men in all stages of procedure in commercial litigation? (Y/N)

Note: Examples of discriminatory treatment include instances when a testimony of a woman is weighted less than a testimony of a man, when a woman must request a permission (such as from her husband or parents) to go to court, etc.

1.1 COURT LITIGATION			
1.1.1 Procedural Certainty (includes environment)			
Indicators	FFP	SBP	Total Points
Time Standards	1	1	2
- Serving a complaint on the defendant (3)	0.25	0.25	0.5
- Filing a statement of defense (4)	0.25	0.25	0.5
- Issuing an expert opinion (5)	0.25	0.25	0.5
- Submitting a judgment (6)	0.25	0.25	0.5
Deadline to Consider a Request for Interim Measures (7)	1	1	2
Time Limit on Suggesting Evidence (8)	1	1	2
Limitations on Adjournments	1	1	2
- Restricted ground on adjournments (9)	0.5	0.5	1
- Maximum number of adjournments (10)	0.5	0.5	1
Holding a Pre-Trial Conference (11)	1	1	2
Availability of a Default Judgment (12)	1	1	2
Recognition and Enforcement of Foreign Judgments	1	1	2
- Allowing the use of apostilles (13)	0.33	0.33	0.66
- Not requiring a security from a foreign judgment creditor (14)	0.33	0.33	0.66

- Grounds for denying recognition and enforcement of foreign judgments (15)	0.33	0.33	0.66
Time Limit for Enforcing a Judgment (16)	1	1	2
Powers of Enforcement Agents to Seize Extra Types of Assets	1	1	2
- Powers of enforcement agents to seize the debtor's monetary claims toward a third party (17)	0.33	0.33	0.66
- Powers of enforcement agents to seize the debtor's financial instruments, such as bonds and stocks (18)	0.33	0.33	0.66
- Powers of enforcement agents to seize the debtor's electronic assets, such as cryptocurrency (19)	0.33	0.33	0.66
Environmental Sustainability	0	1	1
- Expanded legal standing in environmental disputes (20)	0	0.25	0.25
- Holding polluting firms accountable for environmental damage caused abroad (21)	0	0.25	0.25
- Obligation for businesses to consider the impact of operations on the environment (22)	0	0.25	0.25
- Expanded range of remedies in environmental disputes (23)	0	0.25	0.25
Total Points	9	10	19
1.1.2 Judicial Integrity (includes gender)			
Indicators	FFP	SBP	Total Points
Protection Against Interference with Judges' Work	1	1	2
- Preventing the chairperson of a court from interfering with the adjudication by other judges (24)	0.5	0.5	1
- Precluding the commencement of disciplinary proceedings against judges for reasons solely related to how they apply and interpret the law (25)	0.5	0.5	1
Disclosure of Assets by Judges	1	1	2
- Obligation for judges to disclose their assets on an annual basis (26)	0.5	0.5	1
- Making judges' disclosures of assets available for public scrutiny (27)	0.5	0.5	1
Code of Ethics for Judges (28)	1	1	2
Code of Ethics for Enforcement Agents (29)	1	1	2
Existence of a Judicial Whistleblowing Policy (30)	1	1	2
Equal Rights for Men and Women in Commercial Litigation (31)	1	1	2
Total Points	6	6	12

Note: FFP = Firm Flexibility Point; SBP = Social Benefits Point.

1.2 ALTERNATIVE DISPUTE RESOLUTION (ADR)

In all questions that relate to arbitration, please answer Yes only when a specific good practice is available in both domestic and international arbitration.

However, with respect to questions on mediation, please answer Yes whenever a specific good practice exists in any type of mediation, that is court-annexed mediation, private mediation, or both.

In this part of the Questionnaire, please respond to the questions based on provisions of the legal framework only, regardless of practice.

1.2.1 Legal Safeguards in Arbitration

- 32. Does the legal framework allow the parties to freely select arbitrators regardless of their nationality and profession (that is, not only lawyers)? (Y/N)**
- 33. Does the legal framework allow the parties to freely select a legal counsel to represent them in arbitration regardless of the counsel's nationality, professional qualifications, admission to courts or membership in a specific bar association? (Y/N)**
- 34. Does the legal framework allow privately owned business entities to arbitrate commercial disputes with public bodies and state-owned enterprises? (Y/N)**
Note: Please answer Yes only if public bodies and state-owned enterprises would not be required to obtain permission or satisfy other additional conditions to this end.
- 35. Does the legal framework explicitly allow the provision of third-party funding in arbitration? (Y/N)**
Note: "Third-party funding" means an arrangement whereby a party to a dispute obtains funding to carry out arbitration proceedings from a third party unconnected to the dispute in exchange for an agreed return.
- 36. Does the legal framework impose on arbitrators a duty of disclosure of any circumstances impacting their impartiality or independence, either before or after their appointment to the arbitral tribunal? (Y/N)**
- 37. Does the legal framework allow parties to challenge an arbitrator if circumstances exist that may impact the arbitrator's independence or impartiality? (Y/N)**
- 38. Does the legal framework incorporate the principle of "kompetenz-kompetenz", which on the one hand, recognizes the power of arbitrators to determine their own jurisdiction under the arbitration agreement and, on the other hand, requires the courts to defer to the arbitral tribunal over disputes relating to jurisdiction unless the underlying agreement is prima facie null and void? (Y/N)**
- 39. Does the legal framework allow courts to order interim measures in support of arbitration? (Y/N)**
Note: "Interim measures" (also provisional or conservatory measures) mean remedies that a court may grant before arbitrators hear the merits and render their final award with the aim to protect a party during the course of arbitration to ensure a meaningful final adjudication on the merits.
- 40. Does the legal framework allow courts to order the production of documents or the appearance of witnesses in support of arbitration? (Y/N)**
- 41. Does the legal framework provide that courts may recognize as binding and enforce interim awards? (Y/N)**
Note: Interim awards are different from interim measures. Specifically, "interim award" (also provisional) means an arbitral award that is subject to a final determination at a later stage, granting an interim (also provisional) relief that an arbitral tribunal would have power to grant in a final award.
- 42. Does the legal framework provide that courts may recognize as binding and enforce partial awards? (Y/N)**
Note: Partial awards are different from interim measures. Specifically, "partial award" means an arbitral award that finally determines only part of the claims in dispute between the parties.

43. Does the legal framework allow the court to set aside, annul or vacate a domestic arbitral award on the grounds of error of law or error of fact, i.e., authorize it to review a domestic arbitral award on the merits (“révision au fond”)? (Y/N; N – good practice)

44. Does the legal framework allow the court to deny recognition and enforcement of a foreign arbitral award on the grounds of error of law or error of fact, i.e., authorize it to review a foreign arbitral award on the merits (“révision au fond”)? (Y/N; N – good practice)

Note: Please respond based on the assumption that the foreign arbitral award emanates from a country, which is solely bound by the 1958 New York Convention on this subject.

1.2.2 Legal Safeguards in Mediation

45. Does the legal framework establish that mediation is mandatory: that is, parties are required to attempt mediation in typical (not small claims) commercial cases—whether before filing a lawsuit with the court or after the case has already been accepted—in order to proceed with court litigation? (Y/N; N – good practice)

Note: An information session held with the sole purpose of explaining how mediation works is not considered mandatory mediation if a party can withdraw from the session at any time without providing any reason and no sanctions would be imposed.

Y → provide response to questions 118 and 120.

46. Does the legal framework allow the parties to freely select mediators regardless of their nationality and profession (that is, not only lawyers)? (Y/N)

47. Does the legal framework impose on mediators a duty of disclosure of any circumstances impacting their impartiality or independence, either before or after their appointment? (Y/N)

48. Does the legal framework provide that, unless otherwise agreed by the parties, the mediator shall not serve as an arbitrator in respect of a dispute that was or is the subject of the mediation proceedings or another dispute that has arisen from the same or related contract or legal relationship? (Y/N)

49. Does the legal framework preclude the parties to mediation proceedings, mediator and any involved third person from relying on or testifying regarding suggestions and statements made during the mediation proceedings in arbitration, court litigation, or other types of dispute resolution? (Y/N)

Note: These may include views expressed or suggestions made by a party in respect of a possible settlement of the dispute; statements or admissions made by a party; proposals made by the mediator; a document prepared solely for purposes of mediation, etc.

50. Does the legal framework provide for mediation settlement agreements a special enforcement regime that is more streamlined/expedited compared to bringing an action in court for a breach of contract? (Y/N)

Note: Examples of such a regime include making mediation agreements subject to a simplified court procedure (for example, expedited conversion to a court judgment, etc.), rendering them enforceable upon notarization, granting them the status of an arbitral award, etc.

51. Does the legal framework provide for specific rules on recognition and enforcement of international mediation settlement agreements that do not have a court approval, or do not enjoy the status of a court judgement or arbitral award? (Y/N)

Note: Please respond based on the assumption that the international mediation settlement agreement emanates from a country, which is solely bound by the 2018 Singapore Convention on this subject.

1.2 ALTERNATIVE DISPUTE RESOLUTION (ADR)			
1.2.1 Legal Safeguards in Arbitration			
Indicators	FFP	SBP	Total Points
Parties' Autonomy in Arbitration	1	1	2
- Allowing the parties to freely select arbitrators (32)	0.5	0.5	1
- Allowing the parties to freely select a legal counsel (33)	0.5	0.5	1
Access to Arbitration	1	1	2
- Arbitration in disputes with state-owned enterprises and public bodies (34)	0.5	0.5	1
- Provision of third-party funding (35)	0.5	0.5	1
Independence and Impartiality of Arbitrators	1	1	2
- Disclosure of conflict of interest by arbitrators (36)	0.5	0.5	1
- Parties' right to question arbitrators' independence and impartiality (37)	0.5	0.5	1
Incorporation of the Principle "Kompetenz-Kompetenz" (38)	1	1	2
Court Support of Arbitration	1	1	2
- Support by courts in ordering interim measures in arbitration (39)	0.5	0.5	1
- Support by courts in the collection of evidence in arbitration (40)	0.5	0.5	1
Recognition and Enforcement of Arbitral Awards	1	1	2
- Recognition and enforcement of interim awards (41)	0.25	0.25	0.5
- Recognition and enforcement of partial awards (42)	0.25	0.25	0.5
- Grounds for setting aside, annulment, or vacating a domestic arbitral award (43)	0.25	0.25	0.5
- Grounds for denying recognition and enforcement a foreign arbitral award (44)	0.25	0.25	0.5
Total Points	6	6	12
1.2.2 Legal Safeguards in Mediation			
Indicators	FFP	SBP	Total Points
Parties' Autonomy in Mediation	1	1	2
- Voluntary nature of commercial mediation (45)	0.5	0.5	1
- Allowing the parties to freely select mediators (46)	0.5	0.5	1
Independence and Impartiality of Mediators	1	1	2
- Disclosure of conflict of interest by the mediator (47)	0.5	0.5	1
- Restriction for a mediator to act as an arbitrator in the same or related dispute (48)	0.5	0.5	1
Inadmissibility of Using Suggestions and Statements Made for the Purpose of Mediation in Other Proceedings (49)	1	1	2
Recognition and Enforcement of Mediation Agreements	1	1	2
- Streamlined enforcement regime for mediation settlement agreements (50)	0.5	0.5	1
- Recognition and enforcement of international mediation agreements (51)	0.5	0.5	1
Total Points	4	4	8

Note: FFP = Firm Flexibility Point; SBP = Social Benefits Point.

PILLAR II–PUBLIC SERVICES FOR DISPUTE RESOLUTION	
Parameters	
Business Location	The largest (most populous) city in the economy. The parameter is used as provision of public services may vary across different parts of an economy. In Pillar II, it is applied to determine the specific city, in which public services for dispute resolution will be measured.
First Instance Court	In Pillar II, category on Court Litigation, the Dispute Resolution topic focuses specifically on public services provided in first instance courts. The parameter does not apply to the category on Alternative Dispute Resolution (ADR).

2.1 COURT LITIGATION

In this part of the Questionnaire, please respond specifically based on the [FIRST INSTANCE COURT], unless instructions for a particular question indicate or imply otherwise.

In all questions that relate to digitalization, please answer Yes whenever a particular electronic feature is fully implemented in practice, regardless of whether it is used by most litigants or not. Please answer Yes only if this electronic feature is reliable and secure.

In this part of the Questionnaire, please respond to the questions based on the current practice only, regardless of what is set out in the legal framework.

2.1.1 Organizational Structure of Courts

52. Is there a court or division of a court dedicated solely to hearing commercial cases at the first instance level? (Y/N)

Note: Please answer Yes only if this court or division is fully operational; dedicated to commercial cases only (for example, excludes other civil cases); and has a broad jurisdiction over commercial cases (for example, not limited only to cross-border lawsuits or insolvency disputes).

53. Are new commercial cases at the first instance level assigned to judges randomly through an automated electronic system? (Y/N)

Note: Please answer Yes only if assignment of cases is carried out without human intervention, and no judge or party has a possibility to influence or predict the assignment.

54. Is there a small claims court and/or a fast-track procedure for small claims? (Y/N)

Note: The question is about mechanisms for contested claims, not uncontested ones such as payment order procedure, etc. Please answer Yes only if this court and/or procedure is fully operational; applies to both civil and commercial contested cases; provides for appropriate maximum monetary threshold; and has simplified procedural rules (shorter time frames, relaxed evidence rules, etc.).

Y → provide response to question 55.

55. As far as the small claims court and/or a fast-track procedure for small claims is concerned, can parties self-represent themselves before it without an attorney? (Y/N)

56. Is there a functioning legal aid program aimed at improving access to justice for micro and small businesses? (Y/N)

Note: Legal aid means the provision of legal advice, assistance, and representation in court, ADR, and enforcement proceedings to businesses that cannot afford it. Legal aid is mainly provided by lawyers and paralegals, and is funded, in whole or part, by the government. At the very least, legal aid programs should include legal services and court fee waivers. Please answer Yes only if such a legal aid program is accessible for micro and small businesses (not just individuals).

57. Is there a court or division of a court dedicated to hearing international commercial matters? (Y/N)

Note: Such court or division typically adjudicates international commercial cases and may also hear requests to recognize foreign arbitral awards.

58. Is there an established public agency or government unit tasked specifically with prevention and early resolution of investor-state disputes? (Y/N)

Note: Examples of such mechanisms include establishing a public agency or government unit to flag in advance a potential investor-state dispute, empowering an existing agency or unit to proactively negotiate with the investor, appointing an ombudsman to resolve such disputes, etc.

59. Is there an independent review mechanism (for example, Judicial Ombudsman) established specifically to hear complaints filed by candidates for judicial appointments (and promotions, where applicable) about how their applications have been handled? (Y/N)

Note: Please answer Yes only if such hearings and subsequent decisions are open to the public. “Independent” means there is no direct subordination between the body that makes decisions on selection of judges and the body that reviews the complaints. “Specifically” means the mandate of the review body explicitly covers such complaints.

60. Is there an independent review mechanism (for example, Judicial Disciplinary Committee) established specifically to hear complaints filed against judges’ misconduct, such as lack of integrity, undue influence, existence of a conflict of interest, failure to recuse, violation of the code of ethics, etc.? (Y/N)

Note: Please answer Yes only if such hearings and subsequent decisions are open to the public. “Independent” means there is no direct subordination between the judge against whom a complaint has been filed and the body that reviews the complaint. “Specifically” means the mandate of the review body explicitly covers complaints filed against judges’ misconduct.

61. Is there an independent review mechanism (for example, Bailiffs Disciplinary Committee) established specifically to hear complaints filed against the misconduct of enforcement agents, such as lack of integrity, undue influence, existence of a conflict of interest, violation of the code of ethics, etc.? (Y/N)

Note: Please answer Yes only if such hearings and subsequent decisions are open to the public. “Independent” means there is no direct subordination between the enforcement agent against whom a complaint has been filed and the body that reviews the complaint. “Specifically” means the mandate of the review body explicitly covers complaints filed against the misconduct of enforcement agents.

2.1.2 Digitalization of Court Processes

62. Can the initial complaint together with all its attachments be filed electronically through a court’s platform or an electronic case management system (ECMS)? (Y/N)

Note: Please answer Yes only if no hard copies of the complaint and its attachments would be required from the plaintiff, including at the first hearing. Filing by email is not considered an electronic submission for this question.

63. Can the court's summons and the plaintiff's initial complaint be served on the defendant electronically (including via email or an ECMS) before the first hearing? (Y/N)

Note: Please answer Yes only if no hard copies of the complaint would be required from the plaintiff, including at the first hearing. If the consent of the user to be served by electronic means is required, it should be obtained before the first hearing.

64. Can parties receive and send subsequent documents, as well as file motions (for example, to request an injunction or reschedule a hearing) through a court's platform or an ECMS while the case is under consideration? (Y/N)

Note: Email exchanges are not considered an electronic submission/receipt for this question.

65. When requested by a party, can judges handling commercial cases issue a court decision (for example, order, ruling, judgment, etc.) in an electronic format, which would have the same validity and status as a paper document for the purpose of its enforcement? (Y/N)

Note: A court decision is considered to be in an "electronic format" if it has been signed with an e-signature of a judge or if an actual signature in a PDF format has been inserted into the electronic document. Please answer Yes only if no hard copies would be required for enforcement.

66. Can a party communicate with the court through electronic means, that is to send questions and receive notifications related to its case (for example, to inquire about a new court hearing or receive updates on additional submissions)? (Y/N).

Note: "Electronic means" may include communication through email, court's platform, ECMS, etc.

67. Can a party communicate with the enforcement agent through electronic means, which includes receiving and submitting documents? (Y/N)

Note: "Electronic means" may include communication through email, court's platform, enforcement institution's portal, ECMS, etc.

68. Is digital evidence, including contracts in an electronic format, in practice admissible by the court in commercial cases? (Y/N)

Note: "Digital evidence" means any evidence derived from data contained in or produced by any device the functioning of which depends on a software program or data stored on or transmitted over a computer or network.

69. In practice, can court conferences and hearings in a commercial case be conducted online (for example, through a court's platform, or other types of software such as Microsoft Teams, Skype, Webex, Zoom, etc.), when a party submits a justified request? (Y/N)

Y → provide response to question 77.

70. Can all court fees be paid electronically, that is via a court's platform, ECMS, or online banking? (Y/N)

Note: Please answer Yes only if no physical interaction with the bank (that is, to endorse the receipt with a bank stamp) or court (that is, to submit a hard copy of the receipt) would be required from the plaintiff to complete the payment.

71. Can a party track the status of its commercial case online (for example, through a court's platform or ECMS)? (Y/N)

72. Is the court's schedule of all its hearings made publicly available online (for example, on the court's website)? (Y/N)

73. In your jurisdiction, can an apostille be issued and verified electronically? (Y/N)

Note: Please answer Yes only if both electronic issuance (e-Apostille) and verification (e-Register) of apostilles are available.

74. During the enforcement of commercial judgments, in practice, can auctions be conducted online? (Y/N)

Note: Please answer Yes if online auctions are conducted in a secure and transparent manner, irrespective of whether the enforcement institution has developed its own application or uses third-party platforms to this end.

2.1.3 Transparency of Courts (includes gender)

75. Are legal instruments (laws, regulations, directives, orders, etc.) published in your jurisdiction in a searchable database that allows the public to study their latest versions free of charge? (Y/N)

Note: Please answer Yes only if acts of secondary legislation (ministerial acts, bylaws, etc.) are published as outlined above, not only main laws and regulations. “Searchable database” means a database that allows a user to find and study a relevant legal instrument by using such search criteria as title, subject matter, enacting authority, date of adoption, key words, etc.

76. Are in-person court hearings of commercial cases open to the public, including independent media, with no arbitrary restrictions being applied in practice (for example, denying access on the ground that the court room is full without providing an online alternative)? (Y/N)

Note: Some legitimate reasons for restricting access of the public to court hearings may include: interests of public morality; protection of the private life; protection of trade secrets and confidential business information; public order or national security, etc.

77. Are online court hearings of commercial cases open to the public, including independent media, with no arbitrary restrictions being applied in practice (for example, denying access on the ground that the Internet connection is allegedly weak)? (Y/N)

Note: Some legitimate reasons for restricting access of the public to court hearings may include: interests of public morality; protection of the private life; protection of trade secrets and confidential business information; public order or national security, etc.

78. Are all commercial judgments at the supreme and appellate levels published in a searchable database accessible to the public free of charge? (Y/N)

Note: Please answer Yes only if judgements at both the supreme and appellate levels are published as outlined above. “Searchable database” means a database that allows a user to find and study a relevant judgment by using such search criteria as case type, subject matter, legal issues raised, key words, name of the judges, names of the parties, etc.

79. Are all commercial judgments at the first instance level published in a searchable database accessible to the public free of charge? (Y/N)

Note: A “searchable database” means a database that allows a user to find and study a relevant judgment by using such search criteria as case type, subject matter, legal issues raised, key words, name of the judges, names of the parties, etc.

80. Does the judiciary, or other relevant body, publish statistics on the number of judges disaggregated by individual court and by level of court (for example, first instance, appellate, supreme), at least once a year? (Y/N)

Note: Please answer Yes only if the data for the year [20YY] are publicly available.

Y → provide response to question 81.

81. Are these statistics on the number of judges sex-disaggregated? (Y/N)

82. Is information on appointment (and promotion, when applicable) of judges across all levels of the judiciary made publicly available in a timely manner, that is, the information on the upcoming selection process is published at least 1 month prior to the deadline for candidates to apply and the information on the outcome of the selection process is published no later than 1 month after its completion? (Y/N)

Note: Please answer Yes only if all of the following are made public: criteria for selection; time frame for selection; full names of the members of the selection body; outcome of the process, including full names of successful and unsuccessful candidates.

83. Does the judiciary, or other relevant body, publish a time to disposition report for commercial cases, at least once a year? (Y/N)

Note: “Time to disposition report” means a report that measures for each court the time it takes to adjudicate commercial cases. Please answer Yes only if the data for the year [20YY] are publicly available.

84. Does the judiciary, or other relevant body, publish a clearance rate report for commercial cases, at least once a year? (Y/N)

Note: “Clearance rate report” means a report that measures for each court the number of commercial cases resolved versus the number of incoming cases. Please answer Yes only if the data for the year [20YY] are publicly available.

85. Does the enforcement institution, or other relevant body, publish statistics on the average length of enforcement proceedings, at least once a year? (Y/N)

Note: Please answer Yes only if the data for the year [20YY] are publicly available.

86. Does the enforcement institution, or other relevant body, publish statistics on the number of resolved enforcement cases and the number of unresolved cases, at least once a year? (Y/N)

Note: Please answer Yes only if the data for the year [20YY] are publicly available.

2.1 COURT LITIGATION			
2.1.1 Organizational Structure of Courts			
Indicators	FFP	SBP	Total Points
Existence of a Commercial Court or Division (52)	1	1	2
Automated Random Assignment of Cases (53)	1	1	2
Access to Justice for Micro and Small Businesses	1	1	2
- Establishment of a small claims court or procedure (54)	0.33	0.33	0.66
- Self-representation before a small claims court or procedure (55)	0.33	0.33	0.66
- Existence of a legal aid program for micro and small businesses (56)	0.33	0.33	0.66
Facilitated International Dispute Resolution	1	1	2
- Existence of an international court or division (57)	0.5	0.5	1
- Setting up a mechanism for prevention and early resolution of investor-state disputes (58)	0.5	0.5	1
Special Review Mechanisms to Support Judicial Integrity	1	1	2
- Review mechanism for complaints filed against decisions on appointment (and promotion, where applicable) of judges (59)	0.33	0.33	0.66
	0.33	0.33	0.66

- Review mechanism for complaints filed against judges' misconduct (60)	0.33	0.33	0.66
- Review mechanism for complaints filed against the misconduct of enforcement agents (61)			
Total Points	5	5	10
2.1.2 Digitalization of Court Processes			
Indicators	FFP	SBP	Total Points
Electronic Initiation of a Case	1	1	2
- Electronic filing of the initial complaint (62)	0.5	0.5	1
- Electronic service of process for the initial complaint (63)	0.5	0.5	1
Electronic Flow of Documents during the Proceedings (64)	1	1	2
Issuing an Electronic Judgment (65)	1	1	2
Electronic Communication with Courts and Enforcement Agents	1	1	2
- Electronic communication with courts (66)	0.5	0.5	1
- Electronic communication with enforcement agents (67)	0.5	0.5	1
Admissibility of Digital Evidence (68)	1	1	2
Virtual Hearings (69)	1	1	2
Auxiliary Electronic Services	1	1	2
- Electronic payment of court fees (70)	0.25	0.25	0.5
- Electronic tracking of cases (71)	0.25	0.25	0.5
- Electronic access to court schedule (72)	0.25	0.25	0.5
- Electronic issuance and verification of apostilles (73)	0.25	0.25	0.5
Online Auctions (74)	1	1	2
Total Points	8	8	16
2.1.3 Transparency of Courts (includes gender)			
Indicators	FFP	SBP	Total Points
Public Database for Acts of Legislation (75)	1	1	2
Public Access to Court Hearings Held in Person (76)	1	1	2
Public Access to Court Hearings Held Online (77)	1	1	2
Publication of Judgments of Higher Courts (78)	1	1	2
Publication of Judgments of First Instance Courts (79)	1	1	2
Publication of Information on Courts' Composition	1	1	2
- Statistics on the number of judges disaggregated by individual court and by level of court (80)	0.33	0.33	0.66
- Statistics on the number of judges disaggregated by sex (81)	0.33	0.33	0.66
- Publication of information on appointment (and promotion, where applicable) of judges (82)	0.33	0.33	0.66
Publication of Information on Performance of Courts and Enforcement Agents	1	1	2
- Time to disposition report (83)	0.25	0.25	0.5
- Clearance rate report (84)	0.25	0.25	0.5
- Statistics on the average length of enforcement proceedings (85)	0.25	0.25	0.5
- Statistics on the number of resolved enforcement cases and the number of unresolved cases (turnover rate) (86)	0.25	0.25	0.5
Total Points	7	7	14

Note: FFP = Firm Flexibility Point; SBP = Social Benefits Point.

2.2 ALTERNATIVE DISPUTE RESOLUTION (ADR)

In all questions that relate to arbitration, please answer Yes only when a specific good practice is available in both domestic and international arbitration.

However, with respect to questions on mediation, please answer Yes whenever a specific good practice exists in any type of mediation, that is court-annexed mediation, private mediation, or both.

In this part of the Questionnaire, please respond to the questions based on the current practice only, regardless of what is set out in the legal framework.

2.2.1 Public Services for Arbitration (includes gender)

87. In your jurisdiction, is domestic arbitration available for resolving commercial disputes? (Y/N)

Note: Please answer Yes only if the relevant arbitration institution is fully operational, that is, it considers cases in practice, and has its specific arbitration rules formally adopted.

Y to questions 87 and 88 → provide response to questions 89-102 and 137-141.

88. In your jurisdiction, is international arbitration available for resolving commercial disputes? (Y/N)

Note: Please answer Yes only if the relevant arbitration institution is fully operational, that is, it considers cases in practice, and has its arbitration rules formally adopted.

Y to questions 87 and 88 → provide response to questions 89-102 and 137-141.

89. Please estimate how many commercial cases in total (both domestic and international) have approximately been resolved by the arbitration institution(s) in your jurisdiction over the last year. (not scored)

89a. 0-10

89b. 11-25

89c. 26-100

89d. More than 100

90. In practice, does the local arbitration institution provide for the emergency arbitration procedure? (Y/N)

Note: “Emergency arbitration procedure” means a special procedure that allows the parties to seek an emergency measure before an arbitral tribunal is constituted.

91. In practice, does the local arbitration institution provide for the early dismissal procedure? (Y/N)

Note: “Early dismissal procedure” means a special procedure permitting an arbitral tribunal to dismiss a claim at the outset if it is manifestly without legal merit.

92. In practice, does the local arbitration institution provide for the expedited (fast-track) procedure? (Y/N)

Note: “Expedited (fast-track)” procedure means a streamlined procedure that applies simplified procedural rules and has a shortened time frame.

93. In practice, does the local arbitration institution provide for consolidation of related arbitral proceedings and joinder of additional parties? (Y/N)

Note: Please answer Yes only if both consolidation and joinder are available in practice.

94. Does the local arbitration institution maintain an up-to-date publicly accessible roster of all qualified arbitrators? (Y/N)

Note: Please answer Yes only if the rules of the local arbitration institution also do not preclude parties from choosing arbitrators outside the roster.

95. In practice, does your local arbitration institution check the quality of draft arbitral awards in terms of form or substance? (Y/N)

Note: Please answer Yes if either comprehensive or light checks are conducted in practice.

96. In commercial arbitration, can parties file, view, and download all submitted documents in an arbitration proceeding through a secure online platform of the local arbitration institution? (Y/N)

Note: Please answer Yes only if no hard copies of the filed documents will be required from a party, including during the first arbitration hearing.

97. In commercial arbitration, in practice, can virtual conferences and hearings be securely held through an online platform or via videoconferencing? (Y/N)

98. In commercial arbitration, in practice, can an arbitral award be securely signed electronically by all involved arbitrators? (Y/N)

Note: Please answer Yes only if an electronically signed arbitral award will have the same validity and status as a paper document and no hard copy will be required to proceed with any subsequent step.

99. Does the domestic arbitration institution(s), or other relevant body, publish statistics on the number of commercial cases resolved through arbitration, at least once a year? (Y/N)

Note: Please answer Yes only if the data for the year [20YY] are publicly available.

100. Does the domestic arbitration institution(s), or other relevant body, publish statistics on the time it takes to resolve different categories of commercial cases through arbitration, at least once a year? (Y/N)

Note: Please answer Yes only if the data for the year [20YY] are publicly available.

101. Does the domestic arbitration institution(s), or other relevant body, regularly publish summaries of commercial arbitral awards, access to which is public and free of charge? (Y/N)

Note: Please answer Yes even if parties' names are anonymized in the summaries of arbitral awards or if parties can opt out from publication of an award in their case. "Regularly" means that there should be no gaps in time.

102. Does the local arbitration institution, or other relevant body, publish statistics on the number of appointments of arbitrators disaggregated by sex, at least once a year? (Y/N)

Note: Please answer Yes only if the data for the year [20YY] are publicly available.

2.2.2 Public Services for Mediation (includes gender)

103. In your jurisdiction, is court-annexed mediation available for resolving commercial disputes? (Y/N)

Note: Please answer Yes only if the relevant court provides mediation services to resolve commercial cases in practice.

Y to questions 103 or 104 → provide response to questions 105-112.

104. In your jurisdiction, is private mediation available for resolving commercial disputes? (Y/N)

Note: Please answer Yes only if the relevant court provides mediation services to resolve commercial cases in practice.

Y to questions 103 or 104 → provide response to questions 105-112.

105. Please estimate how many commercial cases have approximately been resolved through mediation in your jurisdiction over the last year.

105a. 0-25

105b. 26-100

105c. 101-1000

105d. More than 1000

106. Does the local court or mediation institution maintain an up-to-date publicly accessible roster of all qualified mediators? (Y/N)

Note: Please answer Yes only if the applicable rules also do not preclude parties from choosing mediators outside the roster.

107. In your jurisdiction, are there any financial incentives available in practice for the parties to resolve their commercial cases through mediation? (Y/N)

Note: Such incentives may include substantially lower mediation fees compared to court fees, return of court fees, income tax credits, free legal services, etc. Sanctions for refusing to engage in mediation are not considered financial incentives.

108. In commercial mediation, in practice, can parties file a request to mediate electronically, either through a secure online platform or by email? (Y/N)

Note: Please answer Yes only if no hard copies of the request and supporting documents will be required from a party, including during the first mediation session.

109. In commercial mediation, in practice, can virtual meetings between parties and the mediator be securely held through an online platform or via videoconferencing? (Y/N)

110. In commercial mediation, in practice, can a mediation settlement agreement be securely signed electronically by all parties and the mediator? (Y/N)

Note: Please answer Yes only if an electronically signed mediation settlement agreement will have the same validity and status as a paper document and no hard copy will be required to proceed with any subsequent step.

111. Does the local court or mediation institution, or other relevant body, publish statistics on the number of commercial cases resolved through mediation, at least once a year? (Y/N)

Note: Please answer Yes only if the data for the year [20YY] are publicly available.

112. Does the local court or mediation institution, or other relevant body, publish statistics on the number of appointments of mediators disaggregated by sex, at least once a year? (Y/N)

Note: Please answer Yes only if the data for the year [20YY] are publicly available.

2.2 ALTERNATIVE DISPUTE RESOLUTION (ADR)			
2.2.1 Public Services for Arbitration (includes gender)			
Indicators	FFP	SBP	Total Points

Availability of Commercial Arbitration Services	1	1	2
- Availability of domestic arbitration (87)	0.5	0.5	1
- Availability of international arbitration (88)	0.5	0.5	1
Special Procedures in Arbitration	1	1	2
- Emergency arbitration procedure (90)	0.25	0.25	0.5
- Early dismissal procedure (91)	0.25	0.25	0.5
- Expedited (fast-track) procedure (92)	0.25	0.25	0.5
- Consolidation of related arbitral proceedings and joinder of additional parties (93)	0.25	0.25	0.5
Promotion of Arbitration	1	1	2
- Setting up a roster of arbitrators (94)	0.5	0.5	1
- Checking the quality of draft arbitral awards (95)	0.5	0.5	1
Digitalization of Arbitration	1	1	2
- Online platform for arbitration (96)	0.33	0.33	0.66
- Virtual conferences and hearings in arbitration (97)	0.33	0.33	0.66
- Electronic signing of an arbitral award (98)	0.33	0.33	0.66
Transparency of Arbitration	1	1	2
- Statistics on the number of cases resolved through arbitration (99)	0.25	0.25	0.5
- Statistics on the time to resolve cases through arbitration (100)	0.25	0.25	0.5
- Publication of summaries of arbitral awards (101)	0.25	0.25	0.5
- Statistics on the number of arbitrators disaggregated by sex (102)	0.25	0.25	0.5
Total Points	5	5	10
2.2.2 Public Services for Mediation (includes gender)			
Indicators	FFP	SBP	Total Points
Availability of Commercial Mediation Services	1	1	2
- Availability of Court-Annexed Mediation (103)	0.5	0.5	1
- Availability of Private Mediation (104)	0.5	0.5	1
Promotion of Mediation	1	1	2
- Setting up a roster of mediators (106)	0.5	0.5	1
- Financial incentives to use mediation (107)	0.5	0.5	1
Digitalization of Mediation	1	1	2
- Electronic submission of a request to mediate (108)	0.33	0.33	0.66
- Virtual meetings in mediation (109)	0.33	0.33	0.66
- Electronic signing of a mediation agreement (110)	0.33	0.33	0.66
Transparency of Mediation	1	1	2
- Statistics on the number of cases resolved through mediation (111)	0.5	0.5	1
- Statistics on the number of appointments of mediators disaggregated by sex (112)	0.5	0.5	1
Total Points	4	4	8

Note: FFP = Firm Flexibility Point; SBP = Social Benefits Point.

PILLAR III—EASE OF RESOLVING A COMMERCIAL DISPUTE

The scores for Pillar III indicators are calculated using the Normal Cumulative Density Function (CDF) transformation method on a scale of 0 to 100, where 0 and 100 represent the lowest and highest possible scores, respectively. The best and worst performers are identified based on the 5th and 95th percentiles of the collected data, except for the indicators on time for court litigation and time for arbitration. In the latter case, to identify the best performance, the topic draws on relevant international standards and academic literature. The worst performance for both indicators, however, is identified based on the 95th percentiles of the collected data—same as with the rest of indicators under Pillar III.

3.1 COURT LITIGATION

3.1.1 Reliability of Courts

The data for the Subcategory on Reliability of Courts are collected through firm-level surveys, using the following questions:

113. In the last three years, has this establishment had any commercial dispute: that is, a failure of any party to meet the terms or expectations of an agreement, including a contract, or a business relationship? (Y/N) (not scored)

Y → provide response to question 114.

114. Did this establishment use courts, arbitration, or mediation to resolve or attempt to resolve its commercial disputes? (Y/N) (not scored)

115. Please respond if you strongly disagree, tend to disagree, tend to agree, or strongly agree with the statement: “In resolving commercial disputes, courts are independent and impartial”.

115a. Strongly disagree

115b. Tend to disagree

115c. Tend to agree

115d. Strongly agree

116. Please respond to what degree courts are an obstacle to the current operations of this establishment.

116a. No obstacle

116b. Minor obstacle

116c. Moderate obstacle

116d. Major obstacle

116e. Very severe obstacle

3.1.2 Operational Efficiency of Court Processes

The data for the Subcategory on Operational Efficiency of Court Processes are collected through expert consultations, as detailed below:

Parameters	
Business Location	The largest (most populous) city in the economy. The parameter is used as operational efficiency of courts is prone to subnational differences. In Pillar III, it applies only in cases when the data are collected through expert consultations, not Enterprise Surveys. Specifically, the parameter is relevant for measures on time and cost for court litigation, time and cost to recognize a foreign judgment, and time and cost to enforce a final judgment.
Claim Value	The Dispute Resolution topic assumes that the claim value is equal to 20 x Economy GNI (gross national income) per capita. In addition, whenever 20 x Economy GNI per capita is less than US\$20,000, the topic will assume that the claim value is equal to US\$20,000.

According to the current practice, how much time and cost would it take to resolve a commercial dispute between two business entities through a local court?

It is assumed that the case involves a commercial dispute that occurred between two business entities. The case is tried on merits. Following the judgment of the first instance court, both parties file an appeal. The appellate court affirms the judgment, after which it becomes final.

- 117. Please estimate the total time, in calendar days, that it would take for the court of first instance to adjudicate this case, starting from the time of filing the complaint until a formal written judgment is delivered to the parties.**
- 118. Please estimate the time, in calendar days, that the procedure of mandatory mediation would further add to the time to resolve this dispute.**
- 119. Please estimate total attorney fees for preparing and filing the complaint as well as representing the plaintiff before the court of first instance, in percentage (%) to the claim value.**
- 120. Please estimate fees incurred by the plaintiff in the procedure of mandatory mediation, in percentage (%) to the claim value.**
- 121. Please estimate fees of the first instance court incurred by the plaintiff, in percentage (%) to the claim value.**
- 122. Please estimate the total time, in calendar days, that it would take for the appellate court to review the case, starting at the appellate level, starting from the time of filing an appeal until a formal written ruling is delivered to the parties.**
- 123. Please estimate total attorney fees for preparing and filing the appeal as well as representing the plaintiff before the appellate court, in percentage (%) to the claim value.**
- 124. Please estimate fees of the appellate court incurred by the plaintiff, in percentage (%) to the claim value.**

According to the current practice, how much time and cost would it take for a local court to consider a request to recognize a foreign judgment?

It is assumed that the case involves a commercial dispute that occurred between two business entities, and that the defendant is resisting recognition.

- 125. As far as a foreign judgment is concerned, please indicate the name of the court that will have jurisdiction over this case. *(not scored)***
- 126. Please estimate the time, in calendar days, that it would take for the local court to consider a request for recognizing a foreign judgment, starting from the time of filing the request until a formal written decision is delivered to the parties.**
- 127. Please estimate attorney fees, incurred by the plaintiff, in the process of recognizing a foreign judgment, in percentage (%) to the claim value.**
- 128. Please estimate court fees, incurred by the plaintiff, for the process of recognizing a foreign judgment, in percentage (%) to the claim value.**

According to the current practice, how much time and cost would it take to enforce a final domestic judgment?

It is assumed that the case involves a commercial dispute that occurred between two business entities, and that the debtor is not cooperating. Type of enforcement: Seizure of bank account funds of the debtor and their transfer to the creditor.

129. Please indicate the name of the enforcement institution that will have jurisdiction over this case. If in your jurisdiction enforcement matters are handled directly by courts, please indicate the name of the relevant court. (not scored)

130. Please estimate the total time, in calendar days, that it would take for the enforcement institution, after a request has been filed, to locate the bank account funds of the debtor, seize them, and complete their transfer to the creditor.

131. Would attorneys be typically involved in this case of compulsory enforcement? (Y/N)
Y → provide response to question 132.

132. Please estimate attorney fees incurred by the creditor, in percentage (%) to the claim value.

133. Please estimate the enforcement institution's fees, incurred by the creditor, in percentage (%) to the claim value.

134. In practice, are the enforcement institution's fees typically paid out of the debtor's seized funds? (Y/N)

3.1 COURT LITIGATION			
3.1.1 Reliability of Courts			
Indicators	FFP	SBP	Total Points
In Resolving Commercial Disputes, Courts are Independent and Impartial (115)	100 (50%)	n/a	100 (50%)
Courts are Not an Obstacle to Business Operations (116)	100 (50%)	n/a	100 (50%)
Total Points for Subcategory 3.1.1	100	n/a	100
3.1.2 Operational Efficiency of Court Processes			
Indicators	FFP	SBP	Total Points
Time for Court Litigation (117-118, 122)	100 (29.2%)	n/a	100 (29.2%)
Cost for Court Litigation (119-121, 123-124)	100 (29.2%)	n/a	100 (29.2%)
Time to Recognize a Foreign Judgment (126)	100 (4.2%)	n/a	100 (4.2%)
Cost to Recognize a Foreign Judgment (127-128)	100 (4.2%)	n/a	100 (4.2%)
Time to Enforce a Final Judgment (130)	100 (16.7%)	n/a	100 (16.7%)
Cost to Enforce a Final Judgment (131-134)	100 (16.7%)	n/a	100 (16.7%)
Total Points for Subcategory 3.1.2	100	n/a	100
Total Points for Category 3.1	100	n/a	100

Note: n/a = not applicable (refers to the cases when the impact on firms or society is either ambiguous or nonexistent).
FFP = Firm Flexibility Point; SBP = Social Benefits Point.

3.2 ALTERNATIVE DISPUTE RESOLUTION (ADR)

3.2.1 Reliability of ADR

The data for the Subcategory on Reliability of ADR are collected through firm-level surveys, using the following questions:

135. Please indicate to what extent you agree with the following statement in relation to commercial disputes: “In [economy], arbitration is a reliable mechanism to resolve commercial disputes”.

135a. Strongly disagree

135b. Tend to disagree

135c. Tend to agree

135d. Strongly agree

136. Please indicate to what extent you agree with the following statement in relation to commercial disputes: “In [economy], mediation is a reliable mechanism to resolve commercial disputes”.

136a. Strongly disagree

136b. Tend to disagree

136c. Tend to agree

136d. Strongly agree

3.2.2 Operational Efficiency of Arbitration Processes

The data for the Subcategory on Operational Efficiency of Arbitration Processes are collected through expert consultations, as detailed below:

Parameters	
Business Location	The largest (most populous) city in the economy. The parameter is used as operational efficiency of arbitration processes is prone to subnational differences. In Pillar III, it applies only in cases when the data are collected through expert consultations, not Enterprise Surveys. Specifically, the parameter is relevant for measures on time and cost for arbitration and time and cost to recognize a foreign arbitral award.
Claim Value	The Dispute Resolution topic assumes that the claim value is equal to 20 x Economy GNI (gross national income) per capita. In addition, whenever 20 x Economy GNI per capita is less than US\$20,000, the topic will assume that the claim value is equal to US\$20,000.

According to the current practice, how much time and cost would it take to resolve a commercial dispute between two business entities through domestic arbitration?

If the case can be submitted to several domestic arbitration institutions, then please provide responses that would apply to the majority of commercial cases in [CITY NAME].

137. Please indicate the name of the local arbitration institution that will have jurisdiction over this case. (not scored)

138. Please estimate the total time, in calendar days, that it would take for the arbitration institution to administer this case, starting from the time of filing a notice of arbitration until a formal written arbitral award is delivered to the parties.

139. Please estimate total attorney fees for preparing and filing the claim as well as representing the claimant before the arbitration institution, in percentage (%) to the claim value.

140. Please estimate arbitrators' fees incurred by the claimant, in percentage (%) to the claim value.

141. Please estimate administrative fees of the arbitration institution incurred by the claimant, in percentage (%) to the claim value.

According to the current practice, how much time and cost would it take for a local court to consider a request to recognize a foreign arbitral award?

It is assumed that the case involves a commercial dispute that occurred between two business entities, and that the defendant is resisting recognition.

142. As far as a foreign arbitral award is concerned, please indicate the name of the local court that will have jurisdiction over this case. *(not scored)*

143. Please estimate the time, in calendar days, that it would take for the local court to consider a request for recognizing a foreign arbitral award, starting from the time of filing the request until a formal written decision is delivered to the parties.

144. Please estimate attorney fees, incurred by the claimant, for the process of recognizing a foreign arbitral award, in percentage (%) to the claim value.

145. Please estimate court fees, incurred by the claimant, for the process of recognizing a foreign arbitral award, in percentage (%) to the claim value.

3.2 ALTERNATIVE DISPUTE RESOLUTION (ADR)			
3.2.1 Reliability of ADR			
Indicators	FFP	SBP	Total Points
Arbitration is a Reliable Mechanism to Resolve Commercial Disputes (135)	100 (50%)	n/a	100 (50%)
Mediation is a Reliable Mechanism to Resolve Commercial Disputes (136)	100 (50%)	n/a	100 (50%)
Total Points for Subcategory 3.2.1	100	n/a	100
3.2.2 Operational Efficiency of Arbitration Processes			
Indicators	FFP	SBP	Total Points
Time for Arbitration (138)	100 (25%)	n/a	100 (25%)
Cost for Arbitration (139-141)	100 (25%)	n/a	100 (25%)
Time to Recognize a Foreign Arbitral Award (143)	100 (25%)	n/a	100 (25%)
Cost to Recognize a Foreign Arbitral Award (144-145)	100 (25%)	n/a	100 (25%)
Total Points for Subcategory 3.2.2	100	n/a	100
Total Points for Category 3.2	100	n/a	100

Note: n/a = not applicable (refers to the cases when the impact on firms or society is either ambiguous or nonexistent). FFP = Firm Flexibility Point; SBP = Social Benefits Point.