



Economy Profile:
Kenya

DOING BUSINESS 2013

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



COMPARING BUSINESS REGULATIONS FOR DOMESTIC FIRMS IN 185 ECONOMIES

10TH EDITION

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INTRODUCTION

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

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

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

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

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

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

THE BUSINESS ENVIRONMENT

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

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

ECONOMY OVERVIEW

Region: Sub-Saharan Africa

Income category: Low income

Population: 41,609,728

GNI per capita (US\$): 820

DB2013 rank: 121

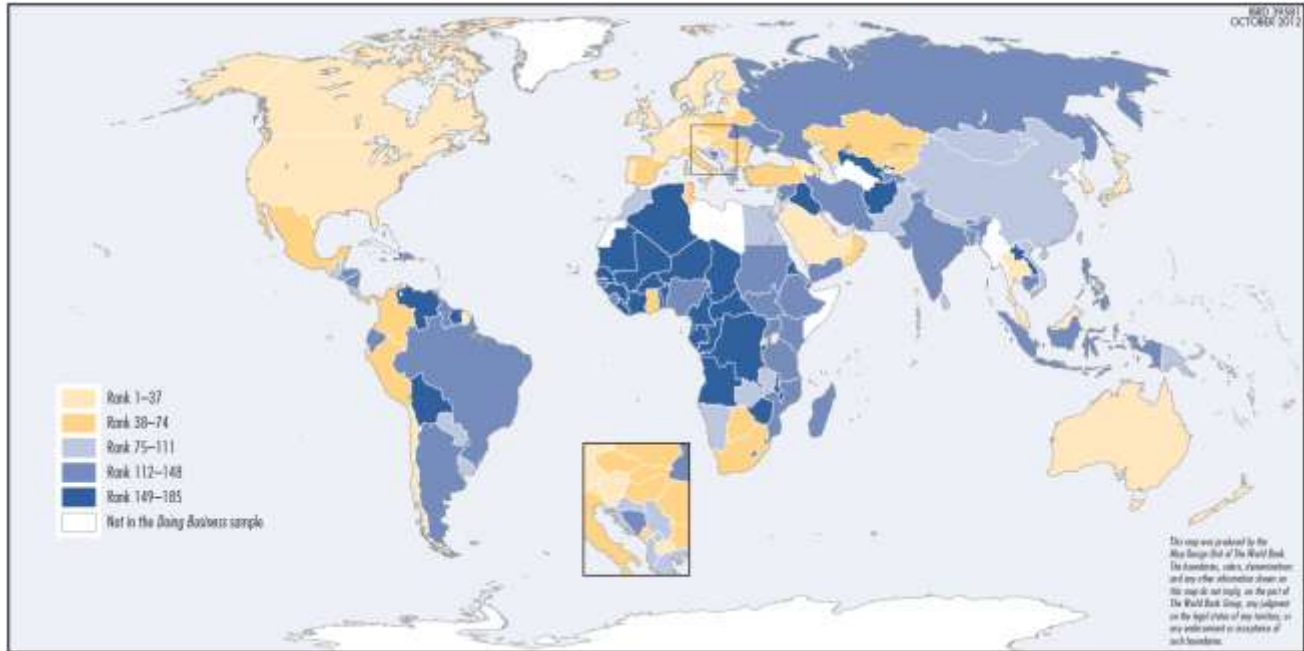
DB2012 rank: 117*

Change in rank: -4

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

THE BUSINESS ENVIRONMENT

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



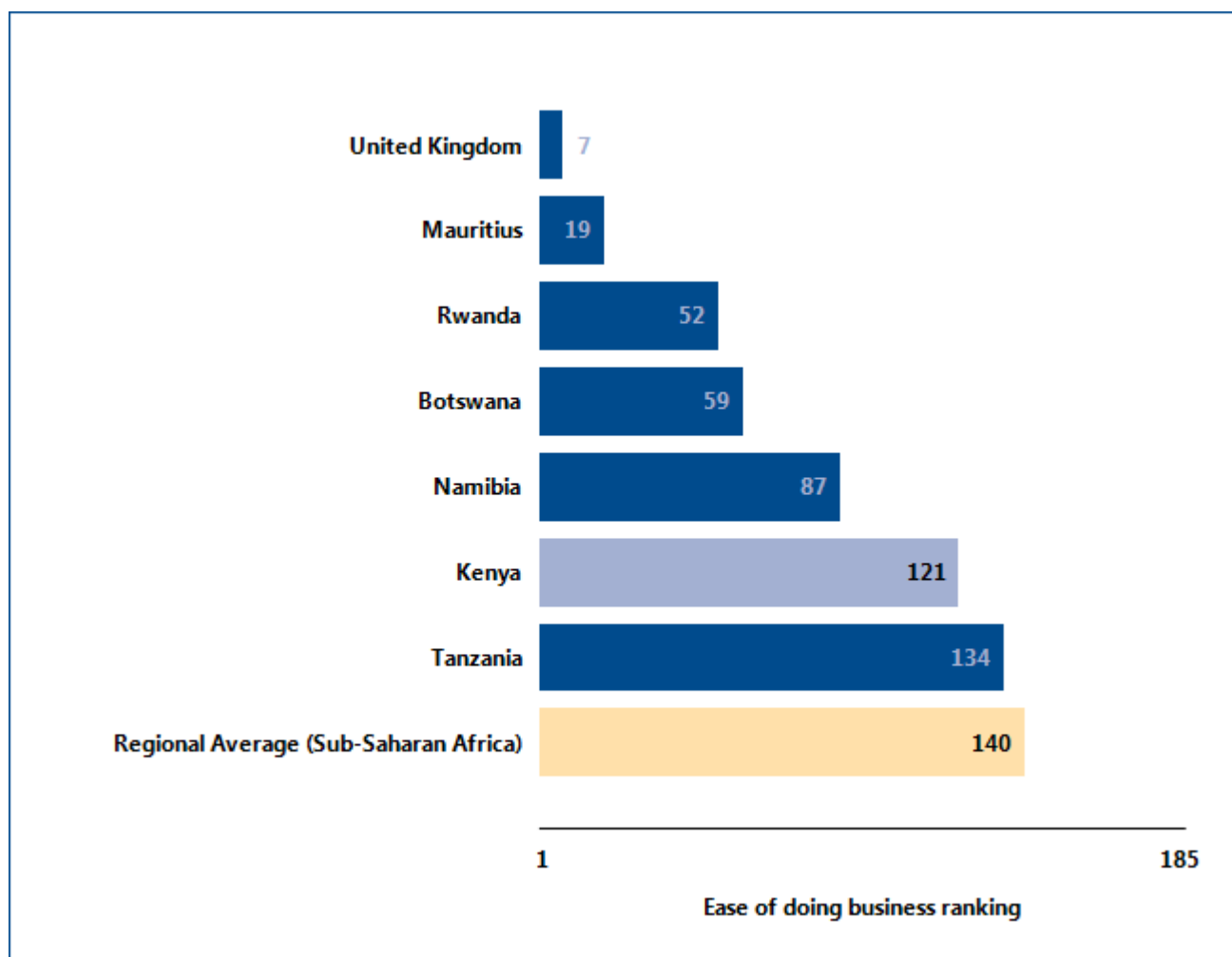
Source: Doing Business database.

THE BUSINESS ENVIRONMENT

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

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

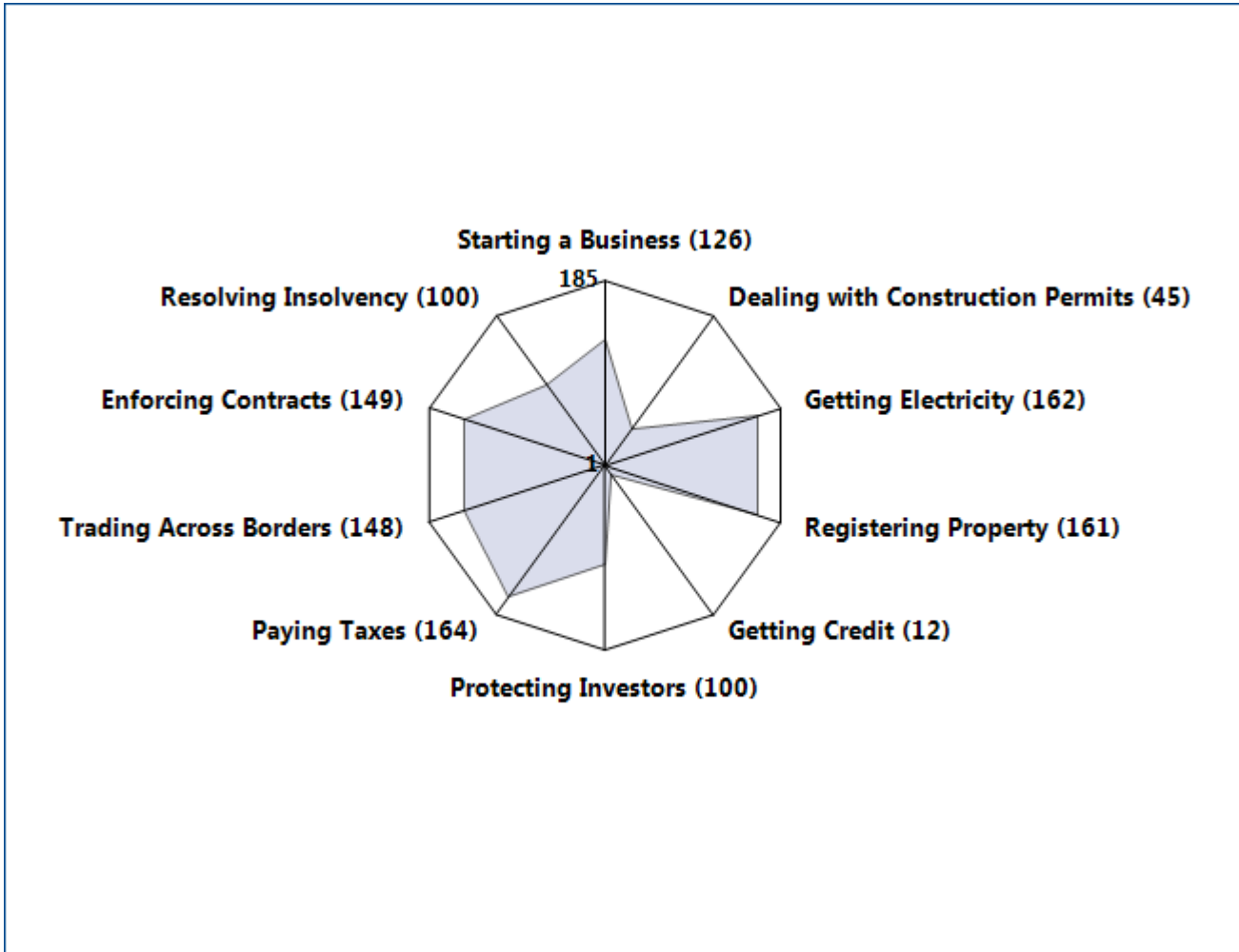
Figure 1.2 How Kenya and comparator economies rank on the ease of doing business



Source: Doing Business database.

THE BUSINESS ENVIRONMENT

Figure 1.3 How Kenya ranks on *Doing Business* topics



Source: *Doing Business* database.

THE BUSINESS ENVIRONMENT

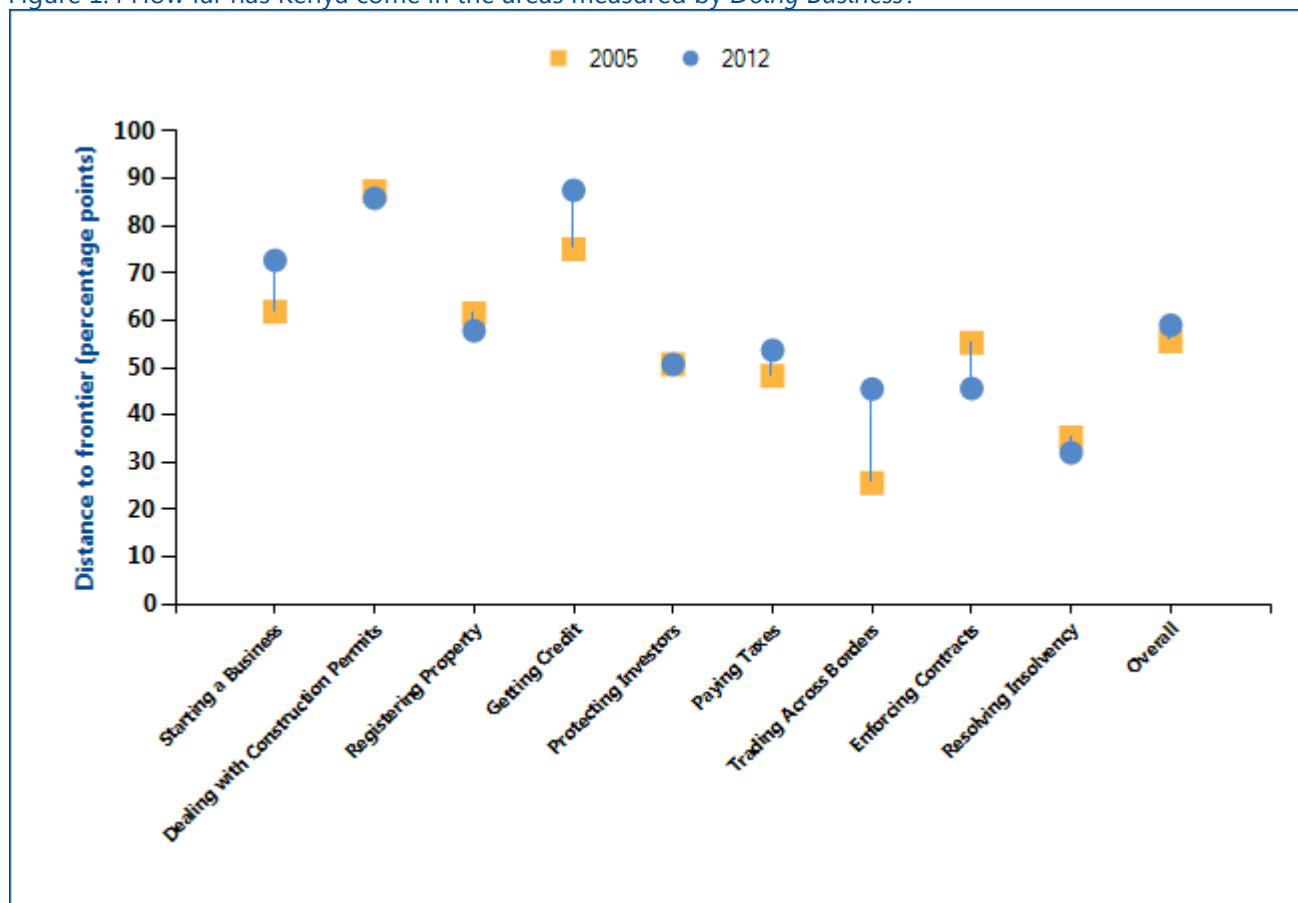
Just as the overall ranking on the ease of doing business tells only part of the story, so do changes in that ranking. Yearly movements in rankings can provide some indication of changes in an economy’s regulatory environment for firms, but they are always relative. An economy’s ranking might change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

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

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

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

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



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

Source: *Doing Business* database.

THE BUSINESS ENVIRONMENT

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

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

Table 1.1 Summary of *Doing Business* indicators for Kenya

Indicator	Kenya DB2013	Kenya DB2012	Botswana DB2013	Mauritius DB2013	Namibia DB2013	Rwanda DB2013	Tanzania DB2013	United Kingdom DB2013	Best performer globally DB2013
Starting a Business (rank)	126	132	99	14	133	8	113	19	New Zealand (1)
Procedures (number)	10	11	10	5	10	2	9	6	New Zealand (1)*
Time (days)	32	33	61	6	66	3	26	13	New Zealand (1)
Cost (% of income per capita)	40.4	45.0	1.6	3.3	18.5	4.3	28.2	0.7	Slovenia (0.0)
Paid-in Min. Capital (% of income per capita)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	91 Economies (0.0)*
Dealing with Construction Permits (rank)	45	31	132	62	56	98	174	20	Hong Kong SAR, China (1)
Procedures (number)	9	8	22	16	12	12	19	9	Hong Kong SAR, China (6)*
Time (days)	125	125	145	143	139	164	206	99	Singapore (26)
Cost (% of income per capita)	211.9	160.9	172.7	28.5	110.9	278.4	564.6	62.4	Qatar (1.1)

Indicator	Kenya DB2013	Kenya DB2012	Botswana DB2013	Mauritius DB2013	Namibia DB2013	Rwanda DB2013	Tanzania DB2013	United Kingdom DB2013	Best performer globally DB2013
Getting Electricity (rank)	162	162	90	44	87	49	96	62	Iceland (1)
Procedures (number)	6	6	5	4	7	4	4	5	Germany (3)*
Time (days)	146	163	121	84	38	30	109	105	Germany (17)
Cost (% of income per capita)	1,208.2	1,431.6	353.8	295.1	482.2	3,948.1	1,944.1	108.9	Japan (0.0)
Registering Property (rank)	161	157	51	60	169	63	137	73	Georgia (1)
Procedures (number)	9	9	5	4	8	5	8	6	Georgia (1)*
Time (days)	73	73	16	15	46	25	68	29	Portugal (1)
Cost (% of property value)	4.3	4.3	5.1	10.6	13.8	5.6	4.4	4.7	Belarus (0.0)*
Getting Credit (rank)	12	9	53	53	40	23	129	1	United Kingdom (1)*
Strength of legal rights index (0-10)	10	10	7	6	8	7	7	10	Malaysia (10)*
Depth of credit information index (0-6)	4	4	4	5	4	6	0	6	United Kingdom (6)*
Public registry coverage (% of adults)	0.0	0.0	0.0	56.3	0.0	0.0	0.0	0.0	Portugal (90.7)
Private bureau coverage (% of adults)	4.9	4.5	58.9	0.0	63.9	7.1	0.0	100.0	United Kingdom (100.0)*
Protecting Investors (rank)	100	98	49	13	82	32	100	10	New Zealand (1)
Extent of disclosure	3	3	7	6	5	7	3	10	Hong Kong SAR,

Indicator	Kenya DB2013	Kenya DB2012	Botswana DB2013	Mauritius DB2013	Namibia DB2013	Rwanda DB2013	Tanzania DB2013	United Kingdom DB2013	Best performer globally DB2013
index (0-10)									China (10)*
Extent of director liability index (0-10)	2	2	8	8	5	9	4	7	Singapore (9)*
Ease of shareholder suits index (0-10)	10	10	3	9	6	3	8	7	New Zealand (10)*
Strength of investor protection index (0-10)	5.0	5.0	6.0	7.7	5.3	6.3	5.0	8.0	New Zealand (9.7)
Paying Taxes (rank)	164	168	39	12	112	25	133	16	United Arab Emirates (1)
Payments (number per year)	41	41	32	7	37	17	48	8	Hong Kong SAR, China (3)*
Time (hours per year)	340	393	152	161	350	134	172	110	United Arab Emirates (12)
Trading Across Borders (rank)	148	142	147	15	140	158	122	14	Singapore (1)
Documents to export (number)	8	8	6	5	9	8	6	4	France (2)
Time to export (days)	26	26	27	10	25	29	18	7	Singapore (5)*
Cost to export (US\$ per container)	2,255	2,055	2,945	660	1,800	3,245	1,040	950	Malaysia (435)
Documents to import (number)	7	7	7	6	7	8	10	4	France (2)
Time to import (days)	26	24	37	10	20	31	31	6	Singapore (4)
Cost to import (US\$ per container)	2,350	2,190	3,445	695	1,905	4,990	1,565	1,045	Malaysia (420)

Indicator	Kenya DB2013	Kenya DB2012	Botswana DB2013	Mauritius DB2013	Namibia DB2013	Rwanda DB2013	Tanzania DB2013	United Kingdom DB2013	Best performer globally DB2013
Enforcing Contracts (rank)	149	130	68	58	41	39	36	21	Luxembourg (1)
Time (days)	465	465	625	645	270	230	462	399	Singapore (150)
Cost (% of claim)	47.2	47.2	28.1	16.3	35.8	78.7	14.3	25.9	Bhutan (0.1)
Procedures (number)	44	40	28	36	33	23	38	28	Ireland (21)*
Resolving Insolvency (rank)	100	96	29	64	59	167	129	8	Japan (1)
Time (years)	4.5	4.5	1.7	1.7	1.5	3.0	3.0	1.0	Ireland (0.4)
Cost (% of estate)	22	22	15	15	15	50	22	6	Singapore (1)*
Outcome (0 as piecemeal sale and 1 as going concern)	1		1	0	0	0	0	1	
Recovery rate (cents on the dollar)	29.5	30.9	64.8	40.9	42.3	3.1	21.7	88.6	Japan (92.8)

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

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

Source: *Doing Business* database.

STARTING A BUSINESS

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

What do the indicators cover?

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

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

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

WHAT THE STARTING A BUSINESS INDICATORS MEASURE

Procedures to legally start and operate a company (number)

Preregistration (for example, name verification or reservation, notarization)

Registration in the economy's largest business city

Postregistration (for example, social security registration, company seal)

Time required to complete each procedure (calendar days)

Does not include time spent gathering information

Each procedure starts on a separate day

Procedure completed once final document is received

No prior contact with officials

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

Official costs only, no bribes

No professional fees unless services required by law

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

Deposited in a bank or with a notary before registration (or within 3 months)

- Has a start-up capital of 10 times income per capita.
- Has a turnover of at least 100 times income per capita.
- Does not qualify for any special benefits.
- Does not own real estate.
- Is 100% domestically owned.

STARTING A BUSINESS

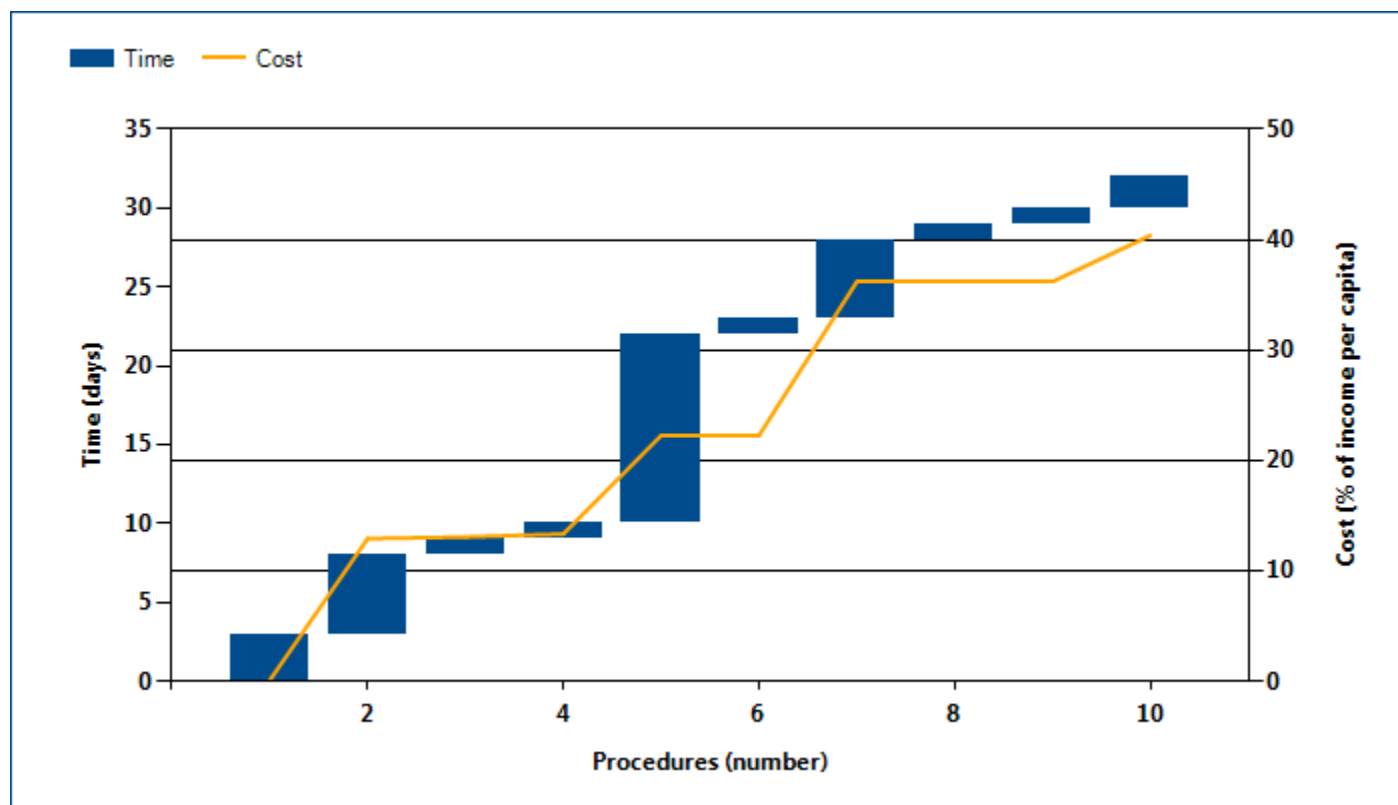
Where does the economy stand today?

What does it take to start a business in Kenya? According to data collected by *Doing Business*, starting a business there requires 10 procedures, takes 32 days,

costs 40.4% of income per capita and requires paid-in minimum capital of 0.0% of income per capita (figure 2.1).

Figure 2.1 What it takes to start a business in Kenya

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



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

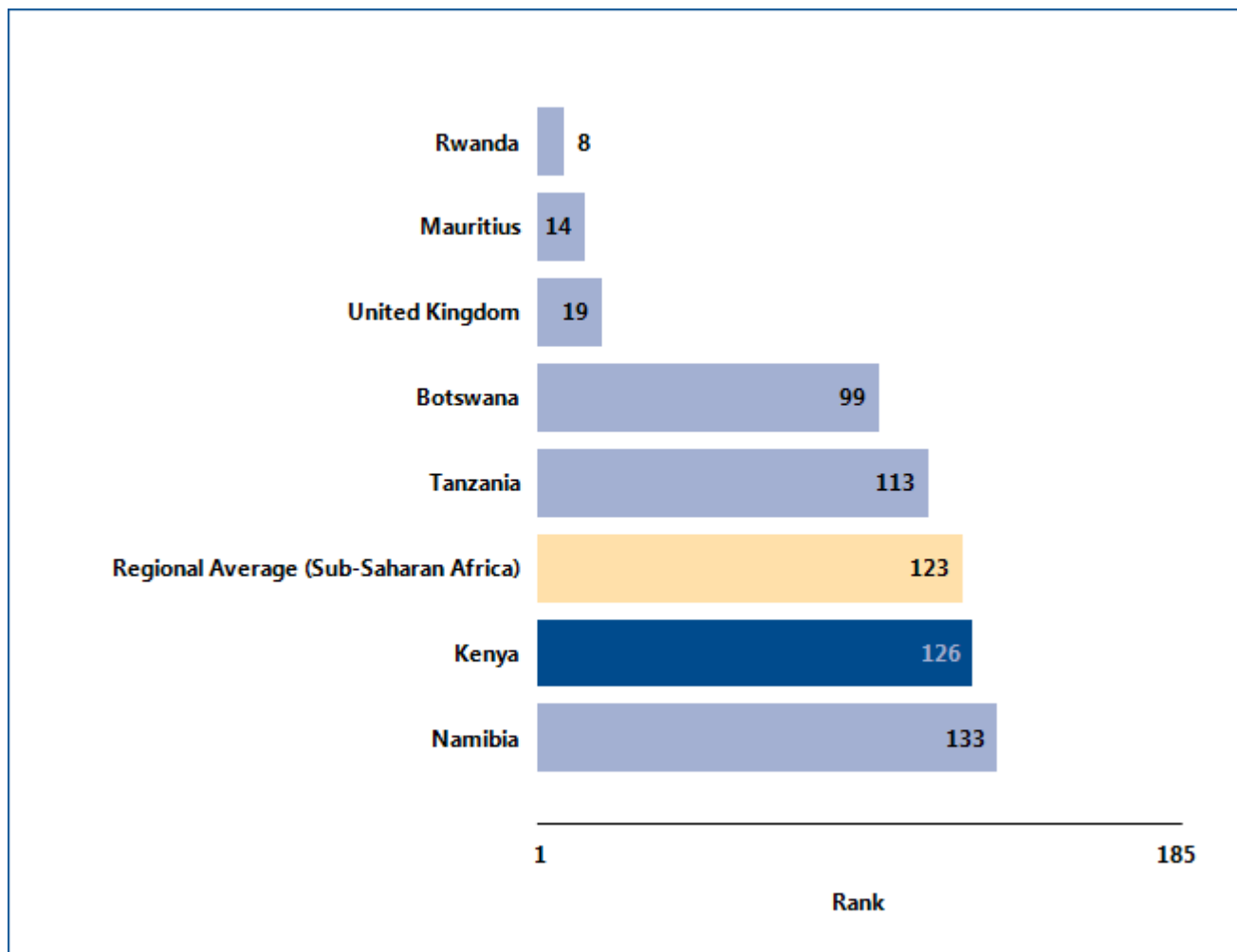
Source: *Doing Business* database.

STARTING A BUSINESS

Globally, Kenya stands at 126 in the ranking of 185 economies on the ease of starting a business (figure 2.2). The rankings for comparator economies and the

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

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



Source: Doing Business database.

STARTING A BUSINESS

What are the changes over time?

While the most recent *Doing Business* data reflect how easy (or difficult) it is to start a business in Kenya today, data over time show which aspects of the process have changed—and which have not (table 2.1). That can help identify where the potential for improvement is greatest.

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

Indicator	DB2004	DB2005	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	..	..	132	126
Procedures (number)	12	12	13	13	12	12	12	11	11	10
Time (days)	60	47	54	54	44	30	34	33	33	32
Cost (% of income per capita)	54.9	53.3	47.9	46.0	45.9	39.6	44.4	46.6	45.0	40.4
Paid-in Min. Capital (% of income per capita)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

Source: *Doing Business* database.

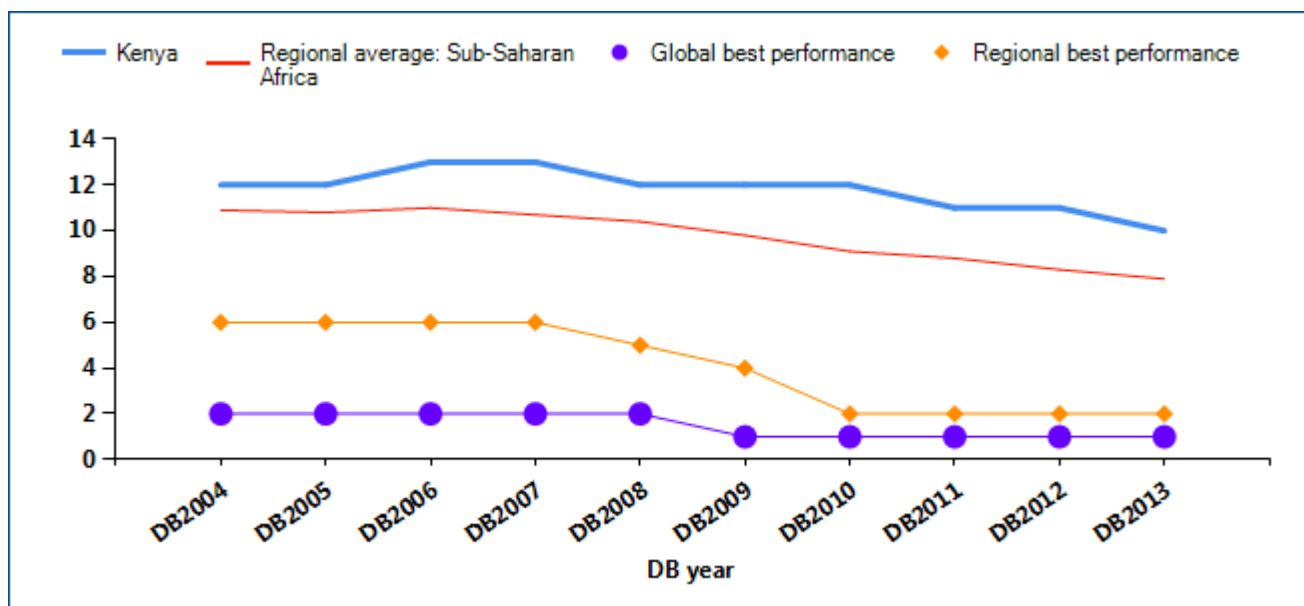
STARTING A BUSINESS

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

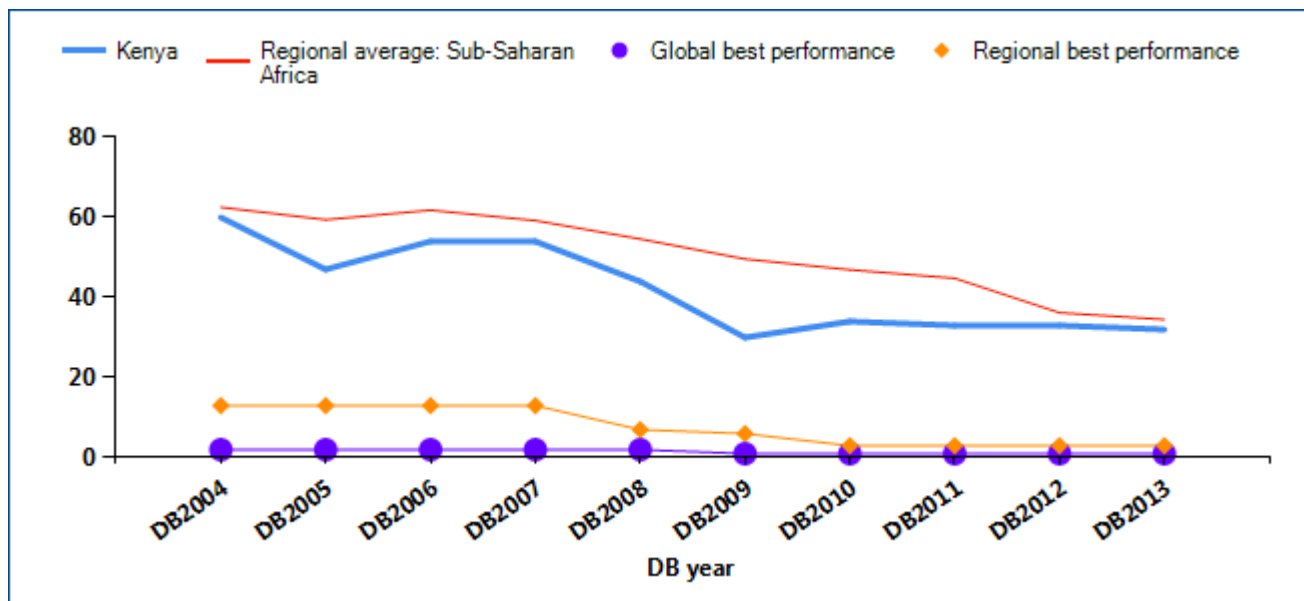
a business (figure 2.3). These benchmarks help show what is possible in making it easier to start a business. And changes in regional averages can show where Kenya is keeping up—and where it is falling behind.

Figure 2.3 Has starting a business become easier over time?

Procedures (number)

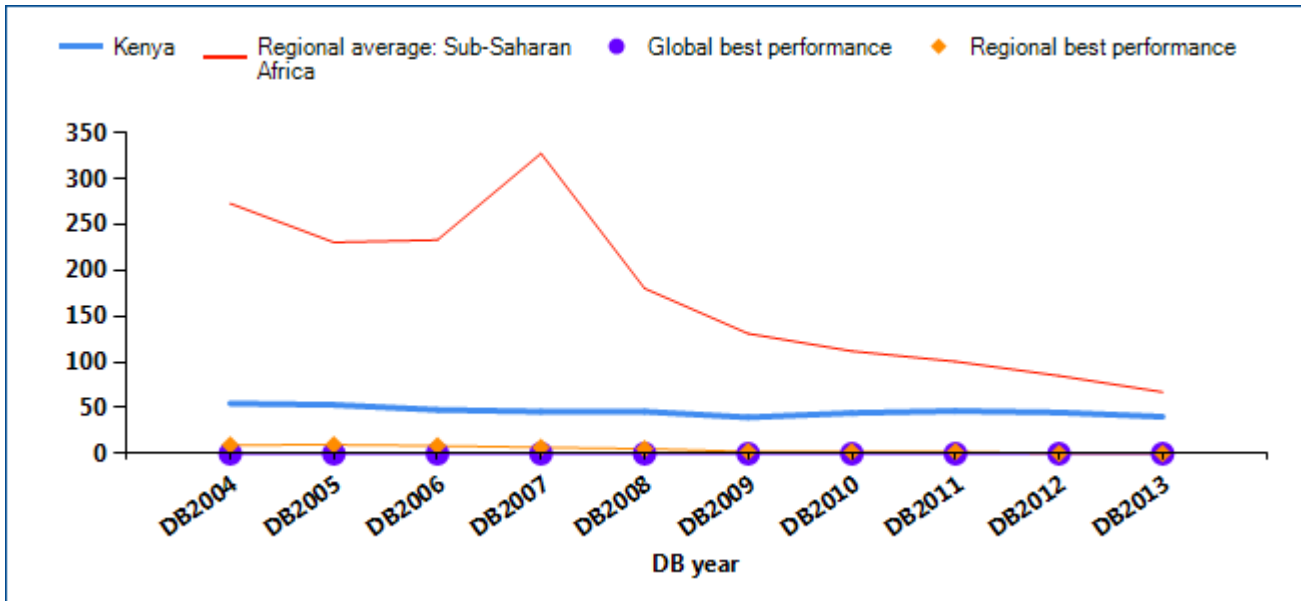


Time (days)

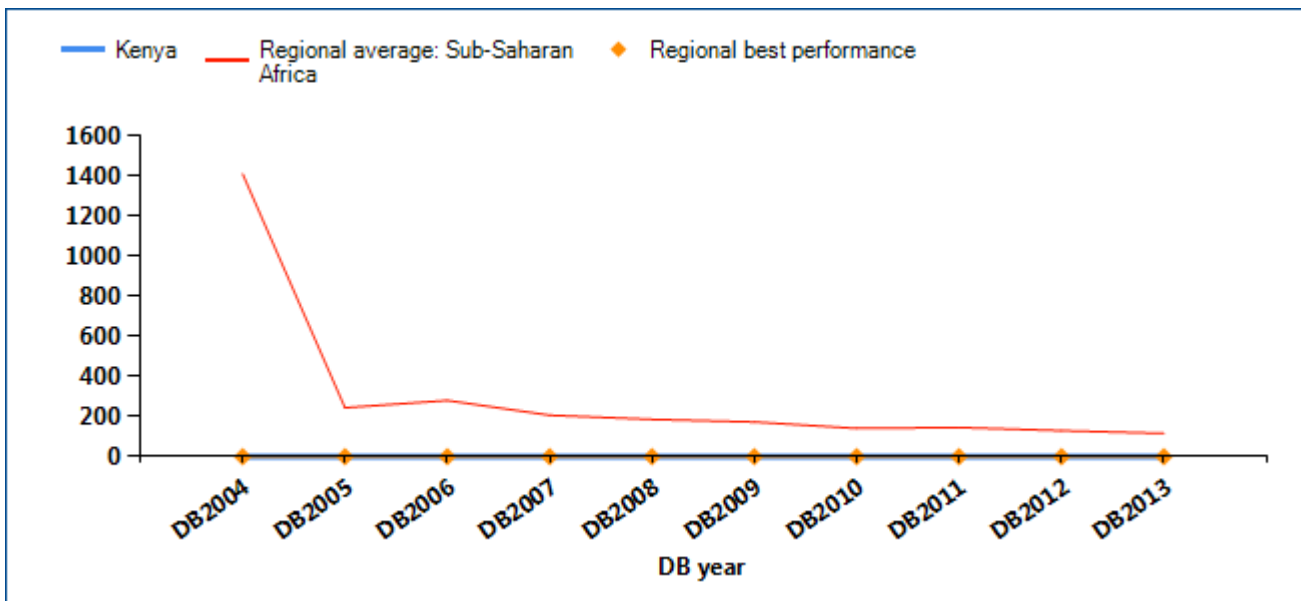


STARTING A BUSINESS

Cost (% of income per capita)



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



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

Source: Doing Business database.

STARTING A BUSINESS

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

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

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

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

DB year	Reform
DB2008	An ambitious licensing reform program was launched which has led to the elimination of 110 business licenses and the simplification of eight, reducing the time and cost of obtaining building licenses and registering a company.
DB2009	Improvement at the registry and better communication between relevant agencies resulted in substantial time reduction.
DB2010	No reform as measured by Doing Business.
DB2011	Kenya eased business start-up by reducing the time it takes to get the memorandum and articles of association stamped, merging the tax and value added tax registration procedures and digitizing records at the registrar.
DB2012	No reform as measured by Doing Business.
DB2013	No reform as measured by Doing Business.

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

Source: *Doing Business* database.

STARTING A BUSINESS

What are the details?

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

STANDARDIZED COMPANY

City: Nairobi

Legal Form: Private Corporation

Paid in Minimum Capital Requirement: None

Start-up Capital: 10 times GNI per capita

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

No.	Procedure	Time to complete	Cost to complete
1	State registration of legal entity, statistical, and tax registration with the Center for Public Registration The company name reservation lasts 30 days but can be renewed for a similar period.	3 days	KES 100 per name reservation
2	Stamp the memorandum and articles and a statement of the nominal capital Effective January 1, 2005, the Kenya Revenue Authority (KRA) took over stamp duty collection from the Ministry of Lands and Housing. As an administrative requirement, the KRA now requires the personal identification numbers (PINs) of all parties on whose behalf duty-stamped documents are submitted. Documents must be first assessed by the Stamp Duty Office before payment can be processed by the KRA-designated banks. The process has lengthened initially to about 2 weeks because the Stamp Duty Office waited to receive confirmation of bank payment after clearance of funds. However, the time has reduced in 2008 as a result of better communication between the Ministry of Lands and housing and Kenya Revenue Authority (KRA) to 5-10 days. Bank handling charges of KES 100 for each transaction are also due.	5 days	1% of nominal capital + KES 2,020 for stamp duty on Memorandum and Articles of Association
3	Pay stamp duty at bank	1 day	KES 100 for bank commission
4	Declaration of compliance (Form 208) is signed before a Commissioner of Oaths /notary public According to the Companies Act (Cap. 486), An advocate engaged in	1 day	KES 200

No.	Procedure	Time to complete	Cost to complete
	the formation of the company or a director or company secretary named in the Articles must sign Form 208, the declaration of compliance, which accompanies the registration documents to be submitted to the Registrar of Companies. (Simultaneous with procedure 2)		
5	<p>File deed and details with the Registrar of Companies at the Attorney General's Chambers in Nairobi</p> <p>The founder must file the incorporation deed and the required documents and forms (listed below) with the Registrar of Companies, which includes:</p> <ul style="list-style-type: none"> • Stamped memorandum and articles of association • Statement of capital • Form 201, Notice of Situation of Registered Office • Form 203, Particulars of Directors and Secretary • Form 208, Declaration of compliance with the Companies Act • Copy of the company name approval <p>Fee schedule for registration:</p> <ul style="list-style-type: none"> • For the first KES 100,000: KES 2,800 • For every KES 20,000 after the first KES 100,000: KES 120, subject to a maximum of KES 60,000 • Filing fee for three forms: KES 600 	7- 14 days	KES 6,400
6	<p>Register with the Tax Department for a PIN, VAT and PAYE online</p> <p>Registration for a personal and a company identification number (PIN) is required to register for the VAT (PIN certificates of at least two directors or 2 shareholders or a director and the secretary are required), the local service tax, and the pay-as-you-earn (PAYE) tax. The founder must file the certificate of registration and a copy of the memorandum and articles of association. IDue to new online reforms, the application for a PIN and VAT registration can now be done concurrently on-line. Unless the KRA has already received confirmation of incorporation of the company from the Companies Registry, one must still submit the Certificate of Incorporation and receive log-in details from the KRA for the purpose of applying for a PIN, VAT and PAYE registration.</p>	1 day	no charge
7	<p>Apply for a business permit</p> <p>The fee to apply for a business permit varies by type of business, number of employees, and size of the company's premises. The fee is payable to the Nairobi City Council, Licensing Department. The City Council will issue a business permit.</p> <p>Fee schedule for business permit: Medium trader, shop, or retail service from 5 to 20 employees and/or premises 50–300 sq. m. (fair location): KES 10,000.</p> <p>The Licensing Laws (Repeals and Amendments) Act , 2006 (enacted in</p>	5 days	KES 10,000

No.	Procedure	Time to complete	Cost to complete
	December of 2006 and came into effect on May, first, 2007), amends the Local Government Act (Cap. 265) by reducing the number of business permits required for a distributor of goods or provider of services to carry on its business activities. Applicants having obtained a business permit to operate from one local authority will not be required to obtain another business permit in another local authority. In addition, business permit applicants will have an opportunity to elect whether to apply for a 1- or 2-year permit. The 2006 law also eliminated the requirement to obtain a trading license in addition to the permit.		
8	<p>Register with the National Social Security Fund (NSSF)</p> <p>The National Social Security Fund provides the employee with a lump-sum retirement benefit. Historically, the rate of return paid by the state is considerably less than that achieved by private schemes, but participation is mandatory. The employer pays a standard contribution of about 1% of salary, subject to a maximum of KES 400 per month. Half the contribution is deductible from the employee's salary. The precise amount of the contribution (where less than the maximum) is determined by reference to salary bands.</p>	1 day	no charge
9	<p>Register with the National Hospital Insurance Fund (NHIF)</p> <p>The employee contributes a fixed sum to the National Hospital Insurance Fund (NHIF), which must be deducted by the employer from the employees' salary. The maximum contribution is KES 320 per month. The contributions are used to offset the costs of medical treatment, but they only cover a fraction of actual costs. Hence, most companies provide employees with medical insurance.</p>	1 day	no charge
10	<p>Make a company seal after a certificate of incorporation has been issued</p> <p>Seals are made by private entities who require sight of a copy of the certificate of incorporation.</p>	2 days	between KES 2,500 and KES 3,500

* Takes place simultaneously with another procedure.

Source: *Doing Business* database.

DEALING WITH CONSTRUCTION PERMITS

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

What do the indicators cover?

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

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

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

The business:

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

The warehouse:

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

WHAT THE DEALING WITH CONSTRUCTION PERMITS INDICATORS MEASURE

Procedures to legally build a warehouse (number)

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

Completing all required notifications and receiving all necessary inspections

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

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

Time required to complete each procedure (calendar days)

Does not include time spent gathering information

Each procedure starts on a separate day

Procedure completed once final document is received

No prior contact with officials

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

Official costs only, no bribes

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

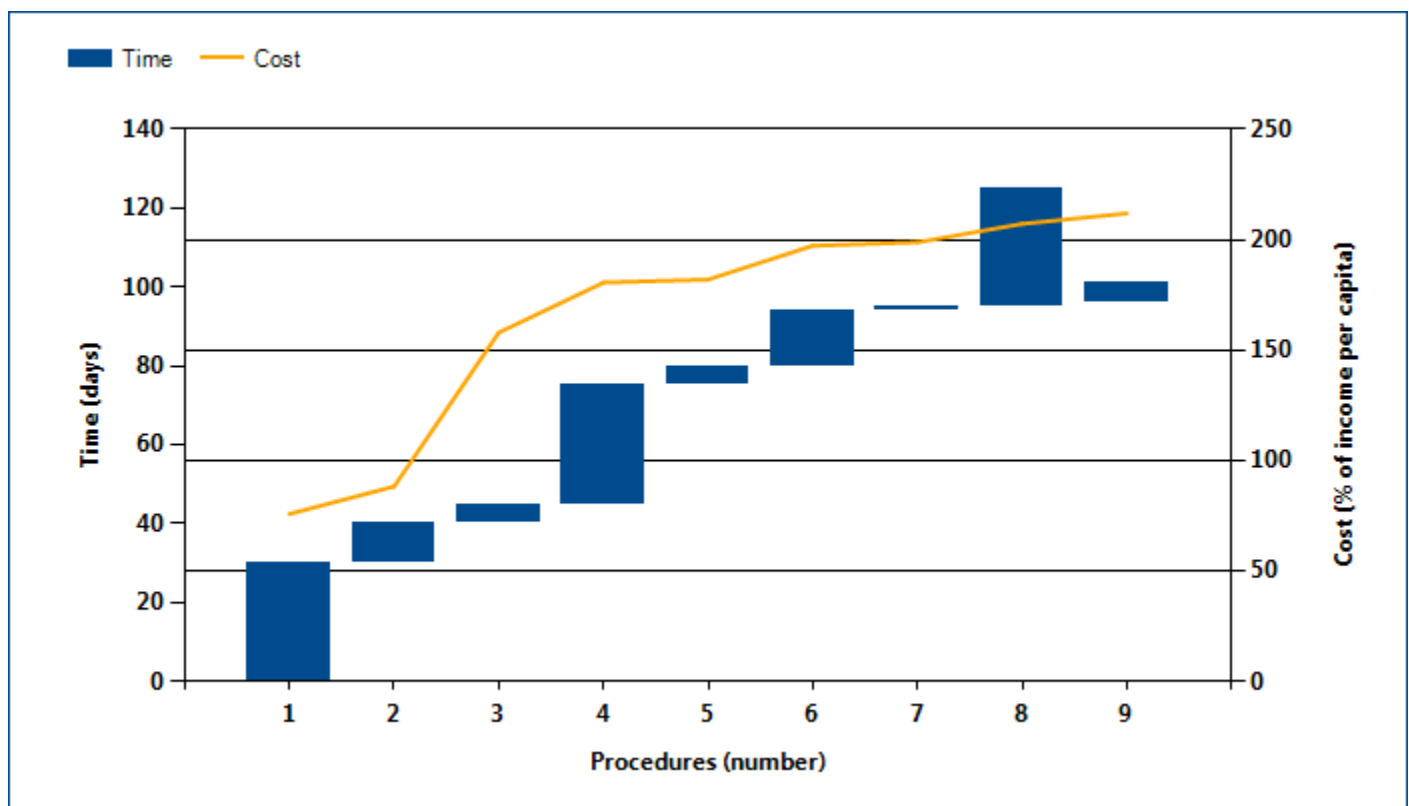
DEALING WITH CONSTRUCTION PERMITS

Where does the economy stand today?

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

permits there requires 9 procedures, takes 125 days and costs 211.9% of income per capita (figure 3.1).

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



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

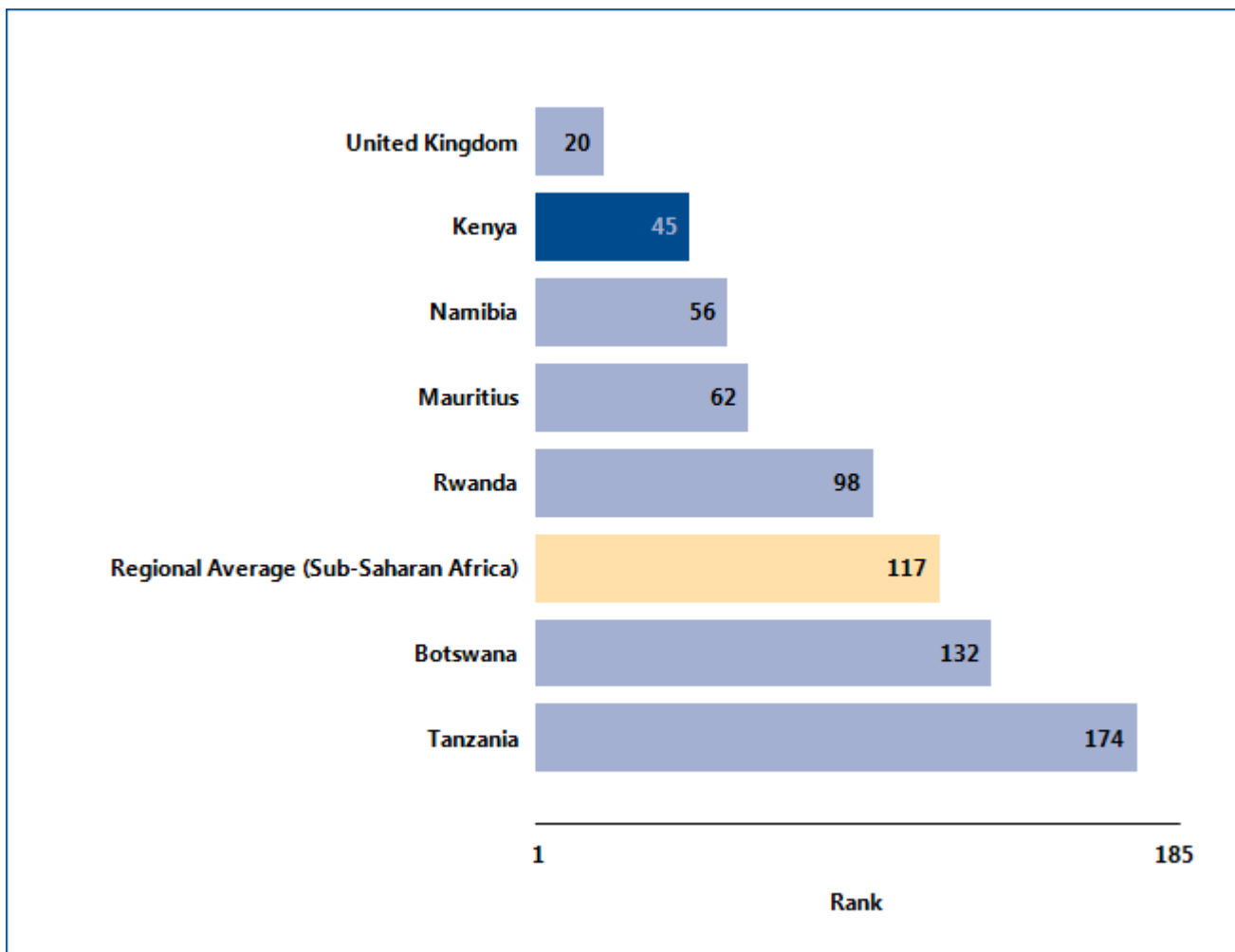
Source: *Doing Business* database.

DEALING WITH CONSTRUCTION PERMITS

Globally, Kenya stands at 45 in the ranking of 185 economies on the ease of dealing with construction permits (figure 3.2). The rankings for comparator

economies and the regional average ranking provide other useful information for assessing how easy it is for an entrepreneur in Kenya to legally build a warehouse.

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



Source: Doing Business database.

DEALING WITH CONSTRUCTION PERMITS

What are the changes over time?

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

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

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

Indicator	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	31	45
Procedures (number)	7	7	7	7	8	8	8	9
Time (days)	163	163	130	105	125	125	125	125
Cost (% of income per capita)	65.5	61.6	54.0	42.5	158.4	164.4	160.9	211.9

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

Source: *Doing Business* database.

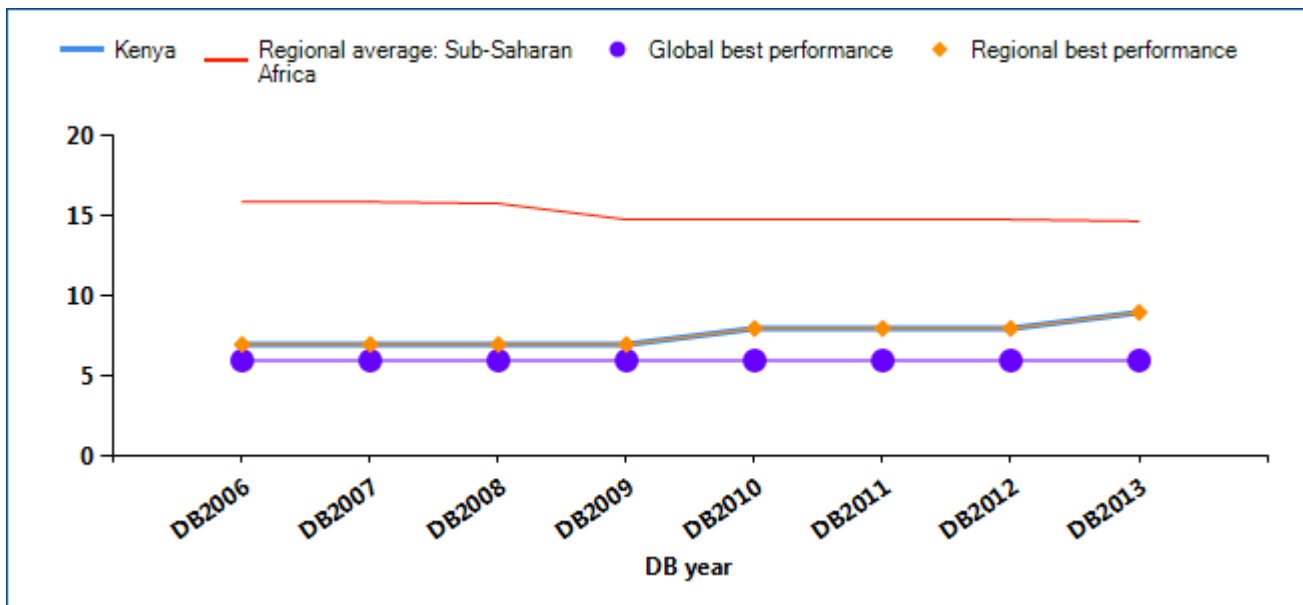
DEALING WITH CONSTRUCTION PERMITS

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

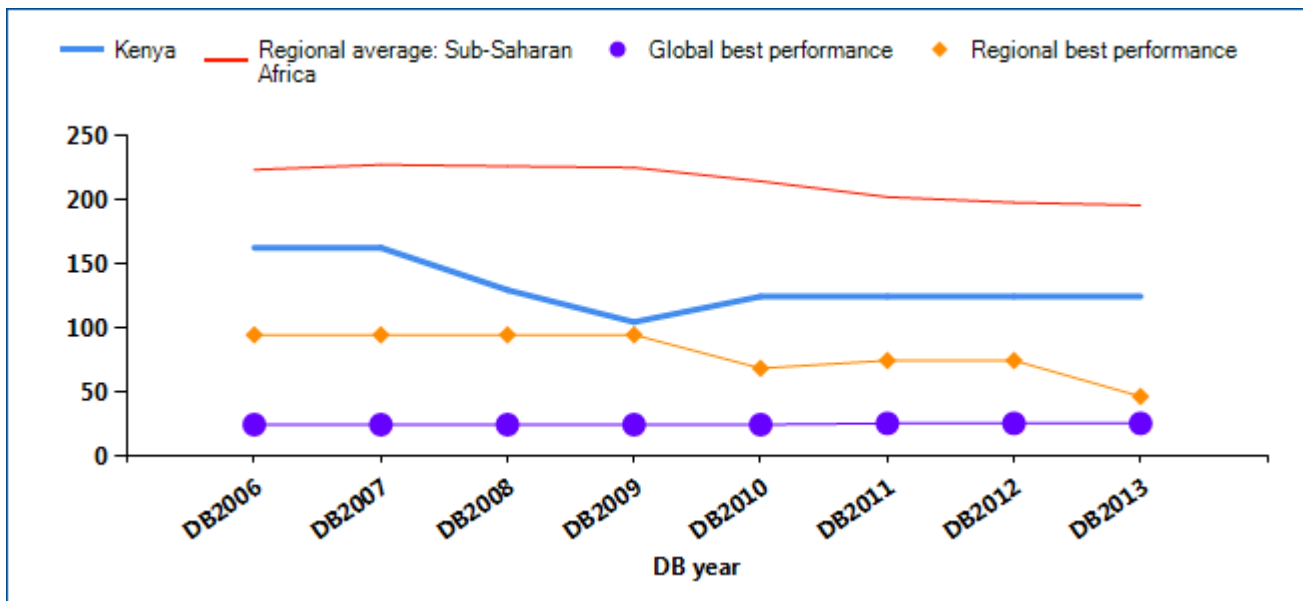
possible in making it easier to deal with construction permits. And changes in regional averages can show where Kenya is keeping up—and where it is falling behind.

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

Procedures (number)

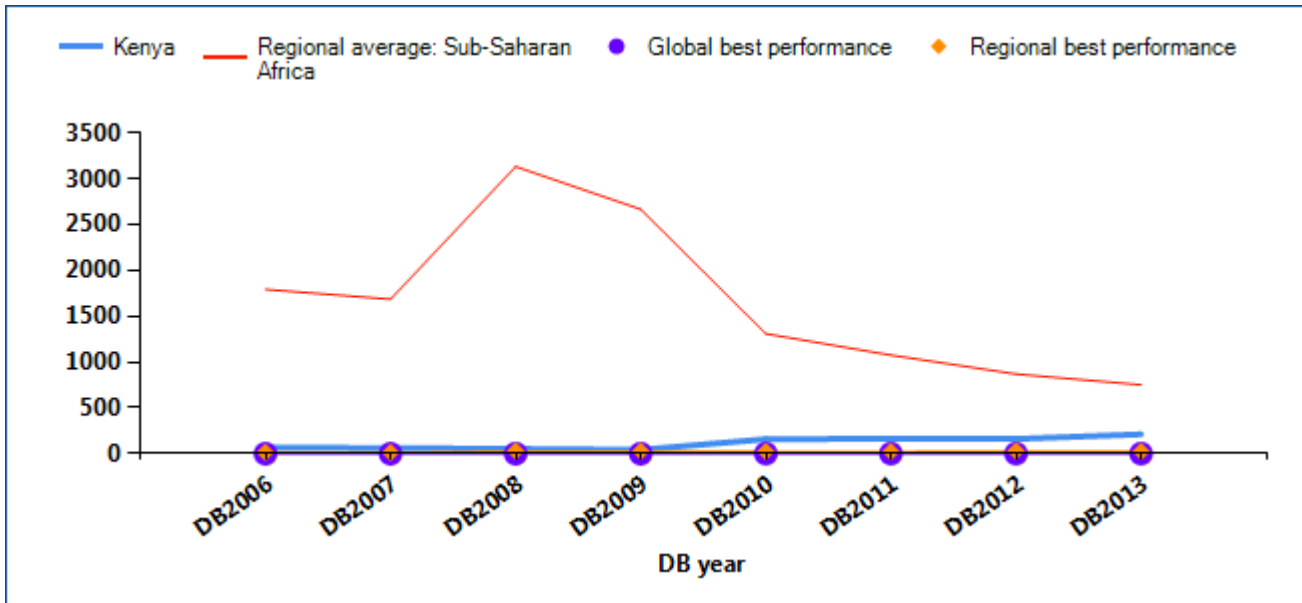


Time (days)



DEALING WITH CONSTRUCTION PERMITS

Cost (% of income per capita)



Source: Doing Business database.

DEALING WITH CONSTRUCTION PERMITS

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

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

Table 3.2 How has Kenya made dealing with construction permits easier—or not?

By *Doing Business* report year

DB year	Reform
DB2008	Kenya made obtaining construction permits easier by implementing licensing reform, which simplified the procedures. Also, the government improved the efficiency of permit issuance. The cost of telephone connection has been reduced as well.
DB2009	No reform as measured by Doing Business.
DB2010	Kenya has increased the cost of dealing with construction permit process.
DB2011	No reform as measured by Doing Business.
DB2012	No reform as measured by Doing Business.
DB2013	No reform as measured by Doing Business.

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

Source: *Doing Business* database.

DEALING WITH CONSTRUCTION PERMITS

What are the details?

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

BUILDING A WAREHOUSE	
City :	Nairobi
Estimated Warehouse Value :	KES 32,500,000

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

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

No.	Procedure	Time to complete	Cost to complete
1	<p>Submit architectural plan for approval and obtain provisional building permit</p> <p>BuildCo would approach the City Development Department, of City Council of Nairobi (CCN) to get its architectural plans approved first. Before submitting the application, BuildCo needs to make payment of relevant fees. Once payment is made, BuildCo submits the receipt to the City Development Department. The application must contain the architectural drawings and plans, land title, copy of main architect’s license. The application then gets forwarded to various departments: Physical Planning, Road Department, Public Health, Fire Department, Water Authority, and Electricity Authority. Each department takes at least one week to clear the respective section of the plans, and grants separate permits for the plumbing, sewerage, and electrical activities that BuildCo will be involved in during the construction of the warehouse. Thereafter, the application is forwarded for approval to Technical Committee that convenes twice a week and issues the approvals. As a result of the approval of architectural drawings BuildCo will receive the building permit. Building permit is granted only provisionally, until the structural segment is approved.</p> <p>After that the building permit is obtained BuildCo needs to submit its structural project separately. Since 2006, CCN has been reforming under Rapid Results Initiative (RRI), trying to reduce the number of days and eliminate the bottlenecks. Since 2008 the architectural project approvals is done by Technical Committee that convenes twice a week and issues the approvals. Previously, the approving body was City Council itself. However, due to its busy schedule and backlog, it was decided to transfer the responsibility from the City Council to the Technical Committee. Because of various reforms it takes on average 30 days to obtain this part of approval as opposed to 50 days before. However, approval time varies because it depends on the diligence of</p>	30 days	KES 54,484

No.	Procedure	Time to complete	Cost to complete
	the architect.		
2	<p>Submit and obtain structural plan approval and final building permit</p> <p>Once the architectural plans and drawings are approved and comments and changes were made, BuildCo has to incorporate them into the structural plans and re-submit the application to CCN for approval. This is done as common practice for submitting both plans together is impossible. One other reason why these two steps happen separately is because the architectural drawings and plans are checked by Structural Department at stage when structural plans are approved. Construction works begin only after this approval.</p> <p>Since beginning this year due to RRI programme and internal process of simplification in the CCN it takes now 10 days to obtain the structural approval compared to previous 25 days.</p> <p>The company must have the following items approved: project plans, architectural drawings, location survey of property documents and others.</p>	10 days	KES 8,936
3	<p>Obtain a project report from an environmental expert</p> <p>A licensed environmental expert must be hired to prepare a project report to be submitted to NEMA.</p>	5 days	KES 50,000
4	<p>Obtain approval of the Environmental impact assessment study</p> <p>Following the enactment of new Environmental Management and Co-ordination Act on February 27, 2009, companies now have to obtain approval of project from National Environment Management Authority. Projects of all risk categories are subject to approval and environmental impact assessment (EIA), including the BuildCo warehouse. It would take 30 days. The cost is set at 0.05% of warehouse value (KES 32,500,000.00). Prior to February 11, 2009, the fee rate was 0.1% of warehouse value.</p> <p>The regulation regarding environmental impact assessment approval for Kenya has been in place since 1999. However, in recent years NEMA started enforcing the rules more vigorously. NEMA conducts periodic inspections during the construction. If new projects at the moment of inspection do not have an environmental impact assessment they may order the project be closed and erected objects demolished. Therefore, construction companies are now obtaining the environmental approval before the building is completed. Although, the legislation is not clear on what categories of building this regulation would apply.</p>	30 days	KES 16,250
5	<p>Request and receive on-site inspection by the municipal authority after construction</p>	5 days	KES 1,000

No.	Procedure	Time to complete	Cost to complete
	<p>Once the construction is completed alongside statutory inspections, BuildCo lodges an application for an occupancy certificate. The occupancy certificate is given when the City Council deems the building is in compliance with the approved architectural drawings.</p> <p>The application is then forwarded to the Assistant Director Enforcement so that an inspector is assigned for the final inspection of the construction. Normally it should be a combined visit from several other departments.</p>		
6	<p>Obtain occupancy certificate</p> <p>Once the construction is completed alongside statutory inspections, BuildCo lodges an application for an occupancy certificate. The occupancy certificate is given when the City Council deems the building is in compliance with the approved architectural drawings.</p>	14 days	KES 10,992
7	<p>Apply for water and sewerage connection</p>	1 day	KES 1,100
8	<p>Pay water and sewerage installation costs and obtain connection</p> <p>The applicant is required to submit an "application for water and sewerage supply form" obtained from the Nairobi City Water and Sewerage Company. Thereafter, the applicant is required to pay KES 1,100.00 for a survey and estimates fees and attach the receipt of payment to the application form. The applicant is also required to attach the company's certificate of registration and its PIN number. The Nairobi Water Company may approve the application after all these documents have been submitted. After approval, applicant is required to pay KES 6,000.00. The applicant is responsible for payment of all water, meter rent, sewer, conservancy, and refuse collection charges. The process usually takes a month.</p>	30 days	KES 6,000
9	<p>* Apply and pay for telephone connection</p> <p>Telkom Kenya and Bell Western Telecommunication Ltd are the authorized fixed telephone operators. The latter is in charge of rural telecommunication operations.</p>	5 days	KES 3,395

* Takes place simultaneously with another procedure.

Source: *Doing Business* database.

GETTING ELECTRICITY

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

What do the indicators cover?

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

The warehouse:

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

The electricity connection:

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

WHAT THE GETTING ELECTRICITY INDICATORS MEASURE

Procedures to obtain an electricity connection (number)

Submitting all relevant documents and obtaining all necessary clearances and permits

Completing all required notifications and receiving all necessary inspections

Obtaining external installation works and possibly purchasing material for these works

Concluding any necessary supply contract and obtaining final supply

Time required to complete each procedure (calendar days)

Is at least 1 calendar day

Each procedure starts on a separate day

Does not include time spent gathering information

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

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

Official costs only, no bribes

Excludes value added tax

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

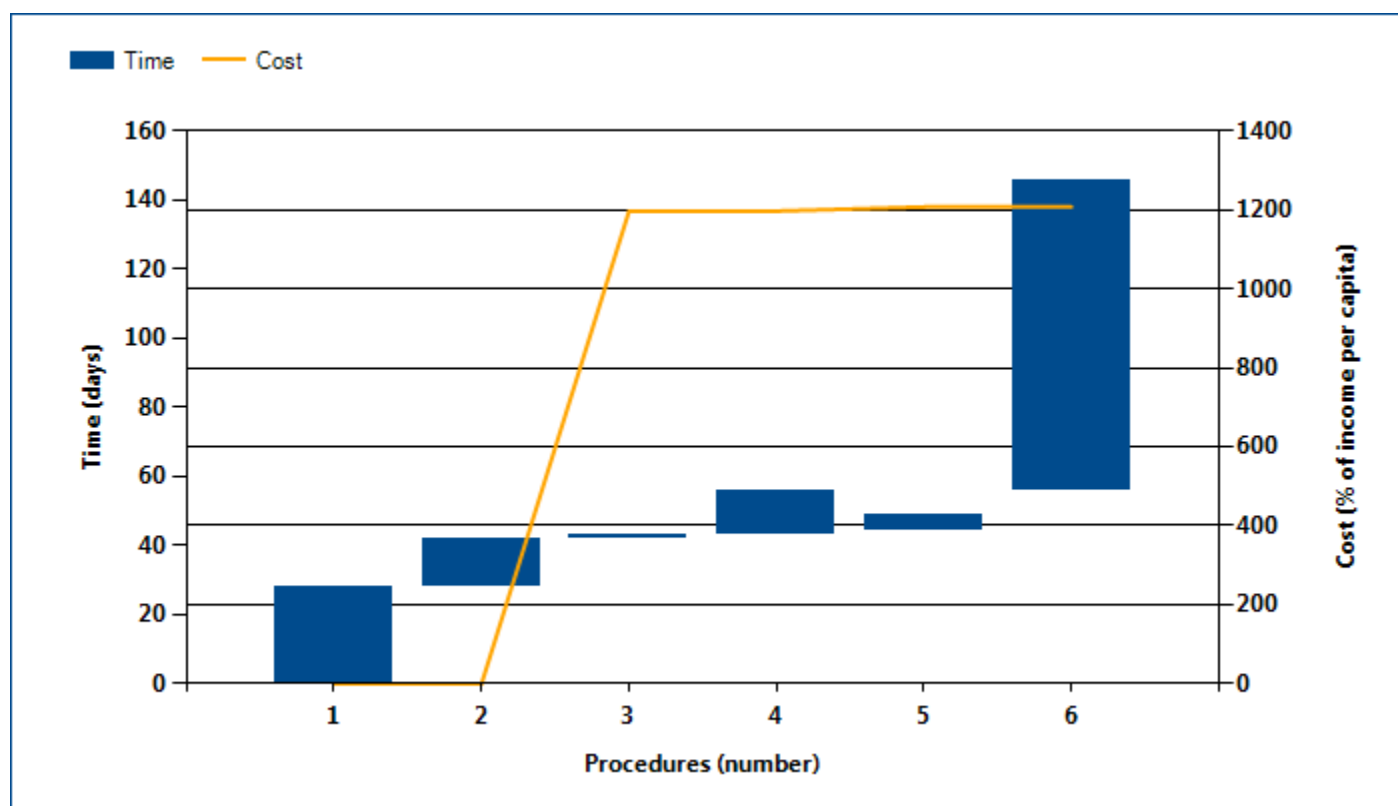
GETTING ELECTRICITY

Where does the economy stand today?

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

procedures, takes 146 days and costs 1208.2% of income per capita (figure 4.1).

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



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

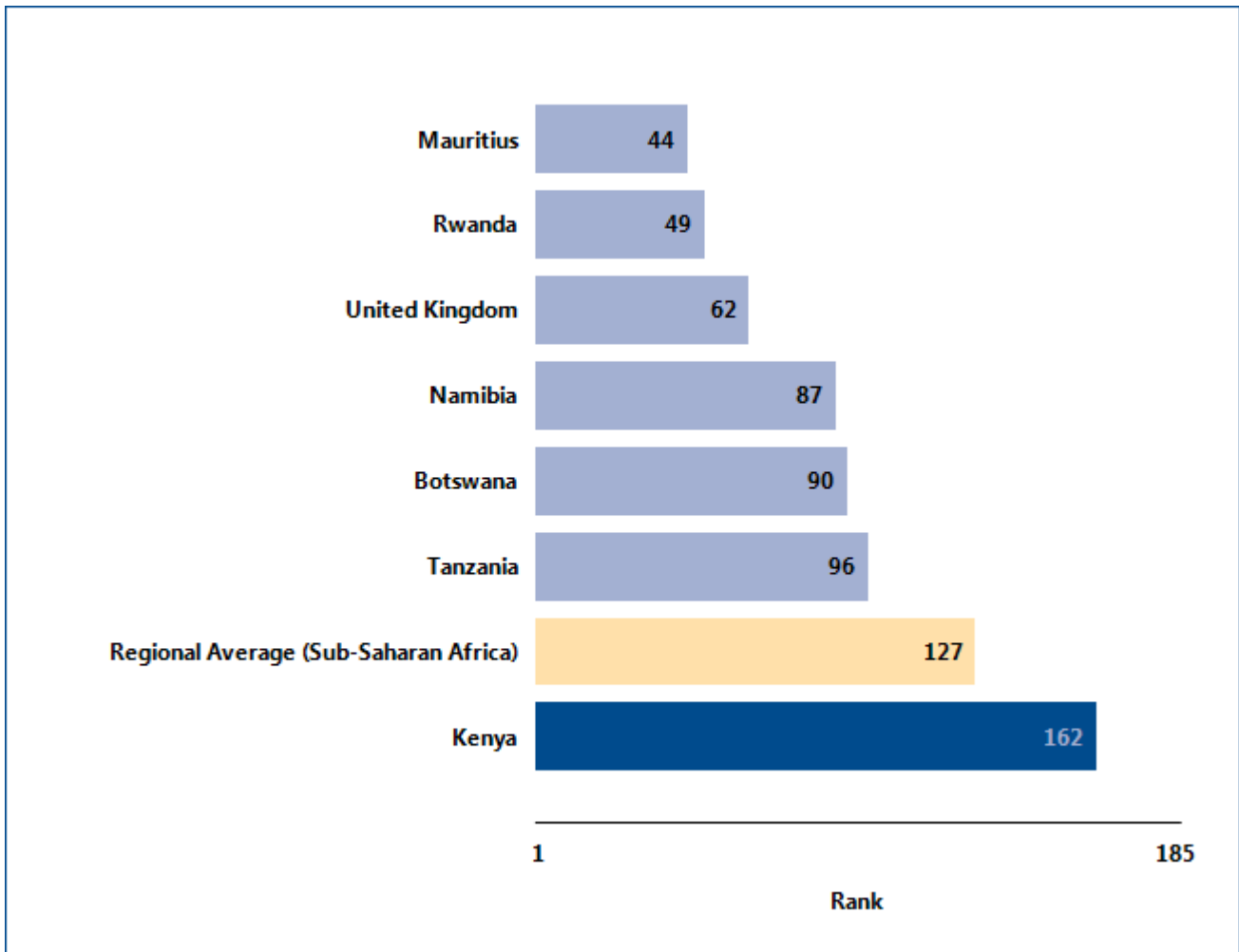
Source: *Doing Business* database.

GETTING ELECTRICITY

Globally, Kenya stands at 162 in the ranking of 185 economies on the ease of getting electricity (figure 4.2). The rankings for comparator economies and the

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

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



Source: Doing Business database.

GETTING ELECTRICITY

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

Table 4.1 The ease of getting electricity in Kenya

Indicator	Kenya DB2013	Kenya DB2012	Best performer in Sub-Saharan Africa DB2013	Best performer globally DB2013
Rank	162	162	Mauritius (44)	Iceland (1)
Procedures (number)	6	6	Comoros (3)	Germany (3)*
Time (days)	146	163	Rwanda (30)	Germany (17)
Cost (% of income per capita)	1,208.2	1,431.6	Mauritius (295.1)	Japan (0.0)

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

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

Source: *Doing Business* database.

GETTING ELECTRICITY

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

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

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

By *Doing Business* report year

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

Source: *Doing Business* database.

GETTING ELECTRICITY

What are the details?

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

OBTAINING AN ELECTRICITY CONNECTION

City: Nairobi

Name of Utility: Kenya Power and Lighting Co. Ltd

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

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

No.	Procedure	Time to complete	Cost to complete
1	<p>Submit application to Kenya Power and Lighting Company Ltd (KPLC) and await site inspection</p> <p>The client submits the following documents:</p> <ul style="list-style-type: none"> • Enquiry for supply of electricity form –Collected from KPLC and duly filled out • Copy of Certificate of registration • Copy of PIN Certificate • Sketch Map to the Premises • Permit from city council to show that the land is occupied legally and structure is correctly done and approved by city council <p>KPLC conducts external site inspection during this period and gives recommendations if client has not met standard requirements or price estimate/quote if all standards are met and procedures for set-up can proceed. During this inspection period KPLC looks at some key aspects that also determine the price estimate that the client will receive.</p> <ul style="list-style-type: none"> • Amount of power required for the building. • Existing infrastructure (Poles and transformers) and their proximity to the premises. It is important to note that if the premise is within 600m of existing infrastructure, this considerably lowers the cost. • Way leaves clearance –Pathways for laying down infrastructure and any permits or notifications needed to facilitate this. 	28 calendar days	no charge
2	<p>Receive site visit from KPLC and await estimate</p> <p>KPLC conducts external site inspection and gives recommendations if client has not met standard requirements or price estimate/quote if all standards are met and procedures for set-up can proceed. During this inspection period KPLC looks at some key aspects that also determine</p>	14 calendar days	no charge

No.	Procedure	Time to complete	Cost to complete
	the price estimate that the client will receive.		
3	Customer pays estimate and signs supply contract Connection costs include capital contribution charges for network reinforcement for upto 1000 meters. Customer fills in Supply Contract form and submits to the Meter Installation section through the customer service department. Customer also submits internal wiring clearance certificate from electrician.	1 calendar day	KES 860,000.0
4	Customer calls utility and collects meter and meter number	13 calendar days	no charge
5	* Customer obtains excavation permit from City Council and submits to utility Customer needs to obtain an excavation permit from the City Council.	5 calendar days	KES 7,500.0
6	KPLC conducts external connection works, meter installation and electricity starts flowing External connection works are done by Distribution Department, and while reaching completion, they inform the Meter Installation Section in Customer Service Department to complete metering. This is an internal procedure, and the customer is not involved.	90 calendar days	no charge

* Takes place simultaneously with another procedure.

Source: *Doing Business* database.

REGISTERING PROPERTY

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

What do the indicators cover?

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

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

The parties (buyer and seller):

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

The property (fully owned by the seller):

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

WHAT THE REGISTERING PROPERTY INDICATORS MEASURE

Procedures to legally transfer title on immovable property (number)

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

Registration in the economy's largest business city

Postregistration (for example, filing title with the municipality)

Time required to complete each procedure (calendar days)

Does not include time spent gathering information

Each procedure starts on a separate day

Procedure completed once final document is received

No prior contact with officials

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

Official costs only, no bribes

No value added or capital gains taxes included

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

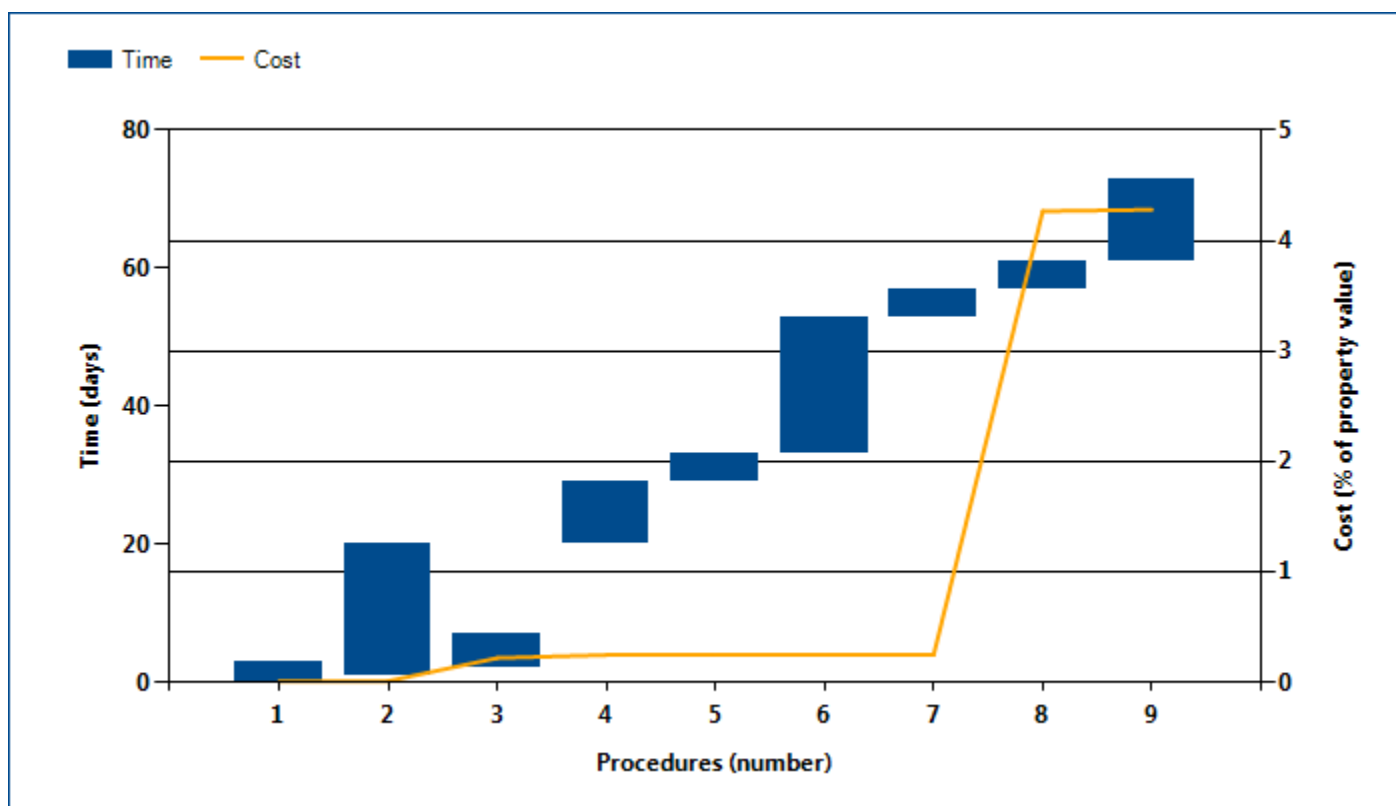
REGISTERING PROPERTY

Where does the economy stand today?

What does it take to complete a property transfer in Kenya? According to data collected by *Doing Business*, registering property there requires 9 procedures, takes

73 days and costs 4.3% of the property value (figure 5.1).

Figure 5.1 What it takes to register property in Kenya



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

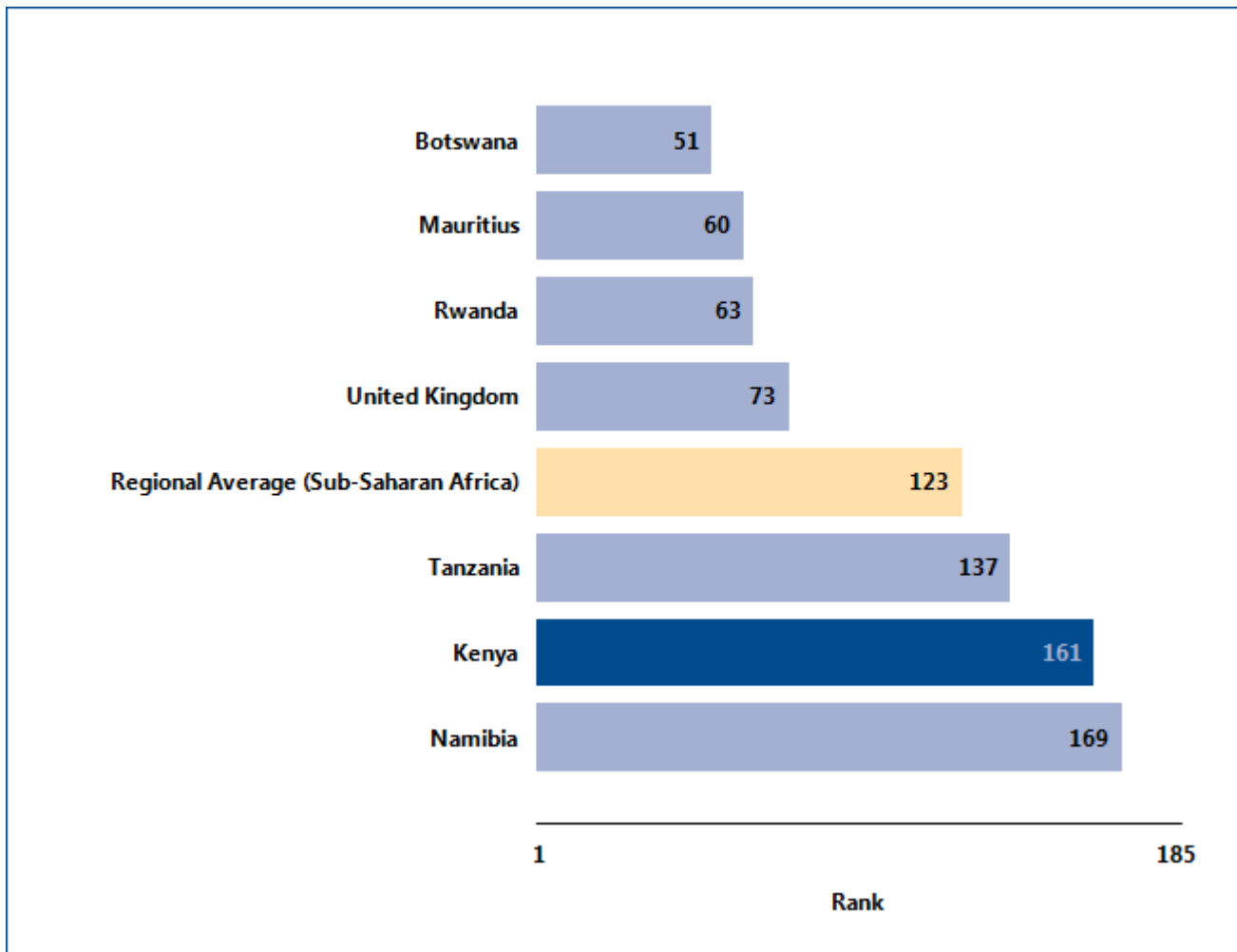
Source: *Doing Business* database.

REGISTERING PROPERTY

Globally, Kenya stands at 161 in the ranking of 185 economies on the ease of registering property (figure 5.2). The rankings for comparator economies and the

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

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



Source: Doing Business database.

REGISTERING PROPERTY

What are the changes over time?

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

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

Indicator	DB2005	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	..	157	161
Procedures (number)	7	8	9	8	9	9	9	9	9
Time (days)	39	73	82	73	64	73	73	73	73
Cost (% of property value)	4.0	4.1	4.1	4.2	4.2	4.2	4.3	4.3	4.3

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

Source: *Doing Business* database.

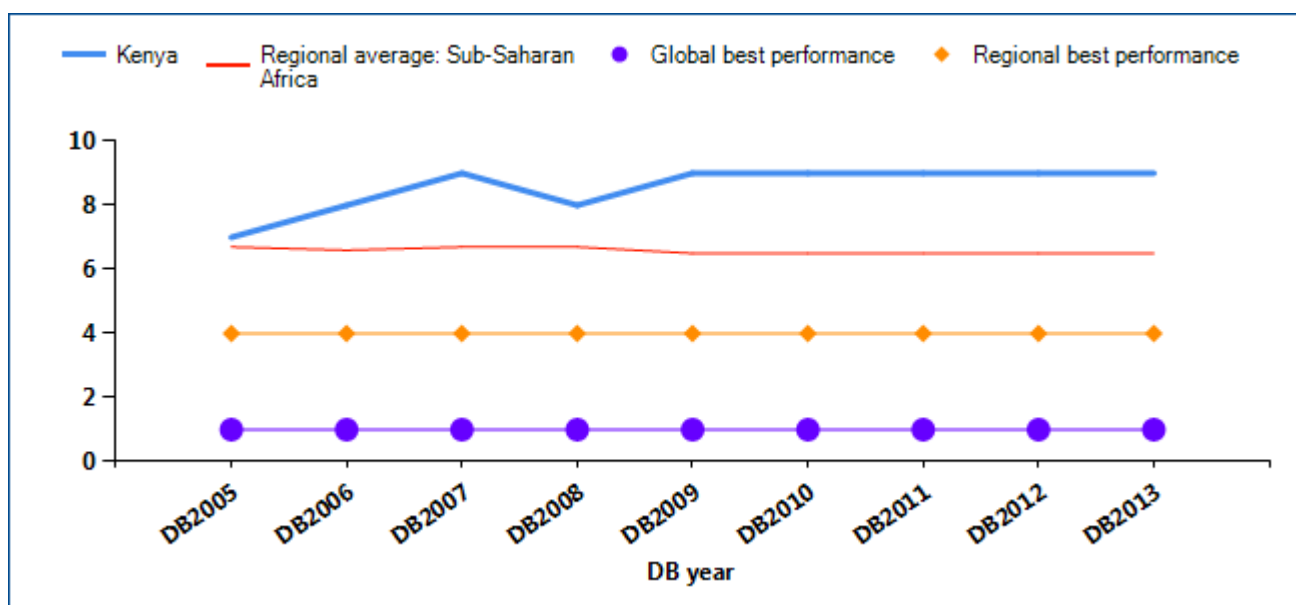
REGISTERING PROPERTY

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

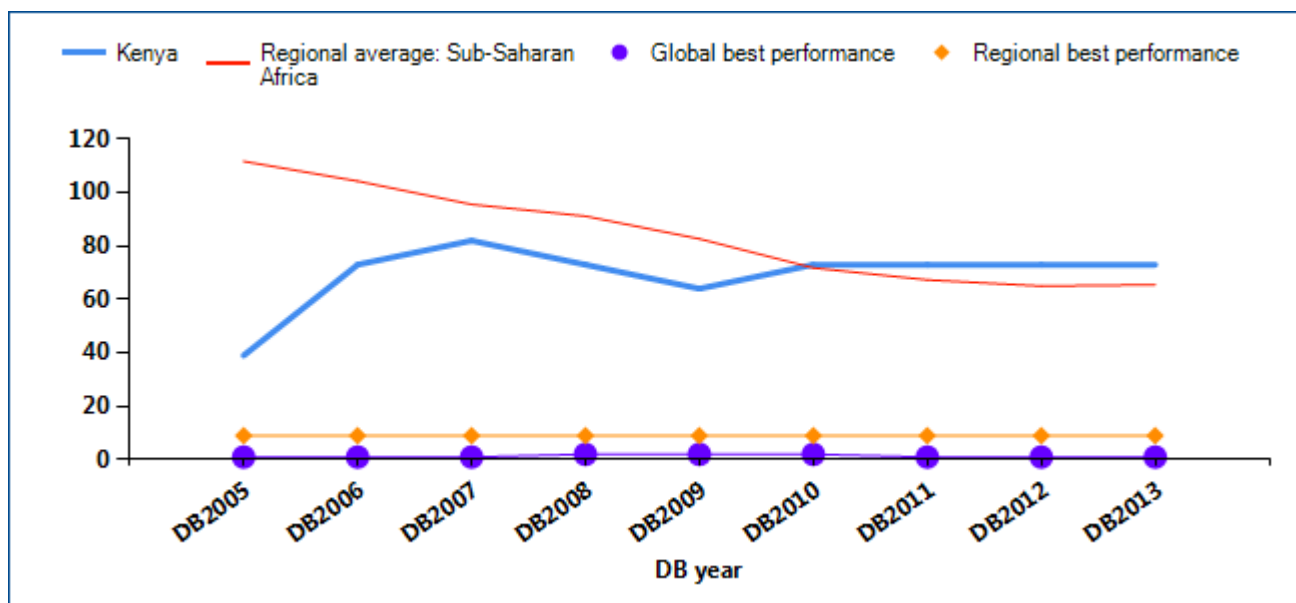
(figure 5.3). These benchmarks help show what is possible in making it easier to register property. And changes in regional averages can show where Kenya is keeping up—and where it is falling behind.

Figure 5.3 Has registering property become easier over time?

Procedures (number)

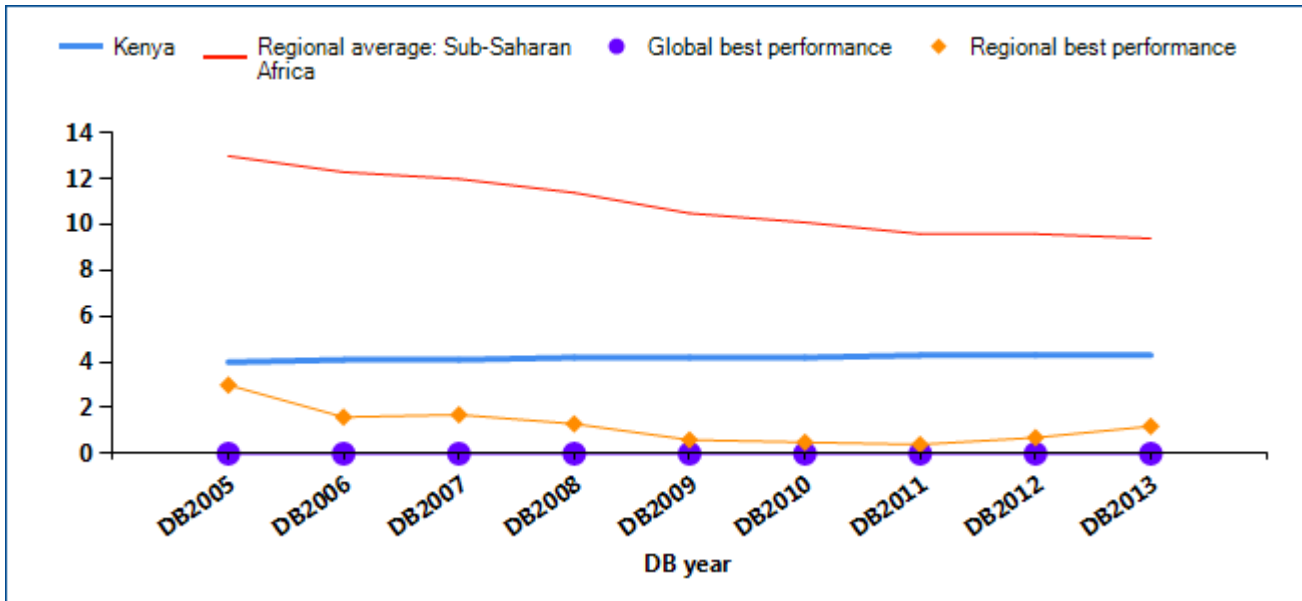


Time (days)



REGISTERING PROPERTY

Cost (% of property value)



Source: Doing Business database.

REGISTERING PROPERTY

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

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

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

DB year	Reform
DB2008	The introduction of competition among land valuers (allowing private practitioners) led to a faster turnaround of one week instead of one month for a land valuation.
DB2009	No reform as measured by Doing Business.
DB2010	No reform as measured by Doing Business.
DB2011	No reform as measured by Doing Business.
DB2012	No reform as measured by Doing Business.
DB2013	No reform as measured by Doing Business.

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

Source: *Doing Business* database.

REGISTERING PROPERTY

What are the details?

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

STANDARD PROPERTY TRANSFER

City: Nairobi
Property Value: KES 3,589,992

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

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

No.	Procedure	Time to complete	Cost to complete
1	<p>* Apply for a search on the title at the Lands Office</p> <p>In respect of searches on property registered under the Registered Land Act, a copy of the title document is required to be submitted at the time of applying for the search. Also, one cannot carry out a personal search but must instead apply for an official search.</p>	3 days (simultaneous with Procedure 2)	KES 500
2	<p>* Apply and Obtain Land Rent Clearance Certificate from the Commissioner of Lands</p> <p>Seller's lawyer obtains the Land Rent Clearance Certificate from the Commissioner of Lands at no cost.</p>	19 days (simultaneous with Procedure 1)	no cost
3	<p>* Apply, pay and obtain Rates Clearance Certificate from the Nairobi City Council</p> <p>Seller's lawyer obtains the Rates Clearance Certificate from the Nairobi City Council. This certificate is important proof that there are no outstanding fees to be paid to the Municipality. Lawyers are not required to be involved in the registration process. Lawyers' fees are calculated based on a fixed scale depending on the value of the property.</p>	5 days (simultaneous with Procedure 1 & 2)	KES 7,500
4	<p>Apply and obtain consent to transfer from the Commissioner of Lands</p>	9 days	KES 1,000
5	<p>File the transfer instrument at the Lands Office and obtain appointment for valuation</p> <p>The draft transfer is prepared by the buyer's lawyers and needs to be approved by the seller's counterpart. The transfer instrument is filed at the Land office to be assessed for Stamp duty.</p>	5 days	no cost

No.	Procedure	Time to complete	Cost to complete
6	<p>Receive site inspection by Government valuer and obtain valuation report</p> <p>Once the draft transfer has been filed at the land office, an inspector visits the site to verify the development and state of the property. Due to lack of transport, in practice, the inspector often has to be picked up in person and driven to the site.</p> <p>Previously, such inspections were conducted on a random basis, but now every transaction requires such an inspection. The issues involved are similar to the inspections by the land officer and, therefore, may happen within 1 day to up to over one month.</p> <p>Once the valuer has inspected the property to assess its value, a report is compiled after which the value is endorsed on the transfer and then it is submitted for assessment of the Stamp duty.</p>	21 days	no cost
7	<p>Endorsement of value for stamp duty purposes and assessment of Stamp duty</p> <p>The Stamp Duty Assessment form is completed including the purchase price (in quadruplet). The stamp duty assessment officer stationed at the Ministry of Lands banking hall will then assess the stamp duty payable and indicate the amount on the Forms. Stamping of the document takes on average 3 days.</p>	4 days	no cost
8	<p>Payment of Stamp Duty at Commercial Bank and receive confirmation of payment from Kenya Revenue Authority</p> <p>Payment of Stamp Duty is made at a Commercial Banks designated by the Ministry of Land. If the amount exceed k.shs. 1 million, payment is made by RTGS bank transfer. It takes about 4 days for the Kenya Revenue Authority to confirm receipt of payment after which the transfer agreement can be franked or embossed evidencing payment of stamp duty.</p>	4 days	KES 600 (charge for Banker's check) + 4% of property value (stamp Duty)
9	<p>Lodge stamped transfer document for registration and receive duly registered documents</p> <p>The stamped transfer documents are lodged for registration at the Lands Office.</p> <p>These documents are generally obtained from seller's lawyers, these being original Certificate of Title, Rates Clearance Certificate, Land Rent Clearance Certificate, and the Consent Transfer.</p> <p>Inform seller's lawyers of registration and pay balance of the purchase price.</p> <p>The certificate of the registered transfer is collected at the Lands Office.</p>	12days	KES 500

* Takes place simultaneously with another procedure.

Source: *Doing Business* database.

GETTING CREDIT

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

What do the indicators cover?

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

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

WHAT THE GETTING CREDIT INDICATORS MEASURE

Strength of legal rights index (0–10)

Protection of rights of borrowers and lenders through collateral laws

Protection of secured creditors' rights through bankruptcy laws

Depth of credit information index (0–6)

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

Public credit registry coverage (% of adults)

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

Private credit bureau coverage (% of adults)

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

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

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

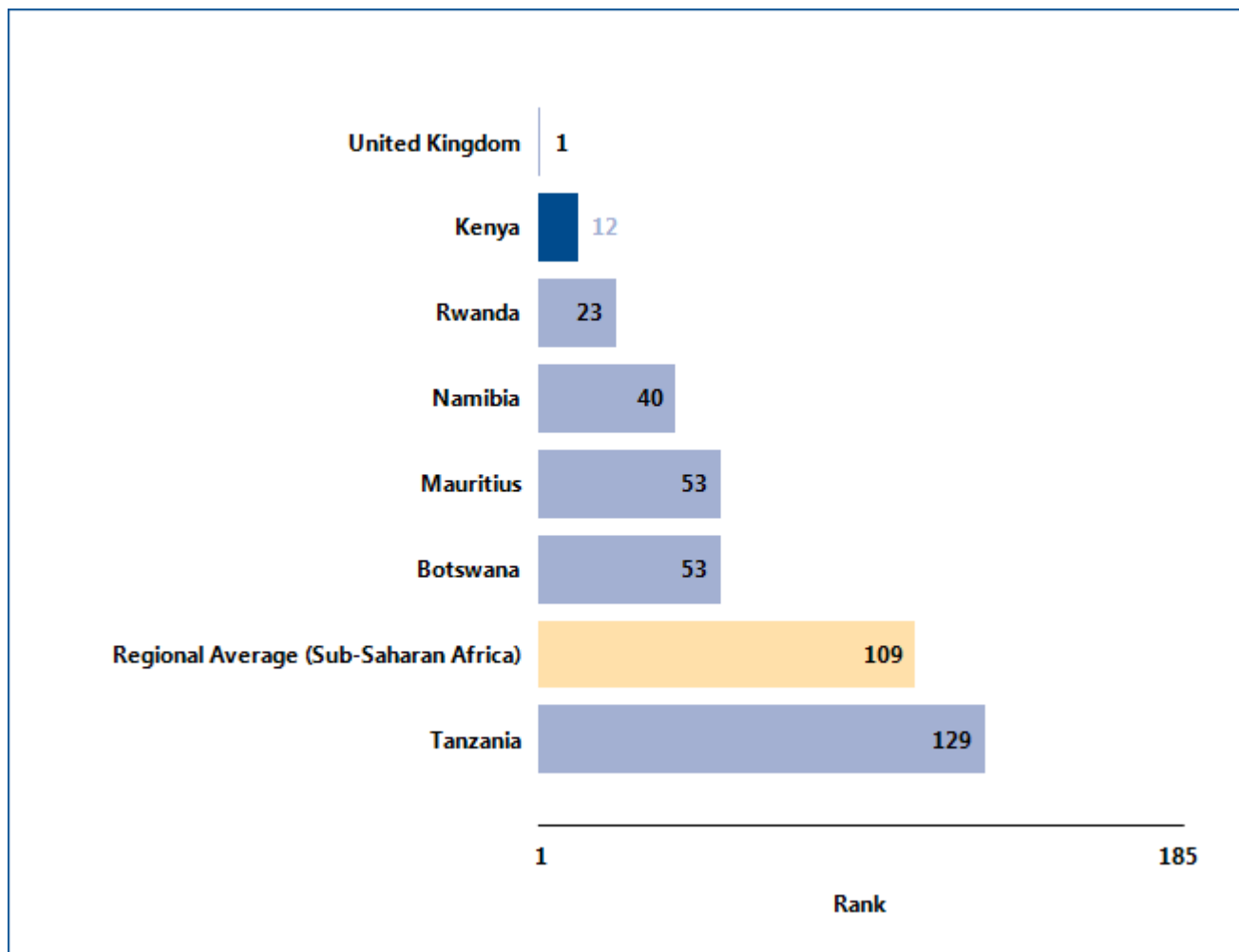
GETTING CREDIT

Where does the economy stand today?

How well do the credit information system and collateral and bankruptcy laws in Kenya facilitate access to credit? The economy has a score of 4 on the depth of credit information index and a score of 10 on the strength of legal rights index (see the summary of scoring at the end of this chapter for details). Higher scores indicate more credit information and stronger legal rights for borrowers and lenders.

Globally, Kenya stands at 12 in the ranking of 185 economies on the ease of getting credit (figure 6.1). The rankings for comparator economies and the regional average ranking provide other useful information for assessing how well regulations and institutions in Kenya support lending and borrowing.

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



Source: Doing Business database.

GETTING CREDIT

What are the changes over time?

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

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

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

Indicator	DB2005	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	..	9	12
Strength of legal rights index (0-10)	10	10	10	10	10	10	10	10	10
Depth of credit information index (0-6)	0	2	2	4	4	4	4	4	4
Public registry coverage (% of adults)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Private bureau coverage (% of adults)	0.1	0.1	0.1	1.5	2.1	2.3	3.3	4.5	4.9

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

Source: *Doing Business* database.

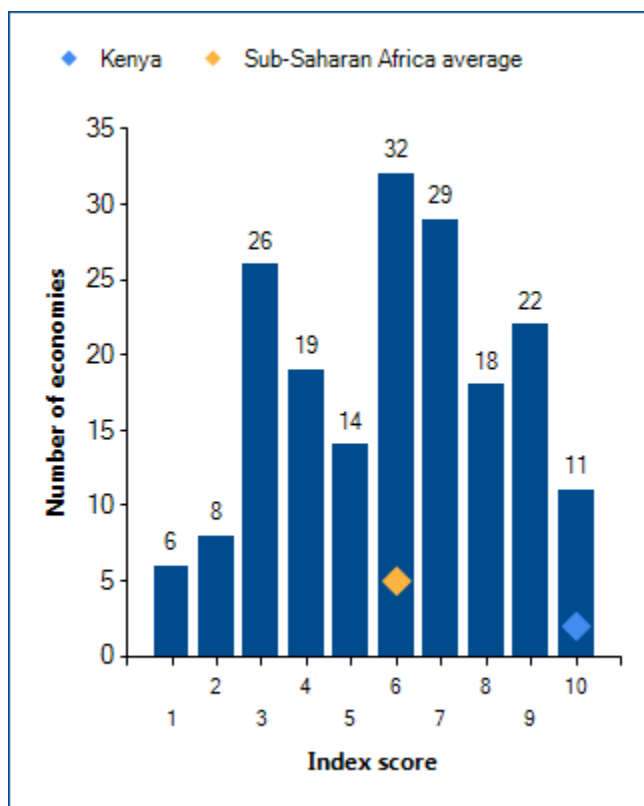
GETTING CREDIT

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

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

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

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

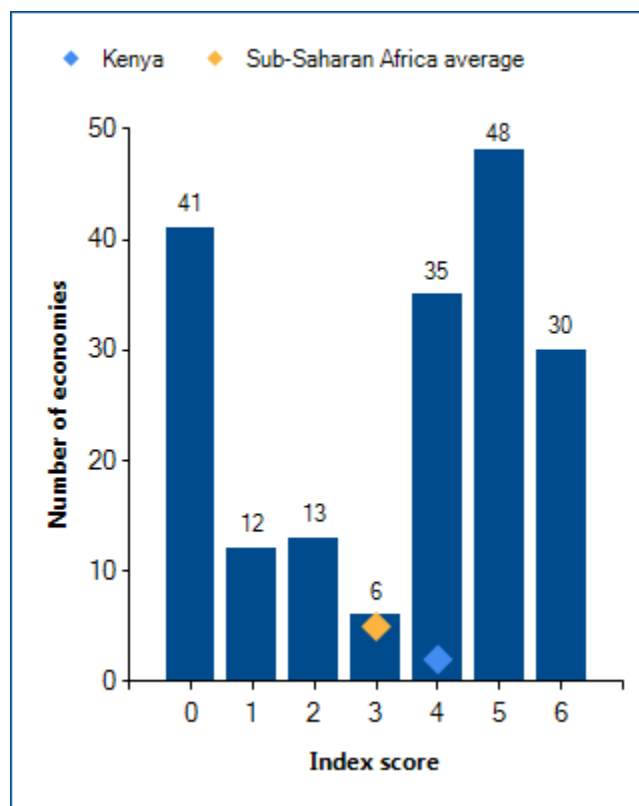


Note: Higher scores indicate that collateral and bankruptcy laws are better designed to facilitate access to credit.

Source: Doing Business database.

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

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



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

Source: Doing Business database.

GETTING CREDIT

When economies strengthen the legal rights of lenders and borrowers under collateral and bankruptcy laws, and increase the scope, coverage and accessibility of

credit information, they can increase entrepreneurs' access to credit. What credit reforms has *Doing Business* recorded in Kenya (table 6.2)?

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

DB year	Reform
DB2008	The private credit bureau deepened its database coverage by adding retailers and utility companies as providers of information.
DB2009	No reform as measured by Doing Business.
DB2010	Kenya improved its access to credit by passing and implementing a law on credit bureaus that will provide a framework for a regulated and reliable system of credit information sharing.
DB2011	No reform as measured by Doing Business.
DB2012	No reform as measured by Doing Business.
DB2013	No reform as measured by Doing Business.

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

Source: *Doing Business* database.

GETTING CREDIT

What are the details?

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

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

Summary of scoring for the getting credit indicators in Kenya

Indicator	Kenya	Sub-Saharan Africa average	OECD high income average
Strength of legal rights index (0-10)	10	6	7
Depth of credit information index (0-6)	4	3	5
Public registry coverage (% of adults)	0.0	7.7	31.5
Private bureau coverage (% of adults)	4.9	25.6	74.6

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

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

Strength of legal rights index (0–10)	Index score: 10
Are secured creditors paid first (i.e. before general tax claims and employee claims) when a debtor defaults outside an insolvency procedure?	Yes
Are secured creditors paid first (i.e. before general tax claims and employee claims) when a business is liquidated?	Yes
Are secured creditors either not subject to an automatic stay or moratorium on enforcement procedures when a debtor enters a court-supervised reorganization procedure, or the law provides secured creditors with grounds for relief from an automatic stay or	Yes
Does the law allow parties to agree in a collateral agreement that the lender may enforce its security right out of court, at the time a security interest is created?	Yes

Depth of credit information index (0–6)	Private credit bureau	Public credit registry	Index score: 4
Are data on both firms and individuals distributed?	Yes	No	1
Are both positive and negative data distributed?	No	No	0
Does the registry distribute credit information from retailers, trade creditors or utility companies as well as financial institutions?	Yes	No	1
Are more than 2 years of historical credit information distributed?	No	No	0
Is data on all loans below 1% of income per capita distributed?	Yes	No	1
Is it guaranteed by law that borrowers can inspect their data in the largest credit registry?	Yes	No	1

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

Coverage	Private credit bureau	Public credit registry
Number of firms	128,024	0
Number of individuals	981,924	0

Source: Doing Business database.

PROTECTING INVESTORS

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

What do the indicators cover?

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

The business (Buyer):

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

The transaction involves the following details:

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

WHAT THE PROTECTING INVESTORS INDICATORS MEASURE

Extent of disclosure index (0–10)

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

Extent of director liability index (0–10)

- Ability of shareholders to hold interested parties and members of the approving body liable in case of related-party transactions
- Available legal remedies (damages, repayment of profits, fines, imprisonment and rescission of the transaction)
- Ability of shareholders to sue directly or derivatively

Ease of shareholder suits index (0–10)

- Access to internal corporate documents (directly or through a government inspector)
- Documents and information available during trial

Strength of investor protection index (0–10)

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

the company purchase used trucks from another company he owns.

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

PROTECTING INVESTORS

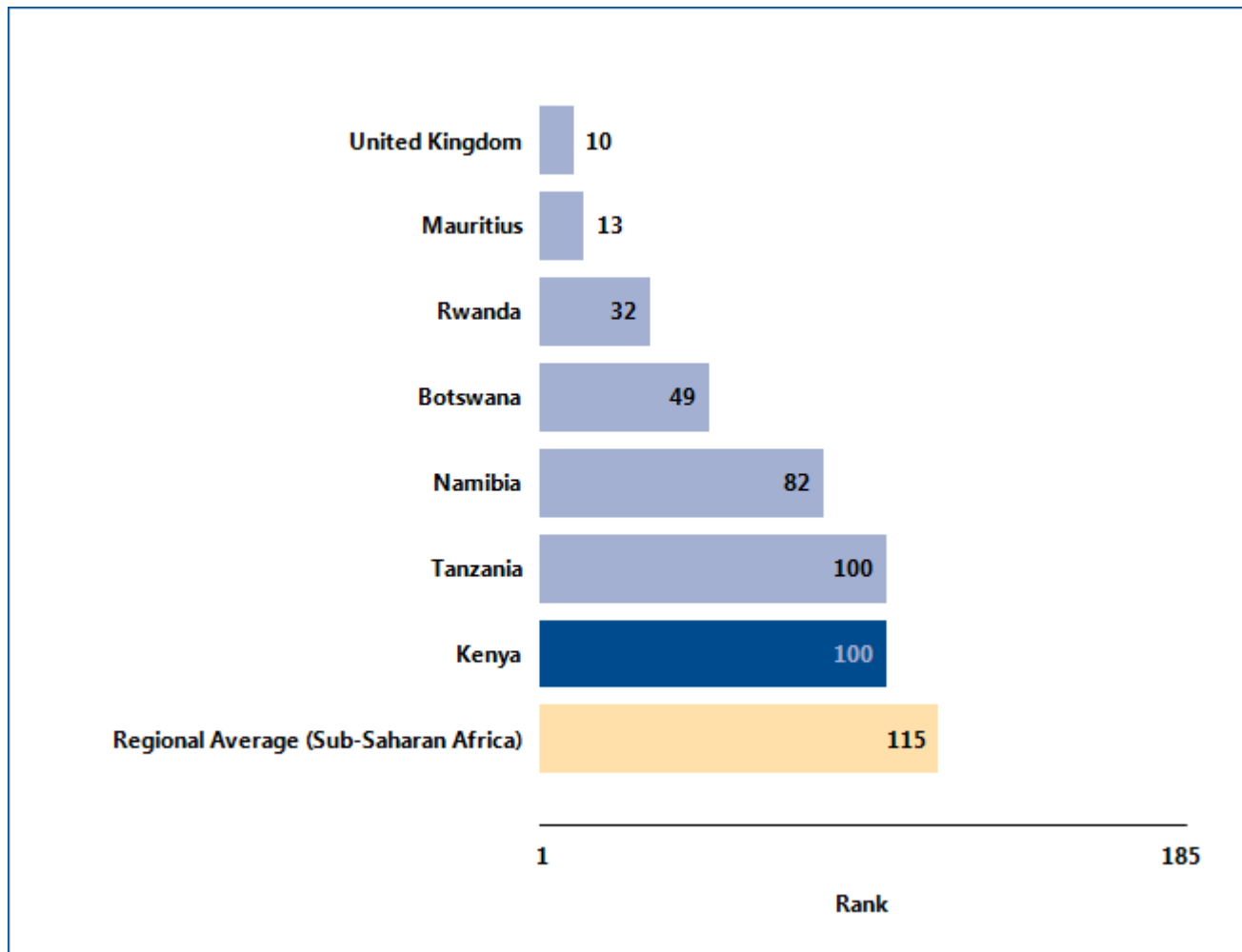
Where does the economy stand today?

How strong are investor protections in Kenya? The economy has a score of 5.0 on the strength of investor protection index, with a higher score indicating stronger protections (see the summary of scoring at the end of this chapter for details).

Globally, Kenya stands at 100 in the ranking of 185 economies on the strength of investor protection

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

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



Source: Doing Business database.

PROTECTING INVESTORS

What are the changes over time?

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

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

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

Indicator	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	98	100
Extent of disclosure index (0-10)	3	3	3	3	3	3	3	3
Extent of director liability index (0-10)	2	2	2	2	2	2	2	2
Ease of shareholder suits index (0-10)	10	10	10	10	10	10	10	10
Strength of investor protection index (0-10)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0

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

Source: *Doing Business* database.

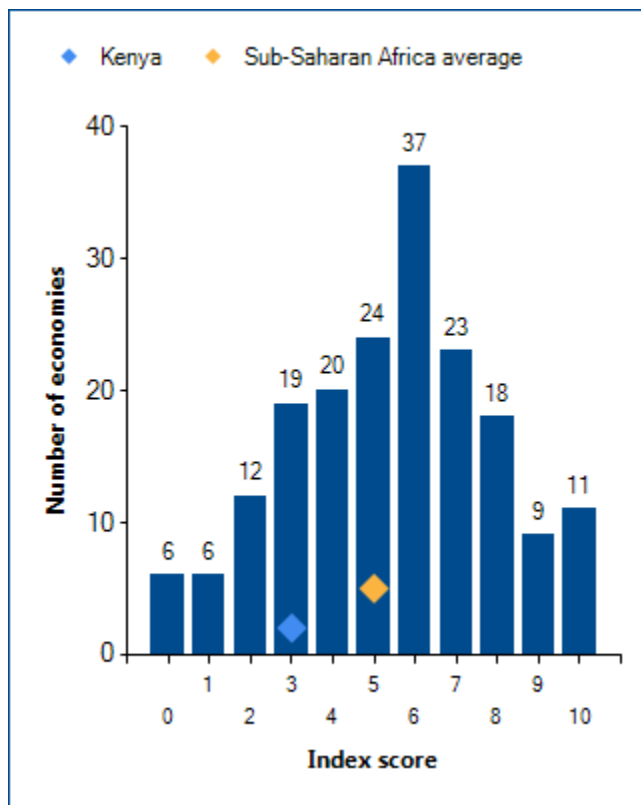
PROTECTING INVESTORS

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

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

Figure 7.2 How strong are disclosure requirements?

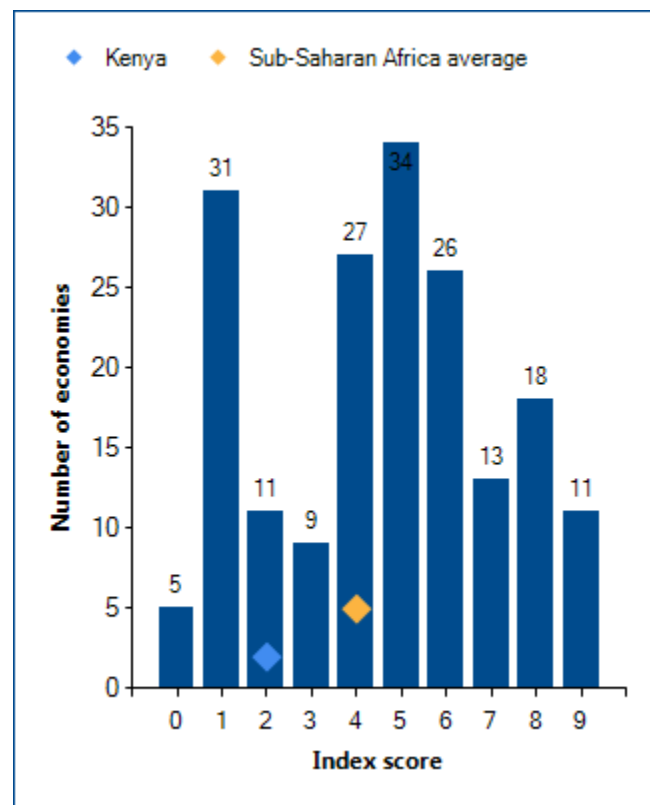
Number of economies with each score on extent of disclosure index (0–10), 2012



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

Figure 7.3 How strong is the liability regime for directors?

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

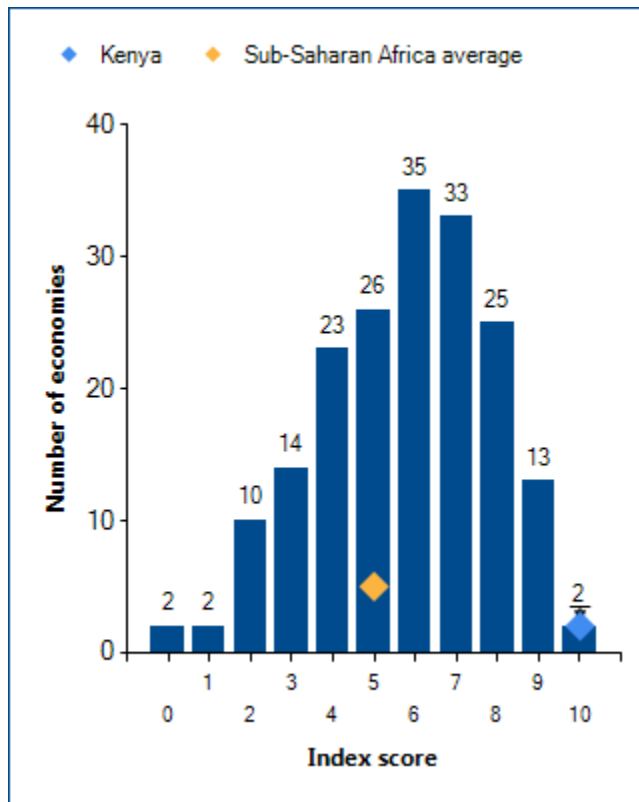


Note: Higher scores indicate greater liability of directors.
No economy receives a score of 10 on the extent of director liability index.
Source: Doing Business database.

PROTECTING INVESTORS

Figure 7.4 How easy is access to internal corporate documents?

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



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

Source: *Doing Business* database.

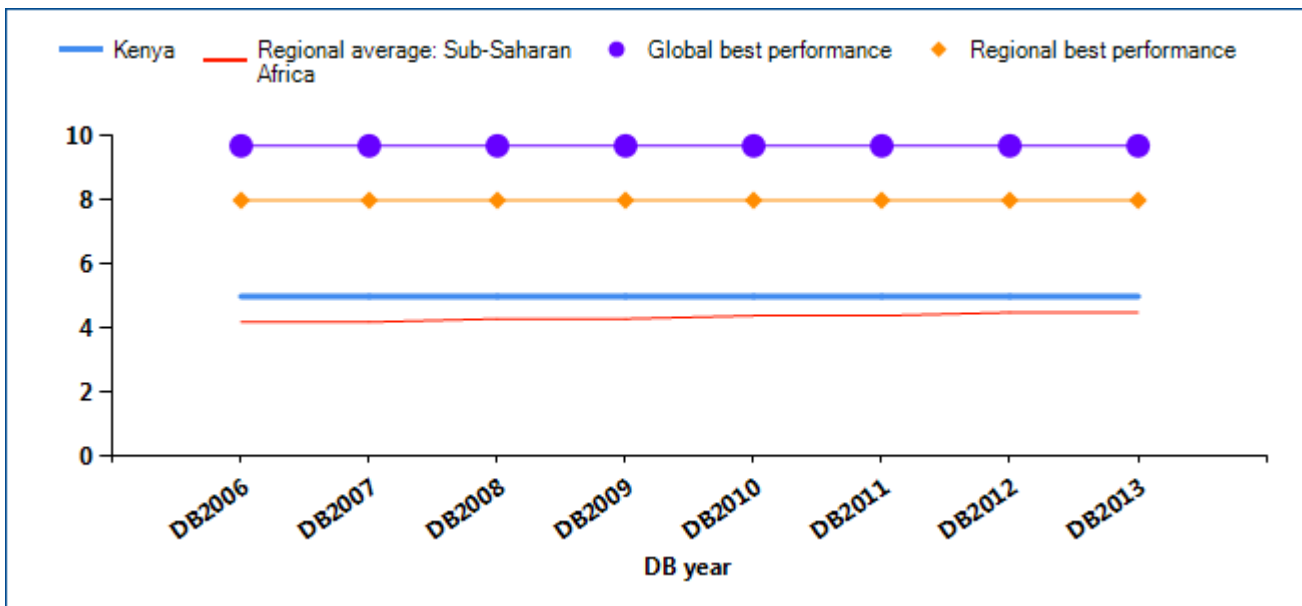
PROTECTING INVESTORS

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

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

Figure 7.5 Have investor protections become stronger over time?

Strength of investor protection index (0–10)



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

Source: Doing Business database.

PROTECTING INVESTORS

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

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

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

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

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

Source: *Doing Business* database.

PROTECTING INVESTORS

What are the details?

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

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

Summary of scoring for the protecting investors indicators in Kenya

Indicator	Kenya	Sub-Saharan Africa average	OECD high income average
Extent of disclosure index (0-10)	3	5	6
Extent of director liability index (0-10)	2	4	5
Ease of shareholder suits index (0-10)	10	5	7
Strength of investor protection index (0-10)	5.0	4.5	6.1

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

	Score	Score description
Extent of disclosure index (0-10)	3	
What corporate body provides legally sufficient approval for the transaction?	1	Board of directors and Mr. James is allowed to vote
Whether disclosure of the conflict of interest by Mr. James to the board of directors is required?	2	Full disclosure of all material facts
Whether immediate disclosure of the transaction to the public and/or shareholders is required?	0	No disclosure obligation
Whether disclosure of the transaction in published periodic filings (annual reports) is required?	0	No disclosure obligation
Whether an external body must review the terms of the transaction before it takes place?	0	No
Extent of director liability index (0-10)	2	
Whether shareholders can sue directly or derivatively for the damage that the Buyer-Seller transaction causes to the company?	1	Yes

	Score	Score description
Whether shareholders can hold Mr. James liable for the damage that the Buyer-Seller transaction causes to the company?	0	Not liable
Whether shareholders can hold members of the approving body liable for the damage that the Buyer-Seller transaction causes to the company?	1	Liable for negligence
Whether a court can void the transaction upon a successful claim by a shareholder plaintiff?	0	Not possible or only in case of Seller's fraud or bad faith
Whether Mr. James pays damages for the harm caused to the company upon a successful claim by the shareholder plaintiff?	0	No
Whether Mr. James repays profits made from the transaction upon a successful claim by the shareholder plaintiff?	0	No
Whether fines and imprisonment can be applied against Mr. James?	0	No
Ease of shareholder suits index (0-10)	10	
Whether shareholders owning 10% or less of Buyer's shares can inspect transaction documents before filing suit?	1	Yes
Whether shareholders owning 10% or less of Buyer's shares can request an inspector to investigate the transaction?	1	Yes
Whether the plaintiff can obtain any documents from the defendant and witnesses during trial?	4	Any information that may lead to the discovery of relevant information
Whether the plaintiff can request categories of documents from the defendant without identifying specific ones?	1	Yes
Whether the plaintiff can directly question the defendant and witnesses during trial?	2	Yes, without approval from the judge
Whether the level of proof required for civil suits is lower than that of criminal cases?	1	Yes
Strength of investor protection index (0-10)	5.0	

Source: *Doing Business* database.

PAYING TAXES

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

What do the indicators cover?

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

- TaxpayerCo is a medium-size business that started operations on January 1, 2010.
- The business starts from the same financial position in each economy. All the taxes and mandatory contributions paid during the second year of operation are recorded.
- Taxes and mandatory contributions are measured at all levels of government.

WHAT THE PAYING TAXES INDICATORS MEASURE

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

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

Method and frequency of filing and payment

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

Collecting information and computing the tax payable

Completing tax return forms, filing with proper agencies

Arranging payment or withholding

Preparing separate tax accounting books, if required

Total tax rate (% of profit before all taxes)

Profit or corporate income tax

Social contributions and labor taxes paid by the employer

Property and property transfer taxes

Dividend, capital gains and financial transactions taxes

Waste collection, vehicle, road and other taxes

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

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

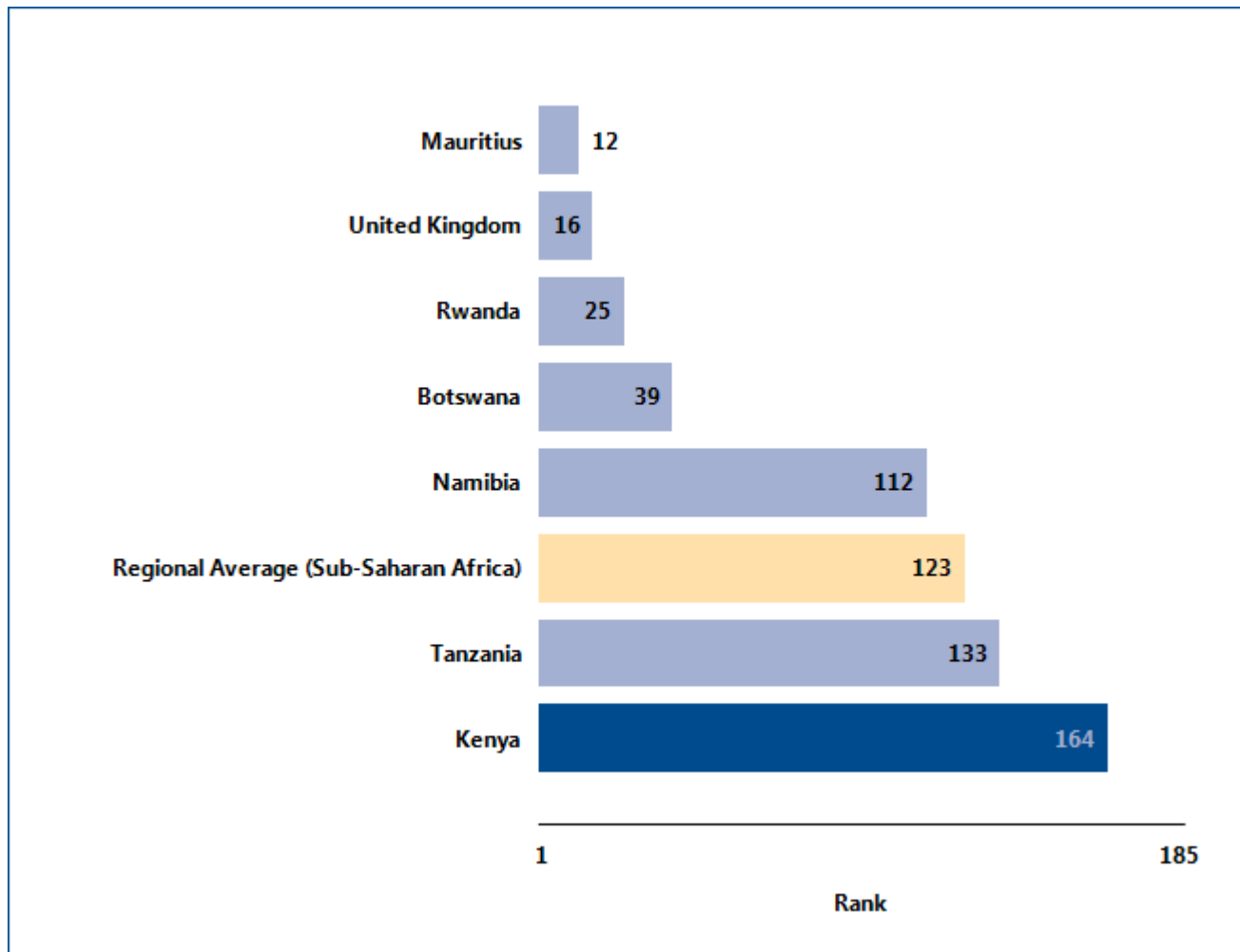
PAYING TAXES

Where does the economy stand today?

What is the administrative burden of complying with taxes in Kenya—and how much do firms pay in taxes? On average, firms make 41 tax payments a year, spend 340 hours a year filing, preparing and paying taxes and pay total taxes amounting to 44.4% of profit (see the summary at the end of this chapter for details).

Globally, Kenya stands at 164 in the ranking of 185 economies on the ease of paying taxes (figure 8.1). The rankings for comparator economies and the regional average ranking provide other useful information for assessing the tax compliance burden for businesses in Kenya.

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



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

Source: *Doing Business* database.

PAYING TAXES

What are the changes over time?

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

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

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

Indicator	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	168	164
Payments (number per year)	42	42	41	41	41	41	41	41
Time (hours per year)	372	432	432	417	417	393	393	340
Total tax rate (% profit)	50.2	50.2	49.7	49.7	49.7	49.7	49.6	44.4

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

Source: *Doing Business* database.

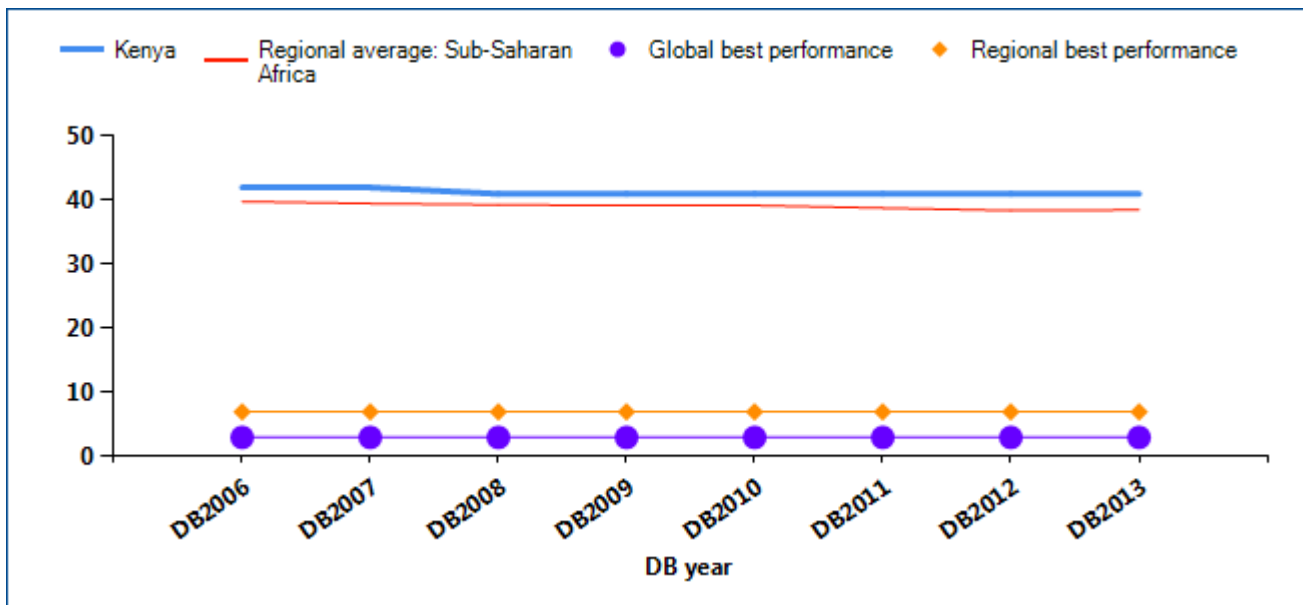
PAYING TAXES

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

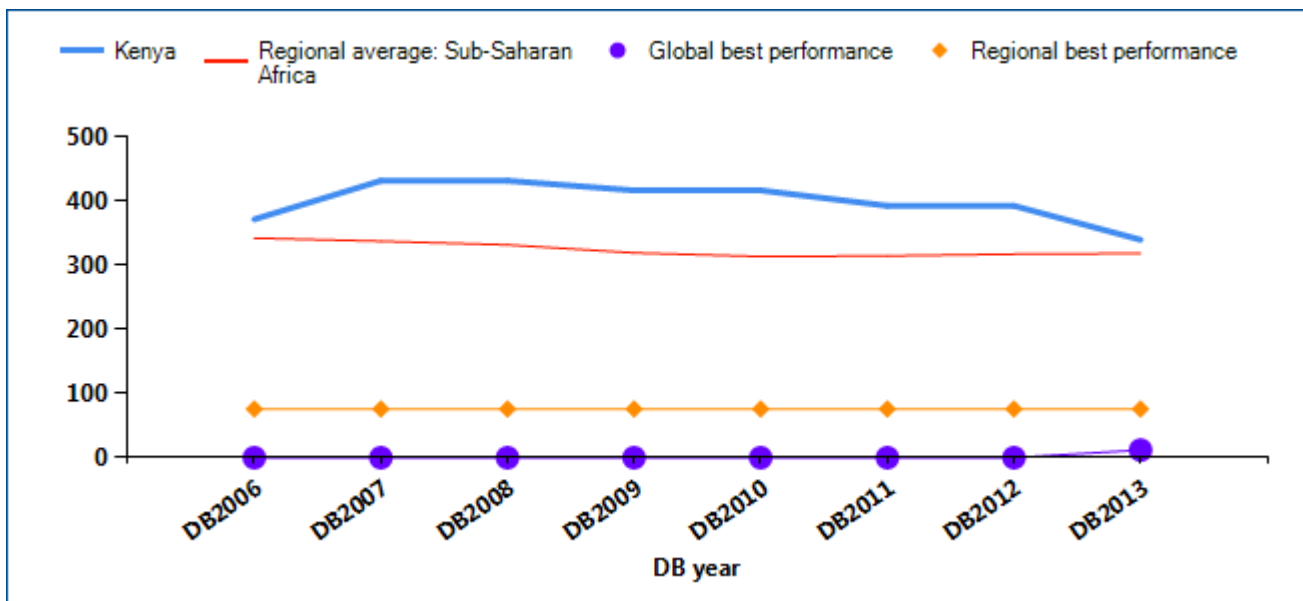
possible in easing the administrative burden of tax compliance. And changes in regional averages can show where Kenya is keeping up—and where it is falling behind.

Figure 8.2 Has paying taxes become easier over time?

Payments (number per year)

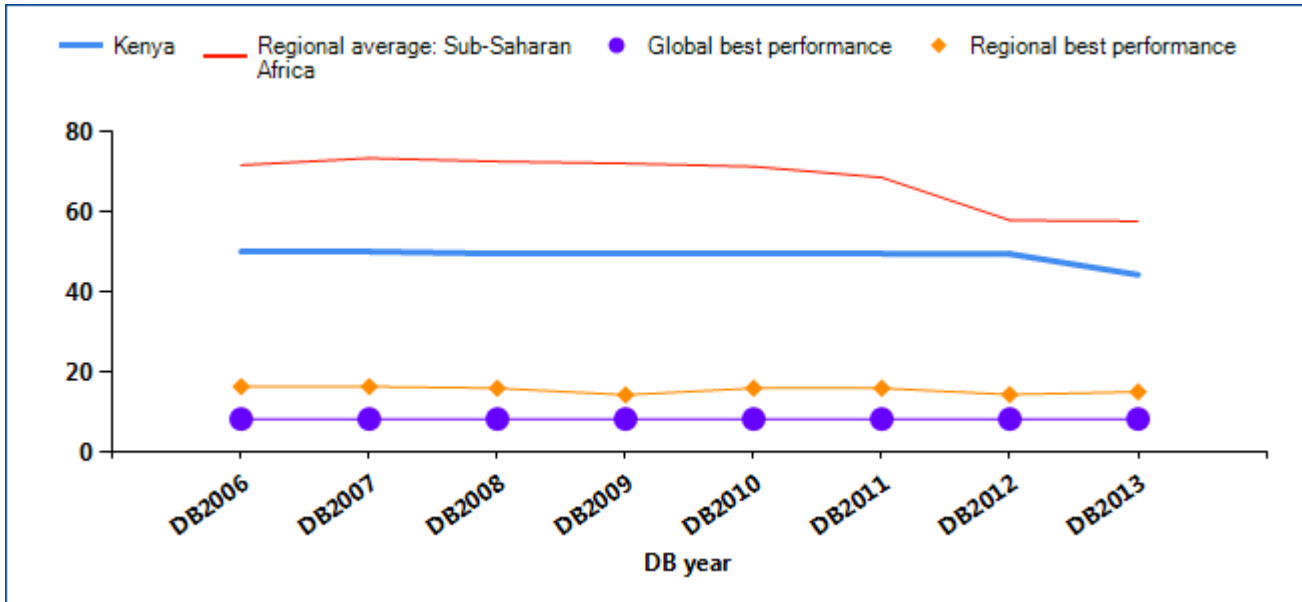


Time (hours per year)



PAYING TAXES

Total tax rate (% of profit)



Source: Doing Business database.

PAYING TAXES

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

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

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

DB year	Reform
DB2008	No reform as measured by Doing Business.
DB2009	No reform as measured by Doing Business.
DB2010	No reform as measured by Doing Business.
DB2011	Kenya increased the administrative burden of paying taxes by requiring quarterly filing of payroll taxes.
DB2012	No reform as measured by Doing Business.
DB2013	Kenya made paying taxes faster for companies by enhancing electronic filing systems.

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

Source: *Doing Business* database.

PAYING TAXES

What are the details?

The indicators reported here for Kenya are based on a standard set of taxes and contributions that would be paid by the case study company used by *Doing Business* in collecting the data (see the section in this chapter on what the indicators cover). Tax practitioners are asked to review standard financial statements as well as a standard list of transactions that the company completed during the year. Respondents are asked how much in taxes and mandatory contributions the business must pay and what the process is for doing so.

LOCATION OF STANDARDIZED COMPANY

City: Nairobi

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

Summary of tax rates and administrative burden in Kenya

Indicator	Kenya	Sub-Saharan Africa average	OECD high income average
Payments (number per year)	41	39	12
Time (hours per year)	340	319	176
Profit tax (%)	28.1	19.0	15.2
Labor tax and contributions (%)	6.8	13.3	23.8
Other taxes (%)	9.5	25.5	3.7
Total tax rate (% profit)	44.4	57.8	42.7

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

Tax or mandatory contribution	Payments (number)	Notes on payments	Time (hours)	Statutory tax rate	Tax base	Total tax rate (% of profit)	Notes on total tax rate
Corporate income tax	5		45	30%	taxable profit	28.1	
Employer paid - Social security contributions (NSSF)	12		52	3%	gross salaries	5.3	
Single business permit - manufacturer	1		0	KES 100,000	fixed fee	4.2	
Standards levy	2		0	0%	net sales	3.5	

Tax or mandatory contribution	Payments (number)	Notes on payments	Time (hours)	Statutory tax rate	Tax base	Total tax rate (% of profit)	Notes on total tax rate
Employer paid - Training or apprentice tax	2		0	KES 600 per employee	number of employees	1.5	
Advance motor vehicle tax	1		0	KES 1,500 per ton	vehicle weight	1	included in other taxes
Single business permit - trader	1		0	KES 20,000	fixed fee	0.8	
Tax on interest	0		0	15%	interest income	0.4	included in other taxes
Fuel tax - excise duty	1		0	KES 10.31 per liter	fuel consumption	0.3	
Land rates	1		0	1%	land value	0.3	
Road maintenance levy	0	paid jointly	0	KES 9 per liter	fuel consumption	0.3	
Petroleum development duty	0	paid jointly	0	KES 0.4 per liter	fuel consumption	0	
Value added tax (VAT)	12		243	16%	value added	0	not included
Stamp duty on contracts	1		0	various rates	type of contract	0	small amount
Tax on check transactions	1		0	KES 2 per check	number of checks	0	
Land rent	1		0	various rates		0	
Totals	41		340			44.4	

Source: Doing Business database.

TRADING ACROSS BORDERS

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

What do the indicators cover?

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

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

The business:

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

The traded goods:

- Are not hazardous nor do they include military items.

WHAT THE TRADING ACROSS BORDERS INDICATORS MEASURE

Documents required to export and import (number)

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

Time required to export and import (days)

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

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

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

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

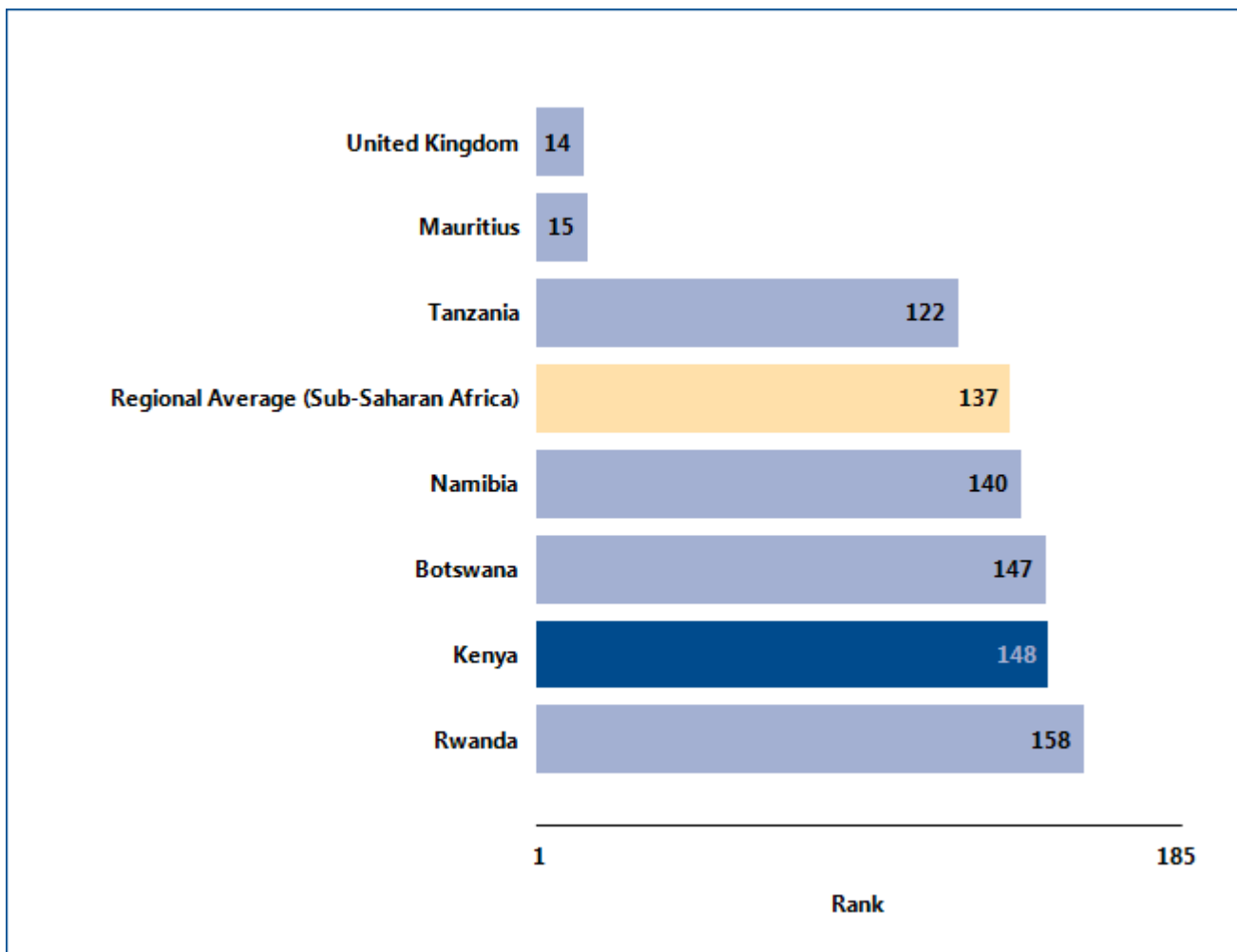
TRADING ACROSS BORDERS

Where does the economy stand today?

What does it take to export or import in Kenya? According to data collected by *Doing Business*, exporting a standard container of goods requires 8 documents, takes 26 days and costs \$2255. Importing the same container of goods requires 7 documents, takes 26 days and costs \$2350 (see the summary of procedures and documents at the end of this chapter for details).

Globally, Kenya stands at 148 in the ranking of 185 economies on the ease of trading across borders (figure 9.1). The rankings for comparator economies and the regional average ranking provide other useful information for assessing how easy it is for a business in Kenya to export and import goods.

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



Source: *Doing Business* database.

TRADING ACROSS BORDERS

What are the changes over time?

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

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

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

Indicator	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	142	148
Documents to export (number)	7	8	8	8	8	8	8	8
Time to export (days)	45	29	29	29	27	26	26	26
Cost to export (US\$ per container)	1,980	1,955	1,955	2,055	2,055	2,055	2,055	2,255
Documents to import (number)	12	7	7	7	7	7	7	7
Time to import (days)	62	37	37	26	25	24	24	26
Cost to import (US\$ per container)	2,325	1,995	1,995	2,190	2,190	2,190	2,190	2,350

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

Source: *Doing Business* database.

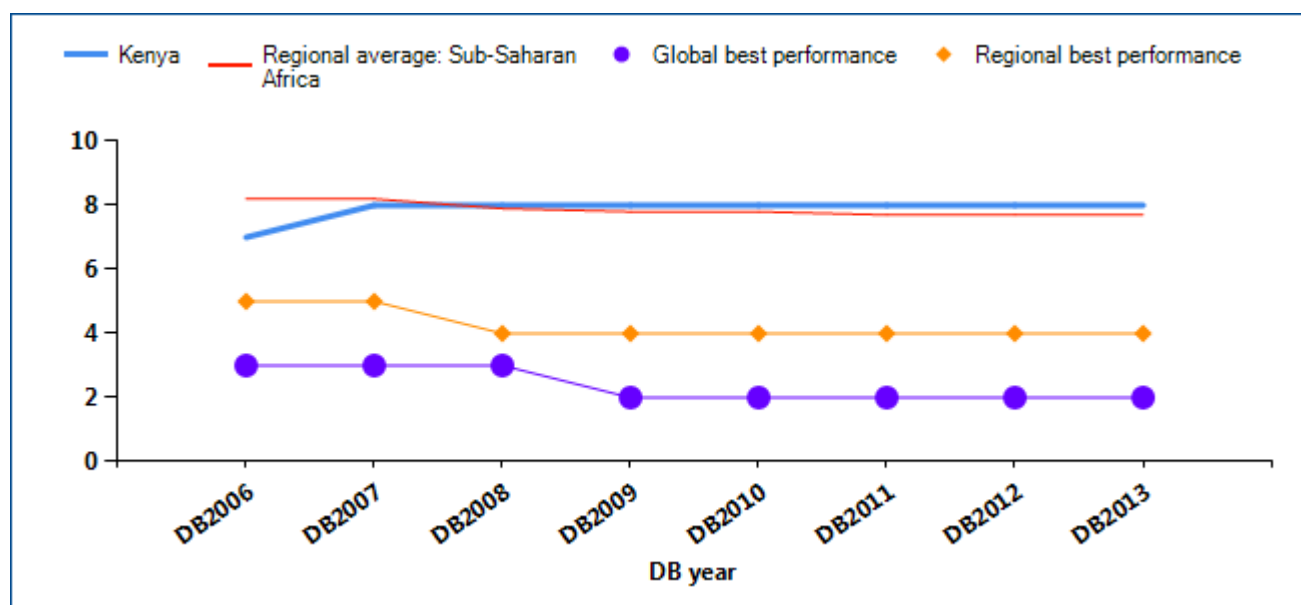
TRADING ACROSS BORDERS

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

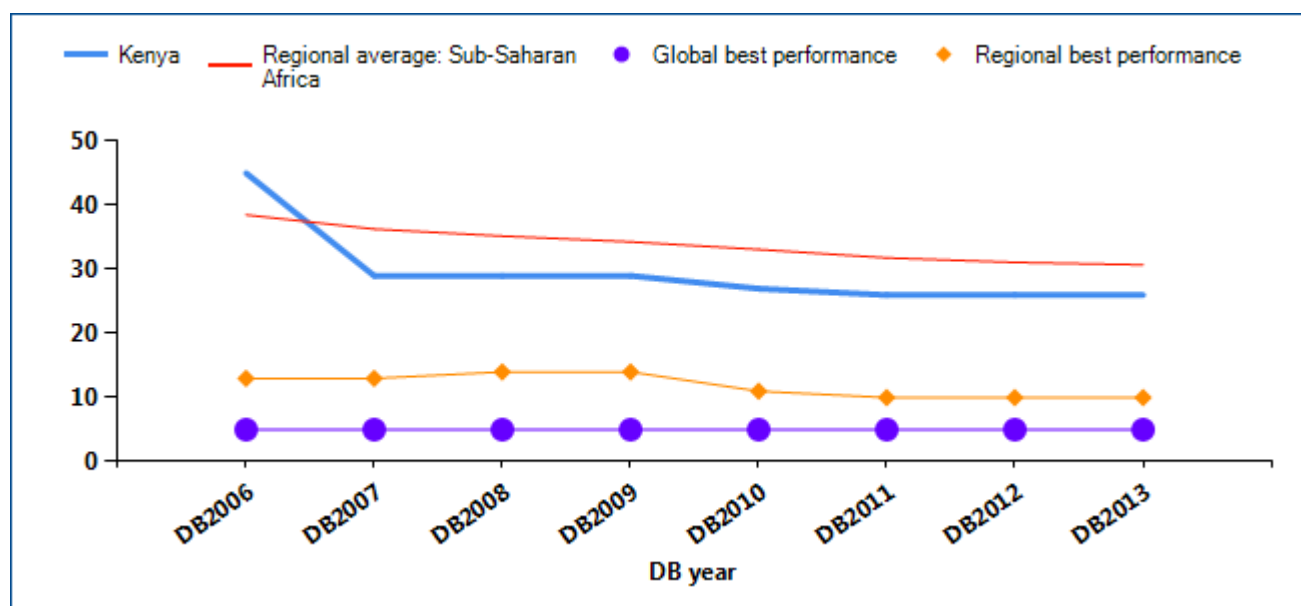
These benchmarks help show what is possible in making it easier to trade across borders. And changes in regional averages can show where Kenya is keeping up—and where it is falling behind.

Figure 9.2 Has trading across borders become easier over time?

Documents to export (number)

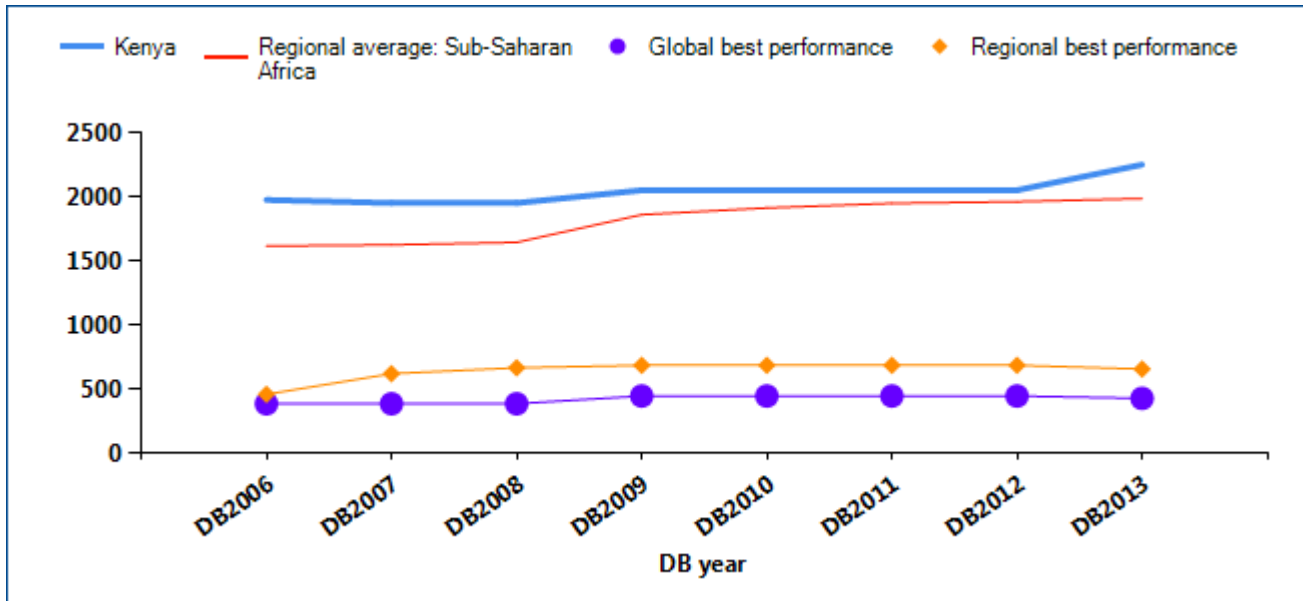


Time to export (days)

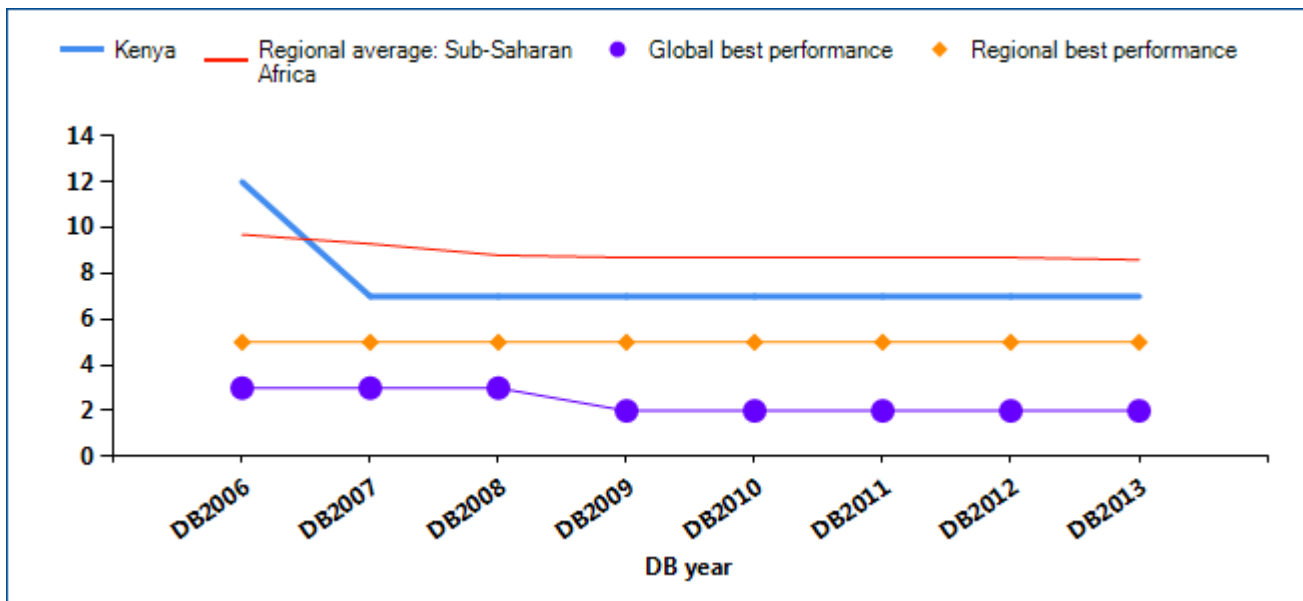


TRADING ACROSS BORDERS

Cost to export (US\$ per container)

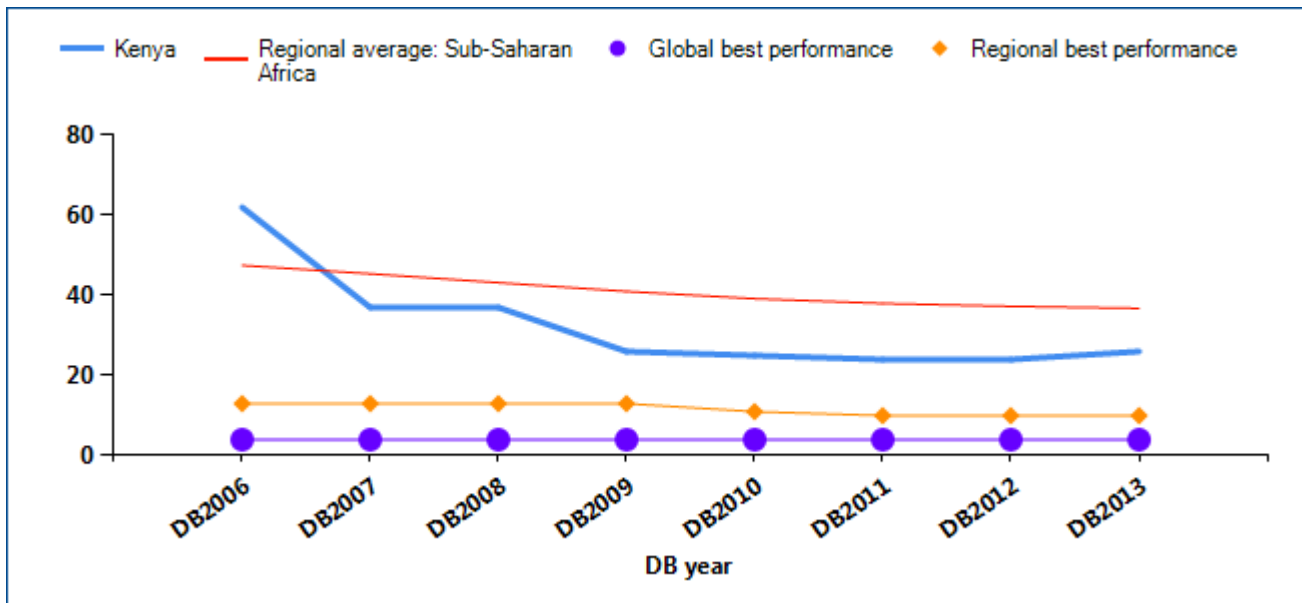


Documents to import (number)

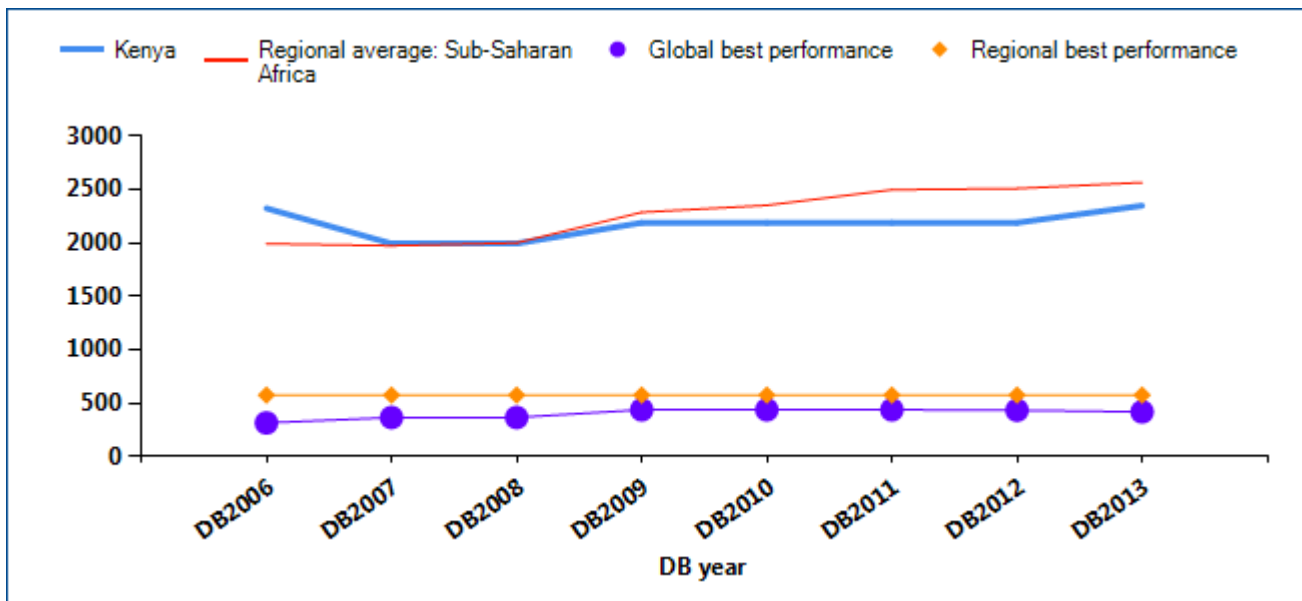


TRADING ACROSS BORDERS

Time to import (days)



Cost to import (US\$ per container)



Source: Doing Business database.

TRADING ACROSS BORDERS

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

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

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

DB year	Reform
DB2008	No reform as measured by Doing Business.
DB2009	Kenya extended the opening hours of customs and port authorities and reduced the number of inspection points between Nairobi and Mombasa. It also introduced an electronic system allowing traders to submit their documents online.
DB2010	No reform as measured by Doing Business.
DB2011	Kenya speeded up trade by implementing an electronic cargo tracking system and linking this system to the Kenya Revenue Authority's electronic data interchange system for customs clearance.
DB2012	No reform as measured by Doing Business.
DB2013	No reform as measured by Doing Business.

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

Source: *Doing Business* database.

TRADING ACROSS BORDERS

What are the details?

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

LOCATION OF STANDARDIZED COMPANY

City: Nairobi

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

Summary of procedures and documents for trading across borders in Kenya

Indicator	Kenya	Sub-Saharan Africa average	OECD high income average
Documents to export (number)	8	8	4
Time to export (days)	26	31	10
Cost to export (US\$ per container)	2,255	1,990	1,028
Documents to import (number)	7	9	5
Time to import (days)	26	37	10
Cost to import (US\$ per container)	2,350	2,567	1,080

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

Procedures to export	Time (days)	Cost (US\$)
Documents preparation	12	305
Customs clearance and technical control	4	375
Ports and terminal handling	6	375
Inland transportation and handling	4	1,200
Totals	26	2,255

Procedures to import	Time (days)	Cost (US\$)
Documents preparation	11	250
Customs clearance and technical control	3	510

Procedures to import	Time (days)	Cost (US\$)
Ports and terminal handling	8	390
Inland transportation and handling	4	1,200
Totals	26	2,350

Documents to export
Bill of lading
Cargo delivery order
Certificate of origin
Commercial Invoice
Customs export declaration
Inspection report
Packing List
Terminal Handling receipts

Documents to import
Bill of lading
Certificate of Conformity
Certificate of origin
Commercial invoice
Customs import declaration
Packing list
Terminal handling receipts

Source: Doing Business database.

ENFORCING CONTRACTS

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

What do the indicators cover?

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

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

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

WHAT THE ENFORCING CONTRACTS INDICATORS MEASURE

Procedures to enforce a contract through the courts (number)

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

Steps to file and serve the case

Steps for trial and judgment

Steps to enforce the judgment

Time required to complete procedures (calendar days)

Time to file and serve the case

Time for trial and obtaining judgment

Time to enforce the judgment

Cost required to complete procedures (% of claim)

No bribes

Average attorney fees

Court costs

Enforcement costs

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

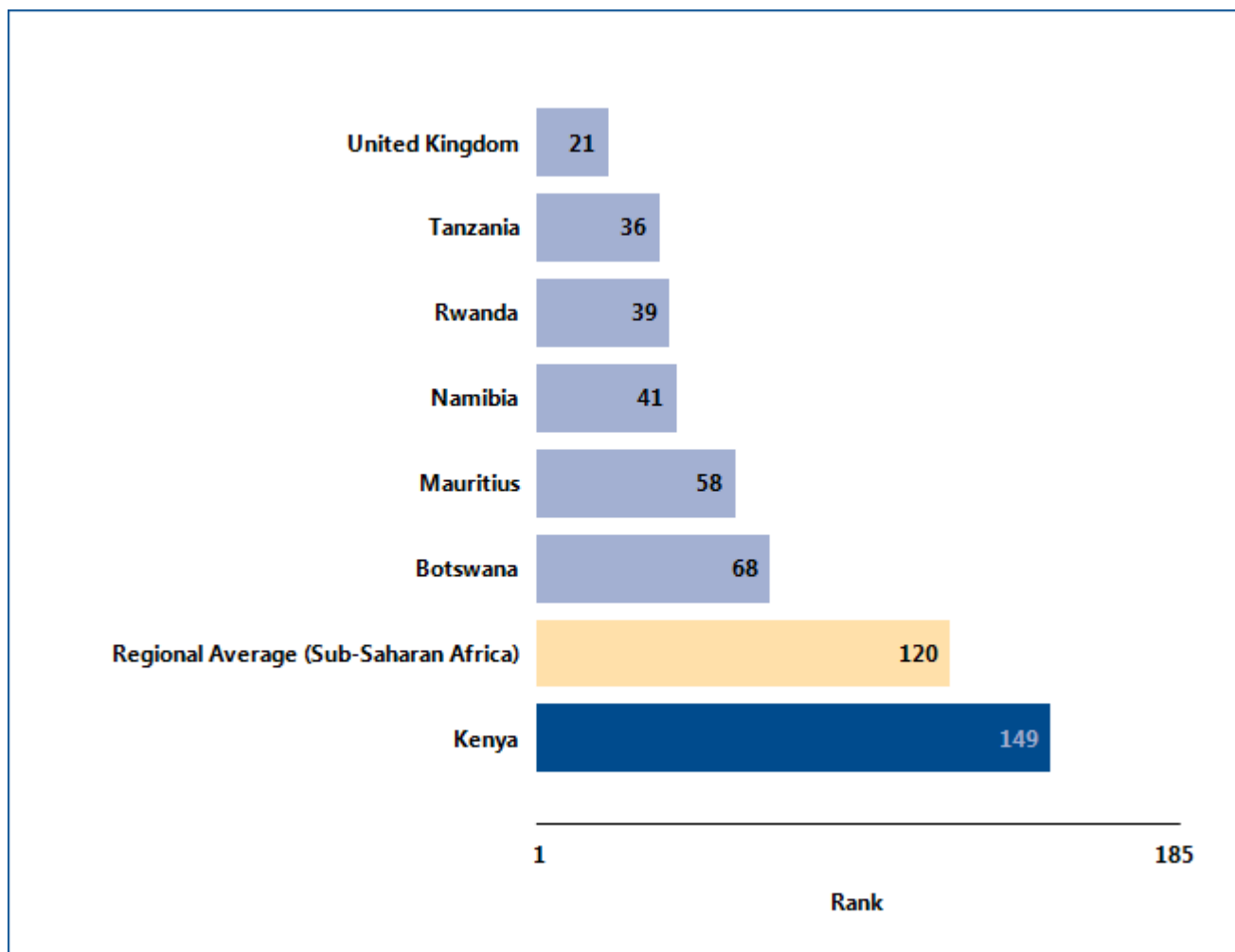
ENFORCING CONTRACTS

Where does the economy stand today?

How efficient is the process of resolving a commercial dispute through the courts in Kenya? According to data collected by *Doing Business*, enforcing a contract takes 465 days, costs 47.2% of the value of the claim and requires 44 procedures (see the summary at the end of this chapter for details).

Globally, Kenya stands at 149 in the ranking of 185 economies on the ease of enforcing contracts (figure 10.1). The rankings for comparator economies and the regional average ranking provide other useful benchmarks for assessing the efficiency of contract enforcement in Kenya.

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



Source: *Doing Business* database.

ENFORCING CONTRACTS

What are the changes over time?

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

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

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

Indicator	DB2004	DB2005	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	..	..	130	149
Time (days)	465	465	465	465	465	465	465	465	465	465
Cost (% of claim)	34.2	34.2	34.2	34.2	34.2	34.2	47.2	47.2	47.2	47.2
Procedures (number)	40	40	40	40	40	40	40	40	40	44

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

Source: *Doing Business* database.

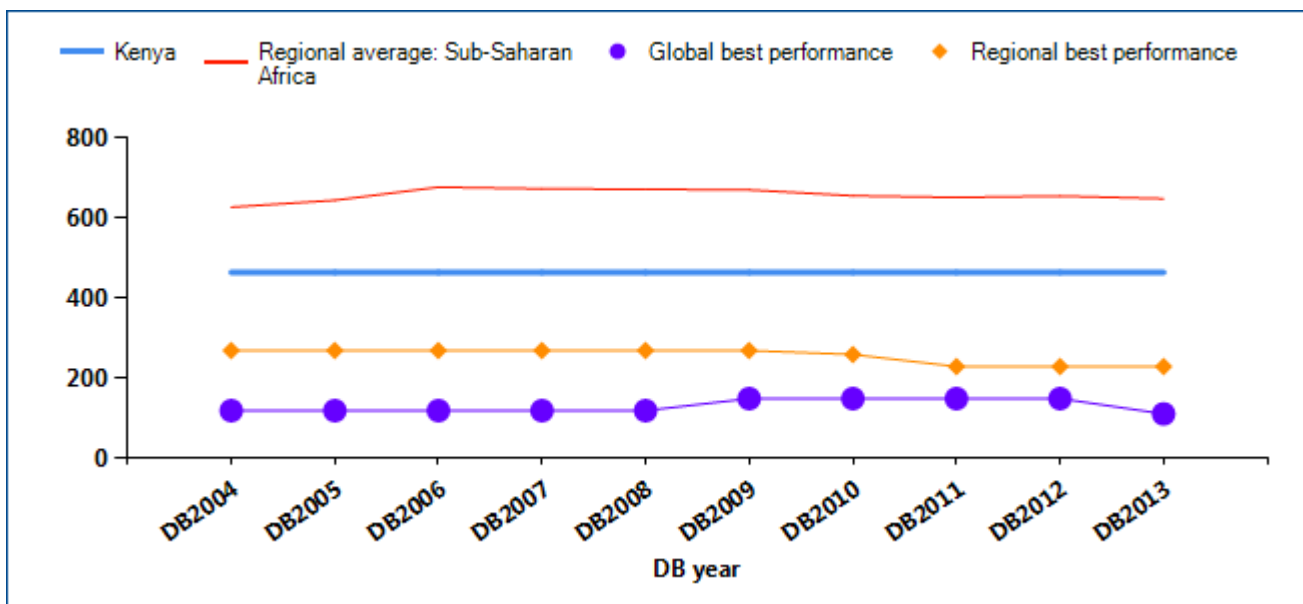
ENFORCING CONTRACTS

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

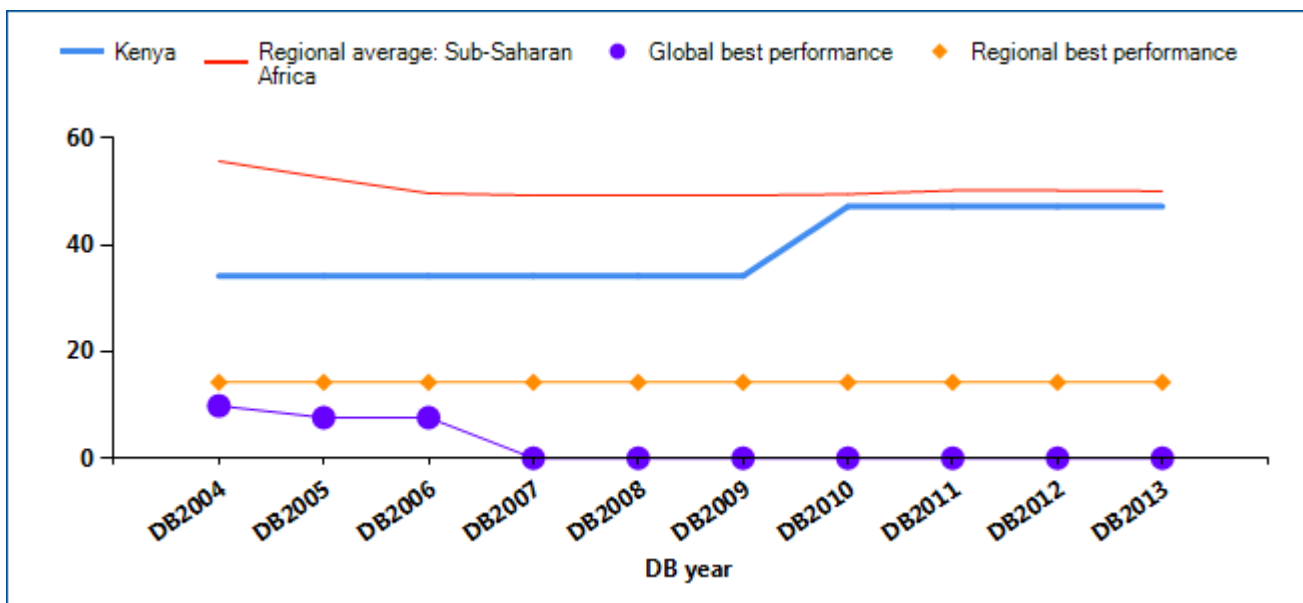
help show what is possible in improving the efficiency of contract enforcement. And changes in regional averages can show where Kenya is keeping up—and where it is falling behind.

Figure 10.2 Has enforcing contracts become easier over time?

Time (days)

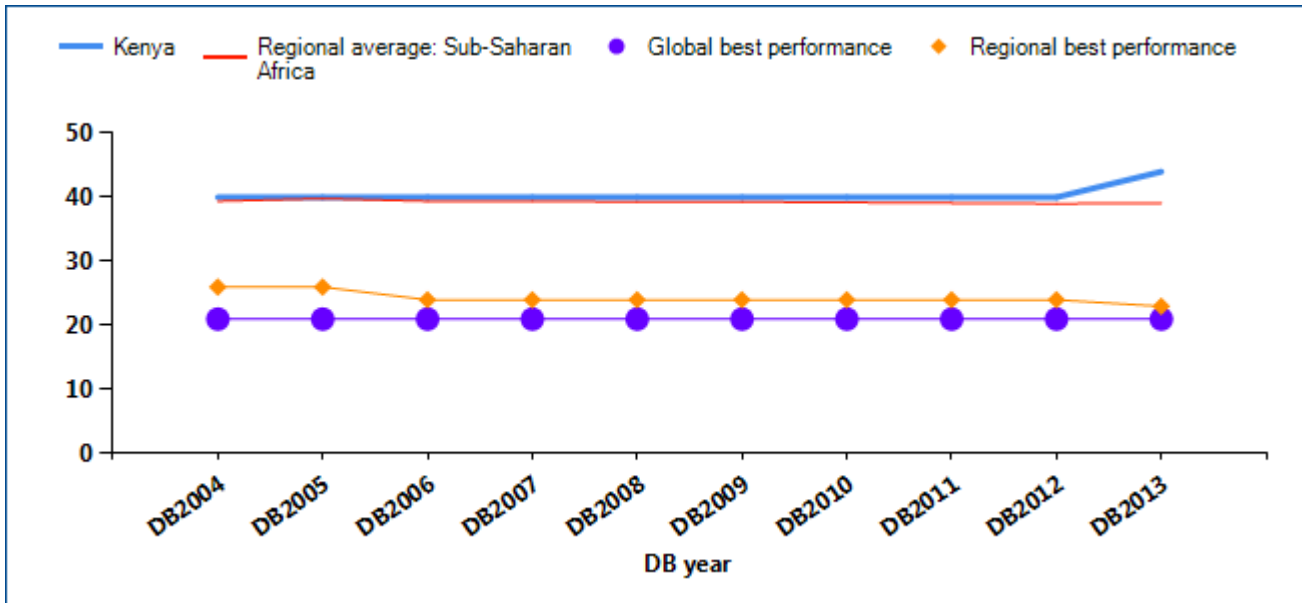


Cost (% of claim)



ENFORCING CONTRACTS

Procedures (number)



Source: Doing Business database.

ENFORCING CONTRACTS

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

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

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

By *Doing Business* report year

DB year	Reform
DB2008	No reform as measured by Doing Business.
DB2009	No reform as measured by Doing Business.
DB2010	No reform as measured by Doing Business.
DB2011	No reform as measured by Doing Business.
DB2012	Kenya introduced a case management system that will help increase the efficiency and cost-effectiveness of commercial dispute resolution.
DB2013	No reform as measured by Doing Business.

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

Source: *Doing Business* database.

ENFORCING CONTRACTS

What are the details?

The indicators reported here for Kenya are based on a set of specific procedural steps required to resolve a standardized commercial dispute through the courts (see the section in this chapter on what the indicators cover). These procedures, and the time and cost of completing them, are identified through study of the codes of civil procedure and other court regulations, as well as through surveys completed by local litigation lawyers (and, in a quarter of the economies covered by *Doing Business*, by judges as well).

COMPETENT COURT

City: **Nairobi**

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

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

Indicator	Kenya	Sub-Saharan Africa average	OECD high income average
Time (days)	465	649	510
Filing and service	40		
Trial and judgment	365		
Enforcement of judgment	60		
Cost (% of claim)	47.2	50.1	20.1
Attorney cost (% of claim)	27.5		
Court cost (% of claim)	13.0		
Enforcement Cost (% of claim)	6.7		
Procedures (number)	44	39	31

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

ENFORCING CONTRACTS

No.	Procedure
	Filing and service:
1	Plaintiff requests payment: Plaintiff or his lawyer asks Defendant orally or in writing to comply with the contract.
2	Plaintiff's hiring of lawyer: Plaintiff hires a lawyer to represent him before the court.
*	Plaintiff's filing of summons and complaint: Plaintiff files his summons and complaint with the court, orally or in writing.
*	Plaintiff's payment of court fees: Plaintiff pays court duties, stamp duties, or any other type of court fee.
3	Registration of court case: The court administration registers the lawsuit or court case. This includes assigning a reference number to the lawsuit or court case.
*	Assignment of court case to a judge: The court case is assigned to a specific judge through a random procedure, automated system, ruling of an administrative judge, court officer, etc.
*	Arrangements for physical delivery of summons and complaint: Plaintiff takes whatever steps are necessary to arrange for physical service of process on Defendant, such as instructing a court officer or a (private) bailiff.
4	First attempt at physical delivery: A first attempt to physically deliver summons and complaint to Defendant is successful in the majority of cases.
5	Second attempt at physical delivery: If a first attempt was not successful, a second attempt to physically deliver the summons and complaint to Defendant is required by law or standard practice.
*	Proof of service: Plaintiff submits proof of service to court.
*	Application for pre-judgment attachment: Plaintiff submits an application in writing for the attachment of Defendant's property prior to judgment. (see assumption 5)
*	Decision on pre-judgment attachment: The judge decides whether to grant Plaintiff's request for pre-judgment attachment of Defendant's property and notifies Plaintiff and Defendant of the decision. This step may include requesting that Plaintiff submit guarantees or bonds to secure Defendant
6	Pre-judgment attachment.: Defendant's property is attached prior to judgment. Attachment is either physical or achieved by registering, marking, debiting or separating assets. (see assumption 5)
7	Custody of assets attached prior to judgment: Defendant's attached assets are put under enforcement officer's or (private) bailiff's care. (see assumption 5)
8	Report on pre-judgment attachment: Court enforcement officer or (private) bailiff issues and delivers a report on the attachment of Defendant's property to the judge. (see assumption 5)
	Trial and judgment:
9	Judge's resolution on preliminary exemptions: Judge decides on preliminary exemptions separately from the merits of the case.

No.	Procedure
10	Defendant's filing of defense or answer to Plaintiff's claim: Defendant files a written pleading which includes his defense or answer on the merits of the case. Defendant's written answer may or may not include witness statements, expert statements, the documents Defendant relies on as evidence and the legal authority.
11	Deadline for Plaintiff to answer Defendant's defense or answer: Judge sets the deadline by which Plaintiff will be allowed to answer Defendant's defense or answer.
12	Plaintiff's written response to Defendant's defense or answer: Plaintiff responds to Defendant's defense or answer with a written pleading. Plaintiff's answer may or may not include a witness statements or expert (witness) statements.
13	Filing of pleadings: Plaintiff and Defendant file written pleadings and submissions with the court and transmit copies of the written pleadings or submissions to one another. The pleadings may or may not include witness statements or expert (witness) statements.
14	Parties' answer to court's allocation questionnaire: Parties submit their completed allocation questionnaires to the court (including their answers regarding case-tracks and the issues for trial).
15	Framing of issues: Plaintiff and Defendant assist the court in framing issues on which evidence is to be presented.
16	Pre-trial conference on procedure: The judge meets with the parties to discuss procedural issues (for example which applications and motions parties intend to file, which documents parties intend to rely on, what will be presented as evidence the oral hearing or trial, etc.)
*	Setting of date for mediation hearing: The judge sets a date for a mediation hearing, sometimes also called a 'pre-trial conference,' and notifies the parties of the hearing date.
17	Mediation hearing: The judge during this informal meeting with the parties encourages them to settle the case. The judge acts as mediator. If the case cannot be settled, the judge may draft a pre-trial conference report, after which the case may be allocated to another judge.
*	Request for interlocutory order: Defendant raises preliminary issues, such as jurisdiction, statute of limitation, etc.
*	Court's issuance of interlocutory order: Court decides the preliminary issues the Defendant raised by issuing an interlocutory order.
18	Plaintiff's appeal of court's interlocutory order: Plaintiff appeals the court's interlocutory order, which suspends the court proceedings.
*	Discovery requests: Plaintiff and Defendant make requests for the disclosure of documents, attempting to force the other party to reveal potentially detrimental documents.
19	Discovery disputes: Following a request for discovery of documentary evidence, the other party disputes the request and calls upon the judge to decide the issue.
20	Request for oral hearing or trial: Plaintiff applies for the date(s) for the oral hearing or trial.
*	Setting of date(s) for oral hearing or trial: The judge sets the date(s) for the oral hearing or trial.
21	Summoning of (expert) witnesses: The court summons (expert) witnesses to appear in court for the oral hearing or trial. (see assumption 6-a)
22	Adjournments: Court proceedings are delayed because one or both parties request and obtain an adjournment to prepare for the oral hearing or trial.

No.	Procedure
23	Trial (prevalent in common law): The parties argue the merits of the case at (an) oral session(s) before the court. Witnesses and expert witnesses are questioned and cross-examined during trial.
24	Adjournments: Court proceedings are delayed because one or both parties request and obtain an adjournment during the oral hearing or trial, resulting in an additional or later trial or hearing date.
25	Order for submission of final arguments: The judge sets the deadline for the submission of final factual and legal arguments.
*	Final arguments: The parties present their final factual and legal arguments to the court either by oral presentation or by a written submission.
26	Judgment date: The judge sets a date for delivery of the judgment.
27	Notification of judgment in court: The parties are notified of the judgment at a court hearing.
28	Writing of judgment: The judge produces a written copy of the judgment.
29	Registration of judgment: The court office registers the judgment after receiving a written copy of the judgment.
30	Plaintiff's receipt of a copy of written judgment: Plaintiff receives a copy of the written judgment.
31	Appeal period: By law, Defendant has the opportunity to appeal the judgment during a period specified in the law. Defendant decides not to appeal. Judgment becomes final the day the appeal period ends.
32	Reimbursement by Defendant of Plaintiff's court fees: The judgment obliges Defendant to reimburse Plaintiff for the court fees Plaintiff has advanced, because Defendant has lost the case.
Enforcement of judgment:	
*	Plaintiff's hiring of lawyer: Plaintiff hires a lawyer to enforce the judgment or continues to be represented by a lawyer during the enforcement of judgment phase.
33	Plaintiff's approaching of court enforcement officer or (private) bailiff to enforce the judgment: To enforce the judgment, Plaintiff approaches a court enforcement officer such as a court bailiff or sheriff, or a private bailiff.
*	Plaintiff's request for enforcement order: Plaintiff applies to the court to obtain the enforcement order ('seal' on judgment).
34	Plaintiff's advancement of enforcement fees: Plaintiff pays the fees related to the enforcement of the judgment.
35	Attachment of enforcement order to judgment: The judge attaches the enforcement order ('seal') to the judgment.
*	Delivery of enforcement order: The court's enforcement order is delivered to a court enforcement officer or a (private) bailiff.
36	Identification of Defendant's assets for attachment by court official or Defendant: Judge, a court enforcement officer, a (private) bailiff or the Defendant himself identifies Defendant's movable assets for attachment.
37	Contestation of selection of assets identified for attachment: The party, Plaintiff or Defendant, who was not involved in the designation of the assets to be attached, contests the selection of assets for attachment.
38	Notification of intent to attach: A court enforcement officer or (private) bailiff notifies other creditors of the intent to attach Defendant's goods.

No.	Procedure
39	Attachment: Defendant's movable goods are attached (physically or by registering, marking or separating assets).
40	Report on execution of attachment: A court enforcement officer or private process server delivers a report on the attachment of Defendant's movable goods to the judge.
41	Enforcement disputes before court: The enforcement of the judgment is delayed because Defendant opposes aspects of the enforcement process before the judge.
42	Call for public auction: The judge calls a public auction by, for example, advertising or publication in the newspapers.
43	Sale through public auction: The Defendant's movable property is sold at public auction.
44	Reimbursement of Plaintiff's enforcement fees: Defendant reimburses Plaintiff's enforcement fees which Plaintiff had advanced previously.
45	Payment: Court orders that the proceeds of the public auction or the direct sale be delivered to Plaintiff.

* Takes place simultaneously with another procedure.

Source: *Doing Business* database.

RESOLVING INSOLVENCY

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

What do the indicators cover?

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

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

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

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

WHAT THE RESOLVING INSOLVENCY INDICATORS MEASURE

Time required to recover debt (years)

Measured in calendar years

Appeals and requests for extension are included

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

Measured as percentage of estate value

Court fees

Fees of insolvency administrators

Lawyers' fees

Assessors' and auctioneers' fees

Other related fees

Recovery rate for creditors (cents on the dollar)

Measures the cents on the dollar recovered by creditors

Present value of debt recovered

Official costs of the insolvency proceedings are deducted

Depreciation of furniture is taken into account

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

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

RESOLVING INSOLVENCY

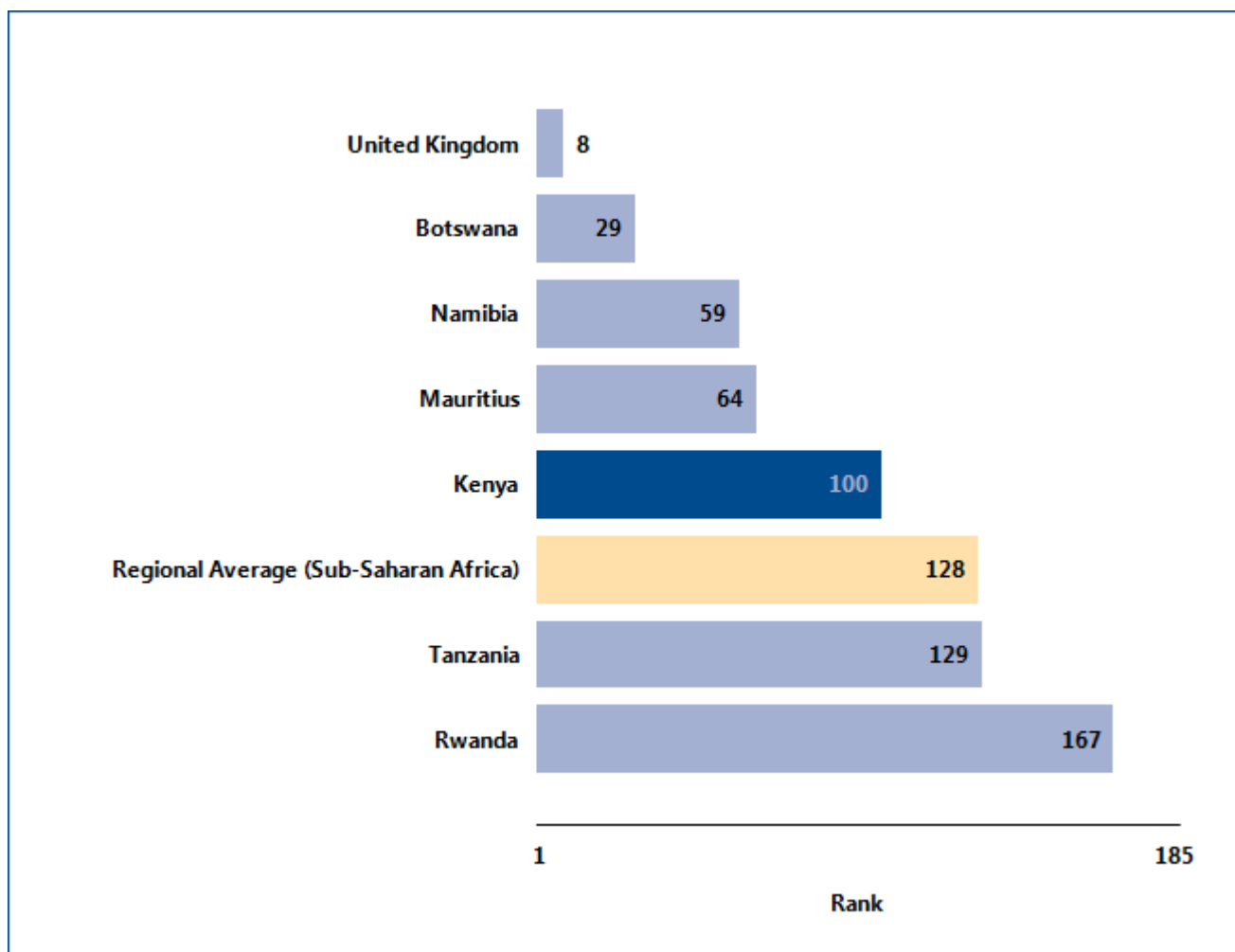
Where does the economy stand today?

Speed, low costs and continuation of viable businesses characterize the top-performing economies. How efficient are insolvency proceedings in Kenya? According to data collected by *Doing Business*, resolving insolvency takes 4.5 years on average and costs 22% of the debtor’s estate, with the most likely outcome being that the company will be sold as going

concern. The average recovery rate is 29.5 cents on the dollar.

Globally, Kenya stands at 100 in the ranking of 185 economies on the ease of resolving insolvency (figure 11.1). The rankings for comparator economies and the regional average ranking provide other useful benchmarks for assessing the efficiency of insolvency proceedings in Kenya.

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



Source: *Doing Business* database.

RESOLVING INSOLVENCY

What are the changes over time?

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

Table 11.1 The ease of resolving insolvency in Kenya over time

By *Doing Business* report year

Indicator	DB2004	DB2005	DB2006	DB2007	DB2008	DB2009	DB2010	DB2011	DB2012	DB2013
Rank	..	..	..	..	..	..	..	..	96	100
Time (years)	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Cost (% of estate)	22	22	22	22	22	22	22	22	22	22
Recovery rate (cents on the dollar)	25.4	27.8	32.6	31.8	31.0	31.6	31.6	29.8	30.9	29.5

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

Source: *Doing Business* database.

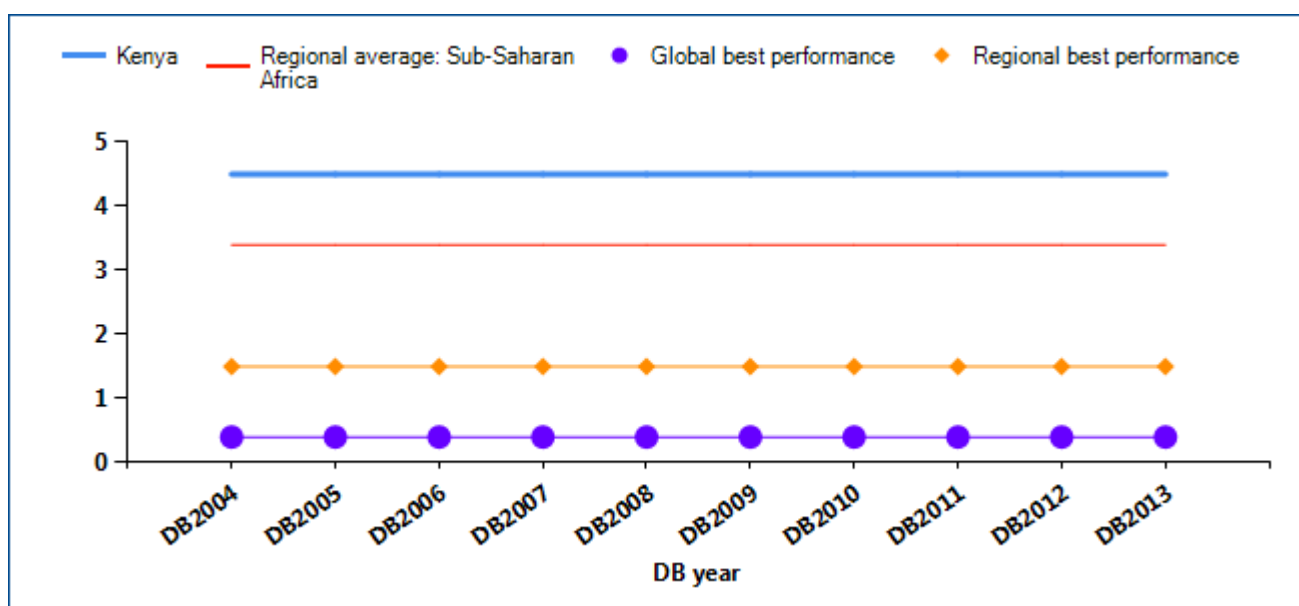
RESOLVING INSOLVENCY

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

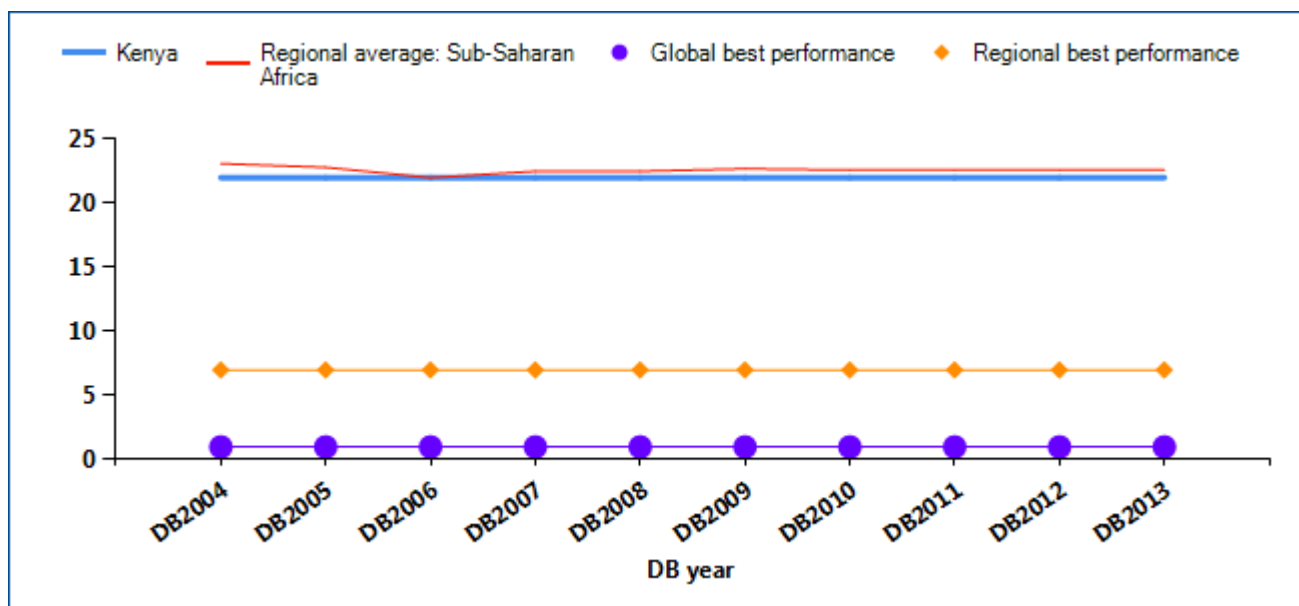
possible in improving the efficiency of insolvency proceedings. And changes in regional averages can show where Kenya is keeping up—and where it is falling behind.

Figure 11.2 Has resolving insolvency become easier over time?

Time (years)

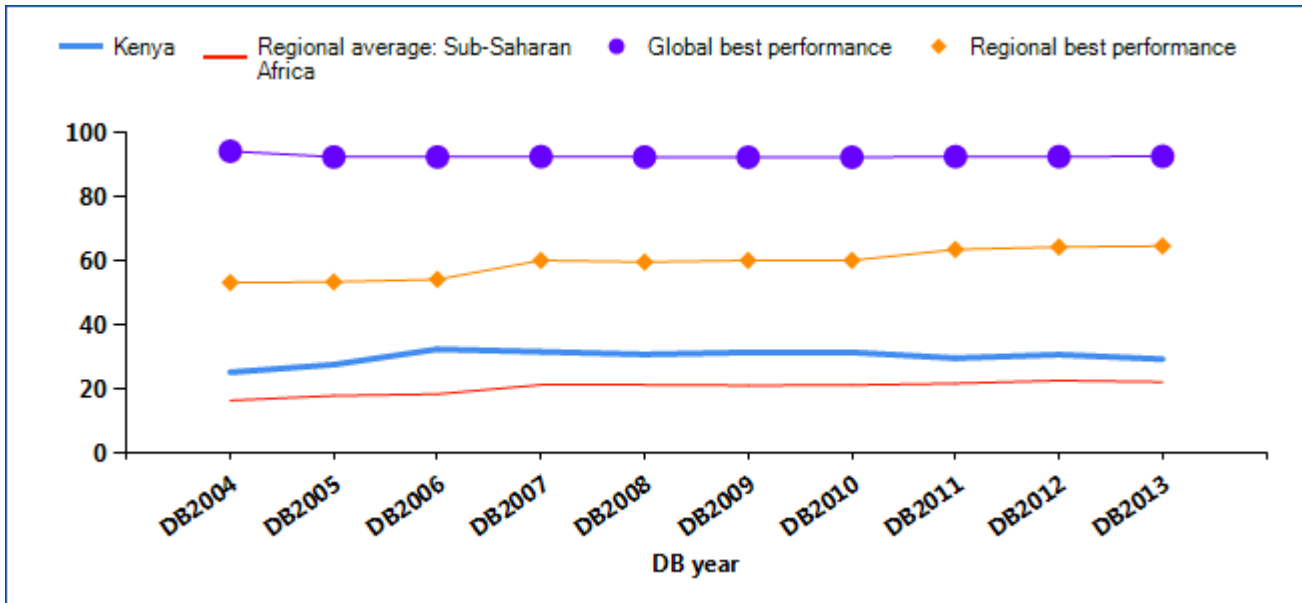


Cost (% of estate)



RESOLVING INSOLVENCY

Recovery rate (cents on the dollar)



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

RESOLVING INSOLVENCY

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

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

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

By *Doing Business* report year

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

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

Source: *Doing Business* database.

EMPLOYING WORKERS

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

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

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

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

Particular data for Kenya are presented here without scoring.

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

The worker:

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

The business:

- Is a limited liability company.
- Operates in the economy's largest business city.
- Is 100% domestically owned.
- Operates in the manufacturing sector.
- Has 60 employees.
- Is subject to collective bargaining agreements in economies where such agreements cover more than half the manufacturing sector and apply even to firms not party to them.
- Abides by every law and regulation but does not grant workers more benefits than mandated by law, regulation or (if applicable) collective bargaining agreement.

EMPLOYING WORKERS

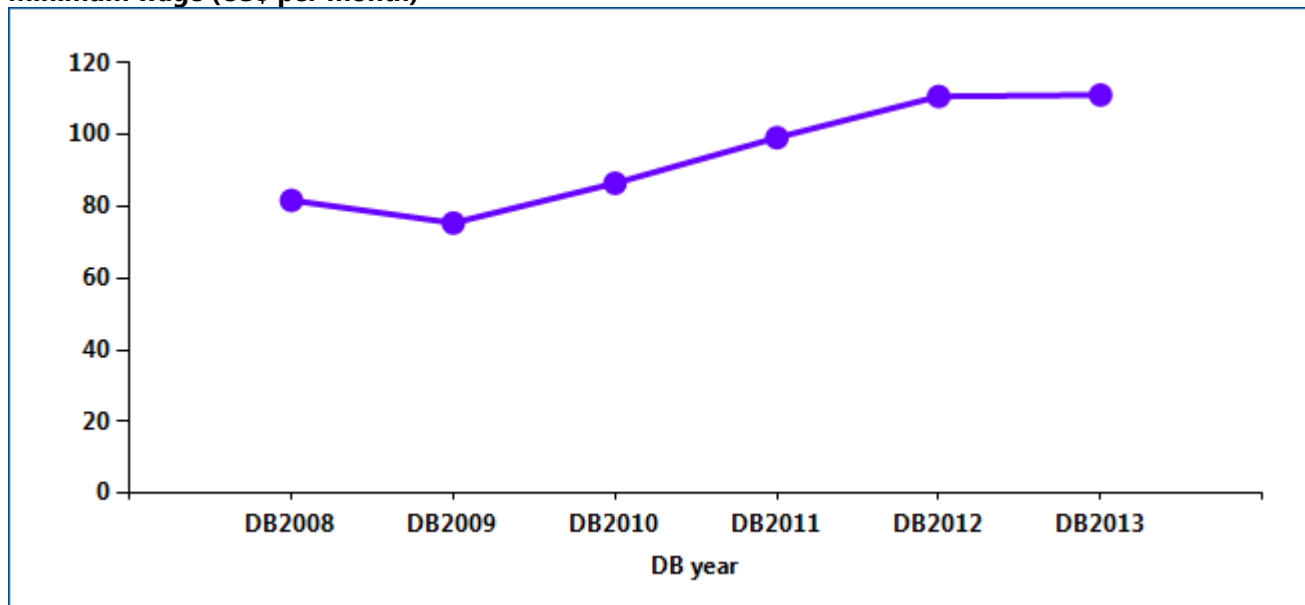
What do some of the data show?

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

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

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

Minimum wage (US\$ per month)



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

Source: *Doing Business* database.

EMPLOYING WORKERS

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

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

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

Reform
No reform as measured by Doing Business.

Source: *Doing Business* database.

EMPLOYING WORKERS

What are the details?

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

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

Rigidity of employment index

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

Difficulty of hiring index

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

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

Difficulty of hiring index	Data
Fixed-term contracts prohibited for permanent tasks?	No
Maximum length of a single fixed-term contract (months)	No limit for term contracts (excluding casual employees)
Maximum length of fixed-term contracts, including renewals (months)	No limit
Minimum wage for a 19-year old worker or an apprentice (US\$/month)	111.1
Ratio of minimum wage to value added per worker	0.89

Source: *Doing Business* database.

EMPLOYING WORKERS

Rigidity of hours index

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

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

Rigidity of hours index	Data
Standard workday in manufacturing (hours)	8 hours (Regulation 5(1) of the RWGO).
50-hour workweek allowed for 2 months a year in case of a seasonal increase in production?	Yes
Maximum working days per week	6.0
Premium for night work (% of hourly pay) in case of continuous operations	0%
Premium for work on weekly rest day (% of hourly pay) in case of continuous operations	0%
Major restrictions on night work in case of continuous operations?	No
Major restrictions on weekly holiday in case of continuous operations?	No
Paid annual leave for a worker with 1 year of tenure (in working days)	21.0
Paid annual leave for a worker with 5 years of tenure (in working days)	21.0
Paid annual leave for a worker with 10 years of tenure (in working days)	21.0
Paid annual leave (average for workers with 1, 5 and 10 years of tenure, in working days)	21.0

Source: *Doing Business* database.

EMPLOYING WORKERS

Difficulty of redundancy index

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

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

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

Source: *Doing Business* database.

EMPLOYING WORKERS

Redundancy cost

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

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

Redundancy cost indicator	Data
Notice period for redundancy dismissal (for a worker with 1 year of tenure, in salary weeks)	4.3
Notice period for redundancy dismissal (for a worker with 5 years of tenure, in salary weeks)	4.3
Notice period for redundancy dismissal (for a worker with 10 years of tenure, in salary weeks)	4.3
Notice period for redundancy dismissal (average for workers with 1, 5 and 10 years of tenure, in salary weeks)	4.3
Severance pay for redundancy dismissal (for a worker with 1 year of tenure, in salary weeks)	2.1
Severance pay for redundancy dismissal (for a worker with 5 years of tenure, in salary weeks)	10.7
Severance pay for redundancy dismissal (for a worker with 10 years of tenure, in salary weeks)	21.4
Severance pay for redundancy dismissal (average for workers with 1, 5 and 10 years of tenure, in salary weeks)	11.4

Source: Doing Business database.

DATA NOTES

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

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

Methodology

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

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

ECONOMY CHARACTERISTICS

Gross national income per capita

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

Region and income group

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

Population

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

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

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

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

Limits to what is measured

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

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

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

Subnational *Doing Business* indicators

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

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

Changes in what is measured

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

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

Data challenges and revisions

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

Ease of doing business and distance to frontier

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

Ease of doing business

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

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

Construction of the ease of doing business index

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

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

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

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

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

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

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

Variability of economies’ rankings across topics

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

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

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

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

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

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

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

Distance to frontier measure

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

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

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

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

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

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

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

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

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

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