

**Protecting investors Survey**

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Dear Contributor,

We would like to thank you for your cooperation with the *Doing Business* project. The information you provide is analyzed and presented in the *Doing Business* report, an annual publication of the World Bank and the International Finance Corporation that benchmarks business regulation in 178 economies worldwide.

Last year's report, *Doing Business 2008*, was a great success and inspired more than 3500 articles in the press, thanks to the generous contribution of 5000 experts like you in 178 economies. Since its inception in 2004, *Doing Business* has inspired 113 reforms around the world. These reforms make it easier to do business in countries as diverse as Egypt and Estonia.

Thanks to reforms on protection of investors capital markets are attracting more investment, finds *Doing Business 2008*. Your participation has been essential to this success.

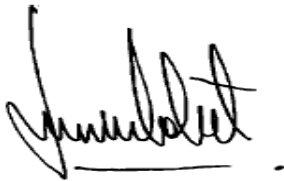
For *Doing Business 2009*, we are honored to be able to count on your expertise. We would be interested in understanding if reforms affecting the protection of investors in your country have been implemented since June 2007.

Please return the completed questionnaire within the next 20 working days, to Jean Michel Lobet at [jlobet@worldbank.org](mailto:jlobet@worldbank.org) or by Fax at 1 202 473 5758. If you have any questions, please do not hesitate to contact us.

The World Bank has also recently launched a blog that offers you the possibility to read about experiences and insights of the *Doing Business* team, its local partners, private sector specialists and reformers. Please visit our blog at <http://blog.doingbusiness.org>, and exchange views or comments with specialists like you from around the world.

Thank you again for your invaluable contribution to the World Bank's work.

Sincerely,



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World Bank Group  
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Tel. 202 458 0948  
Fax. 202 473 5758

## Instructions

1. Please review the assumptions of the case study to understand fully the context of the survey.
2. Update your contact information, the information you would like us to publish, and the information regarding others who contributed to the completion of this survey.
3. Please review the information provided in the following pages and confirm its accuracy. If there were any legal or administrative changes affecting investor protections in your country between June 2007 and now, please describe those changes in detail in the yellow boxes.
4. When amending any answer, please keep in mind the following definitions:  
**Correction:** A correction results from an error in the data presented (i.e., a wrong information). Please keep in mind that the data is current as of June 2007.  
**Reform:** A reform results from a modification in practice or by law, which occurred after June 2007.

## Case study

Please read carefully the following assumptions as they are important for understanding the context of the survey.

### Facts:

1. Buyer Co. ("Buyer") is a food manufacturing company. It manufactures and distributes all of its products itself.
2. **Mr. James is Buyer's controlling shareholder and a member of Buyer's board of directors.** He owns 60% of Buyer and elected 2 directors to Buyer's 5-member board of directors. (If your country requires a supervisory board that is appointed at least in part by shareholders, assume that Mr. James has elected 60% of the shareholder-elected members of the supervisory board. Assume also that the 5-member board of directors then consists of 3 directors, including Mr. James himself, who were designated or proposed by Mr. James' members on the supervisory board.)
3. **Mr. James also owns 90% of Seller Co.** ("Seller"), which operates a chain of retail hardware stores. Seller is facing financial problems and recently shut a large number of its stores. As a result, many of its trucks are not being used.
4. Mr. James proposes to Buyer that Buyer purchase Seller's unused trucks to expand Buyer's distribution of its food products. Buyer agrees and enters into the transaction.
5. **All required approvals are obtained and all mandatory disclosures are made.** The final terms of the transaction require Buyer to pay to Seller in cash an amount equal to **10% of Buyer's assets** in exchange for the trucks. If Mr. James can lawfully vote on the transaction at the board of directors and/or shareholder level, please assume he is the deciding vote in favor of the transaction.
6. **The price of the trucks is above market value and the transaction is unfair to Buyer.** Shareholders sue Mr. James and the parties that approved the transaction.
7. Assume that Buyer is a private firm (*i.e.*, not state-owned) that has issued stock that is publicly traded and is listed on your **country's most important stock exchange**. If there is no stock exchange in your country, or if there are fewer than 10 firms actively traded on your country's exchange, please assume that Buyer is a big private company with a large number of shareholders.
8. Assume that the transaction is part of Buyer's **ordinary course of business**.
9. **The transaction is not *ultra vires*** (*i.e.*, is not outside the power or authority of Buyer).
10. If you make any further assumptions, please explain them clearly in your responses.

Existing Contact information:

	Please provide us with your updated information, if any.	Please mark the information you would like published?
<b>Title (Mr., Ms., etc.)</b>	[    ]	<input type="checkbox"/>
<b>Name</b>	[    ] (first/given) [    ] (last/family)	<input type="checkbox"/>
<b>Position</b>	[    ]	<input type="checkbox"/>
<b>Firm</b>	[    ]	<input type="checkbox"/>
<b>Mailing Address</b>	[    ] (street) [    ] (city) [    ] (state/province) [    ] (country) [    ] (zip/postal)	<input type="checkbox"/>
<b>Phone</b>	[    ]	<input type="checkbox"/>
<b>Cell Phone</b>	[    ]	<input type="checkbox"/>
<b>Fax</b>	[    ]	<input type="checkbox"/>
<b>E-Mail</b>	[    ]	<input type="checkbox"/>
<b>Website</b>	[    ]	<input type="checkbox"/>

Additional Contributors:

	Name	Firm and Position	Email	Phone
<b>1<sup>st</sup> participant</b>	[    ] (first/given) [    ] (last/family)	[    ] (firm) [    ] (position)	[    ]	[    ]
<b>2<sup>nd</sup> participant</b>	[    ] (first/given) [    ] (last/family)	[    ] (firm) [    ] (position)	[    ]	[    ]
<b>3<sup>rd</sup> participant</b>	[    ] (first/given) [    ] (last/family)	[    ] (firm) [    ] (position)	[    ]	[    ]
<b>4<sup>th</sup> participant</b>	[    ] (first/given) [    ] (last/family)	[    ] (firm) [    ] (position)	[    ]	[    ]
<b>5<sup>th</sup> participant</b>	[    ] (first/given) [    ] (last/family)	[    ] (firm) [    ] (position)	[    ]	[    ]

## Doing Business 2008 data

### A. Approval of the transaction

1.0	Indicate the <b>approvals</b> that are legally sufficient for Buyer to acquire Seller's trucks.	Yes	No	NA
1.1	Buyer's Chief Executive Officer (CEO) <u>alone</u> can grant the necessary approval.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.2	Buyer's board of directors <u>alone</u> can grant the necessary approval.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.3	Buyer's board of directors <u>alone</u> can grant the necessary approval, <u>but</u> only after receiving the recommendation of shareholders.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.4	Buyer's supervisory board <u>alone</u> can grant the necessary approval.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.5	<u>Only</u> Buyer's shareholders can grant the necessary approval.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.6	<u>Both</u> Buyer's board of directors <u>and</u> shareholders must approve the transaction.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.L	Applicable laws: [     ]			
1.C	Comments: [     ]			
Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/>				
<b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b>				
Correction <input type="checkbox"/> or Reform <input type="checkbox"/>				
[     ]				

2.0	Describe the requirements that must be satisfied in order for the approvals specified in Question 1 to be effective.			
	Requirement	Yes	No	NA
2.1	If applicable, can Mr. James vote at the <u>board of directors meeting</u> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2	If applicable, can Mr. James vote at the <u>general shareholder meeting</u> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.3	Is an <u>independent body</u> outside the company required to review the transaction prior to its execution (e.g., external auditor, outside financial advisor, stock exchange or regulator)? If yes, please name the independent body. [     ]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.L	Applicable laws: [     ]			
2.C	Comments: [     ]			
Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/>				
<b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b>				

Correction  or Reform

[ ]

**Are you aware of any changes between June 2007 and now to the laws and regulations governing the approval of large related-party transactions?**

Yes  No

If yes, please describe those changes (including dates on when these changes come into effect).

[ ]

**B. Required disclosure on the transaction**

3.0	Indicate what mandatory disclosures Mr. James must make regarding his interest in the Buyer-Seller transaction to Buyer's board of directors and/or supervisory board.	Yes	No
3.1	None.	<input type="checkbox"/>	<input type="checkbox"/>
3.2	A general disclosure of the existence of a conflict of interest, without any specifics.	<input type="checkbox"/>	<input type="checkbox"/>
3.3	Full disclosure of all material facts regarding Mr. James' interest in the Buyer-Seller transaction.	<input type="checkbox"/>	<input type="checkbox"/>
3.L	Applicable laws: [ ]		
3.C	Comments: [ ]		
Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [ ]			

4.0	Indicate what disclosures regarding the Buyer-Seller transaction are legally required to be made <b>immediately</b> to the public, the regulator or the stock exchange.	Yes	No	NA
4.1	A description of the assets purchased by Buyer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2	The nature and amount of consideration paid by Buyer to Seller.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.3	Mr. James' ownership interest and/or director position in Buyer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4	The fact that Mr. James owns 90% of Seller.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.L	Applicable laws: [ ]			
4.C	Comments: [ ]			

Did you make any changes to the pre-existing responses? Yes  No   
**If yes, please explain and indicate whether it is a correction or a reform (see definitions above)**  
 Correction  or Reform   
 [ ]

5.0	Indicate what disclosures regarding the Buyer-Seller transaction are legally required in Buyer's <b>annual report</b> .	Yes	No	NA
5.1	A description of the assets purchased by Buyer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2	The nature and amount of consideration paid by Buyer to Seller.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3	Mr. James' ownership interest and/or director position in Buyer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.4	The fact that Mr. James owns 90% of Seller.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.L	Applicable laws: [ ]			
5.C	Comments: [ ]			
Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [ ]				
<b>Are you aware of any changes between June 2007 and now to the laws and regulations governing disclosures of large related-party transactions, such as this one involving Mr. James?</b> Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please describe those changes (including dates on when these changes come into effect). [ ]				

**C. Shareholder actions**

**C.1. Actions against Mr. James**

6.0	Describe the key features of the legal action(s) that can be brought by Buyer or Buyer's shareholders against <b>Mr. James</b> relating to the Buyer-Seller transaction.		
6.1	Can a shareholder holding 10% of Buyer's shares or less sue Mr. James for harm caused to Buyer by	<b>Derivatively</b> ( <i>i.e.</i> , on behalf of the company) (Yes/No/NA/Minimum holding)	<b>Direct suit</b> ( <i>i.e.</i> , a suit in the shareholder's own name) (Yes/No/NA/Minimum holding)
		[ ]	[ ]

	<p>the transaction? If yes, please state the minimum shareholding required.</p>	<p>Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [     ]</p>	<p>Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [     ]</p>
		Action against Mr. James	
6.2	<p>List the cause(s) of action that can be brought. AND What has to be proven to hold Mr. James liable and receive compensation (e.g., not liable, fraud, bad faith, negligence, prejudicial actions towards the other shareholders, conflict of interest, terms of transaction are unfair, damage to the company).</p>	<p>[     ]</p>	<p>Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [     ]</p>
6.3	<p>What are Mr. James' defenses against each cause of action?</p>	<p>[     ]</p>	<p>Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [     ]</p>
6.4	<p>What is the standard of proof for a civil claim (e.g., beyond reasonable doubt, preponderance of the evidence, balance of probabilities)?</p>	<p>[     ]</p>	<p>Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [     ]</p>
6.5	<p>What is the standard of proof for a criminal claim (e.g., beyond reasonable</p>	<p>[     ]</p>	

	doubt, intimate conviction, preponderance of evidence)?	Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [ ]
6.L	Applicable laws: [ ]	
6.C	Comments: [ ]	
Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [ ]		

7.0	In the suit described above, what is the minimum the plaintiff must prove to hold <b>Mr. James</b> liable?	Yes	No
7.1	Nothing. Mr. James has <u>no liability</u> since all the required approvals were obtained and the necessary disclosures made.	<input type="checkbox"/>	<input type="checkbox"/>
7.2	Mr. James is liable if he was <u>grossly negligent</u> in his approval of the Buyer-Seller transaction.	<input type="checkbox"/>	<input type="checkbox"/>
7.3	Mr. James is liable if he was <u>negligent</u> in his approval of the Buyer-Seller transaction.	<input type="checkbox"/>	<input type="checkbox"/>
7.4	Mr. James is liable if the terms of the Buyer-Seller transaction were <u>unfair</u> to Buyer.	<input type="checkbox"/>	<input type="checkbox"/>
7.5	Mr. James is liable if he <u>influenced</u> the approving body to approve the transaction.	<input type="checkbox"/>	<input type="checkbox"/>
7.6	Mr. James is liable if the transaction caused <u>damage</u> to Buyer.	<input type="checkbox"/>	<input type="checkbox"/>
7.L	Applicable laws: [ ]		
7.C	Comments: [ ]		
Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [ ]			

8.0	If Buyer's shareholders are successful in the action(s) against Mr. James described above, describe what remedies are available.			
	Remedy	Yes	No	NA
8.1	Mr. James pays loss/damages caused to Buyer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.2	Mr. James repays personal profits made from the transaction.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8.3	Mr. James pays punitive fines to the government.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.4	Mr. James is put in jail.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.5	Please explain whether Buyer's shareholders can undo or rescind the transaction, and list what must be proven in court. [ ]			
8.L	Applicable laws: [ ]			
8.C	Comments: [ ]			
Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [ ]				
<b>Are you aware of any changes between June 2007 and now to the laws and regulations governing the duties or potential liability of directors or controlling shareholders?</b> Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please describe those changes (including dates on when these changes come into effect). [ ]				

### C.2. Actions against the approving body

9.0	Describe the key features of the action(s) that can be brought by Buyer or Buyer's shareholders against <b>the approving body</b> ( <i>i.e.</i> , directors if board approval is required, members if supervisory board approval is required, or CEO if CEO approval is required) relating to the Buyer-Seller transaction.		
9.1	Can a shareholder holding 10% of Buyer's shares or less sue the directors or members or CEO for harm caused to Buyer by the transaction? If yes, please state the minimum shareholding required.	<b>Derivatively</b> ( <i>i.e.</i> , on behalf of the company) (Yes/No/NA/Minimum holding)	<b>Direct suit</b> ( <i>i.e.</i> , a suit in the shareholder's own name) (Yes/No/NA/Minimum holding)
		[ ]	[ ]
		Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [ ]	Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [ ]
Action against the approving body			

9.2	List the cause(s) of action that can be brought  AND What has to be proven to hold the approving body liable and receive compensation (e.g., not liable, fraud, bad faith, negligence, prejudicial actions towards the other shareholders, conflict of interest, terms of transaction were unfair, damage to the company).	[ ]	
		Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [ ]	
9.3	What are the approving body's defenses against each cause of action?	[ ]	
		Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [ ]	
9.L	Applicable laws: [ ]		
9.C	Comments: [ ]		
Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [ ]			
10.0	In the suit described above, what is the minimum that the plaintiff needs to prove to hold the <b>approving body</b> liable?	Yes	No
10.1	Nothing. The approving body has <u>no liability</u> since all the required approvals were obtained and the necessary disclosures made.	<input type="checkbox"/>	<input type="checkbox"/>
10.2	The approving body is liable if they were <u>grossly negligent</u> in their approval of the Buyer-Seller transaction.	<input type="checkbox"/>	<input type="checkbox"/>
10.3	The approving body is liable if they were <u>negligent</u> in their approval of the Buyer-Seller transaction.	<input type="checkbox"/>	<input type="checkbox"/>
10.4	The approving body is liable if the terms of the Buyer-Seller transaction were <u>unfair</u> to Buyer.	<input type="checkbox"/>	<input type="checkbox"/>

10.5	The approving body is liable if the transaction caused <u>damage</u> to Buyer.	<input type="checkbox"/>	<input type="checkbox"/>
10.L	Applicable laws: [ ]		
10.C	Comments: [ ]		
Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [ ]			
<b>Are you aware of any changes between June 2007 and now to the laws and regulations</b> governing the duties or potential liability of approving bodies? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please describe those changes (including dates on when these changes come into effect). [ ]			

## D. Ability to compile evidence

### D.1. Inspect internal company documents

11.0	Indicate whether a minority shareholder has the right to demand that Buyer allow him to inspect internal Buyer documents <b>without filing a suit</b> .	
		Description
11.1	Who can demand the right to inspect (e.g., required minimum shareholding, board approval)?	[ ]
11.2	Are documents relating to the Buyer/Seller transaction (e.g., the purchase agreement) available for inspection?	[ ]
11.L	Applicable laws: [ ]	
11.C	Comments: [ ]	
Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [ ]		
<b>Are you aware of any changes between June 2007 and now to the laws and regulations</b> governing the ability of minority shareholders to inspect internal company documents without filing suit? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please describe those changes (including dates on when these changes come into effect). [ ]		

### D.2. Appoint government inspector

12.0	Indicate whether a minority shareholder has the right to seek the appointment of a government inspector or <i>interventor</i> or use a similar procedure to investigate the Buyer-Seller transaction <b>without filing a suit.</b>	
		Description
12.1	Who can request an inspector (e.g., required minimum shareholding, board of approval)?	[ ]
12.2	What are the bases or grounds for the appointment of an inspector (e.g., mismanagement suspected, breach of laws)?	[ ]
12.L	Applicable laws: [ ]	
12.C	Comments: [ ]	
<p>Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b></p> <p>Correction <input type="checkbox"/> or Reform <input type="checkbox"/></p> <p>[ ]</p>		
<p><b>Are you aware of any changes between June 2007 and now to the laws and regulations</b> governing the ability of minority shareholders to seek the appointment of a government inspector or <i>interventor</i> without filing a suit?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please describe those changes (including dates on when these changes come into effect).</p> <p>[ ]</p>		

### D.3. Gather information during trial

13.0	Indicate the scope of information that the plaintiff can ask the judge to compel from a defendant and/or an uncooperative witness during court proceedings. Please mark all that apply.						
Scope of evidence		Defendant			Witness		
		Yes	No	NA	Yes	No	NA
13.1	Only information that the plaintiff has a separate independent right (e.g., under company law or other law) to receive.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.2	Information that the defendant has indicated that he intends to rely on for his defense.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13.3	Information that directly proves specific facts in the plaintiff's claim.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.4	Any information that is relevant to the subject matter of the claim.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.5	Any information that may lead to discovery of relevant information.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.L	Applicable laws: [     ]						
13.C	Comments: [     ]						
Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [     ]							
14.0	If a plaintiff can request that the judge require documents from a defendant or witness during court proceedings, indicate the specific requirements for the plaintiff's request.		Yes	No	NA		
14.1	The request must specifically identify the documents sought ( <i>i.e.</i> , list the title, author, date and contents).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.2	The request need only identify categories of documents sought, without specifics.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.3	Plaintiffs may request the judge appoint an expert witness who will have <u>full access</u> to all applicable documents from the defendant (even where those documents are detrimental to the defendant's case.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.L	Applicable laws: [     ]						
14.C	Comments: [     ]						
Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [     ]							
15.0	Indicate which statements describe the process for questioning a defendant or witness orally during trial.						
Description of questioning		Defendant			Witness		
		Yes	No	NA	Yes	No	NA
15.1	The plaintiff or plaintiff's lawyer performs his own questioning <u>without</u> prior approval by the court of the questions posed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.2	The plaintiff or plaintiff's lawyer performs his own questioning <u>with</u> prior approval by the court of the questions posed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.3	The judge performs his own questioning <u>after</u> the plaintiff suggests questions to the judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

15.4	The judge performs his own questioning <u>without</u> input from the plaintiff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.L	Applicable laws: [       ]						
15.C	Comments: [       ]						
<p>Did you make any changes to the pre-existing responses? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><b>If yes, please explain and indicate whether it is a correction or a reform (see definitions above)</b></p> <p>Correction <input type="checkbox"/> or Reform <input type="checkbox"/></p> <p>[       ]</p>							
<p><b>Are you aware of any changes between June 2007 and now to the laws and regulations governing the ability of parties to gather information during trial?</b></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please describe those changes (including dates on when these changes come into effect).</p> <p>[       ]</p>							

<p><b>Between June 2007 and now, were there any reforms in your country's laws not discussed above that affected the rights of minority shareholders? Yes <input type="checkbox"/> No <input type="checkbox"/></b></p> <p>If yes, please describe those changes.</p> <p>[       ]</p>
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## Referrals

The Doing Business project covers several topics of business regulation from start-up to closing. Please let us know whether you would like to contribute to any of the following topics in addition to this survey or whether you would like to recommend one of your colleagues.

I would like to contribute to the following topic	I would like to recommend :		
	Name	Firm and Position	Contact Information
<input type="checkbox"/> Starting a business	[    ] (first name) [    ] (last name)	[    ] (firm) [    ] (position)	[    ] (phone) [    ] (e-mail)
<input type="checkbox"/> Construction licenses/ building regulation (including Architects and Engineers)	[    ] (first name) [    ] (last name)	[    ] (firm) [    ] (position)	[    ] (phone) [    ] (e-mail)
<input type="checkbox"/> Labor and social security regulation	[    ] (first name) [    ] (last name)	[    ] (firm) [    ] (position)	[    ] (phone) [    ] (e-mail)
<input type="checkbox"/> Registering property	[    ] (first name) [    ] (last name)	[    ] (firm) [    ] (position)	[    ] (phone) [    ] (e-mail)
<input type="checkbox"/> Collateral laws/secured transactions	[    ] (first name) [    ] (last name)	[    ] (firm) [    ] (position)	[    ] (phone) [    ] (e-mail)
<input type="checkbox"/> Protecting investors, (Corporate and Securities law)	[    ] (first name) [    ] (last name)	[    ] (firm) [    ] (position)	[    ] (phone) [    ] (e-mail)
<input type="checkbox"/> Enforcing contracts/ commercial disputes	[    ] (first name) [    ] (last name)	[    ] (firm) [    ] (position)	[    ] (phone) [    ] (e-mail)
<input type="checkbox"/> Closing a business/ bankruptcy law	[    ] (first name) [    ] (last name)	[    ] (firm) [    ] (position)	[    ] (phone) [    ] (e-mail)
<input type="checkbox"/> Transparency/ Public interest law (including NGO's, Academics and Practitioners)	[    ] (first name) [    ] (last name)	[    ] (firm) [    ] (position)	[    ] (phone) [    ] (e-mail)
<input type="checkbox"/> Trade ( including Freight forwarders, Importers and Exporters)	[    ] (first name) [    ] (last name)	[    ] (firm) [    ] (position)	[    ] (phone) [    ] (e-mail)
<input type="checkbox"/> Infrastructure/ Electricity (including Architects, Engineers, Electrical utility personal)	[    ] (first name) [    ] (last name)	[    ] (firm) [    ] (position)	[    ] (phone) [    ] (e-mail)
Other comments: [    ]			