

Cross-Regional Court Performance Assessment – Country Report

📍 Moldova



European Bank
for Reconstruction and Development

DENTONS



Key findings

Macro Data

Eastern Europe and the Caucasus¹

EBRD region of operation

2,615,199 (2021)²

Population size

32,884.6³

Land area (sq.km.)

5,230.7 (2021)⁴

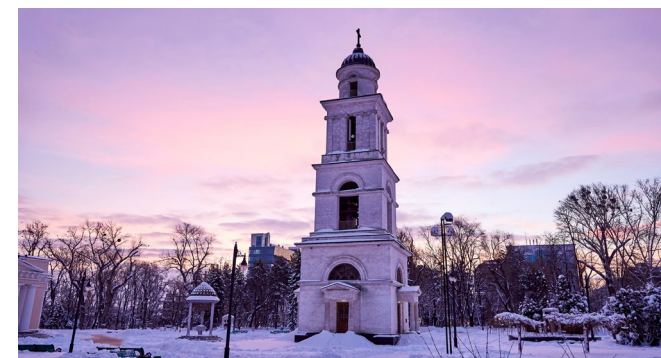
GDP per capita in USD

Moldova's performance is below the average score of 2 for three of the examined dimensions. Regarding Dimension 1. Policies and Infrastructure for E-justice, the country's score is higher than 2 but its performance across indicators is inconsistent. Moldova has particularly low scores for Dimension 4. Small Claims Procedures.

Moldova's performance on the indicators of **Policies and Infrastructure for E-Justice** is inconsistent. The country has high scores for the level of development of e-governance and e-infrastructure, and of the justice system's digitalisation. Moldova is a leader regarding level of broadband internet access, although the level of internet penetration is average compared to other EBRD CoOs. An integrated CMS has been deployed and is available in all Moldovan courts. However, the level of digitization of court processes in Moldova indicates weaknesses in essential e-justice solutions and tools such as electronic filing and electronic service of process. Like most examined CoOs, Moldova has rather low scores for the indicator on stakeholder engagement.

In terms of **Commercial Dispute Resolution**, Moldova earns close to average scores. There are no specialised commercial courts or divisions or specialised procedural rules for commercial cases. However, commercial law topics are part of both the inception and continuous training of judges and is provided on a mandatory basis. While there is legislation governing mediation in civil/commercial disputes and some important incentives to mediate, no court-annexed mediation is available. There are no online solutions for out-of-court settlement available in Moldova. Commercial cases disposition time has grown by more than 10% in the last three years in Moldova, meaning that courts have been getting progressively slower in resolving commercial disputes.

Moldova's performance is significantly lower in **Uncontested Procedures for Enforcing a Claim**. This is mainly due to very low scores for the ease of filing of applications for the order for payment procedure. In Moldova, the fee for obtaining an enforceable title in this procedure is the same as for the general civil procedure. This means that cost-wise, there is no incentive whatsoever for creditors in Moldova to try out the non-litigious route before resorting to general litigation.



¹ See <https://www.ebrd.com/where-we-are.html>.

² See <https://data.worldbank.org/country/moldova?view=chart>.

³ See <https://data.worldbank.org/indicator/AG.LND.TOTL.K2?locations=MD>.

⁴ See <https://data.worldbank.org/country/moldova?view=chart>.

Moldova has consistently low scores in **Small Claims Procedures** compared to other EBRD CoOs. Both the ease of filing of small claims, and the availability of meaningful procedural simplifications of the small claims procedure are assessed as low.

Overall, Moldova displays an average level of readiness for the introduction of ODR. The overall level of development of e-governance and e-infrastructure are a good basis for further improvements. However, court processes need to be further digitalised, especially in terms of their interaction with court users. It is difficult to identify a particular subject matter area that displays a higher level of readiness for the introduction of ODR since commercial litigation is not particularly specialised and represents a part of overall civil justice, whereas uncontested procedures for enforcing a claim and the small claims procedure are still not sufficiently advanced in terms of digitalisation. Still, given that the processing of the uncontested claims procedure appears to be quite efficient, an improvement in the ease of filing of such claims and of the linkages with the litigious procedure in case of an objection might be a good starting point.



Questionnaire

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 1. Policies and Infrastructure for E-Justice			
	Link to the strategy that covers e-justice (if any) and time-period of the strategy.		<p>Strategy on independence and integrity in the justice sector for 2022-2025.</p> <p>At the time of completing the questionnaire, the Government was drafting the “Digital Transformation Strategy of the Republic of Moldova for 2023-2030”, which covers some general aspects related to e-justice.</p> <p>https://www.legis.md/cautare/getResults?doc_id=129241&lang=ro</p>
	Which body is responsible for digitization of the judiciary?		The Ministry of Justice finances the digitization of the judiciary. The responsible implementing entity is the Agency for Court Administration under the Ministry of Justice.
	Which body is responsible for digitization in public administration?		The e-Governance Agency is responsible for digitization at the government level. https://www.egov.md/en
	Is there a formal coordination mechanism for digitization projects in the judiciary and public administration? What is it?		<p>The judiciary submits suggestions for priority actions in the area of digitization through the Superior Council of Magistracy to the Ministry of Justice. Jointly agreed priorities are included in the Strategy and Action Plan.</p> <p>Digitization activities in public administration are identified and approved by the Coordination Council consisting of state secretaries of all ministries, directors of various central public authorities.</p>
	Does the Case Management System of the courts allow for auto-generation of parts of the judicial acts?		The Integrated Case Management System (ICMS) used by all Moldovan courts allows the generation of templates documents, such as rulings, decisions or court hearing protocols. However, the automatically generated parts are limited to information concerning the court, dates, parties, etc. It does not generate text concerning the factual pattern of the case or the reasoning.
	Can judges work remotely by accessing the Case Management System of the courts from a distance?		No, the ICMS can only be used by accessing it from the courts' network with a government-issued authentication and access control token.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.1. Level of Development of E-governance and E-infrastructure			
1.1.1.	Level of internet penetration	2	76% in 2017. Data source: https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=MD
1.1.2.	Level of development of electronic signatures	3	The digital signature was introduced in 2014 pursuant to Law no 91 on electronic signature and electronic document, available at https://www.legis.md/cautare/getResults?doc_id=112497&lang=ro . Public servants and officials have electronic signatures and use them to submit their integrity and tax declarations. Electronic signature is quite widespread among businesses as well.
1.1.3.	Level of development of electronic documents	3	The use of electronic documents was introduced in 2014 pursuant to Law no 91 on electronic signature and electronic document, available at https://www.legis.md/cautare/getResults?doc_id=112497&lang=ro . Electronic documents are issued and circulated particularly often within and among public administration institutions, as well as for filing tax declarations.
1.1.4.	Level of development of national electronic identification	3	E-IDs are issued by the Public Services Agency and give access to all the public e-services available.
1.1.5.	Level of online access to administrative services	3	E-services portal is here http://www.e-services.md/ and provides services related to identification documents, vehicle registration, legal entity registration, etc. The number of electronic services available to citizens and businesses is continuously growing.
1.1.6.	Level of broadband internet access	3	105,71 Mbps in 2022 (data source: https://www.speedtest.net/global-index/moldova#fixed)

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.2. Overall level of development of justice system digitalisation			
1.2.1.	Status of e-Justice strategy	3	There is no separate e-justice strategy, however activities concerning digital innovations are included in the Strategy on independence and integrity in the justice sector for 2022-2025. While there is no report yet on how such activities have been implemented during 2022, there are ongoing initiatives aimed at implementing a significant number of these digitization activities.
1.2.2.	Case management system (CMS) deployment rate	3	The ICMS has been deployed and is available in all Moldovan courts.
1.2.3.	Level of integration of the Case Management System	3	ICMS is a single unified system.
1.2.4.	Official information about the justice system available over the internet	3	All such information ((1) the contact information of all courts; (2) schedules of court hearings; and (3) forms that can be used by citizens and businesses for various filings with the court) is available on this portal https://instante.justice.md/ .
1.2.5.	Publication of court judgments and free online access to them	3	Court decisions of all courts (regardless of the level) are available on each sub-page of the portal https://instante.justice.md/ .

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.3. Digitisation of court processes			
1.3.1.	Availability and use of e-filing	2	The regulatory framework for the use of e-Filing is in place and the e-Filing system is currently being piloted by attorneys (http://uam.md/index.php?pag=news&id=875&rid=2689&l=ro). However, the system is not deployed yet.
1.3.2.	Availability and use of electronic service of process (e-service)	2	Pursuant to Art 100 of the Civil Procedure Code, the court claim and other procedural documents may be served, inter alia, via the case management /e-filing system. Public authorities, attorneys and private entities are served electronically via the same system. However, given the fact that the e-filing system is not deployed, the currently used type of service is on paper.
1.3.3.	Possibility to check case files and track case progress remotely	2	The Supreme Court website (for instance, here http://agenda.csj.md/civil.php and here http://jurisprudenta.csj.md/db_lista_dosare.php) and the centralised website for all the other courts (https://instante.justice.md/) offer information regarding the schedule of court hearings and their outcome, as well as the status of a pending case. One deployed, the e-filing system will allow each party to monitor their cases and see more information than is currently publicly available.
1.3.4.	Possibility to hold online / videoconference hearings (for any type of case)	2	Videoconferencing hearings are frequently employed in criminal cases. There are currently only three types of cases for which such possibility exist, namely cases concerning the execution of sentence (Art. 469 of the Criminal Procedure Code), cases concerning complaints against the body enforcing the custodial sentence (Art. 471 of the Criminal Procedure Code) and cases concerning complaints against the administration of the penitentiary institution concerning conditions of detention that seriously affect the rights of the convicted or the detained (Art. 471 of the Criminal Procedure Code). by law. The Civil Procedural Code also provides for the use of videoconferencing system in limited cases for participants, experts and witnesses. In particular, pursuant to Art. 213 of the Code, participant in the trial who cannot appear at the hearing due to being outside the borders of the Republic of Moldova, due to the execution of the sentence in the penitentiaries of the Republic of Moldova, due to hospitalization in a medical institution or due to locomotor disabilities can be heard via videoconference, at request or ex officio. The hearing via videoconference of the participant in the process takes place, as the case may be, at the headquarters of the diplomatic mission or consular office of the Republic of Moldova, at the headquarters of the penitentiary institution, the medical institution, the social assistance institution, the guardianship authority or the probation body, which have of appropriate technical means and verify the identity of the participant. However, given the lack of necessary secured videoconferencing systems, the use of videoconferences in civil cases is more limited than in criminal cases.
1.3.5.	Court fees	2	Electronic payment of court fees is available via the governmental payment e-service MPay https://mpay.gov.md/Services , which allows for the electronic payment of various services, including court fees when filing a claim, fees for obtaining copies of judicial acts, etc. The payment can be completed via four main ways – credit/debit card, electronic wallet, internet/mobile banking and by cash at payment terminals, bank or post office. No official calculator is in place.
1.3.6.	Ability to initiate enforcement based on electronic enforceable titles	1	There is no legislation governing electronic enforceable titles and enforcement can only be initiated based on an enforceable title presented on paper.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.4. Stakeholder engagement			
1.4.1.	Existence of an obligation for professional court users to interact with the court only electronically	2	Art. 166 of the Civil Procedure Code provides that the court claim submitted by a natural person plaintiff who is assisted in court by a lawyer and by legal entities must be typed and submitted through the case management/e-filing system, with a qualified advanced electronic signature. However, because the e-filing system is not deployed, paper-based interaction is the default practice.
1.4.2.	Availability of monetary incentives for conducting certain court actions electronically	1	There are no such incentives available.
1.4.3.	Availability of user guides, help desk and guidance in the e-filing system	1	The e-filing is not deployed yet and, as a result, no user guides, help desk and guidance for e-filing are available at the time of completing this questionnaire.
1.4.4.	Whether court user surveys are conducted by the courts/ the judicial system on a regular basis	1	Court user surveys are conducted sporadically and efforts to introduce court user satisfaction surveys are led at the time of completing this questionnaire by a donor-funded project. No information on public surveys is currently available on the centralised courts' portal https://instante.justice.md/ro/public-surveys .

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 2. Commercial Dispute Resolution			
	What is the definition of commercial case for the purposes of determining the jurisdiction of the commercial courts/divisions/chambers (if available in the country)?		Generally, disputes between legal entities are considered commercial. Sole traders also meet this condition.
	Have significant reforms of commercial dispute resolution been introduced in the previous three years in the country (e.g., changes to the practice and procedure of commercial litigation and/or related alternative dispute resolution (ADR))? Briefly describe the nature and impact of the reforms.		No significant reforms were introduced in the past three years. More recently, the institution of judicial mediation was excluded from the Civil Procedure Code, leaving in place only extra-judicial/private mediation. Further improvements of the mediation and arbitration frameworks are ongoing at the time of completing this questionnaire.
	What has been the impact of the COVID-19 pandemic on commercial litigation in the country, e.g. introducing more electronic interactions?		More electronic interaction has been temporarily allowed during the pandemic, however these have not been continued beyond the pandemic.
	Number of female/male judges in the country.		No statistical data for first-instance judges is available, but in 2018 the female representation in the overall judiciary was 48,3%. Source https://statistica.gov.md/newsview.php?l=ro&idc=168&id=6599 .
	Number of female/male first-instance commercial judges in the country.		Please see the comment above.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 2.1. Level of specialisation of commercial dispute resolution			
2.1.1.	Availability of a specialised commercial court or specialised commercial divisions in courts	1	There are no specialised commercial courts or divisions. Judges examining commercial cases also examine civil cases. There are, however, judges specialised in insolvency cases.
2.1.2.	Modifications of the general procedural rules in respect of commercial cases as compared to general civil cases	1	No specific procedures are designed and available for commercial cases. There are distinct provisions for insolvency/
2.1.3.	Inception training in commercial law for commercial judges	3	There is mandatory training for judges upon entry. However, topics related to commercial law are part of the training in the civil law area.
2.1.4.	Continuous (regular) commercial law training for commercial judges	3	There is mandatory continuous training for judges. However, topics related to commercial law are part of the training in the civil law area.
2.1.5.	Capacity building for commercial judges' judicial assistants or for other types of specialised judicial clerks engaged in commercial justice (e.g., rechtspflegers)	2	Judicial assistants they receive no specialized commercial law training, since commercial-related topics are included in the training on civil law.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 2.2. Use of mediation/ADR tools			
2.2.1.	Availability of mediation in civil/commercial disputes	2	There is legislation governing mediation in civil/commercial disputes. As a matter of fact, mediation is most frequently employed in commercial cases. There is an obligation under the Civil procedure Code for the judge to inform the parties about the possibility of using alternative dispute resolution means. However, the judges cannot mandate or impose the use of mediation. If parties choose to pursue mediation, the court does not facilitate or provide the infrastructure for such use.
2.2.2.	Availability of an official register of mediators accessible online	3	The list of mediators is available here https://mediere.gov.md/ro/documents-terms/mediatori . Perhaps the name of the indicator should also reflect the accreditation.
2.2.3.	Availability of incentives for mediation	3	Court fees are returned if a mediated settlement agreement is reached. The first information session on mediation is free of charge by law (Art. 18 of the Law on Mediation https://www.legis.md/cautare/getResults?doc_id=110536&lang=ro)
2.2.4.	Enforceability of mediation settlement agreements	2	If the mediated settlement agreement is not voluntarily enforced, a party may seek a writ of execution be issued in court or by a notary. The latter option is available only for mediated settlements between legal entities.
2.2.5.	Availability and use of online solutions for out-of-court settlement	1	No such platform is available.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 2.3. Efficiency and effectiveness of commercial litigation (to be assessed only if statistical disaggregation of commercial cases is available)			
2.3.1.	Clearance rate of first-instance commercial cases for the latest year for which statistics is available	3	Approx. 101% for 2021. Data source https://aaij.justice.md/files/document/attachments/RAPORT_ANALIZA_STATISTICA_2021%20%281%29.pdf
2.3.2.	Disposition time of 1st instance commercial cases as compared to CoE median for first-instance civil/commercial cases	2	Based on available statistics for 2021, DT for commercial cases in Moldova was 185 days compared to the European median of 194 (for 2018). Please note that CEPEJ data is outdated and not disaggregated in civil and commercial. https://public.tableau.com/app/profile/cepej/viz/CEPEJ-Overviewv20201_OEN/Overview . This means that disposition time for commercial cases in Moldova is 4,6% lower than median disposition time for civil cases under the latest CEPEJ evaluation which in turns warrants a score of 2.
2.3.3.	Disposition time of commercial cases as compared to the disposition time of general 1st instance civil cases in the latest year for which statistics is available	1	In 2021, the DT for commercial cases was 185 days compared to the DT for civil cases which was 133 days. Data source https://aaij.justice.md/files/document/attachments/RAPORT_ANALIZA_STATISTICA_2021%20%281%29.pdf This means that DT for commercial cases is 39% higher than DT for civil cases, which warrants a score of 1.
2.3.4.	Dynamic of commercial cases disposition time over a 3-year period (the latest 3 years for which data is available)	1	2019: 155 days 2020: 190 days 2021: 185 cases Data source https://aaij.justice.md/files/document/attachments/RAPORT_ANALIZA_STATISTICA_2021%20%281%29.pdf page 18 This means that commercial cases disposition time has increased between 2019 and 2021 by 19%, which warrants a score of 1.

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 3. Uncontested Procedures for Enforcing a Claim			
	What is the name of the procedure (e.g., order for payment, issuance of a writ of execution based on document, other)? If there are several such procedures, please, describe each of them.		Payment order procedure/simplified procedure
	Which authority is entrusted with examining claims that may be uncontested by the debtor?		The courts are responsible for examining such claims.
	If the courts are competent to examine such claims, do the general rules of territorial jurisdiction apply to them or is the process centralized?		Ordinary jurisdictional competence rules are applied.
	What claims is the procedure applicable to (i.e., only claims based on certain trustworthy documents such as checks, bills of exchange, notary deeds, utility claims, or also all types of civil and commercial monetary claims)?		Article 345 of the Civil Procedure Code establishes 17 types of claims that fall under this category, including alimony payment, salary payment, claims that result from loans and leasing, unpaid taxes and social/medical security, outstanding bills, claim resulting from unreturned books to the library.
	Is there a monetary threshold for applying the uncontested claims procedure?		No.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 3.1. Ease of filing			
3.1.1.	Effective self-representation	3	Self-representation is allowed and the process is simple enough so that most creditors do not engage a lawyer, particularly given the usually low cost value of the claim and the fact that the proceedings are conducted without parties' participation. Representation is, however, allowed in such claims.
3.1.2.	Availability and use of forms for filing the claim	1	There are no standard forms. The requirements for the content of the claim are established by the Civil procedure Code.
3.1.3.	Availability and use of online filing	1	While in practice some courts receive filed claims via e-mail, these should nevertheless be followed by paper-based filing. There is no dedicated system for online filing.
3.1.4.	Level of court fees for filing a claim	1	Pursuant to Article 346 para 2 of the Civil Procedure Code, the payable court fee in uncontested procedure is the same as for claims in the general civil procedure.
3.1.5.	Simplified rules on attachment of evidence to the claim	1	Attachment of evidence is required under Article 347 of the Civil Procedure Code.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 3.2. Efficient processing			
3.2.1.	Predictability of the timelines for pronouncement	3	The timelines are clearly established under the Civil Procedure Code. For instance, the judge is to issue the order within 5 days from the date when the claim is filed.
3.2.2.	Length of timelines for pronouncement	3	Judges largely comply with this term but certain deviations also happen due to significant workload.
3.2.3	Availability of options for service to the debtor without proof of receipt	3	<p>The following are available:</p> <p>(1) <i>personal service at the defendant's personal address on persons who are living in the same household as the defendant or are employed there</i> - available as a subsidiary means of service, if the defendant is not at home, provided that it is given to an adult member of the family if the latter accepts to receive it. Otherwise, service will be done to the administration of the condominium, the mayoralty/ village hall or the administration of his/her workplace.</p> <p>(2) <i>in the case of a self-employed defendant or a legal person, personal service at the defendant's business premises on persons who are employed by the defendant;</i> - available for legal persons, service on persons in a leadership/administrative position and only when they are not available, on other employees.</p> <p>(3) <i>electronic means attested by an automatic confirmation of delivery, provided that the defendant has expressly accepted this method of service in advance</i> - for natural persons, this is available at request. However, in practice, this is rarely used given the fact that the e-filing is not fully deployed and other is not general practice in that sense.</p>
3.2.4.	Ease of debtor's objection	1	Under Article 352 of the CPC, the debtor needs to justify the objections submitted to the court.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 3.3. Effective linkages between the uncontested procedure and the procedure following a statement of opposition			
3.3.1.	Consequence of debtor's lack of objection	3	<p>Pursuant to Art 354 of the Civil Procedure Code, if the debtor does not object within 10 days from receipt of the initial order, the judge issues an order with immediate enforcement effect.</p> <p>For the part not objected to, the order issued by the court will be enforceable. For the objected part of the claim, the parties will need to resort to the ordinary contentious procedure.</p>
3.3.2.	Launching the litigious stage of the procedure	1	The litigious stage is triggered by a separate claim filed under the general rules.
3.3.3.	Link between the fees due in the uncontested claims procedure and in the litigious procedure	2	If creditor's claim is refused pursuant to Art 348 of the Civil Procedure Code (for instance, because it is filed against multiple debtors, or no documents are presented to confirm the existence of the debt, or the pre-action procedure was not followed), the creditor can file a claim in the general civil procedure and the court fees paid can be redeemed for the civil claim.
3.3.4.	Management of statements of opposition	1	Claims that continue under the ordinary procedure are not linked and tracked in the case management system.

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 4. Small Claims Procedures (this dimension is to be evaluated only in case a small claims procedure is available)			
	What is the name of the procedure (e.g., small claims procedure, simplified procedure, written procedure, fast-track procedure, other)? If there are several such procedures, please, describe each of them.	Low value claims procedure	
	Is there a special small claims court or a special court division examining small claims?	No	
	What is the monetary threshold for the applicability of the procedure?	10 average salaries (approx. 4,921 EUR) (Art 276 para 1 of the Civil Procedure Code)	
	What claims is the procedure applicable to?	Any claim is eligible except those related to tax, customs, damages caused by public authorities and those concerning non-patrimonial rights (Art 276 para 2 of the Civil Procedure Code).	

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 4.1. Ease of filing			
4.1.1.	Effective self-representation	2	Self-representation is allowed but often parties opt for representation.
4.1.2.	Existence of forms for filing the claim	1	There is no mandatory format. The requirements concerning the content of the claims is regulated by the Civil Procedure Code.
4.1.3.	Availability and use of online filing	1	See comments provided under the payment order procedure.
4.1.4.	Guidance to self-represented litigants	1	See comments provided under the payment order procedure.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 4.2. Availability of meaningful procedural simplifications of the small claims procedure			
4.2.1.	Statutory timelines in the small claims procedure	2	The CPC requires that small claims procedure takes no more than 6 months from the date the claim is filed, however, these time limits are not always respected due to workload faced by courts.
4.2.2.	Simplified evidentiary rules	1	Same evidentiary rules apply as in the ordinary civil procedure.
4.2.3.	Simplified rules on hearings	2	The default rule is that small claims procedure is a written procedure. However, if necessary, ex officio or at the request of a party, the court may allow hearings to take place. In principle, such hearings could be conducted online if the conditions provided in Article 213 of the Civil Procedure Code are complied with. However, please note that there is no infrastructure in place to apply this in practice.
4.2.4.	Special rules on encouraging conciliation or mediation	1	There are no special rules encouraging conciliation or mediation in such procedure.
4.2.5.	Simplified content of the judgment	1	The content of the judgment is the same as in ordinary civil procedure. However, initially, the judge issues only the operative part of the judgment and then the full judgment with arguments and reasoning.
4.2.6.	Modifications to the rules on appealing the judgment in the small claims procedure	2	The appeal procedure is the same as for the general civil procedure with the exception that it is conducted by default in writing, with the judges having the option to allow hearings where necessary.

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