



European Bank
for Reconstruction and Development

Legal Transition Programme

Promoting sustainable market economies through commercial law reform



.....
Legal excellence

**Dedication to developing
an investor-friendly legal
environment**

Commitment to our clients

Background

The EBRD's Office of the General Counsel has been managing the Legal Transition Programme since 1995. Under the Programme, EBRD lawyers identify legal and regulatory impediments to investments in the EBRD region and help to design and implement the reforms needed to remove these obstacles.

“We believe that effective legal regimes are an essential part of building an attractive investment climate in countries where we operate. The Legal Transition Programme is our long-running initiative to create an investor-friendly legal environment in our region. This opportunity to engage with our countries of operations to develop their legal systems is what differentiates us from legal departments in commercial banks and other private sector institutions.”

MARIE-ANNE BIRKEN,
General Counsel

The Legal Transition Programme's objective

As part of the EBRD's approach to policy engagement, the Programme helps to establish laws, regulations and institutions that support the development of a predictable investment climate in our region, which includes central Asia, central Europe and the Baltic states, eastern Europe and the Caucasus, south-eastern Europe, the southern and eastern Mediterranean and Turkey. Building on their deep understanding of commercial law and extensive knowledge of the region, for over two decades EBRD lawyers have continually advocated for better legislative and regulatory frameworks for economic activity, built capacity in state institutions and commercial courts, and disseminated lessons learned to policy-makers.



The Legal Transition Programme covers:

- **Access to finance** (including secured transactions, crop receipts, factoring, leasing, blockchain and Fintech)
- **Corporate governance**
- **Dispute resolution and judicial training**
- **Environment and climate change**
- **Information and communications technologies (ICT)**
- **Insolvency and debt restructuring**
- **Natural resources**
- **Power and energy**
- **Public-private partnerships (PPPs) and concessions**
- **Public procurement**

How it works

We are active in all EBRD countries of operations and foster legal reform through standard-setting, assessment work, technical cooperation and outreach activities.

STANDARD SETTING

Preparing and promoting international standards of best practice

ASSESSMENT WORK

Assessing the quality and effectiveness of legal systems

KNOWLEDGE SHARING

Disseminating the experience gained so as to stimulate future reforms

TECHNICAL COOPERATION

Providing technical cooperation to our countries of operations



How do we help to set standards?

We contribute to international standard-setting initiatives and promote the adoption of these norms. For example, we recently helped to develop a Model Law on PPPs. We also prepared a Model Law on Secured Transactions, which served as the basis for secured transaction reforms across central and eastern Europe.

Why and how are legal systems assessed?

Typically, we carry out cross-regional diagnostic studies of laws and regulations, and benchmark them against international standards. These assessments provide an analysis of the progress of reforms and identify gaps and future reform needs.

Recently, we conducted surveys of the legal landscape for the following areas:

- **Factoring**
- **Insolvency administrator profession**
- **Corporate governance frameworks and practices**
- **Regulatory regimes for broadband acceleration**
- **Legal regimes for PPPs**
- **Quality of judicial decisions**
- **Public procurement regimes**

You can find more information about each of these assessments on the website for the relevant focus area, accessible here:

WWW.EBRD.COM/LAW

How exactly do we help countries with their legal reforms?

Once we have identified legal gaps and reform needs, we deliver a wide range of technical cooperation aimed at helping governments and other stakeholders establish investor-friendly legal and regulatory systems and build capacity in state institutions and courts. Some examples include:

- Support for legal and regulatory reforms in Hungary, Serbia and Ukraine that seek to address the legacy of non-performing loans (NPLs)
- Cooperation with the Egyptian government on draft amendments to the law on public procurement
- Assistance to the Central Bank of Russia for the revision of the country's Corporate Governance Code
- Advice to the government of Georgia on the preparation of a new law on PPPs
- Help to the telecoms regulator in Bosnia and Herzegovina on the adoption and implementation of competition safeguards
- Training on intellectual property and arbitration for judges in Jordan.



Reaching out. Collaborating. Sharing our knowledge.

We disseminate our knowledge and experience through conferences, publications and cooperation with other international organisations. For example, we collaborate extensively with the International Development Law Organization (IDLO), the United Nations Commission on International Trade Law (UNCITRAL), the International Monetary Fund (IMF), the World Bank Group and the World Trade Organization (WTO), among others, as well as with donor governments who help to fund our activities.



.....

We recently helped to organise a high-level forum in Minsk that promoted the use of commercial mediation as an alternative form of dispute resolution.



At a conference in Athens, we launched our new Accelerated Broadband Connectivity Initiative which seeks to speed up the roll-out of broadband infrastructure in the EBRD region.

.....

Law in Transition Journal

Our annual Law in Transition Journal offers extensive coverage of legal developments in the region, shares lessons learned and aims to stimulate debate on legal reform. The most recent edition of the journal can be found at: lit-ebrd.com



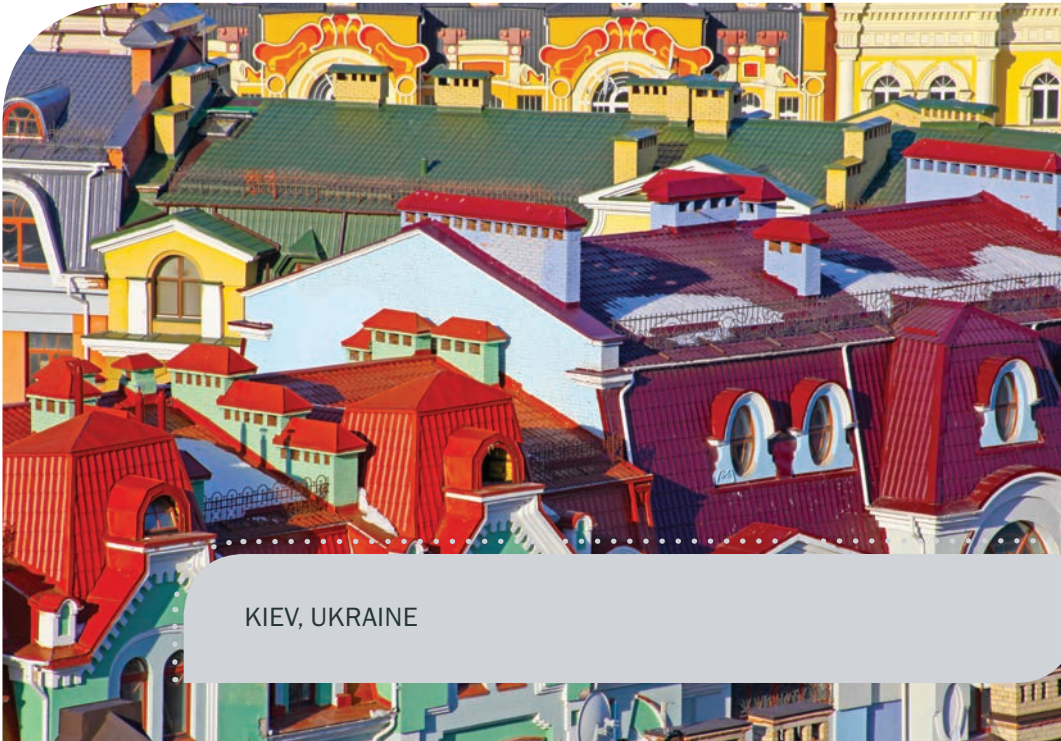
Funding

The Programme is funded both from the EBRD's budget and through donor grants provided by the EBRD's shareholders and other donors. The Programme also welcomes *pro bono* contributions by law firms and other stakeholders.



● **Transforming public procurement in Ukraine**

Our lawyers provided support for Ukraine's accession to the WTO Agreement on Government Procurement and for the adoption of mandatory electronic procurement for purchases by government bodies. These efforts help to improve the cost-effectiveness and transparency of the public procurement system in Ukraine, create opportunities for Ukrainian businesses in foreign procurement markets and provide the local authorities with access to the best goods and services available internationally.



KIEV, UKRAINE

● **Addressing barriers to climate investments**

Our pilot study assessed the policy, legal and institutional obstacles to attracting higher levels of climate investments in Jordan, Morocco and Tunisia. This was an essential first step in helping these countries meet their commitments under the Paris Agreement on combating climate change. The study made recommendations for legal and institutional measures that can facilitate reaching the countries' mitigation and adaptation goals. We are considering replicating the legal assessment in other parts of the EBRD region.



AMMAN, JORDAN

Raising corporate governance standards

We work with regulators and EBRD investee companies to foster the adoption of sound corporate governance practices that meet international standards and help to attract foreign investment to the region. Among other activities, we helped the Bank of Slovenia to align its supervisory practices with European Union standards and prepared wide-ranging corporate governance action plans for national energy companies Naftogaz in Ukraine and KESH in Albania.



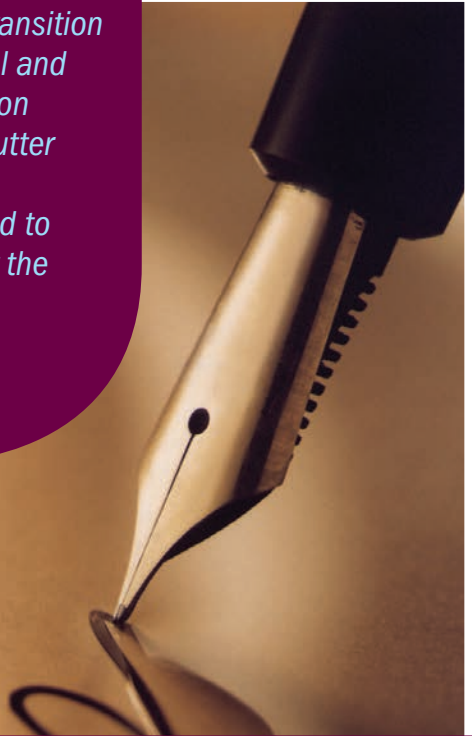
LAKE BLEED, SLOVENIA

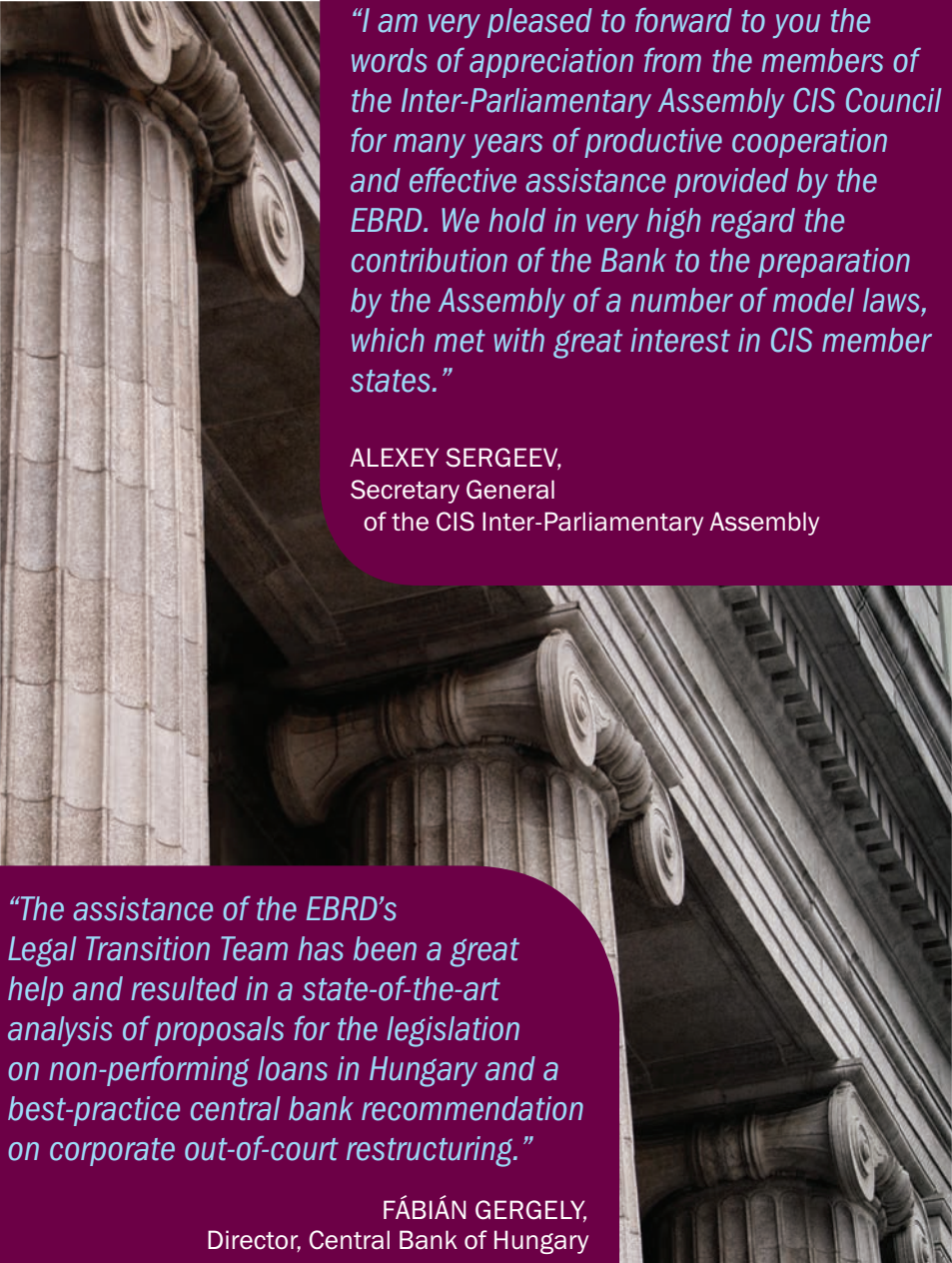
“Working with the EBRD’s Legal Transition Programme was a highly professional and rewarding experience. The combination of the team’s genuine expertise and utter commitment towards the drafting of factoring and leasing laws is expected to result in highly positive outcomes for the financial industry in the country.”

BOJANA BOŠKOVIĆ,
Deputy Minister of Finance, Montenegro

“The EBRD has proven to be a valuable partner in the project of assessing the internal and external environment of operations of the Insolvency Service. Thanks to LTP’s expertise, background and professionalism, we managed to design and successfully implement the project, which will eventually contribute to the development of a solid business environment for investments.”

DR STELIOS D. HIMONAS,
Permanent Secretary,
Ministry of Energy, Commerce,
Industry and Tourism, Cyprus





“I am very pleased to forward to you the words of appreciation from the members of the Inter-Parliamentary Assembly CIS Council for many years of productive cooperation and effective assistance provided by the EBRD. We hold in very high regard the contribution of the Bank to the preparation by the Assembly of a number of model laws, which met with great interest in CIS member states.”

ALEXEY SERGEEV,
Secretary General
of the CIS Inter-Parliamentary Assembly

“The assistance of the EBRD’s Legal Transition Team has been a great help and resulted in a state-of-the-art analysis of proposals for the legislation on non-performing loans in Hungary and a best-practice central bank recommendation on corporate out-of-court restructuring.”

FÁBIÁN GERGELY,
Director, Central Bank of Hungary

“The Bank of Slovenia had a great experience with the EBRD’s Legal Transition Programme and its leadership of projects, relating to governance and risk management issues in Slovenian banks. After this experience, the Bank of Slovenia and Slovenian banks are very pleased to be working again with the team on strengthening the regulation of risk appetite and on banks’ capacity to implement it.”

TOMAŽ ROTOVNIK,
Advisor, Systemic Supervision and Prudential
Regulation Department, Bank of Slovenia





“The bailiff training is a great opportunity not only for the General Executive Agency of Court Decisions but also for trainers and senior and junior bailiffs, who will gain the knowledge and necessary skills to advance their professional development.”

LIEUTENANT COLONEL UNURTSETSEG,
Head of the General Executive Agency of Court
Decisions Professional Management Division,
Mongolia

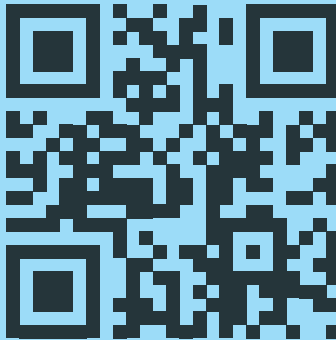


“The project was a very valuable and timely undertaking. Personally, I have gained the confidence and strength to perform well in my job as a result of the knowledge I gained from the project.”

A BAILIFF TRAINEE

How do I find out more about the Programme?

In-depth information about LTP and its activities
is available at: www.ebrd.com/law



We would love to hear from you

Contact:

MARIE-ANNE BIRKEN

General Counsel

Office of the General Counsel

Tel: +44 20 7338 6000

Email: [Birkenm@ebrd.com](mailto:birkenm@ebrd.com)

MICHEL NUSSBAUMER

Director, Legal Transition

Office of the General Counsel

Tel: +44 20 7338 7631

Email: Nussbaum@ebrd.com

JELENA MADIR

Chief Counsel, Financial Law Unit

Office of the General Counsel

Tel: +44 20 7338 7289

Email: Madirj@ebrd.com

