

Economy Profile
Tonga

Doing Business 2020

Comparing Business
Regulation in
190 Economies



WORLD BANK GROUP

Economy Profile of Tonga

*Doing Business 2020 Indicators
(in order of appearance in the document)*

Starting a business	Procedures, time, cost and paid-in minimum capital to start a limited liability company
Dealing with construction permits	Procedures, time and cost to complete all formalities to build a warehouse and the quality control and safety mechanisms in the construction permitting system
Getting electricity	Procedures, time and cost to get connected to the electrical grid, and the reliability of the electricity supply and the transparency of tariffs
Registering property	Procedures, time and cost to transfer a property and the quality of the land administration system
Getting credit	Movable collateral laws and credit information systems
Protecting minority investors	Minority shareholders' rights in related-party transactions and in corporate governance
Paying taxes	Payments, time, total tax and contribution rate for a firm to comply with all tax regulations as well as postfiling processes
Trading across borders	Time and cost to export the product of comparative advantage and import auto parts
Enforcing contracts	Time and cost to resolve a commercial dispute and the quality of judicial processes
Resolving insolvency	Time, cost, outcome and recovery rate for a commercial insolvency and the strength of the legal framework for insolvency
Employing workers	Flexibility in employment regulation and redundancy cost

About Doing Business

The *Doing Business* project provides objective measures of business regulations and their enforcement across 190 economies and selected cities at the subnational and regional level.

The *Doing Business* project, launched in 2002, looks at domestic small and medium-size companies and measures the regulations applying to them through their life cycle.


Doing Business captures several important dimensions of the regulatory environment as it applies to local firms. It provides quantitative indicators on regulation for starting a business, dealing with construction permits, getting electricity, registering property, getting credit, protecting minority investors, paying taxes, trading across borders, enforcing contracts and resolving insolvency. *Doing Business* also measures features of employing workers. Although *Doing Business* does not present rankings of economies on the employing workers indicators or include the topic in the aggregate ease of doing business score or ranking on the ease of doing business, it does present the data for these indicators.

By gathering and analyzing comprehensive quantitative data to compare business regulation environments across economies and over time, *Doing Business* encourages economies to compete towards more efficient regulation; offers measurable benchmarks for reform; and serves as a resource for academics, journalists, private sector researchers and others interested in the business climate of each economy.

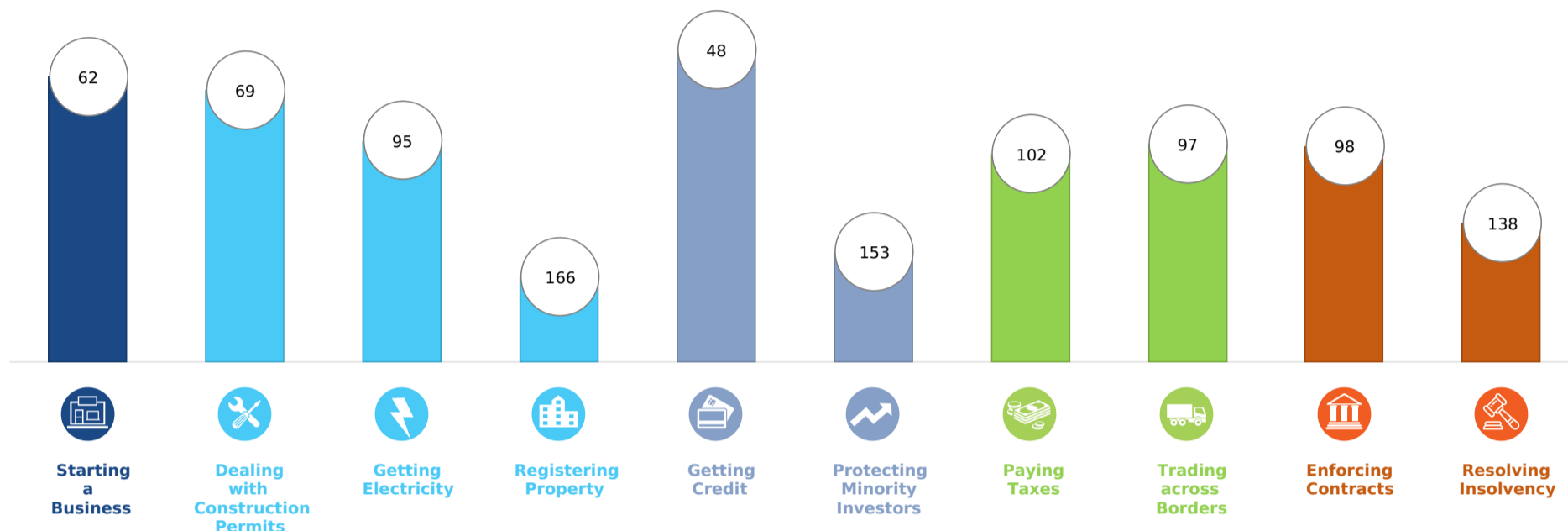
In addition, *Doing Business* offers detailed [subnational studies](#), which exhaustively cover business regulation and reform in different cities and regions within a nation. These studies provide data on the ease of doing business, rank each location, and recommend reforms to improve performance in each of the indicator areas. Selected cities can compare their business regulations with other cities in the economy or region and with the 190 economies that *Doing Business* has ranked.

The first *Doing Business* study, published in 2003, covered 5 indicator sets and 133 economies. This year's study covers 11 indicator sets and 190 economies. Most indicator sets refer to a case scenario in the largest business city of each economy, except for 11 economies that have a population of more than 100 million as of 2013 (Bangladesh, Brazil, China, India, Indonesia, Japan, Mexico, Nigeria, Pakistan, the Russian Federation and the United States) where *Doing Business* also collected data for the second largest business city. The data for these 11 economies are a population-weighted average for the 2 largest business cities. The project has benefited from feedback from governments, academics, practitioners and reviewers. The initial goal remains: to provide an objective basis for understanding and improving the regulatory environment for business around the world.

To learn more about *Doing Business* please visit doingbusiness.org

Ease of Doing Business in Tonga 	Region	East Asia & Pacific	DB RANK	DB SCORE
	Income Category	Upper middle income	103	61.4
	Population	103,197		
	City Covered	Nukualofa		

Rankings on Doing Business topics - Tonga



Topic Scores



Starting a Business (rank)	62
Score of starting a business (0-100)	90.9
Procedures (number)	4
Time (days)	16
Cost (number)	6
Paid-in min. capital (% of income per capita)	0.0
Dealing with Construction Permits (rank)	69
Score of dealing with construction permits (0-100)	71.9
Procedures (number)	14
Time (days)	77
Cost (% of warehouse value)	5.7
Building quality control index (0-15)	10.0
Getting Electricity (rank)	95
Score of getting electricity (0-100)	73.2
Procedures (number)	5
Time (days)	42
Cost (% of income per capita)	75.7
Reliability of supply and transparency of tariff index (0-8)	3
Registering Property (rank)	166
Score of registering property (0-100)	43.4
Procedures (number)	4
Time (days)	112
Cost (% of property value)	15.1
Quality of the land administration index (0-30)	15.5

Getting Credit (rank)	48
Score of getting credit (0-100)	70.0
Strength of legal rights index (0-12)	10
Depth of credit information index (0-8)	4
Credit registry coverage (% of adults)	0.0
Credit bureau coverage (% of adults)	28.2
Protecting Minority Investors (rank)	153
Score of protecting minority investors (0-100)	30.0
Extent of disclosure index (0-10)	3.0
Extent of director liability index (0-10)	3.0
Ease of shareholder suits index (0-10)	9.0
Extent of shareholder rights index (0-6)	0.0
Extent of ownership and control index (0-7)	0.0
Extent of corporate transparency index (0-7)	0.0
Paying Taxes (rank)	102
Score of paying taxes (0-100)	70.6
Payments (number per year)	30
Time (hours per year)	200
Total tax and contribution rate (% of profit)	27.5
Postfiling index (0-100)	52.5

Trading across Borders (rank)	97
Score of trading across borders (0-100)	72.6
<i>Time to export</i>	
Documentary compliance (hours)	108
Border compliance (hours)	52
<i>Cost to export</i>	
Documentary compliance (USD)	70
Border compliance (USD)	201
<i>Time to export</i>	
Documentary compliance (hours)	72
Border compliance (hours)	26
<i>Cost to export</i>	
Documentary compliance (USD)	148
Border compliance (USD)	330
Enforcing Contracts (rank)	98
Score of enforcing contracts (0-100)	57.3
Time (days)	350
Cost (% of claim value)	30.5
Quality of judicial processes index (0-18)	4.5
Resolving Insolvency (rank)	138
Score of resolving insolvency (0-100)	33.9
Recovery rate (cents on the dollar)	28.2
Time (years)	2.7
Cost (% of estate)	22.0
Outcome (0 as piecemeal sale and 1 as going concern)	0
Strength of insolvency framework index (0-16)	6.0

Starting a Business

This topic measures the number of procedures, time, cost and paid-in minimum capital requirement for a small- to medium-sized limited liability company to start up and formally operate in each economy's largest business city.

To make the data comparable across 190 economies, *Doing Business* uses a standardized business that is 100% domestically owned, has start-up capital equivalent to 10 times the income per capita, engages in general industrial or commercial activities and employs between 10 and 50 people one month after the commencement of operations, all of whom are domestic nationals. Starting a Business considers two types of local limited liability companies that are identical in all aspects, except that one company is owned by 5 married women and the other by 5 married men. The ranking of economies on the ease of starting a business is determined by sorting their scores for starting a business. These scores are the simple average of the scores for each of the component indicators.

The most recent round of data collection for the project was completed in May 2019. [See the methodology for more information.](#)

What the indicators measure	Case study assumptions
<p>Procedures to legally start and formally operate a company (number)</p> <ul style="list-style-type: none"> • Preregistration (for example, name verification or reservation, notarization) • Registration in the economy's largest business city • Postregistration (for example, social security registration, company seal) • Obtaining approval from spouse to start a business or to leave the home to register the company • Obtaining any gender specific document for company registration and operation or national identification card 	<p>To make the data comparable across economies, several assumptions about the business and the procedures are used. It is assumed that any required information is readily available and that the entrepreneur will pay no bribes.</p>
<p>Time required to complete each procedure (calendar days)</p> <ul style="list-style-type: none"> • Does not include time spent gathering information • Each procedure starts on a separate day (2 procedures cannot start on the same day) • Procedures fully completed online are recorded as ½ day • Procedure is considered completed once final document is received • No prior contact with officials 	<p>The business:</p> <ul style="list-style-type: none"> -Is a limited liability company (or its legal equivalent). If there is more than one type of limited liability company in the economy, the limited liability form most common among domestic firms is chosen. Information on the most common form is obtained from incorporation lawyers or the statistical office. -Operates in the economy's largest business city. For 11 economies the data are also collected for the second largest business city. -Performs general industrial or commercial activities such as the production or sale to the public of goods or services. The business does not perform foreign trade activities and does not handle products subject to a special tax regime, for example, liquor or tobacco. It is not using heavily polluting production processes. -Does not qualify for investment incentives or any special benefits. -Is 100% domestically owned. -Has five business owners, none of whom is a legal entity. One business owner holds 30% of the company shares, two owners have 20% of shares each, and two owners have 15% of shares each. -Is managed by one local director. -Has between 10 and 50 employees one month after the commencement of operations, all of them domestic nationals. -Has start-up capital of 10 times income per capita. -Has an estimated turnover of at least 100 times income per capita. -Leases the commercial plant or offices and is not a proprietor of real estate. -Has an annual lease for the office space equivalent to one income per capita. -Is in an office space of approximately 929 square meters (10,000 square feet). -Has a company deed that is 10 pages long.
<p>Cost required to complete each procedure (% of income per capita)</p> <ul style="list-style-type: none"> • Official costs only, no bribes • No professional fees unless services required by law or commonly used in practice 	<p>The owners:</p> <ul style="list-style-type: none"> -Have reached the legal age of majority and are capable of making decisions as an adult. If there is no legal age of majority, they are assumed to be 30 years old. -Are in good health and have no criminal record. -Are married, the marriage is monogamous and registered with the authorities. -Where the answer differs according to the legal system applicable to the woman or man in question (as may be the case in economies where there is legal plurality), the answer used will be the one that applies to the majority of the population.
<p>Paid-in minimum capital (% of income per capita)</p> <ul style="list-style-type: none"> • Funds deposited in a bank or with third party before registration or up to 3 months after incorporation 	

Starting a Business - Tonga

Standardized Company

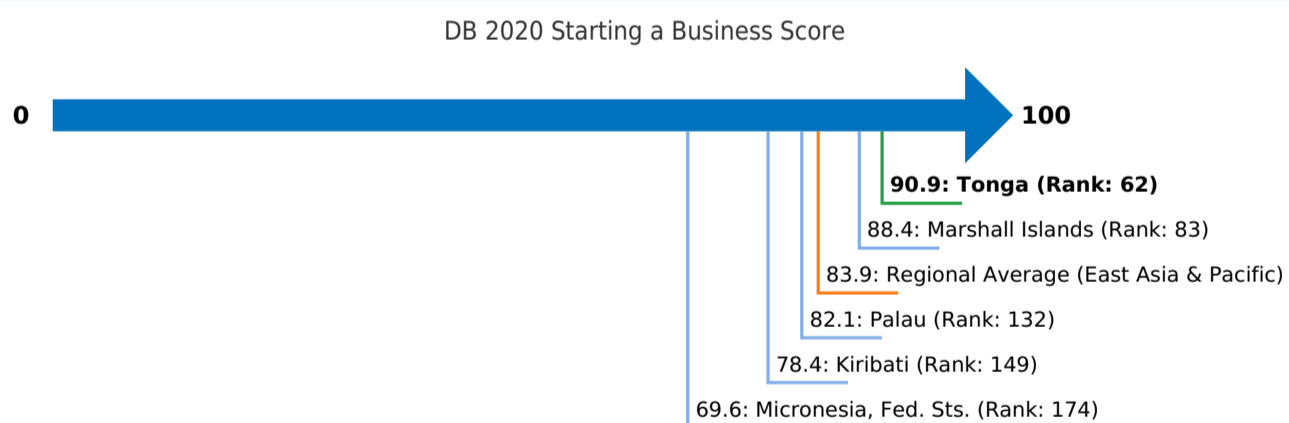
Legal form	Private limited company
Paid-in minimum capital requirement	No minimum
City Covered	Nukualofa

Indicator	Tonga	East Asia & Pacific	OECD high income	Best Regulatory Performance
Procedure - Men (number)	4	6.5	4.9	1 (2 Economies)
Time - Men (days)	16	25.6	9.2	0.5 (New Zealand)
Cost - Men (% of income per capita)	6.0	17.4	3.0	0.0 (2 Economies)
Procedure - Women (number)	4	6.6	4.9	1 (2 Economies)
Time - Women (days)	16	25.7	9.2	0.5 (New Zealand)
Cost - Women (% of income per capita)	6.0	17.4	3.0	0.0 (2 Economies)
Paid-in min. capital (% of income per capita)	0.0	3.5	7.6	0.0 (120 Economies)

Figure - Starting a Business in Tonga - Score

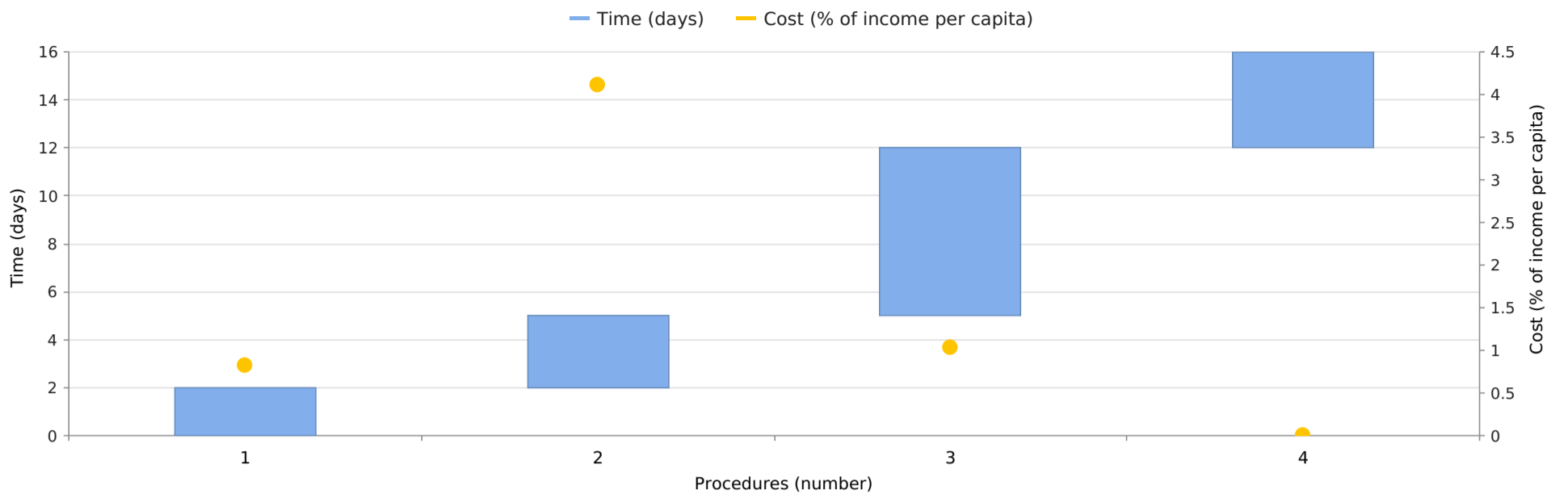


Figure - Starting a Business in Tonga and comparator economies - Ranking and Score



Note: The ranking of economies on the ease of starting a business is determined by sorting their scores for starting a business. These scores are the simple average of the scores for each of the component indicators.

Figure - Starting a Business in Tonga - Procedure, Time and Cost



*This symbol is shown beside procedure numbers that take place simultaneously with the previous procedure.

Note: Online procedures account for 0.5 days in the total time calculation. For economies that have a different procedure list for men and women, the graph shows the time for women. For more information on methodology, see the *Doing Business* website (<http://doingbusiness.org/en/methodology>). For details on the procedures reflected here, see the summary below.

Details - Starting a Business in Tonga - Procedure, Time and Cost

No.	Procedures	Time to Complete	Associated Costs
1	<p>Check the uniqueness of the proposed company name and reserve a name <i>Agency</i> : Registrar of Companies Section 24 of Companies Act 1995 prohibits the Registrar of Companies from registering a company name unless it has been reserved. According to common practice, founders submit the name registration together with the company incorporation application; however, if the name is rejected, the company would resubmit. Company names with the words "Tonga," "Tongan," or "Royal" are subject to prior written approval by the Privy Council. A name reservation is valid for 30 working days from the date stated in the reservation notice.</p>	2 days	TOP 80
2	<p>Register the company with the Registrar of Companies and obtain a certificate of incorporation <i>Agency</i> : Registrar of Companies To incorporate a company, founders must file the following: a) Application for incorporation (Form 1) b) Application for name reservation (Form 2) c) Company constitution (Only if company is not using the standard constitution stipulated under the Act) d) Prescribed fees</p> <p>Forms are available online on our website www.businessregistries.gov.to and also at the Business Registries & Intellectual Property Office reporting to the Ministry of Commerce, Consumer, Innovation and Labor.</p>	3 days	TOP 400
3	<p>Obtain a business license from Ministry of Labor, Commerce, and Industry <i>Agency</i> : Ministry of Labor, Commerce, and Industry All businesses must obtain a business or trading license, but prior requirements vary from industry to industry. Prior requirements are the same for all industries, except fishing, liquor and tourism. The Business Licenses (Amendment) Act 2012 came into effect on December 17, 2012. According to this act: 1) companies can use one single business license to cover multiple business activities; 3) the duration of the license perpetual and companies no longer needs to renew the business license annually; 4) companies are not required to submit the ancillary licenses and other paperwork to obtain the business license. Renewal of business license is not required but registered businesses are required to file a notice of continued business activity every year.</p>	7 days	TOP 100
4	<p>Register consumption tax and income tax with the Internal Revenue Commission <i>Agency</i> : Internal Revenue Commission A locally incorporated company must register the consumption tax with the Taxation Department. The consumption tax number will be the same as the income tax number.</p> <p>Registration for Consumption Tax (the equivalent of Australian or New Zealand Goods and services tax (GST) is voluntary if turnover is less than TOP 100,000 a year; otherwise, registration is compulsory.</p> <p>Taxpayers can now lodge and pay Consumption Tax, PAYE and non-resident airline withholding tax online. Taxpayers also have the possibility (once registered) to view his/her tax accounts and information online.</p>	4 days on average	no charge

⇒ Takes place simultaneously with previous procedure.

Dealing with Construction Permits

This topic tracks the procedures, time and cost to build a warehouse—including obtaining necessary the licenses and permits, submitting all required notifications, requesting and receiving all necessary inspections and obtaining utility connections. In addition, the Dealing with Construction Permits indicator measures the building quality control index, evaluating the quality of building regulations, the strength of quality control and safety mechanisms, liability and insurance regimes, and professional certification requirements. The most recent round of data collection was completed in May 2019. [See the methodology for more information](#)

What the indicators measure	Case study assumptions
<p>Procedures to legally build a warehouse (number)</p> <ul style="list-style-type: none"> • Submitting all relevant documents and obtaining all necessary clearances, licenses, permits and certificates • Submitting all required notifications and receiving all necessary inspections • Obtaining utility connections for water and sewerage • Registering and selling the warehouse after its completion <p>Time required to complete each procedure (calendar days)</p> <ul style="list-style-type: none"> • Does not include time spent gathering information • Each procedure starts on a separate day—though procedures that can be fully completed online are an exception to this rule • Procedure is considered completed once final document is received • No prior contact with officials <p>Cost required to complete each procedure (% of income per capita)</p> <ul style="list-style-type: none"> • Official costs only, no bribes <p>Building quality control index (0-15)</p> <ul style="list-style-type: none"> • Quality of building regulations (0-2) • Quality control before construction (0-1) • Quality control during construction (0-3) • Quality control after construction (0-3) • Liability and insurance regimes (0-2) • Professional certifications (0-4) 	<p>To make the data comparable across economies, several assumptions about the construction company, the warehouse project and the utility connections are used.</p> <p>The construction company (BuildCo):</p> <ul style="list-style-type: none"> - Is a limited liability company (or its legal equivalent) and operates in the economy's largest business city. For 11 economies the data are also collected for the second largest business city. - Is 100% domestically and privately owned; has five owners, none of whom is a legal entity. Has a licensed architect and a licensed engineer, both registered with the local association of architects or engineers. BuildCo is not assumed to have any other employees who are technical or licensed experts, such as geological or topographical experts. - Owns the land on which the warehouse will be built and will sell the warehouse upon its completion. <p>The warehouse:</p> <ul style="list-style-type: none"> - Will be used for general storage activities, such as storage of books or stationery. - Will have two stories, both above ground, with a total constructed area of approximately 1,300.6 square meters (14,000 square feet). Each floor will be 3 meters (9 feet, 10 inches) high and will be located on a land plot of approximately 929 square meters (10,000 square feet) that is 100% owned by BuildCo, and the warehouse is valued at 50 times income per capita. - Will have complete architectural and technical plans prepared by a licensed architect. If preparation of the plans requires such steps as obtaining further documentation or getting prior approvals from external agencies, these are counted as procedures. - Will take 30 weeks to construct (excluding all delays due to administrative and regulatory requirements). <p>The water and sewerage connections:</p> <ul style="list-style-type: none"> - Will be 150 meters (492 feet) from the existing water source and sewer tap. If there is no water delivery infrastructure in the economy, a borehole will be dug. If there is no sewerage infrastructure, a septic tank in the smallest size available will be installed or built. - Will have an average water use of 662 liters (175 gallons) a day and an average wastewater flow of 568 liters (150 gallons) a day. Will have a peak water use of 1,325 liters (350 gallons) a day and a peak wastewater flow of 1,136 liters (300 gallons) a day. - Will have a constant level of water demand and wastewater flow throughout the year; will be 1 inch in diameter for the water connection and 4 inches in diameter for the sewerage connection.

Dealing with Construction Permits - Tonga

Standardized Warehouse

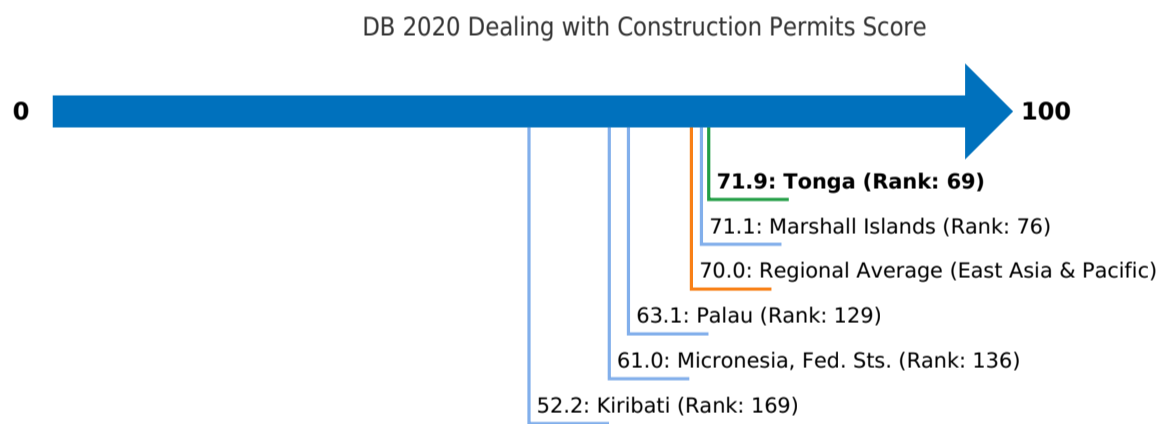
Estimated value of warehouse	TOP 486,405.80
City Covered	Nukualofa

Indicator	Tonga	East Asia & Pacific	OECD high income	Best Regulatory Performance
Procedures (number)	14	14.8	12.7	None in 2018/19
Time (days)	77	132.3	152.3	None in 2018/19
Cost (% of warehouse value)	5.7	3.2	1.5	None in 2018/19
Building quality control index (0-15)	10.0	9.4	11.6	15.0 (6 Economies)

Figure - Dealing with Construction Permits in Tonga - Score

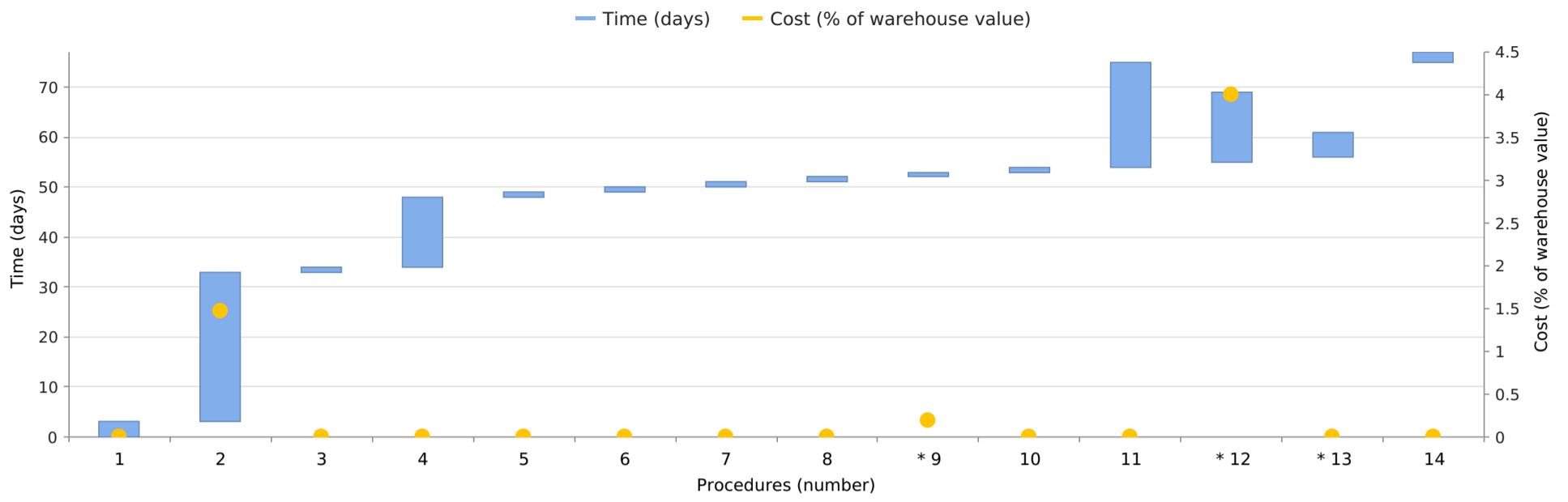


Figure - Dealing with Construction Permits in Tonga and comparator economies - Ranking and Score



Note: The ranking of economies on the ease of dealing with construction permits is determined by sorting their scores for dealing with construction permits. These scores are the simple average of the scores for each of the component indicators.

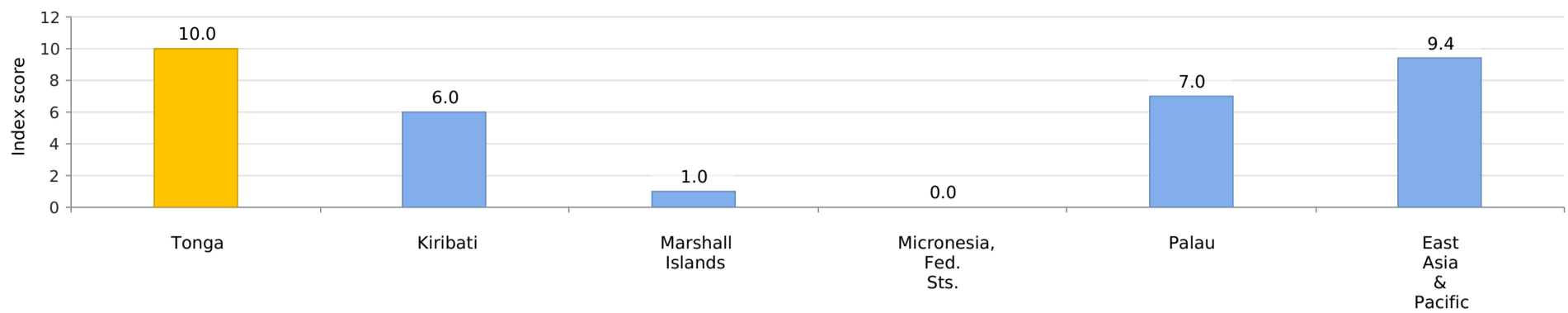
Figure - Dealing with Construction Permits in Tonga - Procedure, Time and Cost



*This symbol is shown beside procedure numbers that take place simultaneously with the previous procedure.

Note: Online procedures account for 0.5 days in the total time calculation. For economies that have a different procedure list for men and women, the graph shows the time for women. For more information on methodology, see the *Doing Business* website (<http://doingbusiness.org/en/methodology>). For details on the procedures reflected here, see the summary below.

Figure - Dealing with Construction Permits in Tonga and comparator economies - Measure of Quality



Details - Dealing with Construction Permits in Tonga - Procedure, Time and Cost

No.	Procedures	Time to Complete	Associated Costs
1	<p>Request and obtain official copy of site plan from the Ministry of Land <i>Agency</i> : Ministry of Land Depending on the location of the land, obtaining a site plan may take as long as one year (if the project is outside Nuku'alofa).</p>	3 days	TOP 16
2	<p>Request and obtain building permit <i>Agency</i> : Ministry of Infrastructure A new building code has been partially introduced. Since August 2005, in practice, BuildCo submits all plans for approval to the Ministry of Infrastructure. BuildCo must submit 3 sets of drawing (the specifications are provided in the law). One copy will be distributed to each department at the same time for approval: 1. Fire Services Department -- checking for safety regulations 2. With the implementation of the Environmental Impact Assessment 2010 - BuildCo must submit Form 1 for Assessment. 3. Ministry of Health -- checking the septic tank, whether it is the Ministry of Infrastructure's standard septic tank. Normally all architects have the standard specifications and the check list. Once approved by the various departments, the plans are sent back to the Ministry of Infrastructure for final approval. The time it takes to obtain the approval depends on the persistence of BuildCo in following up. The official time limit is 21 working days (under Article 11 -- Issue of a Building Permit -- Building Control and Standards Regulations 2005) or 30 calendar days: • The Ministry of Infrastructure has 10 working days to verify the sets of plans and forward all the documents to the relevant departments. • All 3 departments have 10 working days to provide their response. • The Ministry of Infrastructure has 1 working day to issue the permit.</p>	30 days	TOP 7,163
3	<p>Pay registration fees for the environmental assessment Form 1 at the Lands Office <i>Agency</i> : Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications Once the building permit is obtained, BuildCo must pay for Form 1 for the Environmental Assessment at the Lands Office. The building permit and Form 1 must be submitted at time of payment. The officer at the Lands office will verify that the building permit has been issued and that Form 1 was properly assessed.</p>	1 day	TOP 10
4	<p>Submit Form1 and the Building permit to the Environmental Unit <i>Agency</i> : Ministry of Lands, Environment, Climate Change and Natural Resources According to Schedule 1 of the Environmental Impact Assessment Regulations 2010, the environmental unit will assess if the warehouse will require a full Environmental Impact Assessment or a simple assessment. If no EIA is not needed, the Environmental Unit will issue Form 2 so that Build Co can proceed with the construction.</p>	14 days	no charge
5	<p>Request and receive foundation inspection from the Ministry of Infrastructure <i>Agency</i> : Ministry of Infrastructure According to Article 19 of the Building Control and Standards Act 2002- Section 19 - BuildCo must inform the Ministry of Infrastructure of the various stages completed and request an inspections (foundations, walls, pouring of concrete, etc). In practice, there may be about three inspections or none. The inspections must be requested but this can be done over the telephone.</p>	1 day	no charge
6	<p>Request and receive inspection prior to pouring of concrete <i>Agency</i> : Ministry of Infrastructure BuildCo must request the inspection 36 hours prior to the date (under Article 19 of the Building Control and Standards Regulations 2005). This can be done by phone, email or in person.</p>	1 day	no charge
7	<p>Request and receive inspection of framing material <i>Agency</i> : Ministry of Infrastructure</p>	1 day	no charge
8	<p>Request and receive inspection of plumbing and sanitary work <i>Agency</i> : Ministry of Infrastructure</p>	1 day	no charge

⇒ 9	Request water connection <i>Agency</i> : Tonga Water Board Responsibility for water supply, distribution operation and maintenance in urban areas is that of the Tonga Water Board (TWB). New water connections are requested in writing at the office of TWB and submissions are reviewed by an engineer.	1 day	TOP 900
10	Receive site inspection for water connection <i>Agency</i> : Tonga Water Board A TNB engineer will inspect the construction project to review the water and sewerage connection requirements.	1 day	no charge
11	Obtain water connection <i>Agency</i> : Tonga Water Board A water meter is installed by TNB approximately three to four weeks after the request is made. The owner or contractor is responsible for all works required for the new water connection.	21 days	no charge
⇒ 12	Build a Septic Tank <i>Agency</i> : Private Contractor Tonga is a low lying country with no sewerage system. The Ministry of Infrastructure mandates that all commercial and industrial new buildings install a septic tank and has standard depth norms. The most common septic tanks consist of a reinforced concrete base and reinforced block works walls with a waterproof membrane applied to the outside. The Waste Authority Tonga, as well as one private contractor, have a pumping service and a specialized drying bed system treatment plant to take care of the sewage.	14 days	TOP 19,459
⇒ 13	Request and receive final inspection <i>Agency</i> : Ministry of Infrastructure According to Article 22 of the Building Control and Standards Act 2002, the builder will inform the Building Comptroller of the MOW either by phone, email or in person. A date for the inspection is proposed by the builder. The inspector will come on the premises and do the final inspection.	5 days	no charge
14	Receive certificate of completion <i>Agency</i> : Ministry of Infrastructure Two days after the final inspection, the Ministry of Infrastructure will issue the certificate of completion.	2 days	no charge

⇒ Takes place simultaneously with previous procedure.

Details - Dealing with Construction Permits in Tonga - Measure of Quality

	Answer	Score
Building quality control index (0-15)		10.0
Quality of building regulations index (0-2)		0.0
How accessible are building laws and regulations in your economy? (0-1)	Not easily accessible.	0.0
Which requirements for obtaining a building permit are clearly specified in the building regulations or on any accessible website, brochure or pamphlet? (0-1)	.	0.0
Quality control before construction index (0-1)		1.0
Which third-party entities are required by law to verify that the building plans are in compliance with existing building regulations? (0-1)	Licensed architect; Licensed engineer.	1.0
Quality control during construction index (0-3)		2.0
What types of inspections (if any) are required by law to be carried out during construction? (0-2)	Inspections at various phases.	1.0
Do legally mandated inspections occur in practice during construction? (0-1)	Mandatory inspections are always done in practice.	1.0
Quality control after construction index (0-3)		3.0
Is there a final inspection required by law to verify that the building was built in accordance with the approved plans and regulations? (0-2)	Yes, final inspection is done by government agency.	2.0
Do legally mandated final inspections occur in practice? (0-1)	Final inspection always occurs in practice.	1.0
Liability and insurance regimes index (0-2)		1.0
Which parties (if any) are held liable by law for structural flaws or problems in the building once it is in use (Latent Defect Liability or Decennial Liability)? (0-1)	Architect or engineer; Professional in charge of the supervision.	1.0
Which parties (if any) are required by law to obtain an insurance policy to cover possible structural flaws or problems in the building once it is in use (Latent Defect Liability Insurance or Decennial Insurance)? (0-1)	No party is required by law to obtain insurance .	0.0
Professional certifications index (0-4)		3.0
What are the qualification requirements for the professional responsible for verifying that the architectural plans or drawings are in compliance with existing building regulations? (0-2)	Minimum number of years of experience; University degree in architecture or engineering; Being a registered architect or engineer.	2.0
What are the qualification requirements for the professional who supervises the construction on the ground? (0-2)	University degree in engineering, construction or construction management; Being a registered architect or engineer.	1.0

⚡ Getting Electricity

This topic measures the procedures, time and cost required for a business to obtain a permanent electricity connection for a newly constructed warehouse. Additionally, the reliability of supply and transparency of tariffs index measures reliability of supply, transparency of tariffs and the price of electricity. The most recent round of data collection for the project was completed in May 2019. [See the methodology for more information.](#)

What the 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
- Value added tax excluded

The reliability of supply and transparency of tariffs index (0-8)

- Duration and frequency of power outages (0-3)
- Tools to monitor power outages (0-1)
- Tools to restore power supply (0-1)
- Regulatory monitoring of utilities' performance (0-1)
- Financial deterrents limiting outages (0-1)
- Transparency and accessibility of tariffs (0-1)

Price of electricity (cents per kilowatt-hour)*

- Price based on monthly bill for commercial warehouse in case study

*Note: *Doing Business* measures the price of electricity, but it is not included in the ease of doing business score nor in the ranking on the ease of getting electricity.

Case study assumptions

To make the data comparable across economies, several assumptions about the warehouse, the electricity connection and the monthly consumption are used.

The warehouse:

- Is owned by a local entrepreneur and is used for storage of goods.
- Is located in the economy's largest business city. For 11 economies the data are also collected for the second largest business city.
- Is located in an area where similar warehouses are typically located and is in an area with no physical constraints. For example, the property is not near a railway.
- Is a new construction and is being connected to electricity for the first time.
- Has two stories with a total surface area of approximately 1,300.6 square meters (14,000 square feet). The plot of land on which it is built is 929 square meters (10,000 square feet).

The electricity connection:

- Is a permanent one with a three-phase, four-wire Y connection with a subscribed capacity of 140-kilo-volt-ampere (kVA) with a power factor of 1, when 1 kVA = 1 kilowatt (kW).
- Has a length of 150 meters. The connection is to either the low- or medium-voltage distribution network and is either overhead or underground, whichever is more common in the area where the warehouse is located and requires works that involve the crossing of a 10-meter road (such as by excavation or overhead lines) but are all carried out on public land. There is no crossing of other owners' private property because the warehouse has access to a road.
- Does not require work to install the internal wiring of the warehouse. This has already been completed up to and including the customer's service panel or switchboard and the meter base.

The monthly consumption:

- It is assumed that the warehouse operates 30 days a month from 9:00 a.m. to 5:00 p.m. (8 hours a day), with equipment utilized at 80% of capacity on average and that there are no electricity cuts (assumed for simplicity reasons) and the monthly energy consumption is 26,880 kilowatt-hours (kWh); hourly consumption is 112 kWh.
- If multiple electricity suppliers exist, the warehouse is served by the cheapest supplier.
- Tariffs effective in January of the current year are used for calculation of the price of electricity for the warehouse. Although January has 31 days, for calculation purposes only 30 days are used.

Getting Electricity - Tonga

Standardized Connection

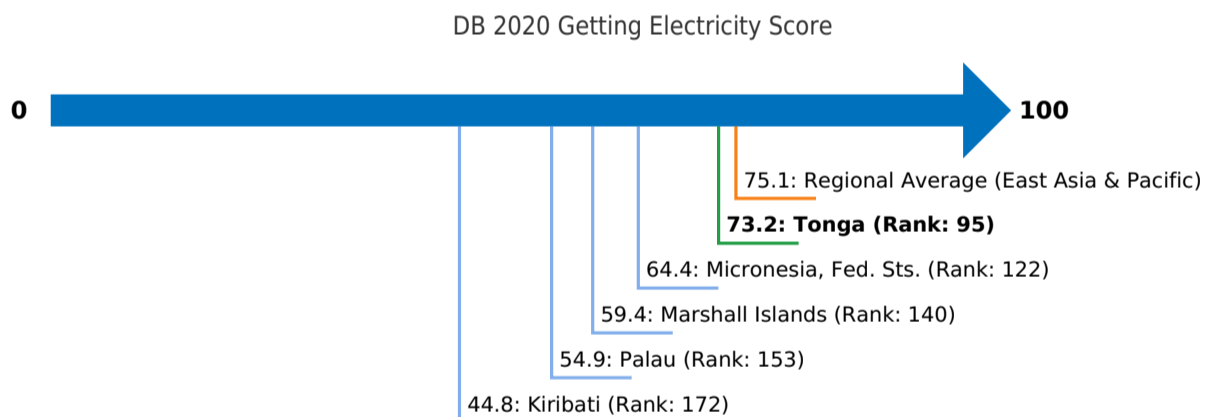
Name of utility	Tonga Power Ltd.
Price of electricity (US cents per kWh)	36.2
City Covered	Nukualofa

Indicator	Tonga	East Asia & Pacific	OECD high income	Best Regulatory Performance
Procedures (number)	5	4.2	4.4	3 (28 Economies)
Time (days)	42	63.2	74.8	18 (3 Economies)
Cost (% of income per capita)	75.7	594.6	61.0	0.0 (3 Economies)
Reliability of supply and transparency of tariff index (0-8)	3	4.0	7.4	8 (26 Economies)

Figure - Getting Electricity in Tonga - Score

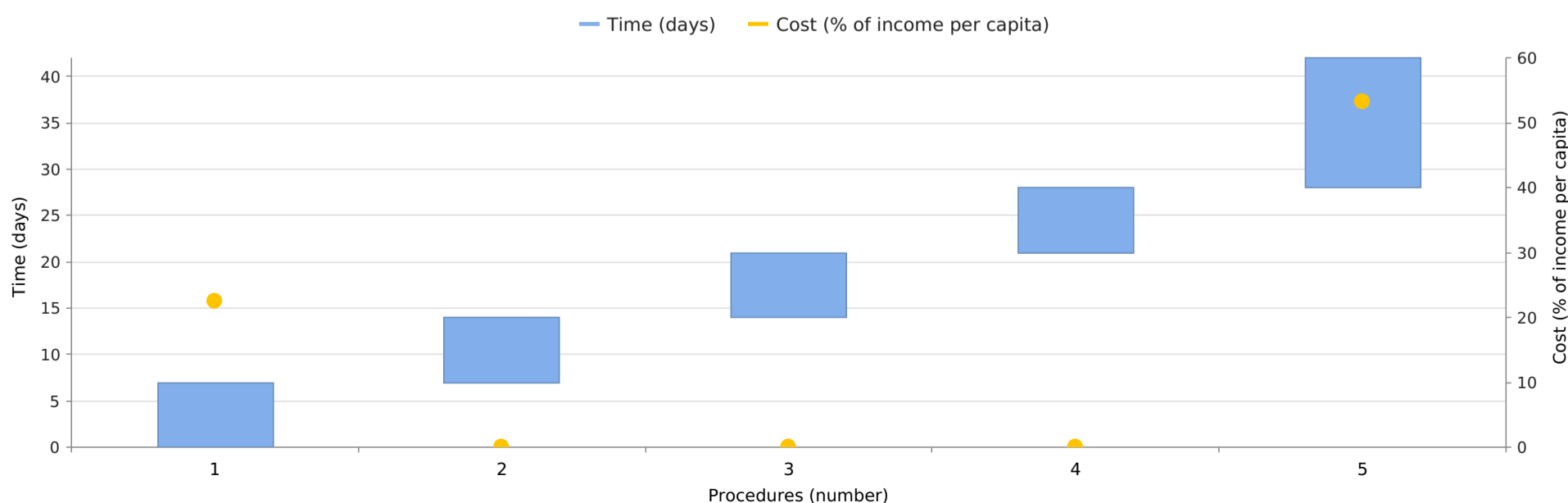


Figure - Getting Electricity in Tonga and comparator economies - Ranking and Score



Note: The ranking of economies on the ease of getting electricity is determined by sorting their scores for getting electricity. These scores are the simple average of the scores for all the component indicators except the price of electricity.

Figure - Getting Electricity in Tonga - Procedure, Time and Cost

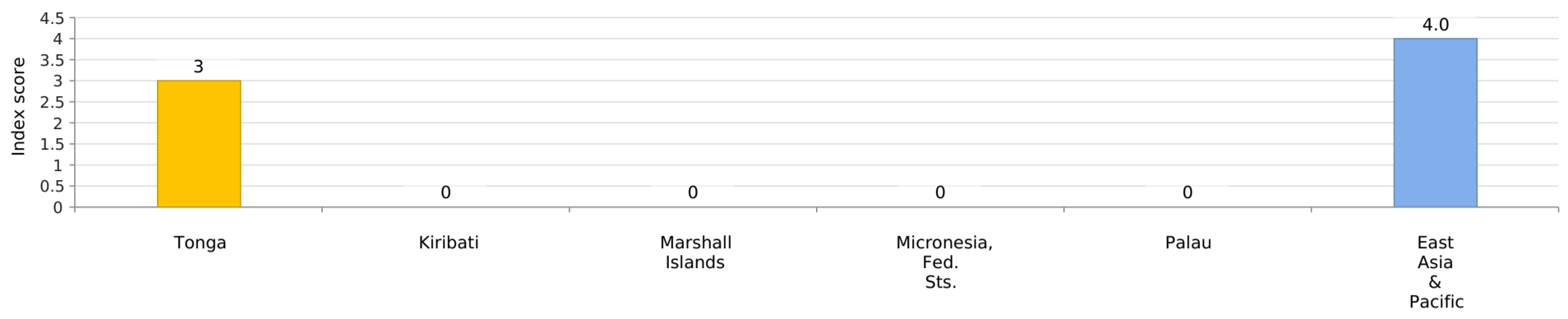


*This symbol is shown beside procedure numbers that take place simultaneously with the previous procedure.

Note: Online procedures account for 0.5 days in the total time calculation. For economies that have a different procedure list for men and women, the graph shows the time for women. For more information on methodology, see the *Doing Business* website (<http://doingbusiness.org/en/methodology>). For details on the procedures

reflected here, see the summary below.

Figure - Getting Electricity in Tonga and comparator economies - Measure of Quality



Details - Getting Electricity in Tonga - Procedure, Time and Cost

No.	Procedures	Time to Complete	Associated Costs
1	<p>Apply for and receive electrical permit <i>Agency</i> : Electricity Commission The Electrical permit is obtained before internal wiring has started and is not a part of the Building Permit. It is a requirement while submitting application with the utility. Only licensed electricians/contractors can apply for the permit.</p>	7 calendar days	TOP 2,185
2	<p>Submit application to Tongapower and await site inspection <i>Agency</i> : Tongapower Customer submits necessary documentation along with application - forms of ID, land details, land lease details, drivers License, passport, contact address, phone details, other power accounts held. Also submit Electrical Permit obtained from Electricity Commission . This permit is applied for before starting internal wiring. An inspection is conducted by the EC.</p>	7 calendar days	TOP 0
3	<p>Receive site inspection from Tongapower and await estimate <i>Agency</i> : Tongapower Customer is normally required to be present during site estimate so that the engineer can, if needed, seek any clarifications about the site. The engineer from Tongapower ascertains the location, closest point of supply, and meter location.</p>	7 calendar days	TOP 0
4	<p>File certificate of completion for internal wiring and receive inspection and certificate <i>Agency</i> : Electricity Commission This inspection is conducted after all wiring is done. The contractor submits Form 4, Certificate of Completion of Installation, attesting that all wiring has been completed. The Inspector after conducting inspection, signs off on this form.</p>	7 calendar days	TOP 0
5	<p>Submit compliance certificate to Tongapower and receive external connection, meter installation and electricity flow <i>Agency</i> : Tongapower Cost breakup includes materials - simple connection, 3 phase CT meter, labor, meter insurance, meter installation, transport. Meter insurance is reimbursed upon disconnection of service. Meter insurance is paid as a bond and reimbursed at termination of contract. No interest is paid on this bond.</p>	14 calendar days	TOP 5,175

⇄ Takes place simultaneously with previous procedure.

Details - Getting Electricity in Tonga - Measure of Quality

	Answer
Reliability of supply and transparency of tariff index (0-8)	3
Total duration and frequency of outages per customer a year (0-3)	0
System average interruption duration index (SAIDI)	12.3
System average interruption frequency index (SAIFI)	9.2
What is the minimum outage time (in minutes) that the utility considers for the calculation of SAIDI/SAIFI	5.0
Mechanisms for monitoring outages (0-1)	1
Does the distribution utility use automated tools to monitor outages?	Yes
Mechanisms for restoring service (0-1)	1
Does the distribution utility use automated tools to restore service?	Yes
Regulatory monitoring (0-1)	1
Does a regulator—that is, an entity separate from the utility—monitor the utility's performance on reliability of supply?	Yes
Financial deterrents aimed at limiting outages (0-1)	0
Does the utility either pay compensation to customers or face fines by the regulator (or both) if outages exceed a certain cap?	No
Communication of tariffs and tariff changes (0-1)	0
Are effective tariffs available online?	Yes
Link to the website, if available online	http://www.tongapower.to/NewsRoom/ELECTRICITYTARIFFINCREASEEFFECTIVE1STFEBRUARY.aspx
Are customers notified of a change in tariff ahead of the billing cycle?	No

Note:

If the duration and frequency of outages is 100 or less, the economy is eligible to score on the Reliability of supply and transparency of tariff index.

If the duration and frequency of outages is not available, or is over 100, the economy is not eligible to score on the index.

If the minimum outage time considered for SAIDI/SAIFI is over 5 minutes, the economy is not eligible to score on the index.

Registering Property

This topic examines the steps, time and cost involved in registering property, assuming a standardized case of an entrepreneur who wants to purchase land and a building that is already registered and free of title dispute. In addition, the topic also measures the quality of the land administration system in each economy. The quality of land administration index has five dimensions: reliability of infrastructure, transparency of information, geographic coverage, land dispute resolution, and equal access to property rights. The most recent round of data collection for the project was completed in May 2019. [See the methodology for more information.](#)

What the indicators measure

Procedures to legally transfer title on immovable property (number)

- Preregistration procedures (for example, checking for liens, notarizing sales agreement, paying property transfer taxes)
- Registration procedures in the economy's largest business city.
- Postregistration procedures (for example, filling title with municipality)

Time required to complete each procedure (calendar days)

- Does not include time spent gathering information
- Each procedure starts on a separate day - though procedures that can be fully completed online are an exception to this rule
- Procedure is considered completed once final document is received
- No prior contact with officials

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

- Official costs only (such as administrative fees, duties and taxes).
- Value Added Tax, Capital Gains Tax and illicit payments are excluded

Quality of land administration index (0-30)

- Reliability of infrastructure index (0-8)
- Transparency of information index (0-6)
- Geographic coverage index (0-8)
- Land dispute resolution index (0-8)
- Equal access to property rights index (-2-0)

Case study assumptions

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 (or the legal equivalent).
- Are located in the periurban (that is, on the outskirts of the city but still within its official limits) area of the economy's largest business city. For 11 economies the data are also collected for the second largest business city.
- Are 100% domestically and privately owned.
- Perform general commercial activities.

The property (fully owned by the seller):

- Has a value of 50 times income per capita, which equals the sale price.
- Is fully owned by the seller.
- Has no mortgages attached and has been under the same ownership for the past 10 years.
- Is registered in the land registry or cadastre, or both, and is free of title disputes.
- Is located in a periurban commercial zone (that is, on the outskirts of the city but still within its official limits), and no rezoning is required.
- Consists of land and a building. The land area is 557.4 square meters (6,000 square feet). A two-story warehouse of 929 square meters (10,000 square feet) is located on the land. The warehouse is 10 years old, is in good condition, has no heating system and complies with all safety standards, building codes and legal requirements. The property, consisting of land and building, will be transferred in its entirety.
- Will not be subject to renovations or additional construction following the purchase.
- Has no trees, natural water sources, natural reserves or historical monuments of any kind.
- Will not be used for special purposes, and no special permits, such as for residential use, industrial plants, waste storage or certain types of agricultural activities, are required.
- Has no occupants, and no other party holds a legal interest in it.

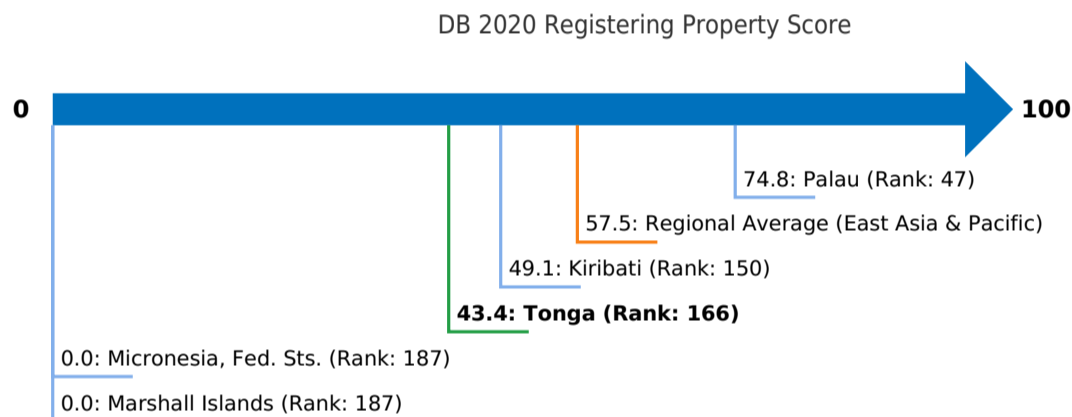
Registering Property - Tonga

Indicator	Tonga	East Asia & Pacific	OECD high income	Best Regulatory Performance
Procedures (number)	4	5.5	4.7	1 (5 Economies)
Time (days)	112	71.9	23.6	1 (2 Economies)
Cost (% of property value)	15.1	4.5	4.2	0.0 (Saudi Arabia)
Quality of the land administration index (0-30)	15.5	16.2	23.2	None in 2018/19

Figure - Registering Property in Tonga - Score

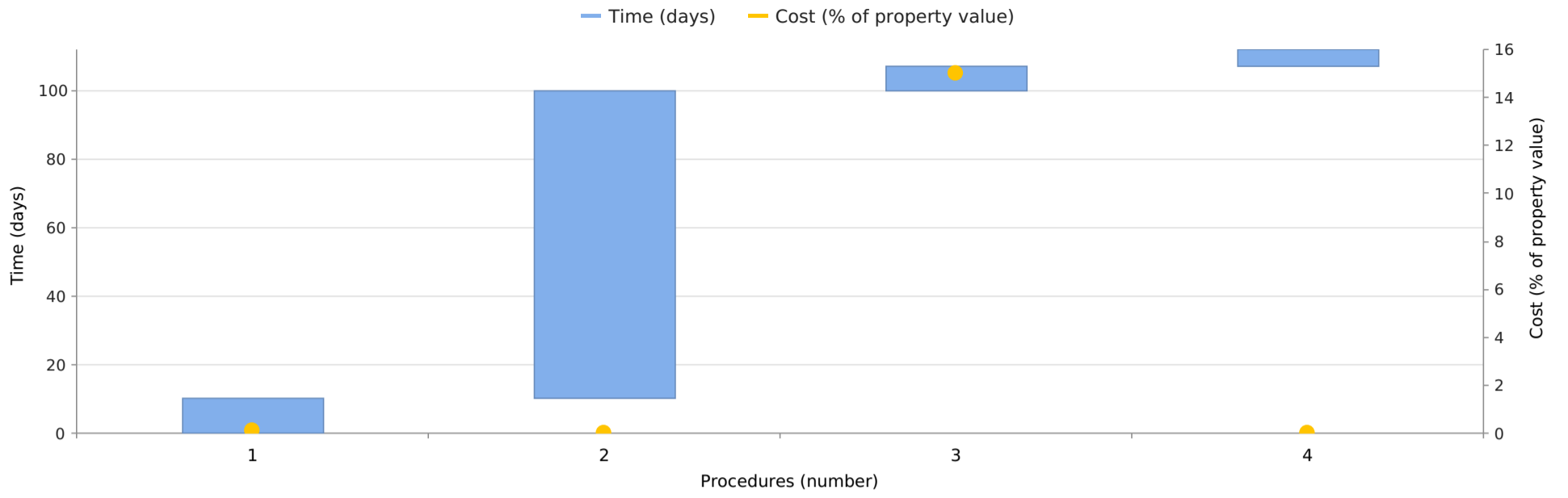


Figure - Registering Property in Tonga and comparator economies - Ranking and Score



Note: The ranking of economies on the ease of registering property is determined by sorting their scores for registering property. These scores are the simple average of the scores for each of the component indicators.

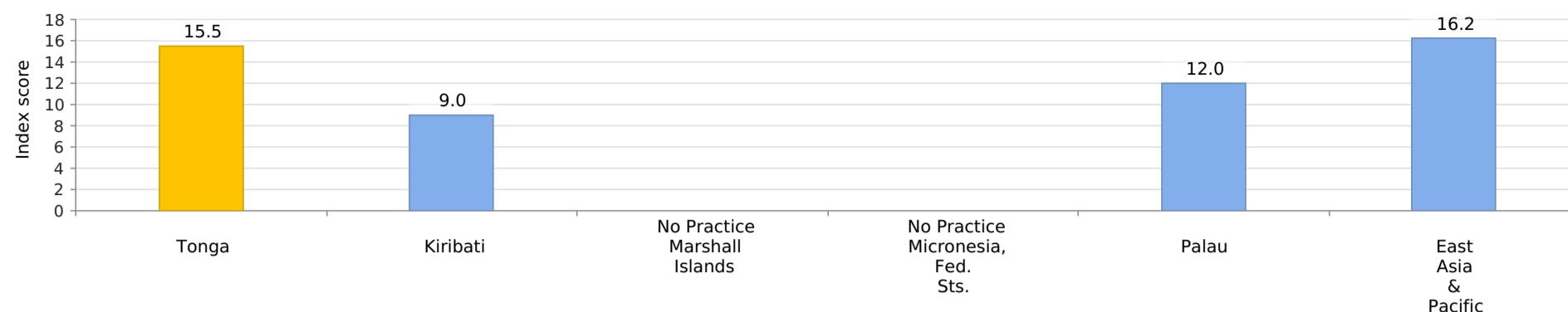
Figure - Registering Property in Tonga - Procedure, Time and Cost



*This symbol is shown beside procedure numbers that take place simultaneously with the previous procedure.

Note: Online procedures account for 0.5 days in the total time calculation. For economies that have a different procedure list for men and women, the graph shows the time for women. For more information on methodology, see the *Doing Business* website (<http://doingbusiness.org/en/methodology>). For details on the procedures reflected here, see the summary below.

Figure - Registering Property in Tonga and comparator economies - Measure of Quality



Details - Registering Property in Tonga - Procedure, Time and Cost

No.	Procedures	Time to Complete	Associated Costs
1	<p>The lawyer prepares the transfer deed and application letter <i>Agency : Lawyer</i> The lawyer prepares the transfer deed and the application to transfer the lease. The use of a lawyer is not legally required but used in practice. Lawyer fees are not regulated, but there is a non-compulsory table for lawyer fees issued by the Chief Justice. Tongan land law is extremely complex. Buildings do not necessarily belong to the land and there are significant conflicts and disputes involving identical material facts.</p>	10 days	TOP 500
2	<p>An application to transfer a lease is submitted to the Hon. Minister of Lands <i>Agency : Ministry of Lands, Surveys and Natural Resources</i> A letter of application to transfer the lease, signed by both parties, along with the original deed of transfer mentioning the amount of the transfer and the original Deed of lease are submitted at the same to the Ministry of Land.</p> <ul style="list-style-type: none"> • The Hon. Minister of Lands forwards the application to the Land Registration Section (LRS) for title search and due diligence. Once the title search and due diligence are completed and meet the legal requirement, LRS then submits to the Hon. Minister of Lands with a brief on the outcome of the title search and due diligence with the recommendation to approve, subject to Cabinet's consent to the lease transfer. • LRS submits to the Cabinet with the recommendation that Cabinet grants consent to lease transfer • And then the Cabinet will approve the submission. • Once all these processes are completed LRS prepare the Indenture of Transfer that must be signed by the Transferor and the Transferee 	90 days	no charge
3	<p>The parties sign the Indenture of the Transfer <i>Agency : Ministry of Lands, Surveys and Natural Resources</i> All lease transfers have to be approved by the Cabinet, which can take over 3 months on average. Cabinet meets once a week. Once approved, the Transferor and the Transferee sign the Indenture of Transfer and pays the Consumption tax of 15% of the value of the sale. The Indenture of Transfer is sent to the Hon. Minister of Land for his signature.</p>	7 days	TOP 72,974.88; (15% of property value (Consumption tax) + 14 TOP)
4	<p>The signature of the new Lessee at the office upon receiving the Deed of Lease <i>Agency : Ministry of Lands, Surveys and Natural Resources</i> The Minister then signs and registers the lease. Once the lease is registered, the new lessee will receive an updated lease under his name. One original copy is kept at the Ministry. The rent for the lease can be revised every 5 years. The land registry is managed on paper.</p>	5 days	no charge

→ Takes place simultaneously with previous procedure.

Details - Registering Property in Tonga - Measure of Quality

	Answer	Score
Quality of the land administration index (0-30)		15.5
Reliability of infrastructure index (0-8)		2.0
Type of land registration system in the economy:	Deed Registration System	
What is the institution in charge of immovable property registration?	Ministry of Lands and Natural Resources	
In what format are past and newly issued land records kept at the immovable property registry of the largest business city of the economy—in a paper format or in a computerized format (scanned or fully digital)?	Paper	0.0
Is there a comprehensive and functional electronic database for checking for encumbrances (liens, mortgages, restrictions and the like)?	No	0.0
Institution in charge of the plans showing legal boundaries in the largest business city:	Survey Division in the Ministry of Lands and Natural Resources	
In what format are past and newly issued cadastral plans kept at the mapping agency of the largest business city of the economy—in a paper format or in a computerized format (scanned or fully digital)?	Computer/Scanned	1.0
Is there an electronic database for recording boundaries, checking plans and providing cadastral information (geographic information system)?	No	0.0
Is the information recorded by the immovable property registration agency and the cadastral or mapping agency kept in a single database, in different but linked databases or in separate databases?	Separate databases	0.0
Do the immovable property registration agency and cadastral or mapping agency use the same identification number for properties?	Yes	1.0
Transparency of information index (0-6)		1.5
Who is able to obtain information on land ownership at the agency in charge of immovable property registration in the largest business city?	Anyone who pays the official fee	1.0
Is the list of documents that are required to complete any type of property transaction made publicly available—and if so, how?	Yes, in person	0.0
Link for online access:		
Is the applicable fee schedule for any type of property transaction at the agency in charge of immovable property registration in the largest business city made publicly available—and if so, how?	Yes, in person	0.0
Link for online access:		
Does the agency in charge of immovable property registration agency formally commit to deliver a legally binding document that proves property ownership within a specific timeframe –and if so, how does it communicate the service standard?	No	0.0
Link for online access:		
Is there a specific and independent mechanism for filing complaints about a problem that occurred at the agency in charge of immovable property registration?	No	0.0
Contact information:		
Are there publicly available official statistics tracking the number of transactions at the immovable property registration agency?	No	0.0
Number of property transfers in the largest business city in 2018:		
Who is able to consult maps of land plots in the largest business city?	Anyone who pays the official fee	0.5
Is the applicable fee schedule for accessing maps of land plots made publicly available—and if so, how?	Yes, in person	0.0
Link for online access:		
Does the cadastral/mapping agency formally specifies the timeframe to deliver an updated cadastral plan—and if so, how does it communicate the service standard?	No	0.0
Link for online access:		

Is there a specific and independent mechanism for filing complaints about a problem that occurred at the cadastral or mapping agency?	No	0.0
Contact information:		
Geographic coverage index (0-8)		8.0
Are all privately held land plots in the largest business city formally registered at the immovable property registry?	Yes	2.0
Are all privately held land plots in the economy formally registered at the immovable property registry?	Yes	2.0
Are all privately held land plots in the largest business city mapped?	Yes	2.0
Are all privately held land plots in the economy mapped?	Yes	2.0
Land dispute resolution index (0-8)		6.0
Does the law require that all property sale transactions be registered at the immovable property registry to make them opposable to third parties?	Yes	1.5
Legal basis:	The Land Act 1988	
Is the system of immovable property registration subject to a state or private guarantee?	Yes	0.5
Type of guarantee:	State guarantee	
Legal basis:	The Land Act 1988	
Is there a specific, out-of-court compensation mechanism to cover for losses incurred by parties who engaged in good faith in a property transaction based on erroneous information certified by the immovable property registry?	No	0.0
Legal basis:		
Does the legal system require a control of legality of the documents necessary for a property transaction (e.g., checking the compliance of contracts with requirements of the law)?	Yes	0.5
If yes, who is responsible for checking the legality of the documents?	Registrar;	
Does the legal system require verification of the identity of the parties to a property transaction?	Yes	0.5
If yes, who is responsible for verifying the identity of the parties?	Registrar;	
Is there a national database to verify the accuracy of government issued identity documents?	Yes	1.0
What is the Court of first instance in charge of a case involving a standard land dispute between two local businesses over tenure rights for a property worth 50 times gross national income (GNI) per capita and located in the largest business city?	Land court	
How long does it take on average to obtain a decision from the first-instance court for such a case (without appeal)?	Between 1 and 2 years	2.0
Are there publicly available statistics on the number of land disputes at the economy level in the first instance court?	No	0.0
Number of land disputes in the economy in 2018:		
Equal access to property rights index (-2-0)		-2.0
Do unmarried men and unmarried women have equal ownership rights to property?	No	
Do married men and married women have equal ownership rights to property?	No	-1.0

Getting Credit

This topic explores two sets of issues—the strength of credit reporting systems and the effectiveness of collateral and bankruptcy laws in facilitating lending. The most recent round of data collection for the project was completed in May 2019. [See the methodology for more information.](#)

What the indicators measure

Strength of legal rights index (0-12)

- Rights of borrowers and lenders through collateral laws (0-10)
- Protection of secured creditors' rights through bankruptcy laws (0-2)

Depth of credit information index (0-8)

- Scope and accessibility of credit information distributed by credit bureaus and credit registries (0-8)

Credit bureau coverage (% of adults)

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

Credit registry coverage (% of adults)

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

Case study assumptions

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 credit registry or a credit bureau. The strength of legal rights index measures the degree to which collateral and bankruptcy laws protect the rights of borrowers and lenders and thus facilitate lending. For each economy it is first determined whether a unitary secured transactions system exists. Then two case scenarios, case A and case B, are used to determine how a nonpossessory security interest is created, publicized and enforced according to the law. Special emphasis is given to how the collateral registry operates (if registration of security interests is possible). The case scenarios involve a secured borrower, company ABC, and a secured lender, BizBank.

In some economies the legal framework for secured transactions will allow only case A or case B (not both) to apply. Both cases examine the same set of legal provisions relating to the use of movable collateral.

Several assumptions about the secured borrower (ABC) and lender (BizBank) are used:

- ABC is a domestic limited liability company (or its legal equivalent).
- ABC has up to 50 employees.
- ABC has its headquarters and only base of operations in the economy's largest business city. For 11 economies the data are also collected for the second largest business city.
- Both ABC and BizBank are 100% domestically owned.

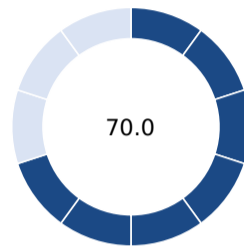
The case scenarios also involve assumptions. In case A, as collateral for the loan, ABC grants BizBank a nonpossessory security interest in one category of movable assets, for example, its machinery or its inventory. ABC wants to keep both possession and ownership of the collateral. In economies where the law does not allow nonpossessory security interests in movable property, ABC and BizBank use a fiduciary transfer-of-title arrangement (or a similar substitute for nonpossessory security interests).

In case B, ABC grants BizBank a business charge, enterprise charge, floating charge or any charge that gives BizBank a security interest over ABC's combined movable assets (or as much of ABC's movable assets as possible). ABC keeps ownership and possession of the assets.

Getting Credit - Tonga

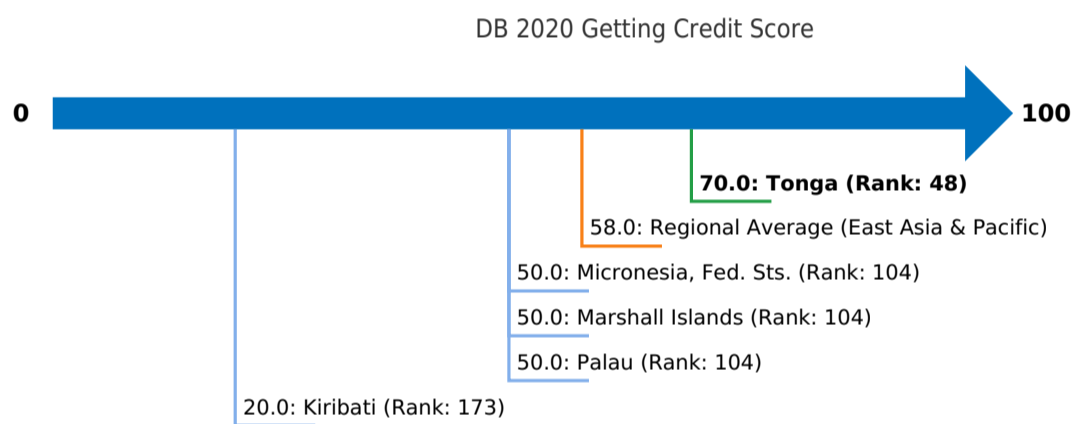
Indicator	Tonga	East Asia & Pacific	OECD high income	Best Regulatory Performance
Strength of legal rights index (0-12)	10	7.1	6.1	12 (5 Economies)
Depth of credit information index (0-8)	4	4.5	6.8	8 (53 Economies)
Credit registry coverage (% of adults)	0.0	16.6	24.4	100.0 (2 Economies)
Credit bureau coverage (% of adults)	28.2	23.8	66.7	100.0 (14 Economies)

Figure - Getting Credit in Tonga - Score



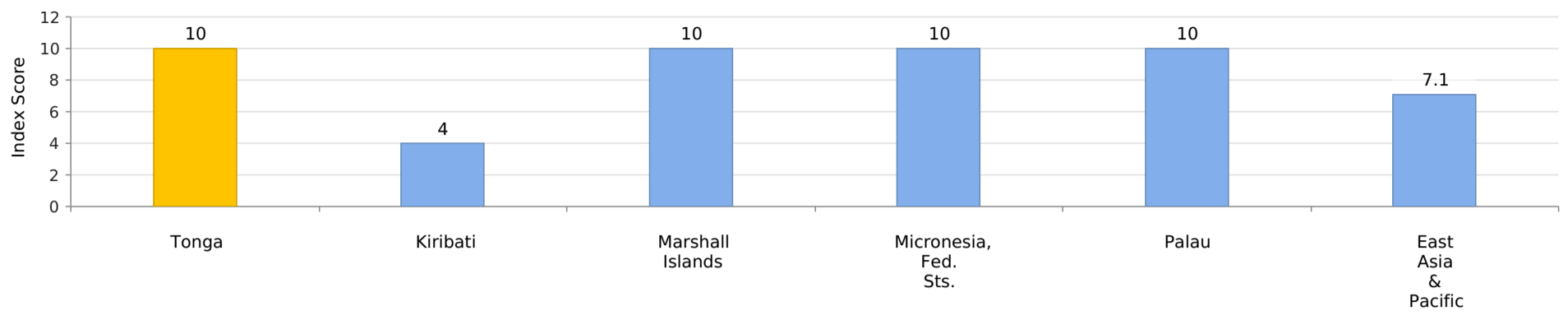
Score - Getting Credit

Figure - Getting Credit in Tonga and comparator economies - Ranking and Score



Note: The ranking of economies on the ease of getting credit is determined by sorting their scores for getting credit. These scores are the sum of the scores for the strength of legal rights index and the depth of credit information index.

Figure - Legal Rights in Tonga and comparator economies



Details - Legal Rights in Tonga

Strength of legal rights index (0-12)

10

Does an integrated or unified legal framework for secured transactions that extends to the creation, publicity and enforcement of functional equivalents to security interests in movable assets exist in the economy? 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 does it extend automatically to the products, proceeds and 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 for both incorporated and non-incorporated entities, that is unified geographically and by asset type, with an electronic database indexed by debtor's name? Yes

Does a notice-based collateral registry exist in which all functional equivalents can be registered? Yes

Does a modern collateral registry exist in which registrations, amendments, cancellations and searches can be performed online by any interested third party? Yes

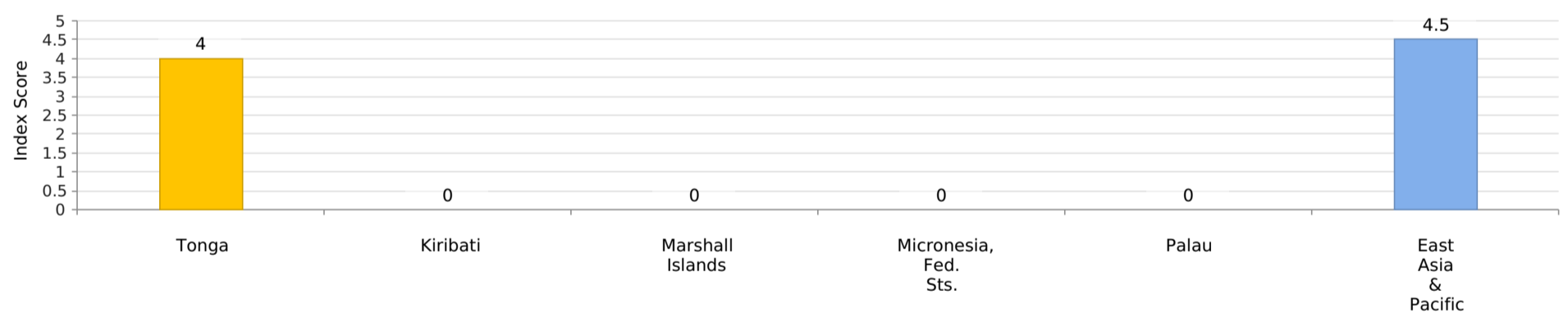
Are secured creditors paid first (i.e. before tax claims and employee claims) when a debtor defaults outside an insolvency procedure? Yes

Are secured creditors paid first (i.e. before tax claims and employee claims) when a business is liquidated? No

Are secured creditors subject to an automatic stay on enforcement when a debtor enters a court-supervised reorganization procedure? Does the law protect secured creditors' rights by providing clear grounds for relief from the stay and sets a time limit for it? No

Does the law allow parties to agree on out of court enforcement at the time a security interest is created? Does the law allow the secured creditor to sell the collateral through public auction or private tender, as well as, for the secured creditor to keep the asset in satisfaction of the debt? Yes

Figure - Credit Information in Tonga and comparator economies



Details - Credit Information in Tonga

Depth of credit information index (0-8)	Credit bureau	Credit registry	Score
Are data on both firms and individuals distributed?	Yes	No	1
Are both positive and negative credit data distributed?	No	No	0
Are data from retailers or utility companies - in addition to data from banks and financial institutions - distributed?	No	No	0
Are at least 2 years of historical data distributed? (Credit bureaus and registries that distribute more than 10 years of negative data or erase data on defaults as soon as they are repaid obtain a score of 0 for this component.)	Yes	No	1
Are data on loan amounts below 1% of income per capita distributed?	Yes	No	1
By law, do borrowers have the right to access their data in the credit bureau or credit registry?	No	No	0
Can banks and financial institutions access borrowers' credit information online (for example, through an online platform, a system-to-system connection or both)?	Yes	No	1
Are bureau or registry credit scores offered as a value-added service to help banks and financial institutions assess the creditworthiness of borrowers?	No	No	0

Note: An economy receives a score of 1 if there is a "yes" to either bureau or registry. If the credit bureau or registry is not operational or covers less than 5% of the adult population, the total score on the depth of credit information index is 0.

Coverage	Credit bureau	Credit registry
Number of individuals	16,400	0
Number of firms	748	0
Total	17,148	0
Percentage of adult population	28.2	0.0

Protecting Minority Investors

This topic measures the strength of minority shareholder protections against misuse of corporate assets by directors for their personal gain as well as shareholder rights, governance safeguards and corporate transparency requirements that reduce the risk of abuse. The most recent round of data collection for the project was completed in May 2019. [See the methodology for more information.](#)

What the indicators measure

- **Extent of disclosure index (0-10):** Disclosure, review, and approval requirements for related-party transactions
- **Extent of director liability index (0-10):** Ability of minority shareholders to sue and hold interested directors liable for prejudicial related-party transactions; Available legal remedies (damages, disgorgement of profits, disqualification from managerial position(s) for one year or more, rescission of the transaction)
- **Ease of shareholder suits index (0-10):** Access to internal corporate documents; Evidence obtainable during trial and allocation of legal expenses
- **Extent of conflict of interest regulation index (0-30):** Sum of the extent of disclosure, extent of director liability and ease of shareholder suits indices
- **Extent of shareholder rights index (0-6):** Shareholders' rights and role in major corporate decisions
- **Extent of ownership and control index (0-7):** Governance safeguards protecting shareholders from undue board control and entrenchment
- **Extent of corporate transparency index (0-7):** Corporate transparency on ownership stakes, compensation, audits and financial prospects
- **Extent of shareholder governance index (0-20):** Sum of the extent of shareholders rights, extent of ownership and control and extent of corporate transparency indices
- **Strength of minority investor protection index (0-50):** Sum of the extent of conflict of interest regulation and extent of shareholder governance indices

Case study assumptions

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.
- 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.
- Has a supervisory board in economies with a two-tier board system on which Mr. James appointed 60% of the shareholder-elected members.
- Has not adopted bylaws or articles of association that go beyond the minimum requirements. Does not follow codes, principles, recommendations or guidelines that are not mandatory.
- Is a manufacturing company with its own distribution network.

The transaction involves the following details:

- Mr. James owns 60% of Buyer, sits on Buyer's board of directors and elected two directors to Buyer's five-member board.
- Mr. James also owns 90% of Seller, a company that operates a chain of retail hardware stores. Seller recently closed a large number of its stores.
- Mr. James proposes that Buyer purchase Seller's unused fleet of trucks to expand Buyer's distribution of its food products, a proposal to which Buyer agrees. The price is equal to 10% of Buyer's assets and is higher than the market value.
- The proposed transaction is part of the company's principal activity and is not outside the authority of the company.
- Buyer enters into the transaction. All required approvals are obtained, and all required disclosures made—that is, the transaction was not entered into fraudulently.
- The transaction causes damages to Buyer. Shareholders sue Mr. James and the executives and directors that approved the transaction.

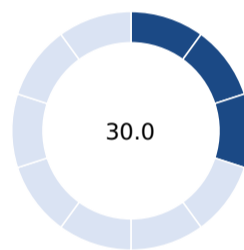
Protecting Minority Investors - Tonga

Stock exchange information

Stock exchange	
Stock exchange URL	
Listed firms with equity securities	0
City Covered	Nukualofa

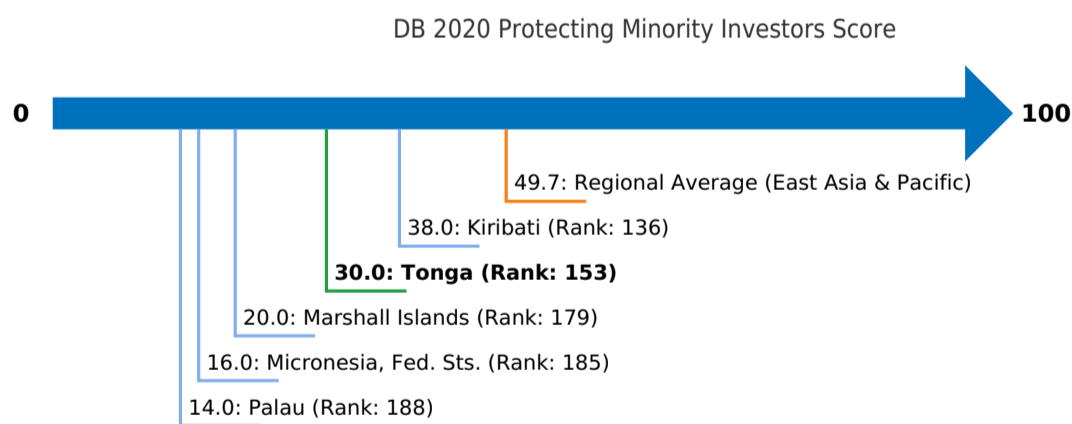
Indicator	Tonga	East Asia & Pacific	OECD high income	Best Regulatory Performance
Extent of disclosure index (0-10)	3.0	5.9	6.5	10 (13 Economies)
Extent of director liability index (0-10)	3.0	5.2	5.3	10 (3 Economies)
Ease of shareholder suits index (0-10)	9.0	6.7	7.3	10 (Djibouti)
Extent of shareholder rights index (0-6)	0.0	2.0	4.7	6 (19 Economies)
Extent of ownership and control index (0-7)	0.0	2.4	4.5	7 (9 Economies)
Extent of corporate transparency index (0-7)	0.0	2.6	5.7	7 (13 Economies)

Figure - Protecting Minority in Tonga - Score



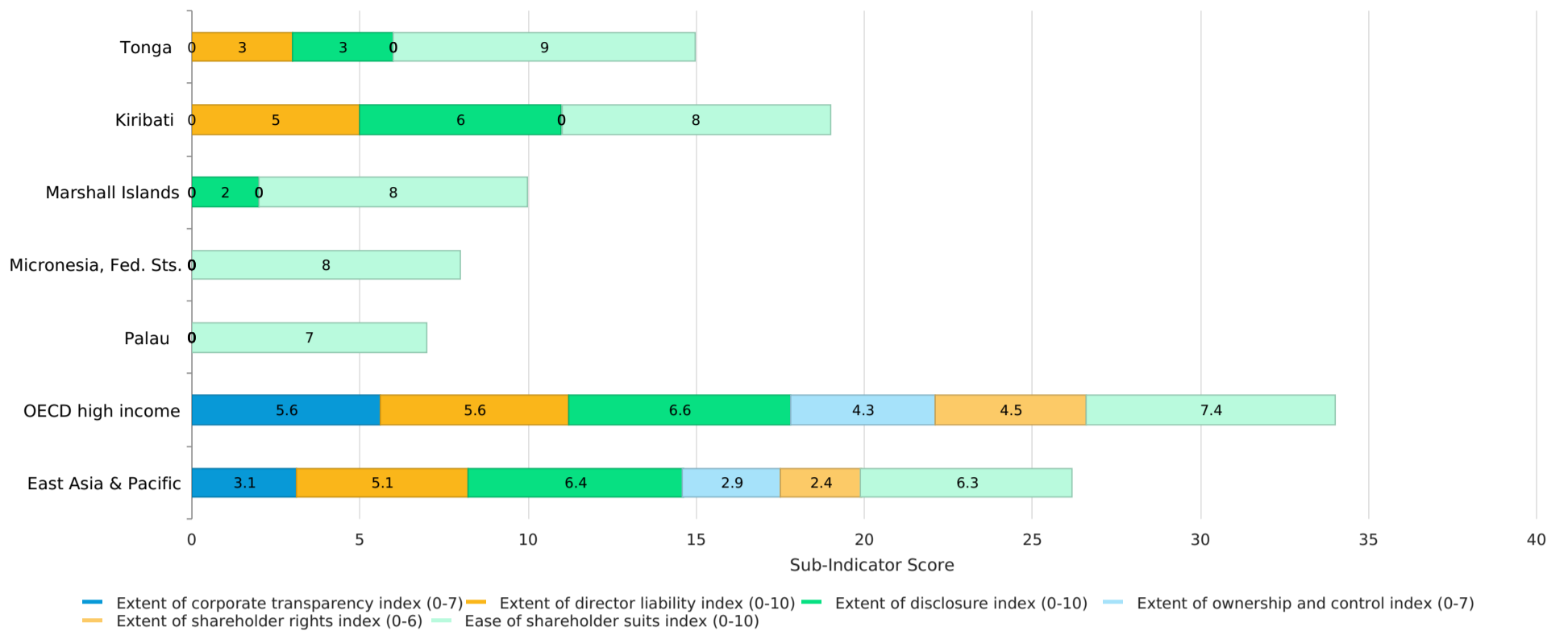
Score - Protecting Minority Investors

Figure - Protecting Minority Investors in Tonga and comparator economies - Ranking and Score



Note: The ranking of economies on the strength of minority investor protections is determined by sorting their scores for protecting minority investors. These scores are the simple average of the scores for the extent of conflict of interest regulation index and the extent of shareholder governance index.

Figure - Protecting Minority Investors in Tonga and comparator economies - Measure of Quality



Details - Protecting Minority Investors in Tonga - Measure of Quality

	Answer	Score
Extent of conflict of interest regulation index (0-30)		
Extent of disclosure index (0-10)		3.0
Whose decision is sufficient to approve the Buyer-Seller transaction? (0-3)	Shareholders or board of directors including interested parties	1.0
Must an external body review the terms of the transaction before it takes place? (0-1)	No	0.0
Must Mr. James disclose his conflict of interest to the board of directors? (0-2)	Existence of a conflict without any specifics	1.0
Must Buyer disclose the transaction in periodic filings (e.g. annual reports)? (0-2)	Disclosure on the transaction only	1.0
Must Buyer immediately disclose the transaction to the public? (0-2)	No disclosure obligation	0.0
Extent of director liability index (0-10)		3.0
Can shareholders representing 10% of Buyer's share capital sue for the damage the transaction caused to Buyer? (0-1)	Yes	1.0
Can shareholders hold Mr. James liable for the damage the transaction caused to Buyer? (0-2)	Not liable	0.0
Can shareholders hold the other directors liable for the damage the transaction caused to Buyer? (0-2)	Not liable	0.0
Must Mr. James pay damages for the harm caused to Buyer upon a successful claim by shareholders? (0-1)	No	0.0
Must Mr. James repay profits made from the transaction upon a successful claim by shareholders? (0-1)	No	0.0
Is Mr. James disqualified upon a successful claim by shareholders? (0-1)	No	0.0
Can a court void the transaction upon a successful claim by shareholders? (0-2)	Voidable if unfair or prejudicial	2.0
Ease of shareholder suits index (0-10)		9.0
Before suing, can shareholders representing 10% of Buyer's share capital inspect the transaction documents? (0-1)	Yes	1.0
Can the plaintiff obtain any documents from the defendant and witnesses at trial? (0-3)	Any relevant document	3.0
Can the plaintiff request categories of documents from the defendant without identifying specific ones? (0-1)	Yes	1.0
Can the plaintiff directly question the defendant and witnesses at trial? (0-2)	Yes	2.0
Is the level of proof required for civil suits lower than that of criminal cases? (0-1)	Yes	1.0
Can shareholder plaintiffs recover their legal expenses from the company? (0-2)	Yes if successful	1.0
Extent of shareholder governance index (0-20)		
Extent of shareholder rights index (0-6)		0.0
Does the sale of 51% of Buyer's assets require shareholder approval?	No	0.0
Can shareholders representing 10% of Buyer's share capital call for a meeting of shareholders?	Yes	1.0
Must Buyer obtain its shareholders' approval every time it issues new shares?	No	0.0
Do shareholders automatically receive preemption rights every time Buyer issues new shares?	No	0.0
Do shareholders elect and dismiss the external auditor?	No	0.0
Are changes to the rights of a class of shares only possible if the holders of the affected shares approve?	No	0.0
Extent of ownership and control index (0-7)		0.0
Is it forbidden to appoint the same individual as CEO and chairperson of the board of directors?	Yes	1.0

Must the board of directors include independent and nonexecutive board members?	Yes	1.0
Can shareholders remove members of the board of directors without cause before the end of their term?	No	0.0
Must the board of directors include a separate audit committee exclusively comprising board members?	No	0.0
Must a potential acquirer make a tender offer to all shareholders upon acquiring 50% of Buyer?	No	0.0
Must Buyer pay declared dividends within a maximum period set by law?	No	0.0
Is a subsidiary prohibited from acquiring shares issued by its parent company?	No	0.0
Extent of corporate transparency index (0-7)		0.0
Must Buyer disclose direct and indirect beneficial ownership stakes representing 5%?	No	0.0
Must Buyer disclose information about board members' primary employment and directorships in other companies?	No	0.0
Must Buyer disclose the compensation of individual managers?	No	0.0
Must a detailed notice of general meeting be sent 21 days before the meeting?	No	0.0
Can shareholders representing 5% of Buyer's share capital put items on the general meeting agenda?	Yes	1.0
Must Buyer's annual financial statements be audited by an external auditor?	Yes	1.0
Must Buyer disclose its audit reports to the public?	Yes	1.0

Paying Taxes

This topic records the taxes and mandatory contributions that a medium-size company must pay or withhold in a given year, as well as the administrative burden of paying taxes and contributions and complying with postfiling procedures (VAT refund and tax audit). The most recent round of data collection for the project was completed in May 2019 covering for the Paying Taxes indicator calendar year 2018 (January 1, 2018 – December 31, 2018). [See the methodology for more information.](#)

What the indicators measure

Tax payments for a manufacturing company in 2018 (number per year adjusted for electronic and joint filing and payment)

- Total number of taxes and contributions paid or withheld, 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, computing tax payable
- Preparing separate tax accounting books, if required
- Completing tax return, filing with agencies
- Arranging payment or withholding

Total tax and contribution rate (% of commercial profits)

- Profit or corporate income tax
- Social contributions, labor taxes paid by employer
- Property and property transfer taxes
- Dividend, capital gains, financial transactions taxes
- Waste collection, vehicle, road and other taxes

Postfiling Index

- Time to comply with VAT refund (hours)
- Time to obtain VAT refund (weeks)
- Time to comply with a corporate income tax correction (hours)
- Time to complete a corporate income tax correction (weeks)

Case study assumptions

Using a case scenario, *Doing Business* records taxes and mandatory contributions a medium size company must pay in a year, and measures the administrative burden of paying taxes, contributions and dealing with postfiling processes. Information is also compiled on frequency of filing and payments, time taken to comply with tax laws, time taken to comply with the requirements of postfiling processes and time waiting.

To make data comparable across economies, several assumptions are used:

- TaxpayerCo is a medium-size business that started operations on January 1, 2017. It produces ceramic flowerpots and sells them at retail. All taxes and contributions recorded are paid in the second year of operation (calendar year 2018). Taxes and mandatory contributions are measured at all levels of government.

The VAT refund process:

- In June 2018, TaxpayerCo. makes a large capital purchase: the value of the machine is 65 times income per capita of the economy. Sales are equally spread per month (1,050 times income per capita divided by 12) and cost of goods sold are equally expensed per month (875 times income per capita divided by 12). The machinery seller is registered for VAT and excess input VAT incurred in June will be fully recovered after four consecutive months if the VAT rate is the same for inputs, sales and the machine and the tax reporting period is every month. Input VAT will exceed Output VAT in June 2018.

The corporate income tax audit process:

- An error in calculation of income tax liability (for example, use of incorrect tax depreciation rates, or incorrectly treating an expense as tax deductible) leads to an incorrect income tax return and a corporate income tax underpayment. TaxpayerCo. discovered the error and voluntarily notified the tax authority. The value of the underpaid income tax liability is 5% of the corporate income tax liability due. TaxpayerCo. submits corrected information after the deadline for submitting the annual tax return, but within the tax assessment period.

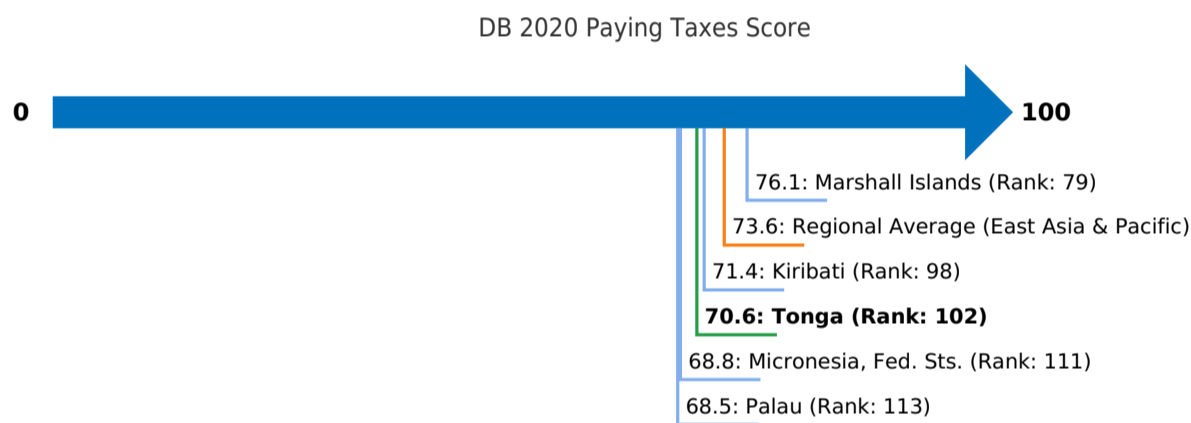
Paying Taxes - Tonga

Indicator	Tonga	East Asia & Pacific	OECD high income	Best Regulatory Performance
Payments (number per year)	30	20.6	10.3	3 (2 Economies)
Time (hours per year)	200	173.0	158.8	49 (3 Economies)
Total tax and contribution rate (% of profit)	27.5	33.6	39.9	26.1 (33 Economies)
Postfiling index (0-100)	52.5	56.4	86.7	None in 2018/19

Figure - Paying Taxes in Tonga - Score

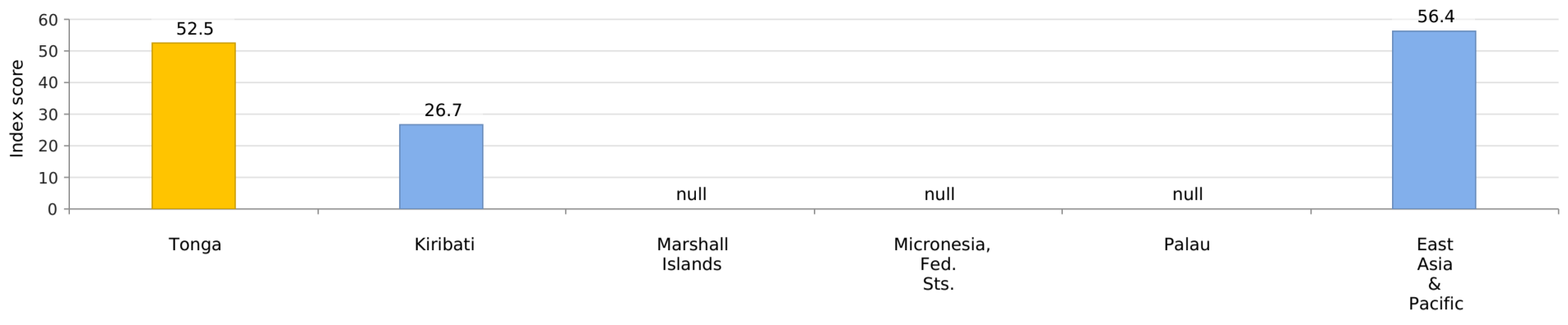


Figure - Paying Taxes in Tonga and comparator economies - Ranking and Score



Note: The ranking of economies on the ease of paying taxes is determined by sorting their scores for paying taxes. These scores are the simple average of the scores for each of the component indicators, with a threshold and a nonlinear transformation applied to one of the component indicators, the total tax and contribution rate. The threshold is defined as the total tax and contribution rate at the 15th percentile of the overall distribution for all years included in the analysis up to and including Doing Business 2015, which is 26.1%. All economies with a total tax and contribution rate below this threshold receive the same score as the economy at the threshold.

Figure - Paying Taxes in Tonga and comparator economies - Measure of Quality



Details - Paying Taxes in Tonga

Tax or mandatory contribution	Payments (number)	Notes on Payments	Time (hours)	Statutory tax rate	Tax base	Total tax and contribution rate (% of profit)	Notes on TTCR
Corporate income tax	1.0		8.0	25%	taxable profit	21.22	
Superannuation levy - employer	12.0		48.0	5%	gross salary	5.64	
Vehicle license	4.0				fixed fee	0.65	
Business License	1.0			TOP50 + 15%	fixed fee	0.01	
Value added tax (VAT)	12.0		144.0	15%	value added	0.00	not included
Tax on interest	0.0			10%	interest income	0.00	included in other taxes
Employee paid - Superannuation levy	0.0	jointly		5%	gross salary	0.00	withheld
Totals	30		200			27.5	

Details - Paying Taxes in Tonga - Tax by Type

Taxes by type	Answer
Profit tax (% of profit)	21.2
Labor tax and contributions (% of profit)	5.6
Other taxes (% of profit)	0.7

Details - Paying Taxes in Tonga - Measure of Quality

	Answer	Score
Postfiling index (0-100)		52.5
VAT refunds		
Does VAT exist?	Yes	
Does a VAT refund process exist per the case study?	Yes	
Restrictions on VAT refund process	none	
Percentage of cases exposed to a VAT audit (%)	75% - 100%	
Is there a mandatory carry forward period?	Yes	
Time to comply with VAT refund (hours)	42.0	16.0
Time to obtain VAT refund (weeks)	33.0	42.5
Corporate income tax audits		
Does corporate income tax exist?	Yes	
Percentage of cases exposed to a corporate income tax audit (%)	25% - 49%	
Time to comply with a corporate income tax correction (hours)	14.0	77.1
Time to complete a corporate income tax correction (weeks)	8.1	74.6

Notes: Names of taxes have been standardized. For instance income tax, profit tax, tax on company's income are all named corporate income tax in this table.

The hours for VAT include all the VAT and sales taxes applicable.

The hours for Social Security include all the hours for labor taxes and mandatory contributions in general.

The postfiling index is the average of the scores on time to comply with VAT refund, time to obtain a VAT refund, time to comply with a corporate income tax correction and time to complete a corporate income tax correction.

N/A = Not applicable.

Trading across Borders

Doing Business records the time and cost associated with the logistical process of exporting and importing goods. *Doing Business* measures the time and cost (excluding tariffs) associated with three sets of procedures—documentary compliance, border compliance and domestic transport—within the overall process of exporting or importing a shipment of goods. The most recent round of data collection for the project was completed in May 2019. [See the methodology for more information.](#)

What the indicators measure

Documentary compliance

- Obtaining, preparing and submitting documents during transport, clearance, inspections and port or border handling in origin economy
- Obtaining, preparing and submitting documents required by destination economy and any transit economies
- Covers all documents required by law and in practice, including electronic submissions of information

Border compliance

- Customs clearance and inspections
- Inspections by other agencies (if applied to more than 20% of shipments)
- Handling and inspections that take place at the economy's port or border

Domestic transport

- Loading or unloading of the shipment at the warehouse or port/border
- Transport between warehouse and port/border
- Traffic delays and road police checks while shipment is en route

Case study assumptions

To make the data comparable across economies, a few assumptions are made about the traded goods and the transactions:

Time: Time is measured in hours, and 1 day is 24 hours (for example, 22 days are recorded as $22 \times 24 = 528$ hours). If customs clearance takes 7.5 hours, the data are recorded as is. Alternatively, suppose documents are submitted to a customs agency at 8:00a.m., are processed overnight and can be picked up at 8:00a.m. the next day. The time for customs clearance would be recorded as 24 hours because the actual procedure took 24 hours.

Cost: Insurance cost and informal payments for which no receipt is issued are excluded from the costs recorded. Costs are reported in U.S. dollars. Contributors are asked to convert local currency into U.S. dollars based on the exchange rate prevailing on the day they answer the questionnaire. Contributors are private sector experts in international trade logistics and are informed about exchange rates.

Assumptions of the case study:

- For all 190 economies covered by *Doing Business*, it is assumed a shipment is in a warehouse in the largest business city of the exporting economy and travels to a warehouse in the largest business city of the importing economy.

- It is assumed each economy imports 15 metric tons of containerized auto parts (HS 8708) from its natural import partner—the economy from which it imports the largest value (price times quantity) of auto parts. It is assumed each economy exports the product of its comparative advantage (defined by the largest export value) to its natural export partner—the economy that is the largest purchaser of this product. Shipment value is assumed to be \$50,000.

- The mode of transport is the one most widely used for the chosen export or import product and the trading partner, as is the seaport or land border crossing.

- All electronic information submissions requested by any government agency in connection with the shipment are considered to be documents obtained, prepared and submitted during the export or import process.

- A port or border is a place (seaport or land border crossing) where merchandise can enter or leave an economy.

- Relevant government agencies include customs, port authorities, road police, border guards, standardization agencies, ministries or departments of agriculture or industry, national security agencies and any other government authorities.

Trading across Borders - Tonga

Indicator	Tonga	East Asia & Pacific	OECD high income	Best Regulatory Performance
Time to export: Border compliance (hours)	52	57.5	12.7	1 (19 Economies)
Cost to export: Border compliance (USD)	201	381.1	136.8	0 (19 Economies)
Time to export: Documentary compliance (hours)	108	55.6	2.3	1 (26 Economies)
Cost to export: Documentary compliance (USD)	70	109.4	33.4	0 (20 Economies)
Time to import: Border compliance (hours)	26	68.4	8.5	1 (25 Economies)
Cost to import: Border compliance (USD)	330	422.8	98.1	0 (28 Economies)
Time to import: Documentary compliance (hours)	72	53.7	3.4	1 (30 Economies)
Cost to import: Documentary compliance (USD)	148	108.4	23.5	0 (30 Economies)

Figure - Trading across Borders in Tonga - Score

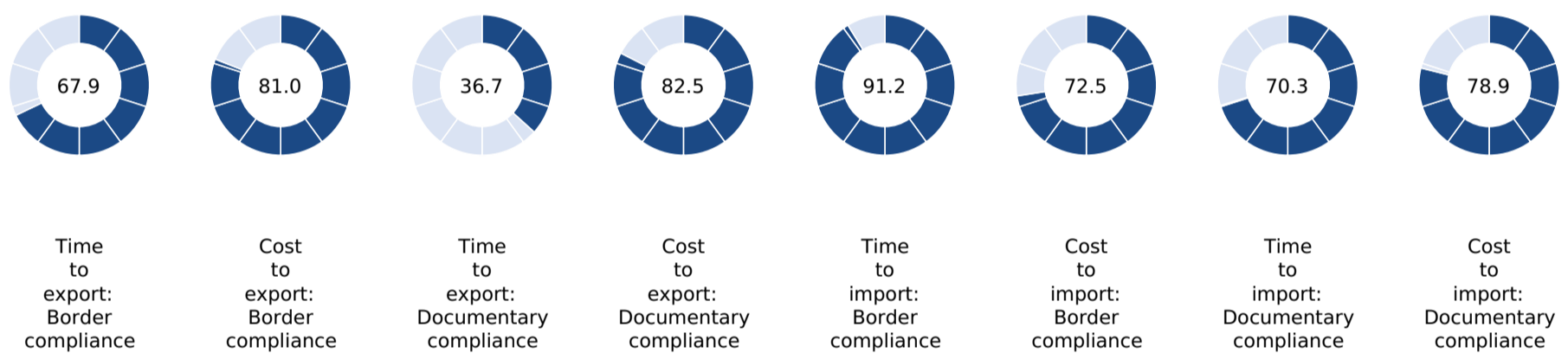
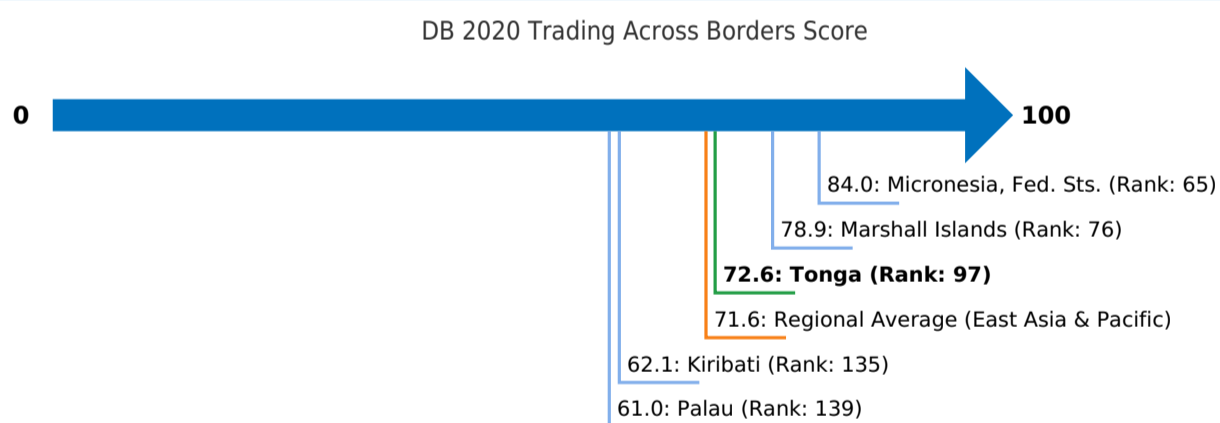
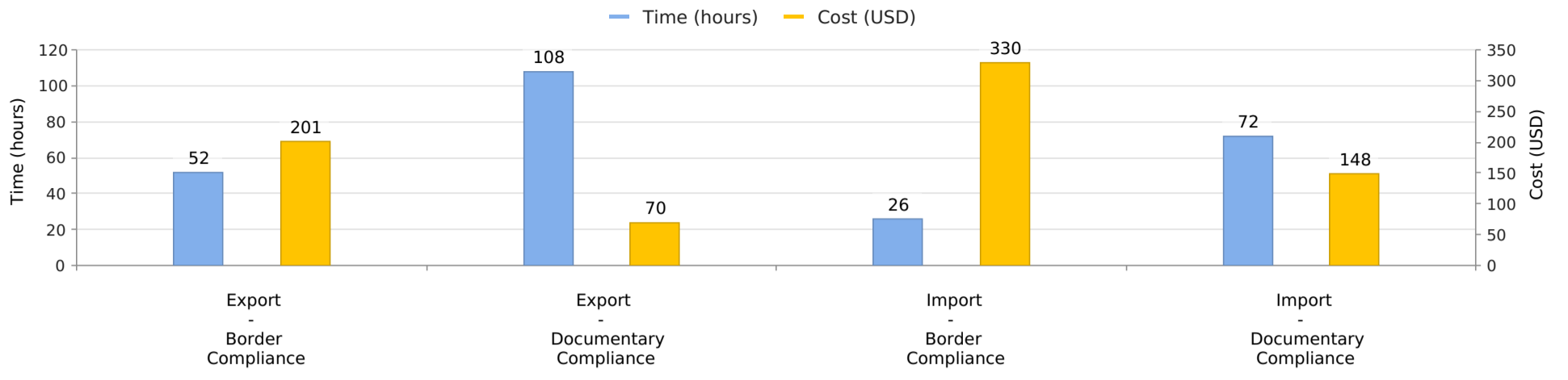


Figure - Trading across Borders in Tonga and comparator economies - Ranking and Score



Note: The ranking of economies on the ease of trading across borders is determined by sorting their scores for trading across borders. These scores are the simple average of the scores for the time and cost for documentary compliance and border compliance to export and import.

Figure - Trading across Borders in Tonga - Time and Cost



Details - Trading across Borders in Tonga

Characteristics	Export	Import
Product	HS 03 : Fish & crustacean, mollusc & other aquatic invertebrate	HS 8708: Parts and accessories of motor vehicles
Trade partner	Hong Kong, China	New Zealand
Border	Nuku'alofa port	Nuku'alofa port
Distance (km)	5	5
Domestic transport time (hours)	1	1
Domestic transport cost (USD)	40	40

Details - Trading across Borders in Tonga - Components of Border Compliance

	Time to Complete (hours)	Associated Costs (USD)
Export: Clearance and inspections required by customs authorities	4.0	111.0
Export: Clearance and inspections required by agencies other than customs	0.0	0.0
Export: Port or border handling	48.0	90.0
Import: Clearance and inspections required by customs authorities	16.0	150.0
Import: Clearance and inspections required by agencies other than customs	0.0	0.0
Import: Port or border handling	25.5	180.0

Details - Trading across Borders in Tonga - Trade Documents

Export

Export declaration

Commercial invoice

Packing list

Bill of lading

SOLAS certificate

Import

Cargo Release order

Import declaration

Packing list

Commercial invoice

Bill of lading

SOLAS certificate

Enforcing Contracts

The enforcing contracts indicator measures the time and cost for resolving a commercial dispute through a local first-instance court, and the quality of judicial processes index, evaluating whether each economy has adopted a series of good practices that promote quality and efficiency in the court system. The most recent round of data collection was completed in May 2019. [See the methodology for more information.](#)

What the indicators measure

Time required to enforce a contract through the courts (calendar days)

- Time to file and serve the case
- Time for trial and to obtain the judgment
- Time to enforce the judgment

Cost required to enforce a contract through the courts (% of claim value)

- Average attorney fees
- Court costs
- Enforcement costs

Quality of judicial processes index (0-18)

- Court structure and proceedings (-1-5)
- Case management (0-6)
- Court automation (0-4)
- Alternative dispute resolution (0-3)

Case study assumptions

The dispute in the case study involves the breach of a sales contract between two 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 on the time and comparable across economies, several assumptions about the case are used:

- The dispute concerns a lawful transaction between two businesses (Seller and Buyer), both located in the economy's largest business city. For 11 economies the data are also collected for the second largest business city.
- The Buyer orders custom-made furniture, then fails to pay alleging that the goods are not of adequate quality.
- The value of the dispute is 200% of the income per capita or the equivalent in local currency of USD 5,000, whichever is greater.
- The Seller sues the Buyer before the court with jurisdiction over commercial cases worth 200% of income per capita or \$5,000 whichever is greater.
- The Seller requests the pretrial attachment of the defendant's movable assets to secure the claim.
- The claim is disputed on the merits because of Buyer's allegation that the quality of the goods was not adequate.
- 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 - Tonga

Standardized Case

Claim value	TOP 17,736
Court name	Nuku'alofa Supreme Court
City Covered	Nukualofa

Indicator	Tonga	East Asia & Pacific	OECD high income	Best Regulatory Performance
Time (days)	350	581.1	589.6	120 (Singapore)
Cost (% of claim value)	30.5	47.2	21.5	0.1 (Bhutan)
Quality of judicial processes index (0-18)	4.5	8.1	11.7	None in 2018/19

Figure - Enforcing Contracts in Tonga - Score

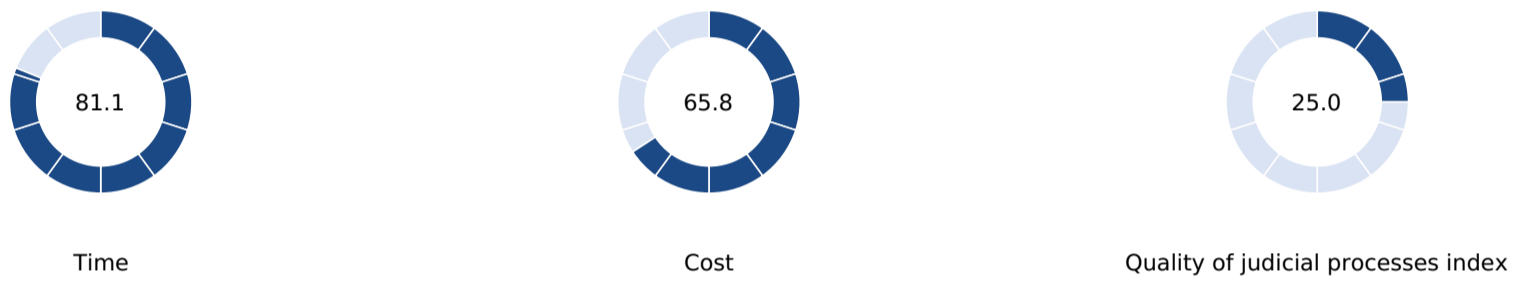
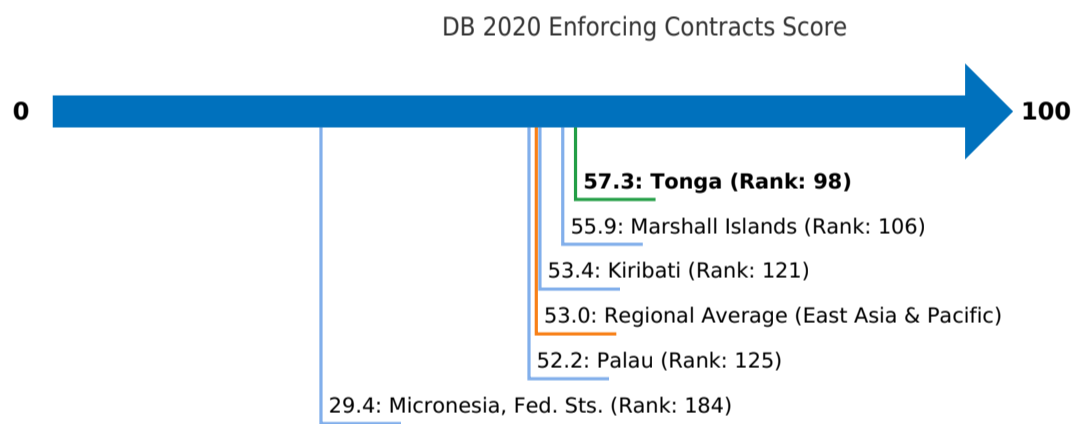


Figure - Enforcing Contracts in Tonga and comparator economies - Ranking and Score



Note: The ranking of economies on the ease of enforcing contracts is determined by sorting their scores for enforcing contracts. These scores are the simple average of the scores for each of the component indicators.

Figure - Enforcing Contracts in Tonga - Time and Cost

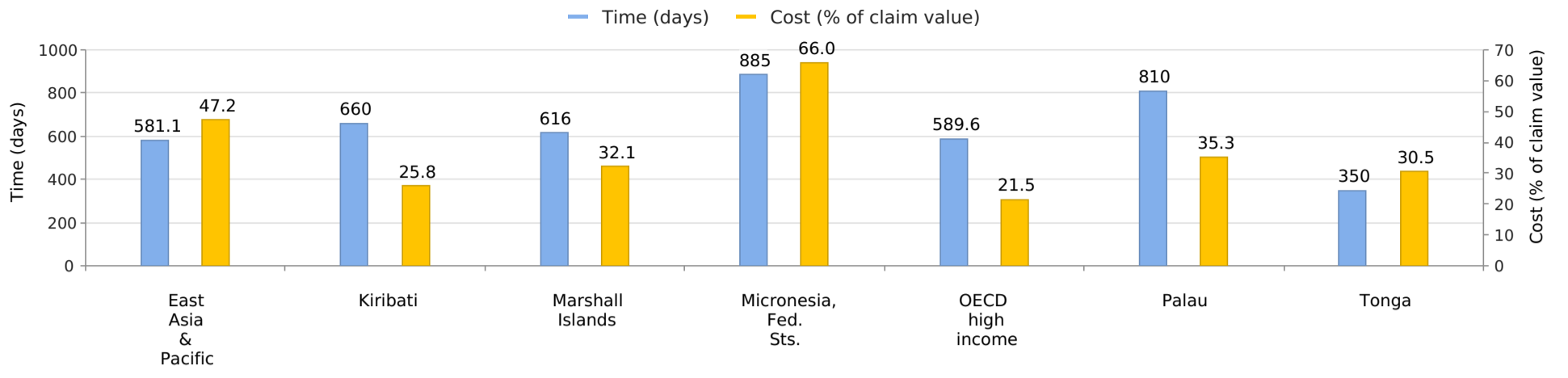
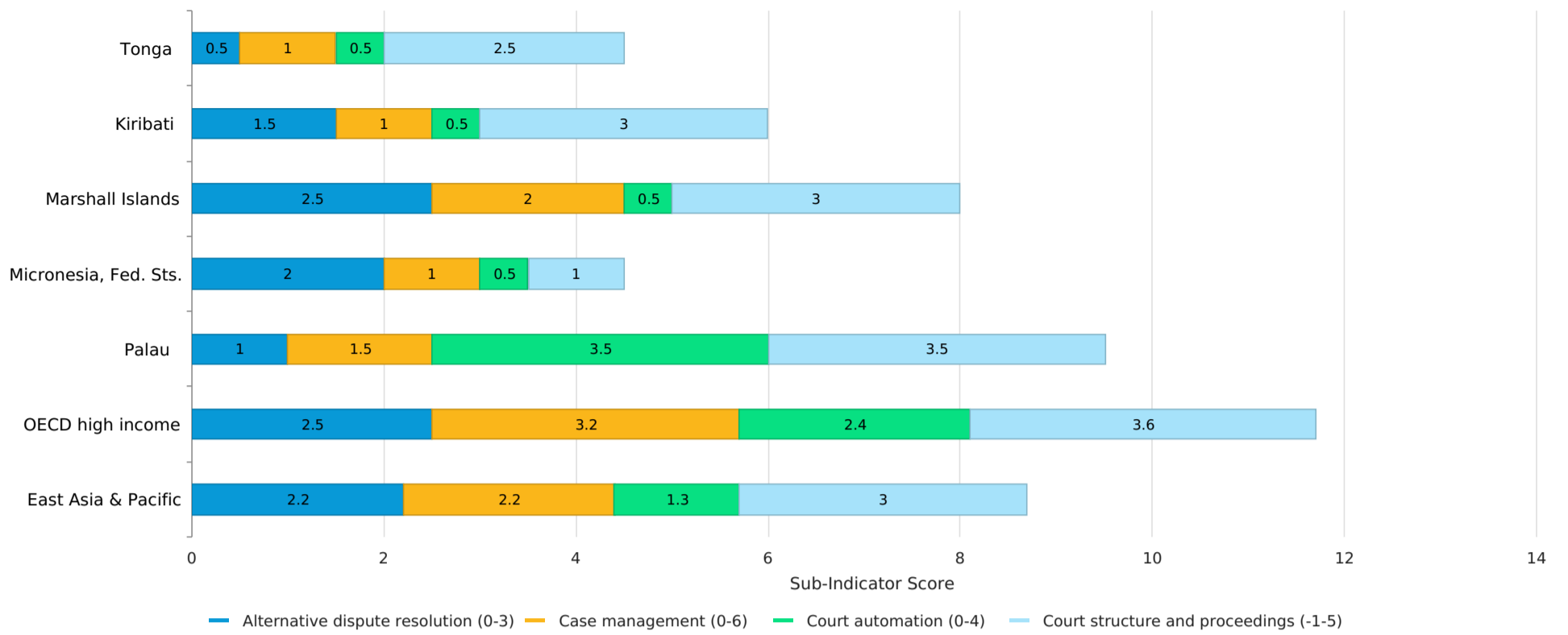


Figure - Enforcing Contracts in Tonga and comparator economies - Measure of Quality



Details - Enforcing Contracts in Tonga

	Indicator
Time (days)	350
Filing and service	7
Trial and judgment	263
Enforcement of judgment	80
Cost (% of claim value)	30.5
Attorney fees	22.5
Court fees	6.7
Enforcement fees	1.3
Quality of judicial processes index (0-18)	4.5
Court structure and proceedings (-1-5)	2.5
Case management (0-6)	1.0
Court automation (0-4)	0.5
Alternative dispute resolution (0-3)	0.5

Details - Enforcing Contracts in Tonga - Measure of Quality

	Answer	Score
Quality of judicial processes index (0-18)		4.5
Court structure and proceedings (-1-5)		2.5
1. Is there a court or division of a court dedicated solely to hearing commercial cases?	No	0.0
2. Small claims court		1.5
2.a. Is there a small claims court or a fast-track procedure for small claims?	Yes	
2.b. If yes, is self-representation allowed?	Yes	
3. Is pretrial attachment available?	Yes	1.0
4. Are new cases assigned randomly to judges?	No	0.0
5. Does a woman's testimony carry the same evidentiary weight in court as a man's?	Yes	0.0
Case management (0-6)		1.0
1. Time standards		0.0
1.a. Are there laws setting overall time standards for key court events in a civil case?	Yes	
1.b. If yes, are the time standards set for at least three court events?	No	
1.c. Are these time standards respected in more than 50% of cases?	Yes	
2. Adjournments		0.0
2.a. Does the law regulate the maximum number of adjournments that can be granted?	No	
2.b. Are adjournments limited to unforeseen and exceptional circumstances?	No	
2.c. If rules on adjournments exist, are they respected in more than 50% of cases?	n.a.	
3. Can two of the following four reports be generated about the competent court: (i) time to disposition report; (ii) clearance rate report; (iii) age of pending cases report; and (iv) single case progress report?	No	0.0
4. Is a pretrial conference among the case management techniques used before the competent court?	Yes	1.0
5. Are there any electronic case management tools in place within the competent court for use by judges?	No	0.0
6. Are there any electronic case management tools in place within the competent court for use by lawyers?	No	0.0
Court automation (0-4)		0.5
1. Can the initial complaint be filed electronically through a dedicated platform within the competent court?	No	0.0
2. Is it possible to carry out service of process electronically for claims filed before the competent court?	No	0.0
3. Can court fees be paid electronically within the competent court?	No	0.0
4. Publication of judgments		0.5
4.a. Are judgments rendered in commercial cases at all levels made available to the general public through publication in official gazettes, in newspapers or on the internet or court website?	No	
4.b. Are judgments rendered in commercial cases at the appellate and supreme court level made available to the general public through publication in official gazettes, in newspapers or on the internet or court website?	Yes	
Alternative dispute resolution (0-3)		0.5
1. Arbitration		0.0
1.a. Is domestic commercial arbitration governed by a consolidated law or consolidated chapter or section of the applicable code of civil procedure encompassing substantially all its aspects?	No	
1.b. Are there any commercial disputes—aside from those that deal with public order or public policy—that cannot be submitted to arbitration?	n.a.	
1.c. Are valid arbitration clauses or agreements usually enforced by the courts?	n.a.	

2. Mediation/Conciliation	0.5
2.a. Is voluntary mediation or conciliation available?	Yes
2.b. Are mediation, conciliation or both governed by a consolidated law or consolidated chapter or section of the applicable code of civil procedure encompassing substantially all their aspects (for example, definition, aim and scope of application, design)?	No
2.c. Are there financial incentives for parties to attempt mediation or conciliation (i.e., if mediation or conciliation is successful, a refund of court filing fees, income tax credits or the like)?	No

Resolving Insolvency

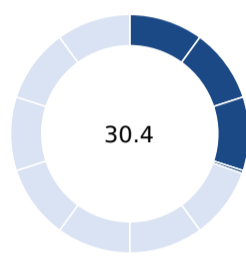
Doing Business studies the time, cost and outcome of insolvency proceedings involving domestic legal entities. These variables are used to calculate the recovery rate, which is recorded as cents on the dollar recovered by secured creditors through reorganization, liquidation or debt enforcement (foreclosure or receivership) proceedings. To determine the present value of the amount recovered by creditors, *Doing Business* uses the lending rates from the International Monetary Fund, supplemented with data from central banks and the Economist Intelligence Unit. The most recent round of data collection was completed in May 2019. [See the methodology for more information.](#)

What the indicators measure	Case study assumptions
<p>Time required to recover debt (years)</p> <ul style="list-style-type: none"> • Measured in calendar years • Appeals and requests for extension are included <p>Cost required to recover debt (% of debtor's estate)</p> <ul style="list-style-type: none"> • Measured as percentage of estate value • Court fees • Fees of insolvency administrators • Lawyers' fees • Assessors' and auctioneers' fees • Other related fees <p>Outcome</p> <ul style="list-style-type: none"> • Whether business continues operating as a going concern or business assets are sold piecemeal <p>Recovery rate for creditors</p> <ul style="list-style-type: none"> • Measures the cents on the dollar recovered by secured creditors • Outcome for the business (survival or not) determines the maximum value that can be recovered • Official costs of the insolvency proceedings are deducted • Depreciation of furniture is taken into account • Present value of debt recovered <p>Strength of insolvency framework index (0- 16)</p> <ul style="list-style-type: none"> • Sum of the scores of four component indices: • Commencement of proceedings index (0-3) • Management of debtor's assets index (0-6) • Reorganization proceedings index (0-3) • Creditor participation index (0-4) 	<p>To make the data on the time, cost and outcome comparable across economies, several assumptions about the business and the case are used:</p> <ul style="list-style-type: none"> - A hotel located in the largest city (or cities) has 201 employees and 50 suppliers. The hotel experiences financial difficulties. - The value of the hotel is 100% of the income per capita or the equivalent in local currency of USD 200,000, whichever is greater. - The hotel has a loan from a domestic bank, secured by a mortgage over the hotel's real estate. The hotel cannot pay back the loan, but makes enough money to operate otherwise. <p>In addition, <i>Doing Business</i> evaluates the quality of legal framework applicable to judicial liquidation and reorganization proceedings and the extent to which best insolvency practices have been implemented in each economy covered.</p>

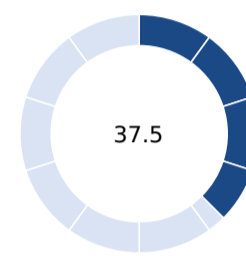
Resolving Insolvency - Tonga

Indicator	Tonga	East Asia & Pacific	OECD high income	Best Regulatory Performance
Recovery rate (cents on the dollar)	28.2	35.5	70.2	92.9 (Norway)
Time (years)	2.7	2.6	1.7	0.4 (Ireland)
Cost (% of estate)	22.0	20.6	9.3	1.0 (Norway)
Outcome (0 as piecemeal sale and 1 as going concern)	0
Strength of insolvency framework index (0-16)	6.0	7.0	11.9	None in 2018/19

Figure - Resolving Insolvency in Tonga - Score

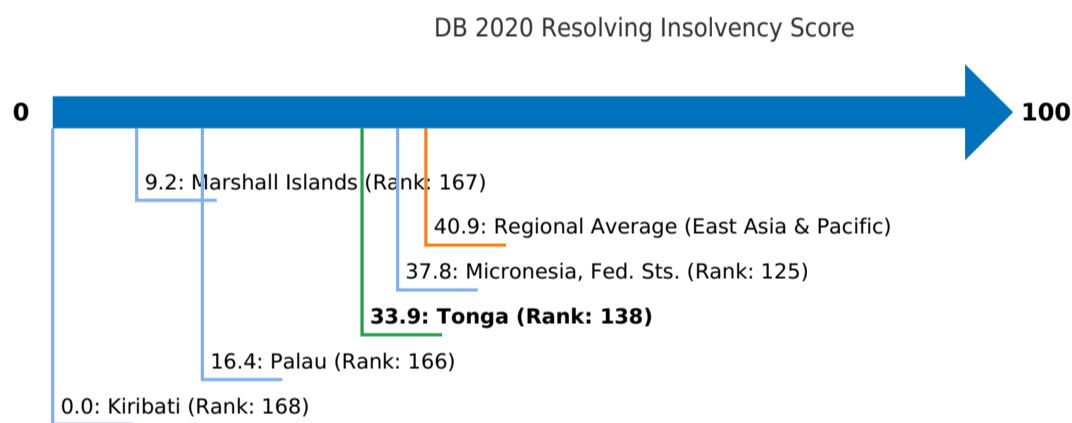


Recovery rate



Strength of insolvency framework index

Figure - Resolving Insolvency in Tonga and comparator economies - Ranking and Score



Note: The ranking of economies on the ease of resolving insolvency is determined by sorting their scores for resolving insolvency. These scores are the simple average of the scores for the recovery rate and the strength of insolvency framework index.

Figure - Resolving Insolvency in Tonga - Time and Cost

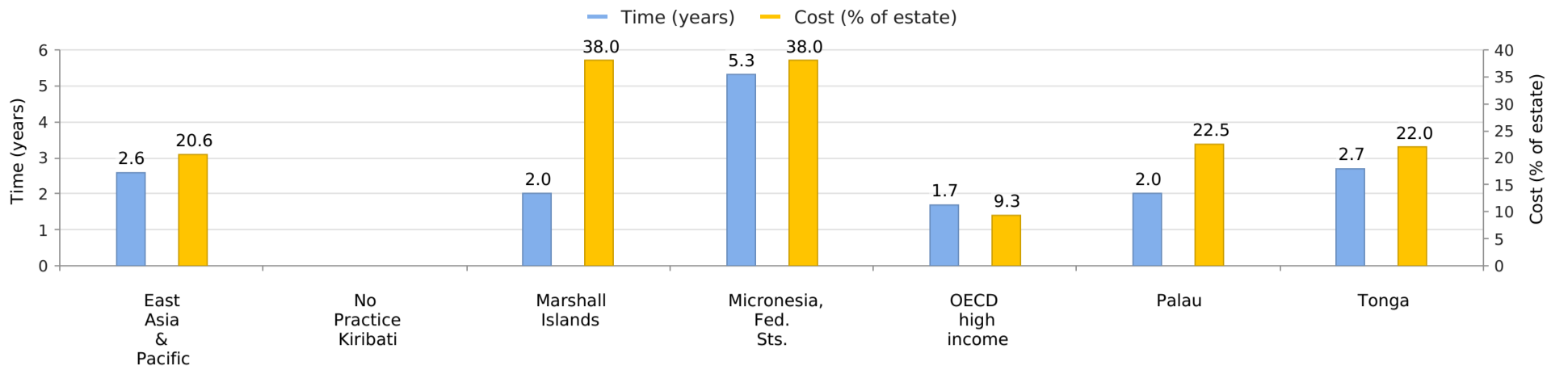
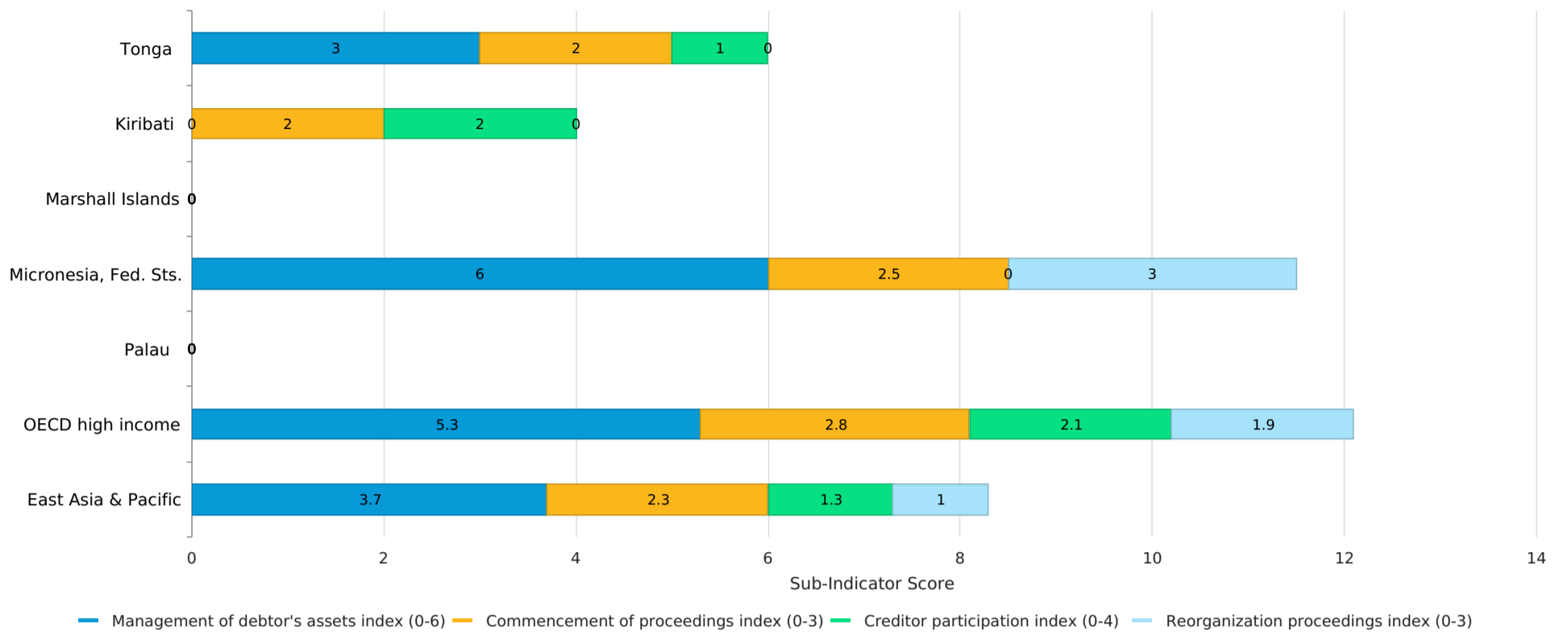
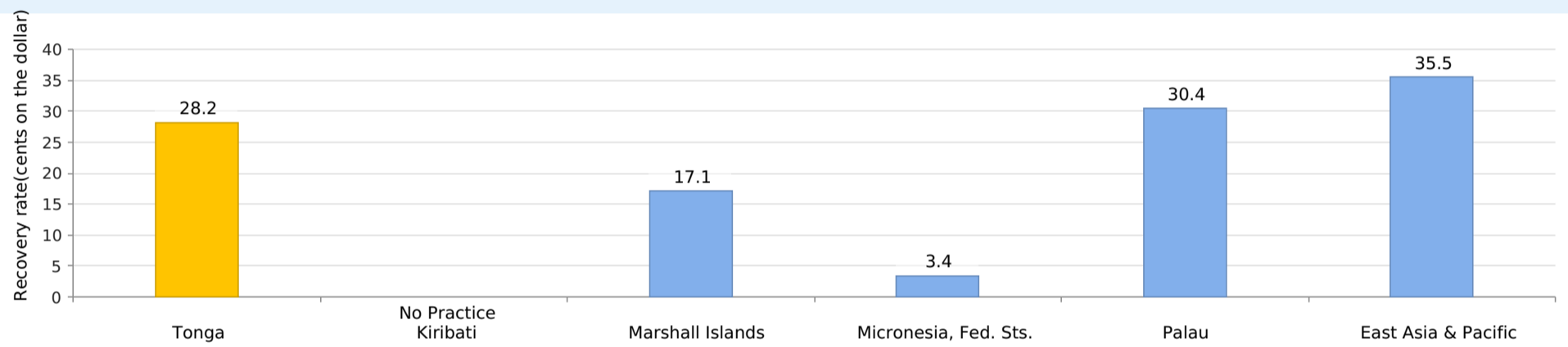


Figure - Resolving Insolvency in Tonga and comparator economies - Measure of Quality



Note: Even if the economy's legal framework includes provisions related to insolvency proceedings (liquidation or reorganization), the economy receives 0 points for the strength of insolvency framework index, if time, cost and outcome indicators are recorded as "no practice."

Figure - Resolving Insolvency in Tonga and comparator economies - Recovery Rate



Details - Resolving Insolvency in Tonga

Indicator	Answer	Score
Proceeding	foreclosure	After Mirage's default, BizBank would initiate foreclosure through filing at the Supreme Court, which will review the case, hear the appeal from the other party and make a decision on the BizBank's foreclosure request. After the order is made, the court will endorse the BizBank's mortgage repossession.
Outcome	piecemeal sale	After the court's decision on Mirage's case, BizBank would gain possession of Mirage's assets and sell them piecemeal.
Time (in years)	2.7	The foreclosure procedure until BizBank is repaid some or all of the money owed to it takes about 32 months. After Mirage's default, BizBank will send 3 warning letters over three months: one warning letter per month. Only after that, BizBank can initiate foreclosure by filing the application at the Supreme Court.
Cost (% of estate)	22.0	The cost associated with the case would amount to approximately 22% of the value of the debtor's estate. The main component of the cost is the attorney's fee (around 20%).
Recovery rate (cents on the dollar)		28.2

Details - Resolving Insolvency in Tonga - Measure of Quality

	Answer	Score
Strength of insolvency framework index (0-16)		6.0
Commencement of proceedings index (0-3)		2.0
What procedures are available to a DEBTOR when commencing insolvency proceedings?	(b) Debtor may file for liquidation only	0.5
Does the insolvency framework allow a CREDITOR to file for insolvency of the debtor?	(b) Yes, but a creditor may file for liquidation only	0.5
What basis for commencement of the insolvency proceedings is allowed under the insolvency framework? (a) Debtor is generally unable to pay its debts as they mature (b) The value of debtor's liabilities exceeds the value of its assets	(a) Debtor is generally unable to pay its debts as they mature	1.0
Management of debtor's assets index (0-6)		3.0
Does the insolvency framework allow the continuation of contracts supplying essential goods and services to the debtor?	No	0.0
Does the insolvency framework allow the rejection by the debtor of overly burdensome contracts?	Yes	1.0
Does the insolvency framework allow avoidance of preferential transactions?	Yes	1.0
Does the insolvency framework allow avoidance of undervalued transactions?	Yes	1.0
Does the insolvency framework provide for the possibility of the debtor obtaining credit after commencement of insolvency proceedings?	No	0.0
Does the insolvency framework assign priority to post-commencement credit?	(c) No priority is assigned to post-commencement creditors	0.0
Reorganization proceedings index (0-3)		0.0
Which creditors vote on the proposed reorganization plan?	N/A	0.0
Does the insolvency framework require that dissenting creditors in reorganization receive at least as much as what they would obtain in a liquidation?	No	0.0
Are the creditors divided into classes for the purposes of voting on the reorganization plan, does each class vote separately and are creditors in the same class treated equally?	No	0.0
Creditor participation index (0-4)		1.0
Does the insolvency framework require approval by the creditors for selection or appointment of the insolvency representative?	Yes	1.0
Does the insolvency framework require approval by the creditors for sale of substantial assets of the debtor?	No	0.0
Does the insolvency framework provide that a creditor has the right to request information from the insolvency representative?	No	0.0
Does the insolvency framework provide that a creditor has the right to object to decisions accepting or rejecting creditors' claims?	No	0.0

Note: Even if the economy's legal framework includes provisions related to insolvency proceedings (liquidation or reorganization), the economy receives 0 points for the strength of insolvency framework index, if time, cost and outcome indicators are recorded as "no practice."

Employing Workers

Doing Business presents detailed data for the employing workers indicators on the *Doing Business* website (<http://www.doingbusiness.org>). The study does not present rankings of economies on these indicators or include the topic in the aggregate ease of doing business score or ranking on the ease of doing business.

The most recent round of data collection was completed in May 2019. [See the methodology for more information.](#)

What the indicators measure

Hiring

(i) whether fixed-term contracts are prohibited for permanent tasks; (ii) maximum cumulative duration of fixed-term contracts; (iii) length of the maximum probationary period; (iv) minimum wage; (v) ratio of minimum wage to the average value added per worker.

Working hours

(i) maximum number of working days allowed per week; (ii) premiums for work: at night, on a weekly rest day and overtime; (iii) whether there are restrictions on work at night, work on a weekly rest day and for overtime work; (iv) length of paid annual leave.

Redundancy rules

(i) whether redundancy can be basis for terminating workers; (ii) whether employer needs to notify and/or get approval from third party to terminate 1 redundant worker and a group of 9 redundant workers; (iii) whether the law requires employer to reassign or retrain a worker before making worker redundant; (iv) whether priority rules apply for redundancies and reemployment.

Redundancy cost

(i) notice period for redundancy dismissal; (ii) severance payments, and (iii) penalties due when terminating a redundant worker. Data on the availability of unemployment protection for a worker with one year of employment is also collected.

Case study assumptions

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

The worker:

- Is a cashier in a supermarket or grocery store, age 19, with one year of work experience.
- Is a full-time employee.
- Is not a member of the labor union, unless membership is mandatory.

The business:

- Is a limited liability company (or the equivalent in the economy).
- Operates a supermarket or grocery store in the economy's largest business city. For 11 economies the data are also collected for the second largest business city.
- Has 60 employees.
- Is subject to collective bargaining agreements if such agreements cover more than 50% of the food retail sector and they apply even to firms that are not party to them.
- Abides by every law and regulation but does not grant workers more benefits than those mandated by law, regulation or (if applicable) collective bargaining agreements.

Employing Workers - Tonga

Details - Employing Workers in Tonga

	Answer
Hiring	
Fixed-term contracts prohibited for permanent tasks?	No
Maximum length of a single fixed-term contract (months)	No limit
Maximum length of fixed-term contracts, including renewals (months)	No limit
Minimum wage applicable to the worker assumed in the case study (US\$/month)	0.0
Ratio of minimum wage to value added per worker	0.0
Maximum length of probationary period (months)	n.a.
Working hours	
Standard workday	0.0
Maximum number of working days per week	0.0
Premium for night work (% of hourly pay)	0.0
Premium for work on weekly rest day (% of hourly pay)	0.0
Premium for overtime work (% of hourly pay)	0.0
Restrictions on night work?	No
Restrictions on weekly holiday?	Yes
Restrictions on overtime work?	No
Paid annual leave for a worker with 1 year of tenure (working days)	0.0
Paid annual leave for a worker with 5 years of tenure (working days)	0.0
Paid annual leave for a worker with 10 years of tenure (working days)	0.0
Paid annual leave (average for workers with 1, 5 and 10 years of tenure, in working days)	0.0
Redundancy rules	
Dismissal due to redundancy allowed by law?	No
Third-party notification if one worker is dismissed?	n.a.
Third-party approval if one worker is dismissed?	n.a.
Third-party notification if nine workers are dismissed?	n.a.
Third-party approval if nine workers are dismissed?	n.a.
Retraining or reassignment obligation before redundancy?	n.a.
Priority rules for redundancies?	n.a.
Priority rules for reemployment?	n.a.
Redundancy cost	
Notice period for redundancy dismissal for a worker with 1 year of tenure (weeks of salary)	N/A
Notice period for redundancy dismissal for a worker with 5 years of tenure (weeks of salary)	N/A
Notice period for redundancy dismissal for a worker with 10 years of tenure (weeks of salary)	N/A
Notice period for redundancy dismissal (average for workers with 1, 5 and 10 years of tenure, in weeks of salary)	N/A
Severance pay for redundancy dismissal for a worker with 1 year of tenure (weeks of salary)	N/A
Severance pay for redundancy dismissal for a worker with 5 years of tenure (weeks of salary)	N/A

Severance pay for redundancy dismissal for a worker with 10 years of tenure (weeks of salary)	N/A
Severance pay for redundancy dismissal (average for workers with 1, 5 and 10 years of tenure, in weeks of salary)	N/A
Unemployment protection after one year of employment?	No

Business Reforms in Tonga

From May 2, 2018 to May 1, 2019, 115 economies implemented 294 business regulatory reforms across the 10 areas measured by Doing Business. Reforms inspired by *Doing Business* have been implemented by economies in all regions. The following are reforms implemented since *Doing Business* 2008.

✓ = *Doing Business* reform making it easier to do business. ✗ = Change making it more difficult to do business.

DB2020

✗ **Dealing with Construction Permits:** Tonga made dealing with construction permits less transparent by removing online public information on the building code, building fees and required pre-approvals.

DB2017

✗ **Dealing with Construction Permits:** Tonga made dealing with construction permits more complex by introducing two new procedures.

DB2016

✗ **Paying Taxes:** Tonga made paying taxes more complicated for companies by reintroducing the annual fee for a business license.

DB2014

✓ **Getting Credit:** Tonga improved access to credit information by establishing a private credit bureau.

✗ **Paying Taxes:** Tonga made paying taxes more complicated for companies by introducing a superannuation levy—though it also abolished the business license for 2013.

DB2012

✓ **Starting a Business:** Tonga made starting a business easier by implementing an electronic system at the registry, which reduced the time required for verification of the uniqueness of the company name and for registration of the company. The costs for the name search, company registration and business license increased, however.

✓ **Getting Electricity:** Tonga made getting electricity faster by implementing a time limit for the safety inspection.

✗ **Registering Property:** Tonga made transferring property more costly.

✓ **Getting Credit:** Tonga strengthened its secured transactions system by passing a new law that allows a general description of the obligation in the security agreement and gives secured creditors priority outside bankruptcy.

DB2011

✓ **Paying Taxes:** Tonga simplified the payment of taxes by replacing a 2-tier system with a 25% corporate income tax rate for both domestic and foreign companies and introducing tax incentives with a broad-based capital allowance system to replace tax holidays and other tax concessions.

DB2010

✓ **Paying Taxes:** Tonga made paying taxes easier and less costly for companies through a new income tax law introducing self-assessment as well as accelerated depreciation and amortization for certain assets.

DB2009

✓ **Starting a Business:** Tonga reduced the time and cost to start a business by reforming business licensing regulations.

✓ **Dealing with Construction Permits:** Tonga made dealing with construction permits easier by simplifying procedures and reducing the time needed to obtain a building permit.

DB2008

✓ **Enforcing Contracts:** Tonga speeded up the resolution of commercial disputes by implementing an electronic case management system.

Doing Business 2020 is the 17th in a series of annual studies investigating the regulations that enhance business activity and those that constrain it. It provides quantitative indicators covering 12 areas of the business environment in 190 economies. The goal of the *Doing Business* series is to provide objective data for use by governments in designing sound business regulatory policies and to encourage research on the important dimensions of the regulatory environment for firms.

www.doingbusiness.org



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