

Chapter 4

Operational environment for SMEs (Dimension 4) in the Western Balkans and Turkey

Make public administrations responsive to SMEs' needs (Small Business Act Principle 4)

Lengthy and costly administrative procedures can be a major constraint on doing business and their impact is most heavily felt by micro and small-sized enterprises. Dimension 4 assesses progress towards simplifying regulations and reducing compliance costs and procedures for SMEs, with a focus on business registration and e-government systems.

The economies of the Western Balkans and Turkey have continued to streamline business regulation to lower market entry barriers and reduce transaction costs for businesses in their interaction with government agencies. However, progress has slowed down since the assessment in 2012. E-government portals and services have been expanded in most WBT economies, one-stop shops for starting a business are currently operative throughout the region and business registration has been simplified. Despite this, starting a business in the WBT region remains on average more costly and involves more procedures than in OECD countries. WBT economies should keep up their momentum by streamlining company registration procedures, increasing awareness about e-services amongst SMEs, and improving the integration of government databases to further reduce transaction costs. Governments might also consider reducing other administrative barriers to business, such as licences and permits, which continue to be a major constraint in certain economic sectors.

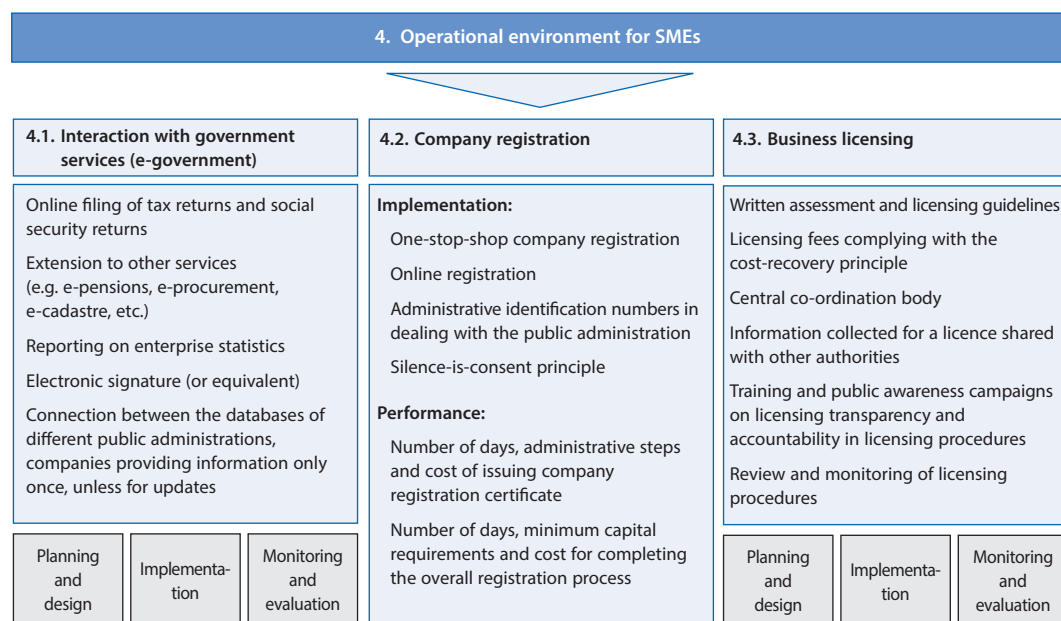
Introduction

Before an entrepreneur or a company can start operating they normally need to register with the public authorities. Lengthy and costly company registration procedures are known to be a major business constraint and their impact is most heavily felt by micro and small-sized enterprises (Van Stel and Stunnenberg, 2006; European Commission, 2007). They can discourage entrepreneurial activity and act as a significant barrier for new start-ups (Dickinson, 2008; Smallbone and Welter 2012). For instance, a study has found a negative correlation between barriers to starting a business and the total number of businesses registered as a percentage of the economically active population aged 15-64. The number of registered firms increases as the cost and the number of procedures needed to start a business fall: for every 10 percentage point decrease in entry costs, the total number of businesses registered as a percentage of the economically active population increases by about 1 percentage point (Klapper et al., 2010).

Efforts to simplifying the operational environment and reducing the administrative burden on SMEs involves more than reforms to the company registration process. More and more governments are introducing e-government systems to deliver a variety of services online. By adopting information and communications technology (ICT) solutions, governments can cut transaction costs for entrepreneurs and improve the efficiency of public administration, generating savings on data collection and transmission, provision of information and communication with businesses, and enhanced government information. Furthermore, ICT can help reduce corruption, and increase openness and trust in government, and thus contribute to wider economic policy objectives (OECD, 2005).

This chapter examines the steps being taken by governments in the region to improve the operational environment for SMEs and progress since the 2012 assessment.

Figure 4.1. **Assessment framework for Dimension 4**



Assessment framework

Dimension 4 has three sub-dimensions, covering company registration procedures, the development of e-government services and business licensing, which was added since the 2012 assessment.

Company registration

This sub-dimension analyses the reforms undertaken by governments to reduce the complexity of starting a business. Simplifying company registration procedures encourages companies to formally register, reducing the number of SMEs operating in the shadow economy. Studies show that a simple business start-up process facilitates formal entrepreneurship while complex administrative procedures for starting a business are associated with a smaller number of legally registered firms, greater informality, a smaller tax base and greater corruption (Audretsch et al., 2006; Klapper et al., 2009; OECD, 2014). Box 4.1 provides an example of good practice from Denmark offering a single efficient business registration process.

Box 4.1. The Danish Commerce and Companies Agency

In 2004, the Danish Commerce and Companies Agency (DCCA) was set up as registration authority for a variety of basic business information and is now a part of the Danish Business Authority, working to enhance growth and to create a favourable environment for businesses. The Danish Business Authority aims to provide effective regulation, a qualitative ICT infrastructure, access to business data and enhanced international co-operation.

Since the establishment of the DCCA, businesses of any legal form have to contact only one authority for basic registration. The DCCA is responsible for certifying and confirming the status of enterprises and serves as registration authority for a variety of business information. Along with other basic information, sole traders have to report their value-added tax-related data to the DCCA instead of to the tax authority. The DCCA also provides information and communication tools for limited liability companies to register themselves on the Internet. The introduction of the DCCA has contributed towards making registration more efficient and providing a high-quality service.

Sources: OECD (2005), *E-Government for Better Government*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264018341-en>; Danish Business Authority, 2015.

The assessment framework for this sub-dimension is broken down into two parts, implementation and performance:

- Implementation examines the implementation of government measures to simplify the process of starting a business by 1) reducing the number of company identification numbers used in dealing with the public administration (ideally limited to a single number used for tax, statistical collection and other purposes); 2) establishing one-stop shops for company registration allowing entrepreneurs to complete all formalities in a single location or with a single interface; 3) enabling online registration; and 4) adopting the “silence-is-consent” principle (i.e. creating a time limits following a request for business registration after which the request is considered accepted even if no formal decision has been made by the relevant government body). These reforms affect the three phases in which the broader

business registration process can be divided, namely, 1) company registration itself, involving all the procedures needed to obtain a company registration certificate; 2) the notification of the establishment of the new company to different government bodies such as tax authorities, statistics offices, employment agencies and customs administrations; and 3) a final compliance phase comprising all procedures necessary to ensure compliance with applicable laws and regulations.

- Performance measures the performance of the economy in reducing the barriers to starting a business as measured by the World Bank's *Doing Business* indicators. In particular, it assesses the ease of obtaining the company registration certificate (number of days, number of administrative procedures and cost) and the overall ease of starting a business (total number of days and costs associated with all phases and administrative procedures necessary to commence operations, as well as any minimum capital requirements to register) (World Bank, 2014).

Interaction with government services (e-government)

This sub-dimension measures the development of online support services to encourage increased and efficient interaction between SMEs and the public administration. Online access to government services is of particular importance to the small businesses sector, as entrepreneurs are typically unable to spend extensive time and resources interacting directly with the public administration. Within the EU, there has been an increasing trend towards the adoption of sophisticated online support services such as online filing of tax returns, social security returns and reporting on enterprise statistics (European Commission, 2015). By adopting ICT solutions, governments can reduce costs for SMEs, and simultaneously improve the quality and efficiency of their services. Furthermore, these solutions play an important role in reducing corruption and informal sector activities by improving enforcement mechanisms, increasing transparency and reducing subjective decision making from government officials (Asian Development Bank, 2001).

This sub-dimension assesses the development of government systems for online filing of tax returns, social security returns, pensions and other services, as well as the existence of online cadastre, online reporting of enterprise statistics, the integration of different public institutions' databases to avoid duplication of data collection and the use of electronic signatures.

Business licensing

This sub-dimension looks at business licence systems. A large proportion of business regulation at the national and subnational level involves licences, permits and other authorisations. Licensing regulates entry into markets and conduct within markets. Licences typically impose certain conditions on businesses, which are sanctioned if they do not comply. Business should be able to obtain licences in an easy and timely manner. Compliance conditions should be clearly communicated to individuals and businesses and remain at the minimum level necessary to adhere to the compliance requirements.

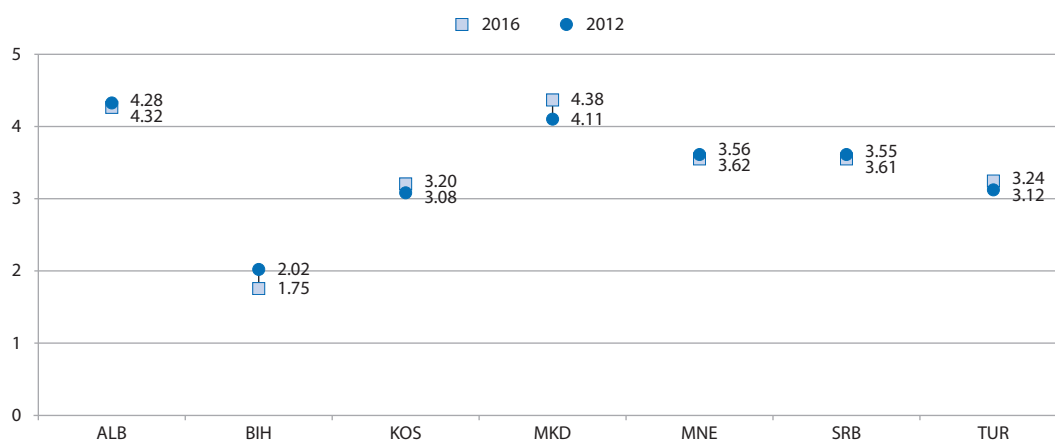
The assessment framework for business licensing is broken down into two thematic blocs. The first one assesses the application and approval of licenses by looking at the provision of clear guidance material, modes of communication with regulating authorities and time and steps involved in the licensing process. The second bloc looks at the streamlining of license systems. Licensing systems should thus be regularly reviewed and streamlined. It should be

taken care that SMEs have the possibility to complain and that a formal mechanism to hear their complaints is in place.

Analysis

All economies with the exception of Bosnia and Herzegovina have made progress in this dimension but it remains incremental compared with the improvements between 2009 and 2012 (Figure 4.2). The Former Yugoslav Republic of Macedonia remains the strongest performer in the region as well as one of the strongest worldwide, currently ranking 3rd out of 189 economies on the World Bank *Doing Business* ease of starting a business indicator (World Bank, 2015). Albania follows with a noteworthy performance in decreasing the costs of doing business and improving its e-government infrastructure and services.

Figure 4.2. Weighted scores for Dimension 4 compared to 2012



Note: See Annex A for further information on the assessment methodology.

With regards to company registration, one-stop shops to start a business are currently operating everywhere in the region. Online company registration is available in the Former Yugoslav Republic of Macedonia and Turkey and also in Albania and Montenegro, albeit not for all phases of the registration procedure. Since the 2012 assessment, economies have further simplified their business registration procedures but progress remains unequal across the region. Data from the World Bank's *Doing Business Report* (World Bank, 2015) confirm the impact of these developments: it currently takes an average of 11.9 days to start a business in the WBT region, down from 19.4 days in 2012, but still above the OECD average of 9.2 days (Table 4.1). The costs involved vary, with entrepreneurs in Turkey bearing the highest cost at 16.4% of income per capita, an increase on 2012. All other economies cut the cost of business registration, particularly Albania and Kosovo. E-government portals and services have also been enhanced and expanded in most WBT economies.

With incremental improvements since the 2012 assessment, governments are still confronted with a series of challenges:

- While one-stop shops for business registration have been established in nearly all economies in the region, only the Former Yugoslav Republic of Macedonia has fully introduced online company registration. Albania, Montenegro and Turkey have partial online registration. Other bureaucratic procedures related to starting a business, such as issuing licences and permits could be further simplified and streamlined.

- Data collection on the use of e-services and awareness of those services among the SME community is generally low in the region. Most governments have portals informing users about e-services but there have been few surveys to find out SMEs' needs and usage, which would help to better target the services offered.
- Data exchange between government agencies is yet to be established in Bosnia and Herzegovina, Kosovo, and Turkey and could be broadened in Albania, Montenegro and Serbia to avoid SMEs having to supply the same information to multiple government agencies.
- The “silence-is-consent” principle has not yet been adopted for business registration in Bosnia and Herzegovina, and Kosovo. It is not promptly used in other economies such as the Former Yugoslav Republic of Macedonia and Serbia.

Table 4.1. **Ease of obtaining a registration certificate in the Western Balkans and Turkey**

	ALB	BIH	KOS	MKD	MNE	SRB	TUR
Number of procedures	6.00	12.00	5.00	2.00	6.00	6.00	8.00
Time (days)	5.50	67.00	11.00	2.00	10.00	12.00	7.50
Cost (% of income per capita)	10.40	14.80	1.20	0.60	1.40	6.60	16.60
Paid-in minimum capital (% of income per capita)	0.00	28.00	0.00	0.00	0.00	0.00	11.00

Source: World Bank (2015), *Doing Business 2016: Measuring Regulatory Quality and Efficiency*, World Bank, Washington, DC, www.doingbusiness.org/reports/global-reports/doing-business-2016.

The region has continued to make progress in reducing the time, cost and procedures required to register a company

One-stop shops are operating in all economies in the region except Bosnia and Herzegovina, where company registration procedures are different in the two entities, creating an artificial barrier to trade in the country. In the Republika Srpska, 11 branches of the Agency for Intermediary, IT and Financial Services (APIF) function as a one-stop shop. In the Federation of Bosnia and Herzegovina, there is no one-stop shop and the procedure for company registration is lengthy and costly. Turkey has expanded the pilot Central Registry Recording System (MERSIS) which it introduced in 2012. It operates now as a one-stop shop, covering the whole of the country. However, companies have to contact trade registers and chambers of commerce to complete the registration process started with MERSIS, as company identification numbers have not yet been entirely unified.

The development of online company registration varies throughout the region. It is very advanced in the Former Yugoslav Republic of Macedonia with online registration available from around the world with the assistance of authorised registration agents and no registration fee. The Turkish MERSIS system operates as a one-stop shop for online company registration. In Bosnia and Herzegovina the Republika Srpska has partially established an electronic system for company registration with APIF providing relevant information as well as registration forms and manuals for download. Albania and Montenegro have established a system for online registration but it does not apply to all phases of the procedure. Kosovo and Serbia do not offer online company registration yet since no operational electronic signature has been established.

Businesses need only a single identification number to obtain a company registration certificate and deal with public administration functions in Albania, the Former Yugoslav Republic of Macedonia, Montenegro and Serbia. In Bosnia and Herzegovina, companies need three administrative identification numbers to deal with public authorities: a registration number, an ID number and a number for value-added tax (VAT). Moreover, companies operating in both entities need to register in each one. Turkey also requires businesses to have three different identification numbers: a tax identification number, a social security number and a trade register number. However, the newly introduced MERSIS system is making efforts to unify the company identification numbers. In Kosovo, companies need two identification numbers – a business registration number and a tax number – to interact with the public administration.

Currently, Albania and Montenegro have legal provisions for the principle of silence-is-consent. Although no specific law establishes the silence-is-consent principle in Serbia and the Former Yugoslav Republic of Macedonia, legislation in both economies provides legal procedures to be followed if a decision is not taken within a specific deadline. Turkey has no specific law on the principle of silence-is-consent either, but it is used in most areas of administration and mentioned in the Enforcement and Bankruptcy Law. However, application of the principle varies according to the area of implementation. Table 4.2 summarises the scores for the company registration sub-dimension.

Table 4.2. Scores for Sub-dimension 4.2: Company registration

	ALB	BIH	KOS	MKD	MNE	SRB	TUR
Implementation	5.00	2.00	2.75	5.00	4.25	3.50	4.50
Performance	3.97	1.44	3.17	5.00	3.67	3.33	2.33
Weighted average	4.38	1.67	3.00	5.00	3.90	3.40	3.20

Note: See the Policy Framework and Assessment Process chapter for information on the methodology.

Starting a business in the Western Balkans and Turkey: World Bank Doing Business

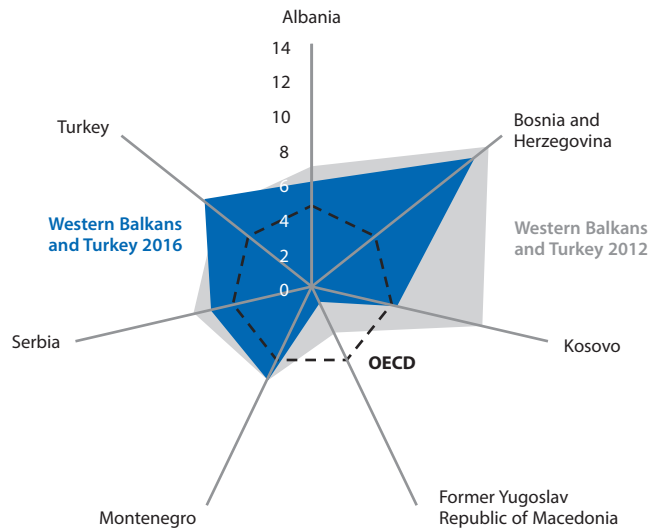
The World Bank *Doing Business* ease of starting a business indicator records all procedures officially required, or commonly done in practice, for an entrepreneur to start up and formally operate an industrial or commercial business, as well as the time and cost to complete these procedures. Such procedures include obtaining all necessary licenses and permits and completing any required notifications, verifications or inscriptions for the company and employees with relevant authorities (World Bank, 2015).

All of the WBT economies have made some progress in facilitating starting a business since 2012 with the exception of Turkey, where the number of procedures, cost and time for starting a business has slightly increased; it now takes seven steps, up from six in 2012. The strongest reformer since 2012 has been Kosovo, which has reduced the number of steps needed by half and is now performing close to the OECD average. Montenegro has made no change in the number of procedures needed and the other economies have reduced the number by one step. Although the regional average has improved for all indicators, it remains below the average for OECD countries. (Figure 4.3).

As with the number of procedures, most economies have cut the time needed to start a business, with the regional average declining from 19.4 to 11.9 between 2012 and 2015,

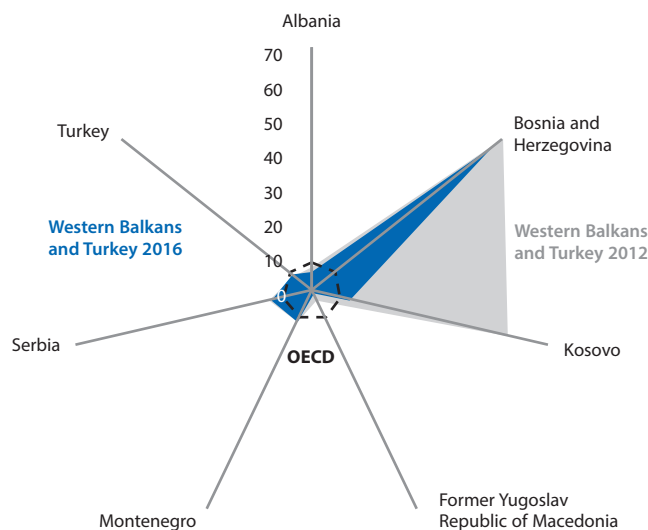
which is still longer than the OECD average of 9.2. The number of days to complete all procedures varies significantly, from 2 in the Former Yugoslav Republic of Macedonia to 37 in Bosnia and Herzegovina. Figures differ however in Bosnia and Herzegovina depending on the entity. The exceptions to the improving trend were Montenegro, where the time needed did not change at all, and Turkey, where it increased marginally by half a day. Again, Kosovo made most progress, reducing the time needed from 53 to 11 days (Figure 4.4).

Figure 4.3. Number of procedures to start a business in the Western Balkans and Turkey (2012-16)



Source: World Bank (2015), *Doing Business 2016: Measuring Regulatory Quality and Efficiency*, World Bank, Washington, DC, www.doingbusiness.org/reports/global-reports/doing-business-2016.

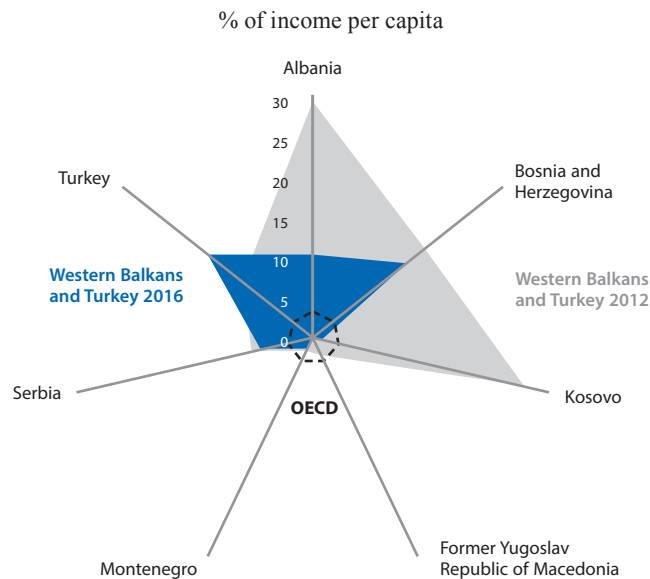
Figure 4.4. Number of days to start a business in the Western Balkans and Turkey (2012-16)



Source: World Bank (2015), *Doing Business 2016: Measuring Regulatory Quality and Efficiency*, World Bank, Washington, DC, www.doingbusiness.org/reports/global-reports/doing-business-2016.

The cost of starting a business also varies significantly relative to average incomes. The highest cost is in Turkey, at 16.4% of income per capita, which is 5.2 percentage points higher than in 2012. Albania had the highest cost in the region in 2012 at 29.2% of per capita income, but has reduced it to 10%. The greatest reduction since 2012 has taken place in Kosovo, from 26.7% to 1.2%. The Former Yugoslav Republic of Macedonia currently offers the lowest cost in the region, having reduced it from 2.4% of income per capita in 2012 to 0.6% in 2015. Montenegro has made the least change, with a slight reduction from 1.8% in 2012 to 1.6% in 2015 (Figure 4.5).

Figure 4.5. Cost of starting a business in the Western Balkans and Turkey (2012-16)



Source: World Bank (2015), *Doing Business 2016: Measuring Regulatory Quality and Efficiency*, World Bank, Washington, DC, www.doingbusiness.org/reports/global-reports/doing-business-2016.

E-government infrastructure and services have been developed significantly since the previous assessment

Nearly all WBT economies have made progress in expanding e-government services. As in the 2012 assessment, the Former Yugoslav Republic of Macedonia offers the broadest range of e-government services in the region with all businesses required to file and pay their taxes online. In Albania, key developments include the launch of an e-government portal in 2013 and the introduction of an online tax filing system in 2015. Turkey also introduced an online system for filing tax and VAT returns and allows the online filing of pension contributions.

Kosovo has made progress following its Strategy for Electronic Governance 2009-2015 and has successfully introduced various electronic systems for online tax filing as well as for accessing pension accounts and the electronic cadastre. Since the previous assessment, Montenegro has expanded e-government services in line with its action plan of the Strategy for the Development of Information Society and Telecommunications 2012-2016. As of 2015, 77 services are being offered by 24 institutions and online filing of

taxes is available for natural persons. Serbia has an e-tax portal for the online filing of tax returns and electronic submissions of VAT reports and annual income taxes, and excise duty declarations became fully operational in the last year.

The range of further services offered varies across the region. A fully operational e-cadastre is available in Albania, Kosovo, the Former Yugoslav Republic of Macedonia, Serbia and Turkey and is currently being introduced in Montenegro. Online services for filing social security returns are operational in Albania, the Former Yugoslav Republic of Macedonia and Turkey.

E-signature is in place in Albania, the Former Yugoslav Republic of Macedonia, Serbia and Turkey. Montenegro has established facilities for the use of e-signatures, but they are limited to key areas and remain costly. In Bosnia and Herzegovina and Kosovo, legal provisions have been made to introduce e-signatures, but it has not been implemented yet. Data sharing between government agencies remains at an early stage of development throughout the region. Albania has introduced a Government Gateway Platform, which currently connects 16 institutions' systems and envisages connecting a further 11 institutions by the end of 2015. On the other hand, less than 50% of all public institutions are able to view each other's data and SMEs still mostly need to share the same information with several institutions. Turkey has also established a fully functional e-government portal and Serbia introduced an interoperability framework in 2014, but it is not yet fully functional.

The e-reporting of business statistics is not yet well established within the region. Only the Former Yugoslav Republic of Macedonia and Turkey have fully operational reporting of online statistics. Awareness among SMEs of e-government services remains generally low throughout the region. While most government have established central portals for the services offered, there have been few surveys about how they are used or about satisfaction levels.

Table 4.3. Scores for Sub-dimension 4.1: Interaction with government services (e-government)

	ALB	BIH	KOS	MKD	MNE	SRB	TUR
Planning & design	4.50	2.43	3.42	4.50	3.67	4.00	3.67
Implementation	3.13	1.83	2.25	3.07	2.20	3.30	4.07
M&E	4.00	1.00	2.00	5.00	5.00	4.50	1.00
Weighted average	4.16	1.88	3.42	3.96	3.27	3.79	3.31

Note: See the Policy Framework and Assessment Process chapter for information on the methodology.

The procedures for issuing licences are clear but could be better streamlined

Clear procedures for issuing different types of licences have been established throughout the region. In most economies, different public authorities deal with the different forms of licences. Only Albania has established a national one-stop shop for licences and permits, the National Licensing Centre (NLC). The NLC provides written guidance and assistance and also allows people to give feedback on procedures and costs. Montenegro established a central e-register of licences in 2011, providing detailed information on the requirements and procedures needed to obtain any business-related licence or permit issued by 35 different authorities, as well as a set of template forms that can be used in this process. The e-register is maintained by the Chamber of Commerce. In Kosovo, the Former Yugoslav Republic of Macedonia and Serbia, various authorities issue licences. The licensing process remains most complex in Bosnia and Herzegovina, as licences and permits are granted at entity level under

the jurisdiction of different public authorities. The Republika Srpska is considering streamlining its procedures and introduced a register of approval. In Turkey, the Regulation on Business Licensing provides guidance for obtaining licences, which are granted by multiple levels of government. The Union of Municipalities of Turkey oversees all licences granted at local level and operates a TV channel with the purpose of informing citizens about municipality services, with a special channel on procedures related to business registration and operating licences.

Concrete efforts to streamline licence procedures remain rare throughout the region. Albania has made some efforts led by the NLC to streamline procedures. Montenegro placed a special emphasis on licences and permits during its regulatory review. Economies need to make more concrete efforts to assess the licence systems and streamline procedures.

Table 4.4. Scores for Sub-dimension 4.3: Business licensing

	ALB	BIH	KOS	MKD	MNE	SRB	TUR
Licence procedures	4.19	2.30	3.67	3.37	3.96	4.04	4.00
Monitoring and streamlining	4.25	1.10	3.00	2.50	2.00	2.63	2.25
Weighted average	4.22	1.70	3.33	2.94	2.98	3.33	3.13

Note: See the Policy Framework and Assessment Process chapter for information on the methodology.

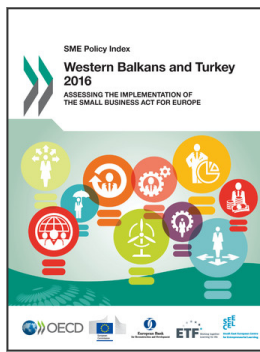
The way forward

Despite a general improvement in the operational environment for SMEs in all WBT economies, areas for improvement remain:

- **Continue to streamline the company registration process** in those economies where the time and number of procedures needed (e.g. Bosnia and Herzegovina, Montenegro) or the cost of registering (e.g. Turkey) remain high and haven't been significantly reduced since the 2012 assessment. Simplification of regulatory requirements should be undertaken in tandem with improved capacity in the delivery of registration systems. Generalising the “silence-is-consent” principle in those economies where it does not yet apply to business registration may push public authorities to further improve their efficiency in the processing of applications.
- **Expand e-government beyond basic services** such as filing of taxes to include pensions, procurement, cadastre, customs and other administrative procedures.
- **Deepen efforts to review and streamline licence procedures and systems.** The decision on where it is necessary to obtain a licence should balance between the need for regulation in the interest of the public and the burden on individuals and governments (OECD, 2010). Efforts to review and streamline existing licence systems should be increased in order to avoid unnecessary regulatory burdens.
- **Introduce or extend online reporting of enterprise statistics,** as well as establishing connections between the databases of public administrations to avoid SMEs being requested information which is already in the database of another public administration (e.g. company registration office, tax administration, social security administration, labour authorities).
- **Promote e-government services to SMEs,** providing training and workshops where necessary to increase awareness and usage.

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