

## EDITOR'S MESSAGE



It is my great pleasure to present to you the 2023 edition of the *Law in Transition* journal. As usual, the publication reflects on the work of the EBRD Legal Transition Programme (LTP) in the last year or so.

Our programme aims to support the economies where the Bank operates in establishing better legal frameworks for business and investment. This edition is full of lessons learned from our recent activities, which in the past year have focused primarily on climate work and post-Covid recovery.

We have arranged the articles in two parts: the first is dedicated to the green transition and the second focuses on finance and governance.

The first story, by Divya Chawla and Maya Hennerkes, looks into the available tools for companies to meet the Paris Agreement objectives. One of these tools, advocated by the EBRD, is developing and implementing corporate climate governance action plans. The article takes stock of early lessons from this new line of activities developed by the LTP in collaboration with other EBRD departments. It gives concrete examples of such corporate climate governance plans from the Bank's investment portfolio.

In the second article, Mike Strauss and Vesselina Haralampieva consider the role of lawyers in tackling the impacts of climate change. The story highlights what lawyers can and should do in that context, taking a close look at the role of in-house counsel (including those working for international organisations). When it comes to addressing the climate crisis, lawyers are going to be very busy indeed.

In the article that follows, Paul Moffatt, with contributions from Andrea Garaiova, writes about EBRD support for the critical raw materials market. The Bank's activities help build policy, law, regulation and governance with the aim of attracting more and better investment to EBRD countries of operations. This enables the sector to develop and make a greater contribution to broader economic growth.

In the next article, Eliza Niewiadomska and Angela Delfino, with contributions from Maya Almog, explain how buying green infrastructure and ensuring a more sustainable and greener supply chain are vital for countries in the EBRD regions. They argue that this requires harnessing innovation and technology, but that most governments are only just starting to look into the matter. The article showcases some results from the EBRD Green Cities programme.

The next story opens the part on finance and governance. Written by Milot Ahma, with contributions from Gamze Kahyaoglu and Andrei Mazur, it makes the case for digitalising trade, using the UN Model Law on Electronic Transferable Records for that purpose. The authors argue that using digital documents instead of paper-based processes would significantly improve the efficiency of

small and medium-sized enterprises.

Catherine Bridge Zoller presents a review of the current situation with non-performing loans in the EBRD regions. She takes stock of what has been accomplished by the Vienna Initiative in that context. The piece also contains an interview with Eric Cloutier by Dejan Vasiljev about recent trends and future perspectives regarding such loans.

Pavle Djuric, Giuseppe Grimaldi and Yuliya Zemlytska then reflect on the role of state-owned enterprises in countries in which the Bank operates. The story showcases a new technical cooperation programme designed to help the EBRD provide policy advice that combines governance and sector reforms for these enterprises.

Alexei Zverev, Chris Tassis and Zeynep Boba reflect on the role of public-private partnerships (PPPs) in promoting the UN Sustainable Development Goals. Their article considers the work of the LTP in that context and focuses on a recent publication called The EBRD PPP Regulatory Guidelines Collection, which is a comprehensive resource for policymakers and practitioners working on PPPs.

Lastly, Yulia Shapovalova and Patricia Zghibarta look into the readiness of EBRD economies to introduce online courts. Their contribution is based on a recent assessment conducted by the Bank in 17 jurisdictions, with a view to mapping the needs for technical cooperation in that area. As readers will appreciate, online courts have been crucial for ensuring access to justice during the pandemic.

I hope these stories will inspire policymakers and others working on legal reforms and institution building to continue their good work. Please do send feedback on this journal if you can.

**MICHEL NUSSBAUMER**

DIRECTOR, LEGAL TRANSITION PROGRAMME, EBRD  
NussbauM@ebrd.com

