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Citizens Signpost Service

2008

Report on the functioning and development
of the Citizens Signpost Service



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Citizens
Signpost Service

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This report was prepared by ECAS, which provides the Citizens Signpost Service as an external contractor for the European Commission. The views expressed in the report do not necessarily express the opinion of the Commission services and do not bind the Commission.

More information on the European Union is available on the Internet (<http://europa.eu>)

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1. INTRODUCTION

1.1. The mission of the CSS

The Citizen Signpost Service (CSS) is a free advice service for European citizens created by the Internal Market DG of the European Commission. It is provided under contract¹ by the European Citizen Action Service (ECAS)².

The CSS is open to all citizens of the 27 European Union (EU) Member States, plus the European Economic Area (EEA) - Norway, Iceland and Liechtenstein. The CSS enables people to exercise and benefit from their rights and opportunities in the Single Market by providing them with practical tailor-made replies in response to individual enquiries about free movement and citizens' rights within the EU and the EEA. The main topics it covers are:

- working in another EU country
- living in another EU country
- studying in another EU country
- buying goods and services in the Single Market
- travelling in the EU
- enforcing your rights
- equal opportunities for men and women, and
- data protection.

It also gives advice on the next steps that citizens can take to overcome problems which they may encounter in the exercise of their rights and, finally, "signposts" them to a body (official or independent,

at EU, national, or local level) which can help them further.

Through the analysis of enquiries on specific problems the CSS produces feedback reports to the Commission which give a direct feel of the difficulties citizens are experiencing and helps it to identify issues which may still need to be resolved in order to improve the operation of the Internal Market.

The CSS is an integral part of Commission's public information and assistance services. It is particularly linked to EUROPE DIRECT³ which provides a wide range of basic information about the EU and, at another level, to SOLVIT⁴ which is a service for citizens and business providing informal problem-solving between national authorities.

1.2. The aim of the report

The aim of the report is to show the performance and development of CSS over the 12 months from October 2007 to September 2008. Chapter 4, on areas of concern, suggests where action is needed by the Commission and/or the contractor to enable the CSS to develop its potential.

Facts and figures in the report are based on case handling information from the CSS database.

1) Contract PRS/2008/IM/A4/29 - renewal of the original Contract PRS/2007/A4/63 – Citizen Signpost Service – European Union Free Advice Service for Citizens.

2) ECAS was created in 1990 as an international non-profit organization, independent of political parties, commercial interests and the European Union Institutions. It enables NGOs and individuals to make their voice heard with the European Union by defending European citizenship rights and providing advice on how to lobby and fundraise.

3) EUROPE DIRECT offers information on all subjects related to the EU and also directs enquirers to other sources of information or advice at European, national, regional and local level, CSS included.

4) SOLVIT is a network created by the EC and the Member States (plus Norway, Liechtenstein and Iceland) with the aim of solving problems between national administrations that arise for individual citizens and businesses as a result of the misapplication of internal market law. See also Chapter 2.6.

2. A PROFILE OF THE SERVICE

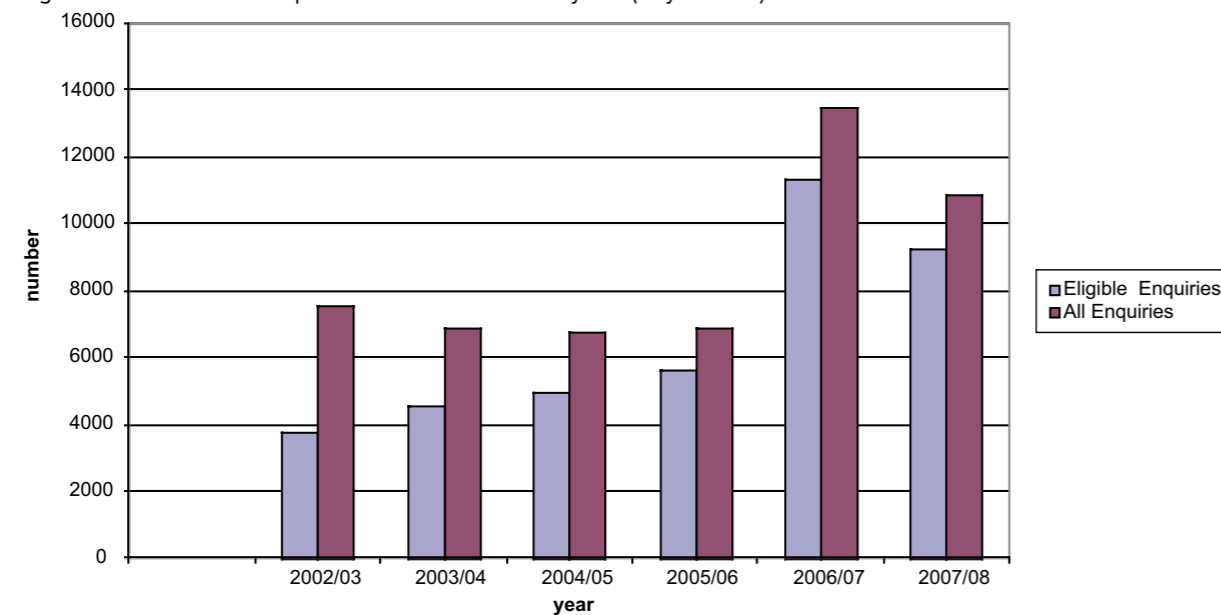
Citizens
Signpost Service

2.1. Volume of enquiries over the contractual years

Since the Citizens Signpost Service was restarted in July 2002, the service has (to September 2008) handled over 55,000 enquiries of which nearly 42,000 were eligible. The higher volume in 2006/07 was due in part to the introduction of a more effective CSS website accompanied by a small degree of publicity, but also to the promotion of EUROPE DIRECT which was therefore able to transfer more CSS-type questions to the service.

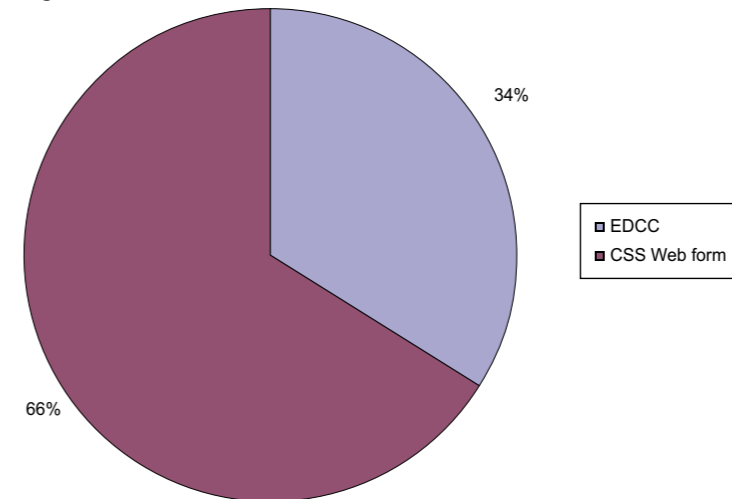
The proportion of ineligible enquiries has declined year on year thanks to a better explanation of the aims of the service. On the other hand the number of eligible enquiries received by the service has decreased recently, probably due to insufficient awareness raising and to difficulties with the transfer of enquiries following the change of the EUROPE DIRECT call centre contractor (April 2008).

Figure 1 – Evolution of Enquiries over the contractual years (July to June)



2.2. Contacting the CSS

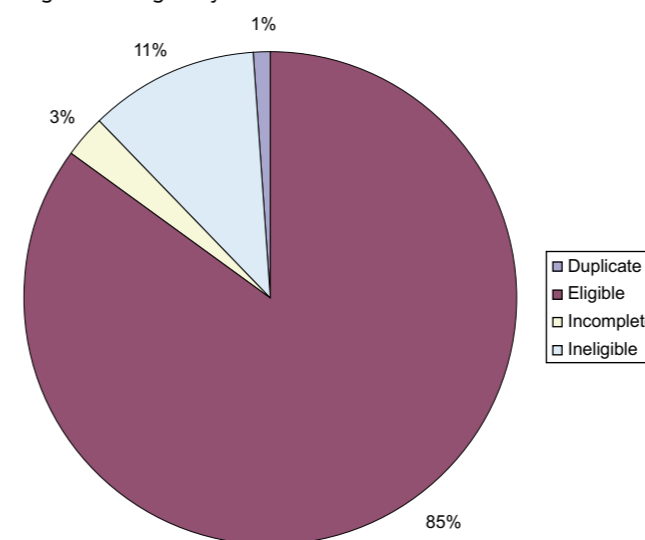
Figure 2 – Access to the service⁵



Two-thirds of enquiries are received directly from the CSS website <http://ec.europa.eu/citizensrights>. The other third are received via EUROPE DIRECT, either

through the webform or from telephone calls to the EUROPE DIRECT freephone number 00800 6 7 8 9 10 11.

Figure 3 - Eligibility



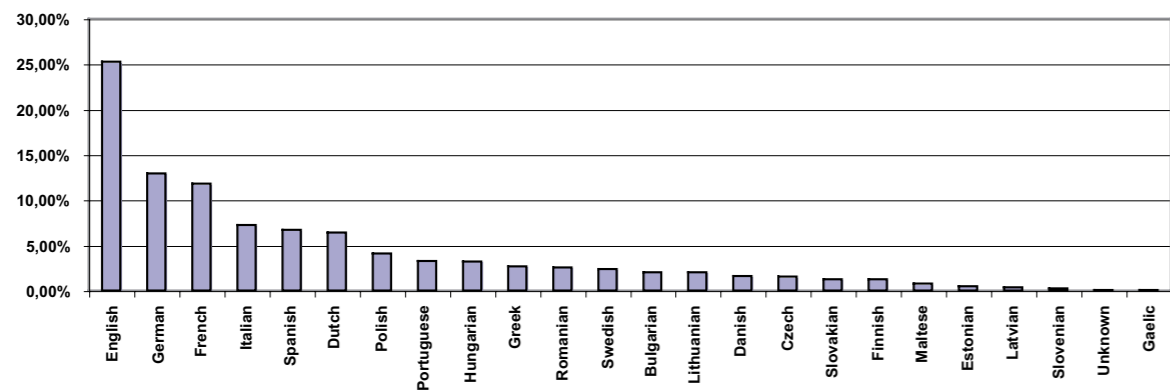
In the period October 2007 – September 2008, 85% of the enquiries submitted to CSS were eligible⁶. Only 11% of the total number of enquiries fell outside the CSS' mandate. A small percentage were duplicate – those enquiries originating from an individual who

has already received advice from the CSS (1%) – or incomplete – those enquiries from which no coherent question can be established or there are significant elements missing (3%).

5) All data in this chapter cover 12 months from October 2007 to September 2008.

6) A question submitted to the CSS must relate to the Internal Market; to a real and specific, and not a hypothetical, situation; and it must concern a European citizen or someone directly related to a European citizen. When the question is not eligible, the citizen is redirected to a more appropriate source of information.

Figure 4 - Language of reply

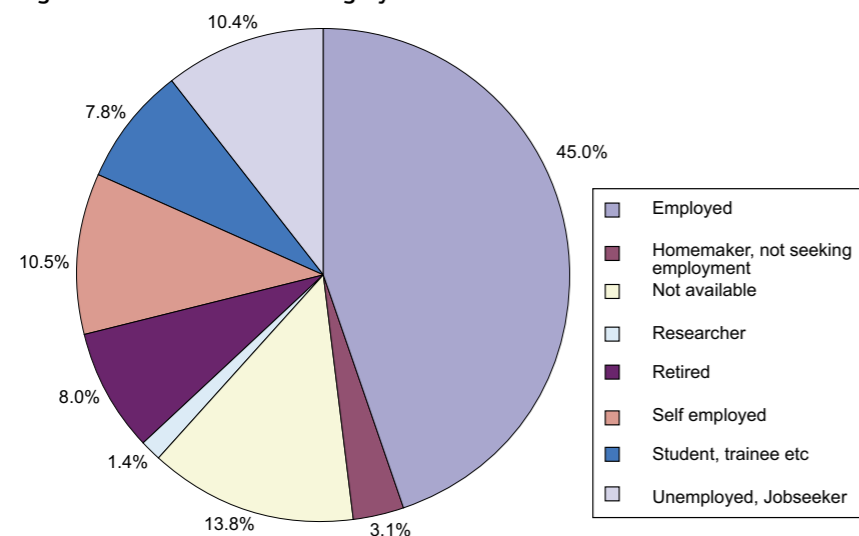


The service receives and answers questions in all 23 official languages of the Union. Nonetheless, the chart reveals that some citizens prefer using English

as the language for their enquiry: 25% of enquiries are in English although British and Irish enquirers account for only about 12% of enquiries.

2.3. Profile of Enquirers

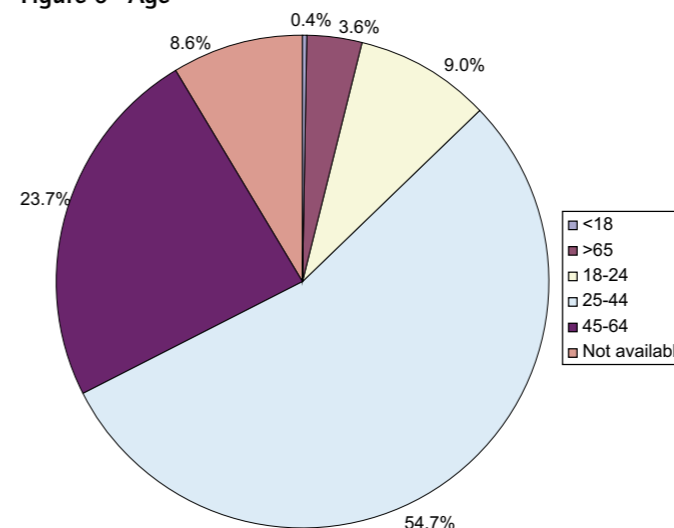
Figure 5 - Socio-economic category



Almost half (45%) of all enquirers describe themselves as employed. The four categories relating to employment (employed, self-employed, researcher, unemployed) account for two-thirds of enquiries.

Retired people and students account for about 8% each, while homemakers account for 3%.

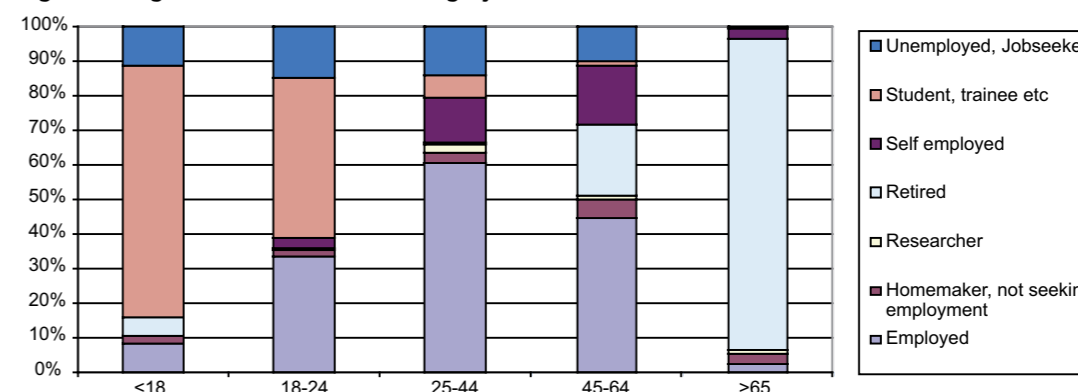
Figure 6 - Age



Given the importance of employment, it is no surprise to find that nearly 55% of enquirers are in the main working age group (25-44). The share of those aged 18-24 is closely related to the shares of

student, trainee, etc in Figure 5. The two older age groups account for over a quarter of cases, a fair share of these being related to actual or planned retirement issues.

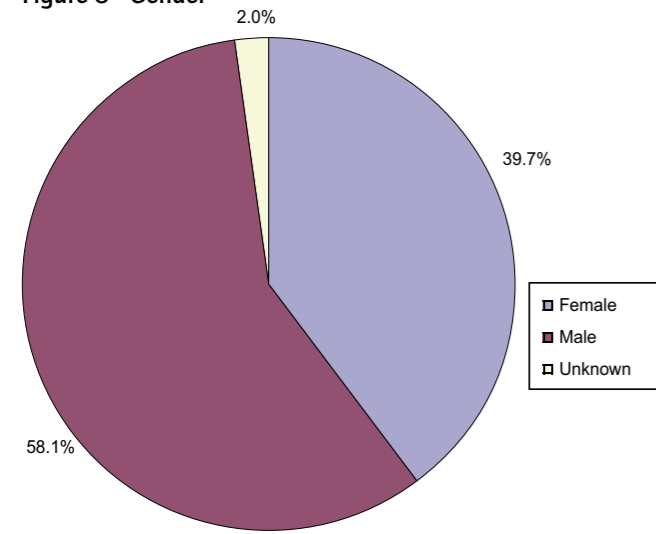
Figure 7 - Age and Socio-economic category



Enquiries from those unemployed are spread throughout the age groups, while those from the self-employed (in effect including small businesses)

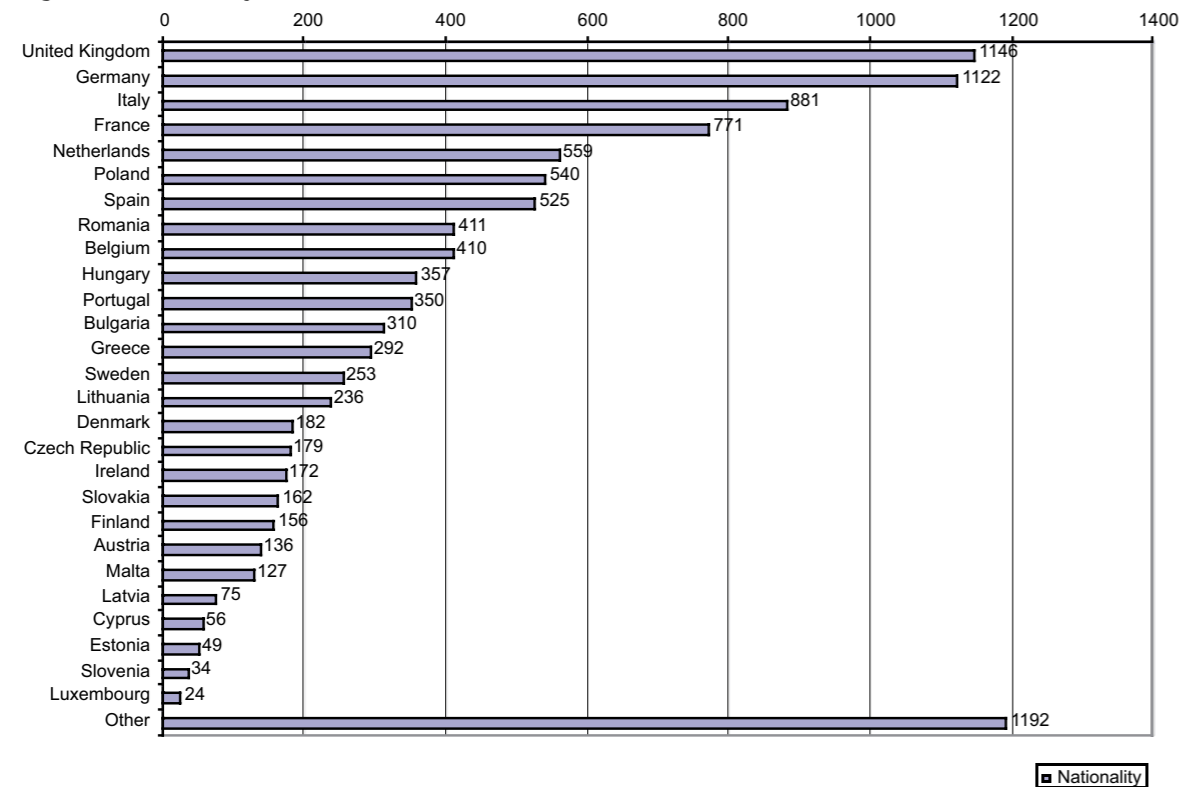
are significant in age groups 25-44 and 45-64. Almost 60% of enquiries are submitted by men.

Figure 8 - Gender



2.4. Countries

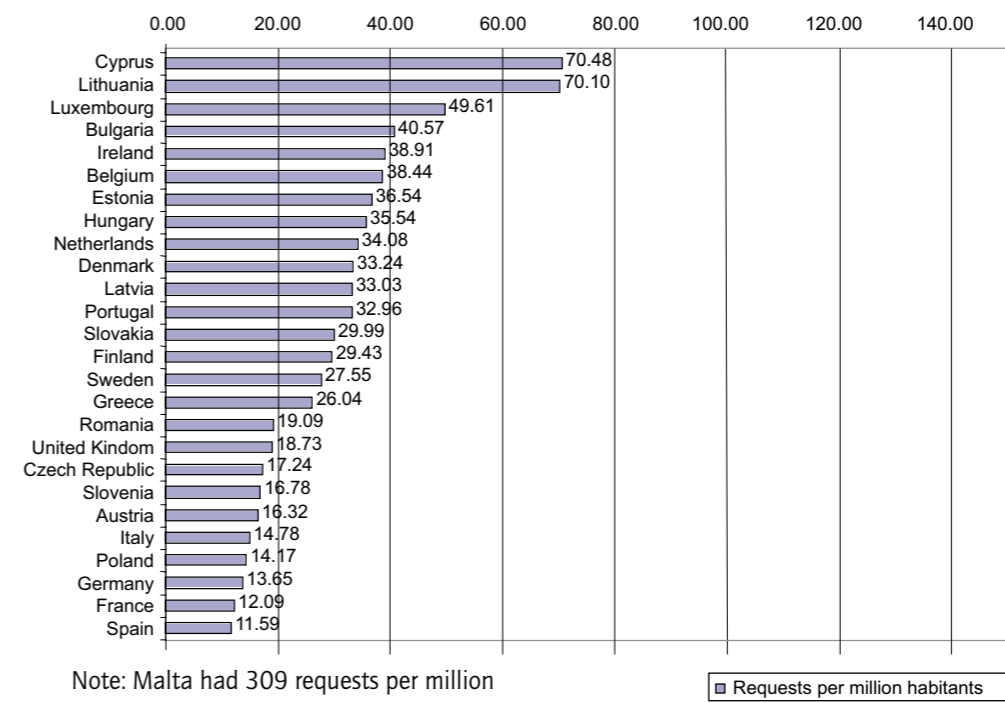
Figure 9 – Nationality



In terms of sheer volume, the more populous countries generate the largest share of enquiries⁷.

7) "Other" refers to enquiries from nationalities outwith the EU.

Figure 10 – Enquiries per million habitants



When the number of enquiries by nationality is expressed per million inhabitants the picture changes. It shows that the highest number of enquiries per head is concentrated among the smaller countries while the larger countries are all without exception at the lower end of the scale.

Among the possible causes is that nationals of the larger countries may be relatively less mobile than

those of the small countries (even though in terms of the absolute number of enquiries they are very numerous), perhaps on account of a wider labour market (i.e. a wider range of job opportunities) at home. They may possibly benefit from their own support networks abroad. On the other hand it is possible that awareness of a service such as the CSS spreads more easily in smaller countries.

2.5. Subjects asked about

Issues related to working in another EU country account for over two enquiries in every five, and those related to living in another EU country amount

to a quarter. At the next level of analysis, most questions are asked about the right of residence and social security, followed by access to employment and taxes.

Figure 11 - Topics

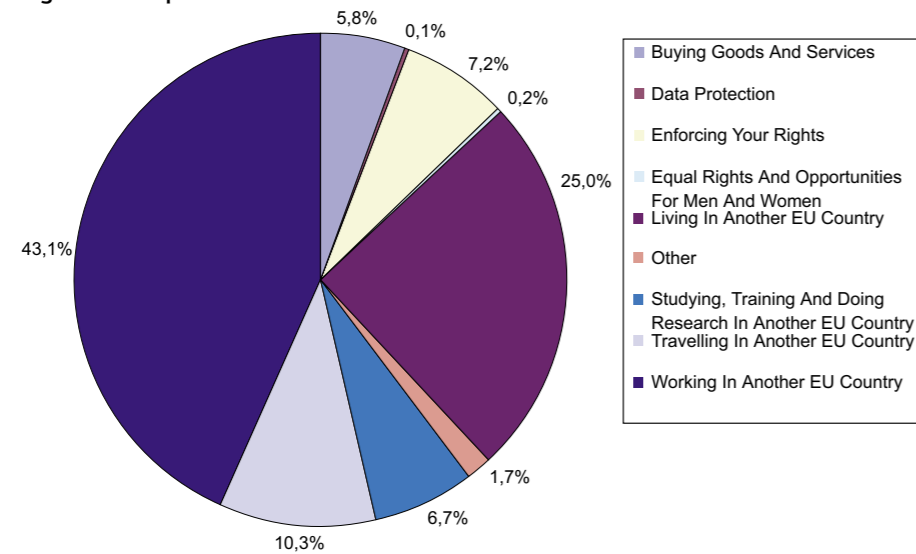
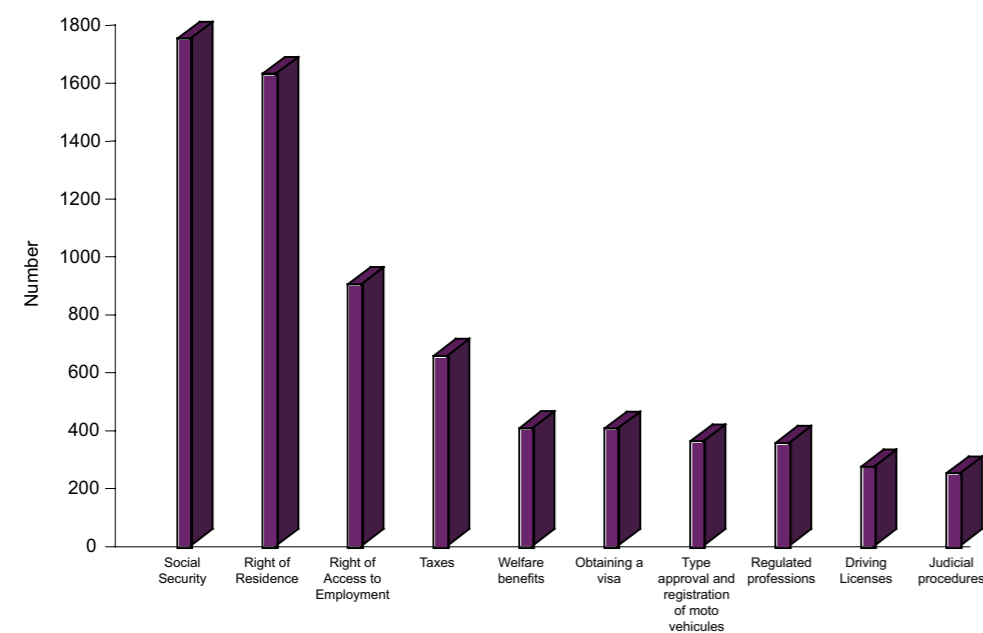


Figure 12 - Subtopics

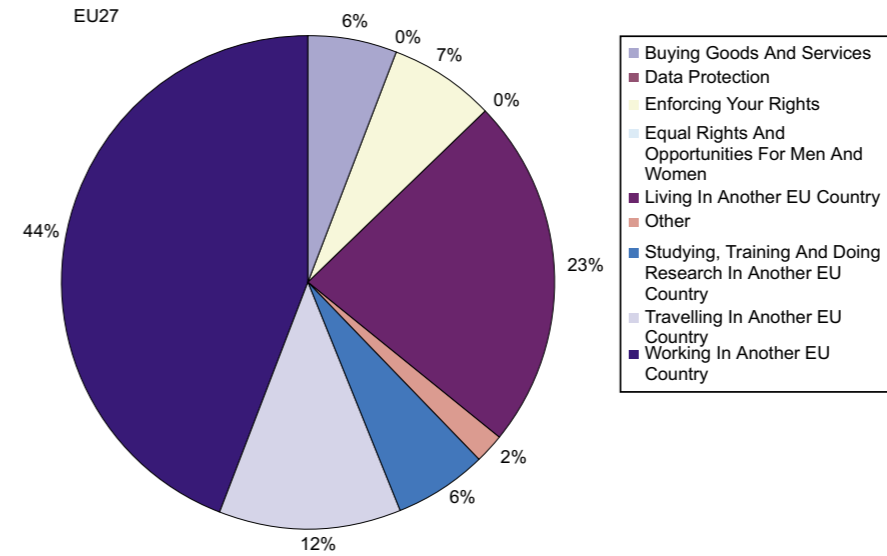


The main subtopics give a more precise picture of the areas where people are seeking advice and signposting:

- social security and welfare benefits, right of access to employment, regulated professions and taxes are very important aspects of European mobility;
- issues of residence and visas demonstrate the significance of migration and enlargement into the EU;
- issues concerning the transfer of cars and validity of driving licenses continue to be substantial; and
- a significant minority of cases concern those who are involved with or contemplating judicial remedies.

The enquirer is able to specify the country (or countries) where he/she has encountered the problem to be overcome, and these can be analysed according to the topic of the enquiry. It can be seen that certain countries have a higher than average share of particular topics. Relatively more cases to do with working in another EU country are found in Austria, and Malta is relatively high for cases to do with buying, as is Slovakia for travelling, Italy studying and Poland for enforcing your rights. This ability to focus on particular countries, topics and subtopics is a feature CSS hopes to develop in its future policy feedback reports.

Figure 13 - Country and topic features



In recent years the range and nature of enquiries has deepened. While most enquiries are concerned with traditional problems linked to working or living in another EU country (social security, residence rights, searching for work and qualifications), a greater number now raise other migration issues such as family law and rights of third country citizens, as well as those prompted by specific developments such as enlargement or national decisions (e.g. the general health care coverage issue (CMU)⁸ in France). At the same time there is an increasing proportion of cases which show citizens are becoming more aware of their EU rights - many enquiries reflect personal research carried out on EU sources and the internet generally and/or prior efforts to secure satisfaction from national or local administrations.

shows that despite the freedom of EU citizens to use financial services in any Member States of the EU, in practice the service providers often have legitimate and objective reasons to restrict their offer. However, this situation is due to restrictive commercial practices of some private companies.

The third report, *Signposting Destinations* (July 2007), examined the European and national signposting bodies used by the legal experts of the CSS in giving enquirers onward references tailored to their enquiry.

At European level, the Your Europe website is the most commonly used onward reference point given to enquirers. EURES is more used in a number of "new" Member States than the "old" Member States, with the exception of Germany and Portugal. ScadPlus (providing summaries of EU legislation), NARIC (the National Academic Information Centres), ENIC (European Network of Information Centres), ECC (European Consumers Centre Network – ECC - net), MISSOC (Mutual Information System on Social Protection), EURAXESS (help desk and customised service for researches), and Ploteus (portal on learning opportunities throughout the European Space) are among the most used and appreciated signpost destinations. Where appropriate, enquirers are told about SOLVIT and in some cases they are advised to submit their case directly.

The fourth report *Difficulties experienced by citizens when exercising their mobility rights in Single Market* (May 2008), covered the six month period July to December 2007. It provides a legal analysis

2.6. Feedback Reports

The CSS has so far produced four feedback reports for the Commission based on the analysis of enquiries.

The first report, *What the database tells us* (January 2007), provided a statistical analysis of nearly 7000 cases to give a description and an interpretation of the issues raised by citizens. The enquiries were analysed according to a wide range of criteria such as country, nationality, age groups, etc. The report demonstrated the need for improvements to the data base and to the system of classification of enquiries.

The second report, *Financial Services* (March 2007), was focused on a legal and statistical analysis of enquiries in the financial services sector. This report

8) Couverture de maladie universelle - Universal health care cover (France): see example in Annex D.

9) See CSS website : www.ec.europa.eu/citizensrights

10) See footnote 2

11) For more on "interesting" cases, see Annex A.

of 356 cases which concern the main problems observed in the areas of entry and residence, recognition of qualifications, and social security.

The report found a considerable lack of awareness of available legal information tools at EU level. One in every two enquiries appeared to be primarily a request for legal information without direct reference to the underlying problem. In these circumstances, raising awareness about first-hand information on EU law available at EU level should be considered an essential part of enabling citizens to exercise and enforce their rights. This underlines the relevance of the "signposting" function of the CSS to existing

sources of information at EU and national level.

In the light of the problems encountered by some enquirers, the report suggested that there could be some evidence of a growing gap between the case law of the European Court of Justice and the much improved EU legislative framework on the one hand, and the way it is being applied on the ground by Member States on the other.

Among other points was the suggestion that the CSS could provide more valuable feedback if there was a link to those cases which the CSS had signposted to SOLVIT.

3. QUALITY OF THE SERVICE

Citizens
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3.1. Regular monitoring of quality by both sides

The CSS is committed to provide a quality reply according to the criteria established in the contract and developed between the Commission and the contractor ECAS. The legitimacy of the contractor's payment is based on an assessment of compliance with these obligations.

Both ECAS and the Commission carry out separate monthly monitoring of the quality of replies to ensure that experts provide a personalised, tailor-made, and legally accurate answer in simple, clear and precise language and suggest ways in which the citizen can proceed to solve the issue he/she raised. This monitoring covers the content of the reply (the CARE criteria¹²), the full encoding of the answers provided by phone and the translation into English and French where appropriate. There are frequent contacts between the Commission and ECAS to ensure a common understanding of the quality criteria and the elements that are required to provide a high level of service to citizens.

In the light of regular joint quality assessments, ECAS issues guidelines to experts as necessary. The annual training sessions and provision of legal updates also helps ensure that experts are kept fully briefed (see Annex B).

3.2. External evaluation

An independent external evaluation of the CSS was carried out in 2006¹³ which found that 69% of users said they were satisfied or very satisfied with the CSS. It also found that 70% expressed satisfaction with the relevance and accuracy of the advice received. Users were pleased with the personalised response and, for the most part, reported that the advice was clear and jargon-free. Over 77% of respondents said the CSS is very important to EU citizens; 81% said they would use CSS in the future and 83% would recommend the CSS to family and friends.

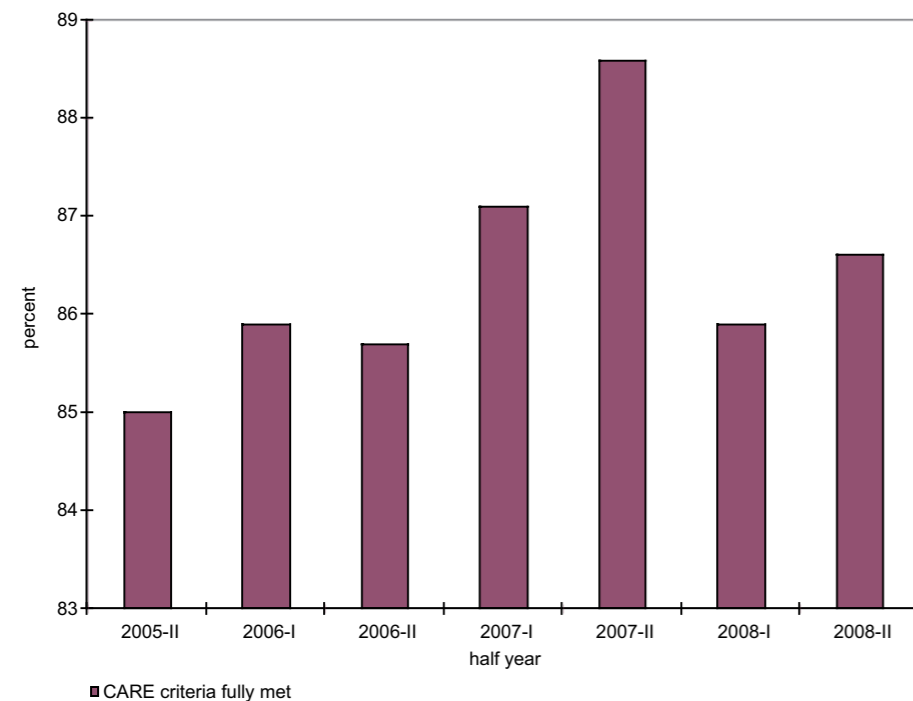
3.3. Results of Quality Control

The ECAS monthly sample of quality control shows that 85% of replies regularly fulfil the four detailed criteria agreed with the Commission – that replies should be clear, accurate, relevant and enabling (the CARE criteria). The slight dip in mid-2008 was due to the introduction of the requirement that a legal reference should be given in replies wherever possible.

12) Annex C provides detailed information on the quality criteria CARE and on monitoring performed by the Contractor.

13) Evaluation report of the CSS published in March 2006: http://ec.europa.eu/dgs/internal_market/evaluation/evaluation_en.htm

Figure 14 – Quality Control



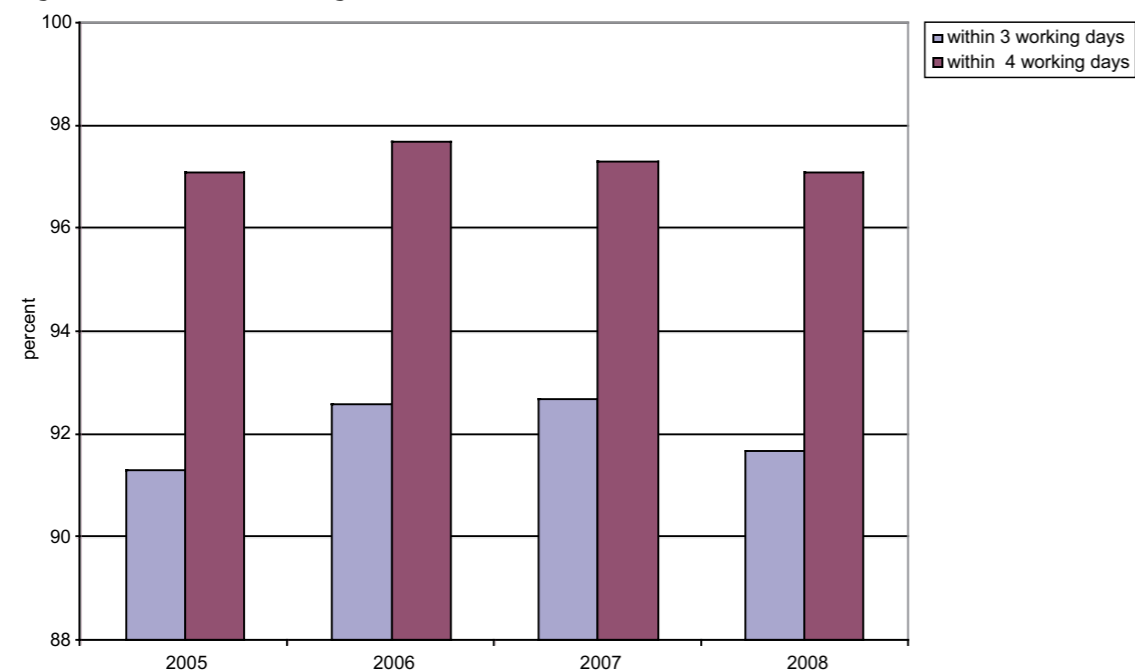
3.4. Very quick replies

Rapid case processing is demonstrated by the fact that in nearly all months well over 90% of cases receive replies within 3 working days (the contractual deadline). This tight deadline enables citizens to get advice rapidly thereby enabling them to take faster steps to take full advantage of their rights and opportunities in the Single Market.

In many months as many as 98% of enquiries are replied to within 4 working days. Where delays occur they are mainly due to informatics problems, illness of the chosen expert and difficulties in making telephone

contact with the enquirer. Experts are required by contract to notify the Contractor absences (holiday, illness, accident) so that the management team only sends questions to those experts who are available. The project manager maintains a permanent check on the progress of the caseload through day to day contact with experts. When experts face unexpected events (e.g. illness or accident), late reminders are used to check and, as necessary, contact experts: re-attribution to other experts may be required. Where an answer is late an automatic message is sent to the citizen explaining that his/her question is being dealt with and that the reply will be sent as soon as possible.

Figure 15 – Success in meeting deadlines



4. AREAS OF CONCERN

Although the CSS is operating satisfactorily, there are several areas where there is scope for improvement.

4.1. Volume of enquiries and promotion

The CSS is unique in handling so many legal-type questions from so many countries in so many languages. Furthermore, replies are provided usually within 3 working days. Finally, the service is free of charge – a major advantage in comparison with individualised advice provided by commercial undertakings. The service can therefore be considered a must-know for all citizens encountering problems exercising their Single Market rights.

The full potential of the CSS is however not used yet. The flexible structures of the CSS both at the level of its management and of its expert network would easily allow for handling a much higher number of cases. The question is therefore: how can the service be better promoted with citizens?

At various times in the past decade significant publicity campaigns have been run throughout the Member States, but no such initiative has been taken in recent years. Promotion efforts of other European networks sometimes failed to present the assets of the CSS in a sufficiently understandable manner. According to the 2006 external evaluation, the CSS currently is too difficult for potential enquirers to find. The Single Market Assistance Services (SMAS) action plan¹⁴ should allow, from 2009, for better advertisement of the service as part of a package of services that can assist citizens to benefit from their EU rights.

4.2. Information sources at hand for citizens

The Commission has heavily invested in development of its web site(s) over the past years. Today hundreds of thousands of documents are available easily on the internet. The focus is of course on EU legislation and policies. Some EU portals have also tried to incorporate information from the Member States to allow citizens wishing to cross borders to find the content they need in one place.

A service such as the CSS working on the interface of European law and its national application depends heavily on the quality of information provided from the national capitals. Practice shows how difficult this can sometimes be in reality. Changes in EU law, changes in national transposition acts, and varying regional approaches to implementation – all are difficult to follow centrally or require important resources. Whereas some Member States have a very transparent and accessible internet based approach, others provide only very restricted information. As noted in the 4th feedback report, this patchy provision makes it very difficult for the citizen to clarify what rights s/he has, and it also complicates work for the CSS legal experts.

4.3. Interface with other European services

The CSS has been, since its inception, complementary to other information and advice services at European level. These services are focussing sometimes more on general information provision (EUROPE DIRECT, the central entry gate for information about the EU, operating a call centre and a web presence), sometimes on problem solving between national administrations (SOLVIT) or provide advice to selected target groups (such as researchers through EURAXESS or jobseekers through EURES).

These services benefit from cooperation and synergies. An even closer cooperation between these services is desirable. It should be made sure that the citizen finds easily and quickly the most appropriate service or web portal. In the framework of SMAS, a common intake form for CSS and SOLVIT is foreseen.

Experts choose signposting destinations carefully to ensure that the enquirer receives helpful and informative inward references tailored to the enquiry. But some signposting destinations at European level are not sufficiently up to date to be used effectively for helping enquirers, and fact sheets on existing

14) In May 2008 the Commission published a staff working document containing an action plan for the streamlining of a whole range of existing information and assistance services including CSS, to help citizens and businesses to better understand and make full use of their rights and benefits in the EU. The objectives of the plan are to make it easier for users to access these services. A single point of access which will increase cooperation between the services is to be created and this will provide users with a better and faster service. The plan is also expected to have a positive effect on awareness about CSS.

web sites are often only available in three main languages (English, French, and German).

In the field of promotion, much can be gained from synergies between these services. The impact of investment into communication would increase accordingly. Since most of the services form a sort of "cascade" where the enquirer gets from more general to more and more specific support, the logic behind the system of information and advice offers should be shown clearly to the public.

The CSS favours greater collaboration with other European-level help and advice services, and the experts will of course continue to signpost to these intermediaries, but a concrete development between the data bases of the most important intermediaries, such as SOLVIT, EUROPE DIRECT and EURES would invigorate the system and create a better network for citizens who would be the real beneficiaries.

Opportunities for more synergies can also be found in areas such as feedback (see below) and training.

4.4. Feedback

Having developed a framework for good quality up to date policy feedback to the Commission, the CSS could expand this area of work. Indeed, the SMAS exercise provides a good opportunity for the Commission to invest in this aspect of the CSS.

The newly introduced classification of enquiries will greatly help in enabling all relevant cases to be found when research is undertaken to find where citizens are experiencing difficulties and where there are difficulties with the national implementation of EU legislation. A further step would be to enable experts to give a short free text summary of each interesting case so that the efficiency of the search process is enhanced. Another step would be to add a sophisticated search tool to the CSS data base.

Related to this is the substance contained in the questions. Steps should be taken to encourage enquirers to clarify their questions as much as possible so that we can better address the problem they are raising. So:

- there should be a set of FAQs on the website – which will act as an encouragement to people to realise that their question is eligible and capable of an answer, and
- the Your Europe fact sheets should be updated because that would also help people to frame more accurate questions.

The prospect of combining CSS policy feedback with the casework results from SOLVIT – and, eventually from other EU information and advice services – is a realisable long term goal.

ANNEXES

ANNEX A – HOW DOES THE CSS WORK?

First, the enquirer sends a question....

Citizens enter their personal details in their own language and explain their problem on an electronic form either directly via CSS' electronic form¹⁵ (see below) or indirectly via EUROPE DIRECT (through the free phone service on 00800 6 7 8 9 10 11 or through their web service). The information is collected in a database operated by the Commission. After checking the eligibility of the question the CSS management team sends it to one of its legal experts for reply.

...then the expert replies within 3 working days...

The legal expert answers by e-mail or phone in one of the 23 official languages of the European Union, as requested by the citizen. The reply contains advice about the different ways of solving his/her problem and which local, national or European services may be able to help.

The reply has to respect the contracted deadline¹⁶ and it is personalised, impartial and objective.

...and a useful record of each case is kept...

Each enquiry generates an individual record in the CSS database. In accordance with the applicable data protection rules and especially the Data Protection Regulation, the Data Protection Directive and its national implementing laws, the CSS database contains information provided by the user about himself or herself (namely nationality, country of residence, professional situation – i.e. employed, self-employed, job-seeker, retired, other) and about the country concerned. Most importantly, the record contains a free-text transcript of the enquiry in the language used by the user. All this information is provided by the user either directly, when it is an enquiry through the internet, or by the EUROPE DIRECT call centre when it is a phone enquiry.

The expert dealing with the case describes the subject matter. For this he/she uses a pre-defined list of topics and sub-topics, with the possibility of multiple entries. In addition, the expert writes his/her reply in free-text format. This is only a transcript of the verbal reply where the user requested a phone reply; but where the user requested an e-mail reply, this text will become the actual text of the reply as the record automatically generates an e-mail.

The expert eventually finalises the case by providing (where necessary) a translation of the enquiry and of the reply in English or French. S/he is also asked to flag interesting cases by ticking a box in the record.

...not forgetting the "interesting cases"

A CSS case is considered "interesting" from the following point of view: does it contain potentially important information for policy-making purposes that deserves to be highlighted in feedback to the Commission? It does if it points to any or a combination of the following, by order of legal relevance: infringement, misapplication or ignorance of EC law within the remit of the CSS, whether by national authorities or by private actors (e.g. employers or commercial companies); a gap or grey area in EC law within the remit of the CSS; an objective difficulty for citizens to get the necessary information in order to exercise their rights; a flagrant problem of awareness of citizens about their rights (especially those that are supposedly well known).

The CSS Management Team at the Contractor's level and the Commission services that have access to the CSS database can use its search engine to find interesting cases according to specified criteria (country concerned, topic or subtopic, nationality, etc) or a combination thereof.

ANNEX B – INTERNAL ORGANISATION OF THE SERVICE BY ECAS

The team

At ECAS the CSS is delivered through a central management team and a team of legal experts.

The management team carries on the day-to-day activity of case management, coordination and review, checking the results achieved each month. They also develop and deliver key policies for the project and in particular the recruitment and training of the legal experts, implementation of formal and content criteria, feedback reports and continuous assessment. Some members of the management team are legal experts as well. This constitutes a "plus" for the coordination of the activities of the CSS and for the understanding of the legal experts' needs.

The CSS covers each country with at least two experts and more in case of certain Member States which generate more questions to the Signpost Service (i.e. France, Germany, Italy, Spain, and United Kingdom). The composition of the group of legal experts is organised to provide a balance between Brussels-based and country-based experts.

Recruitment

Experts are recruited according to several criteria: educational and professional qualification, languages competence, the results of the written test and of the interview, knowledge of Single Market laws and signposting destinations.

Candidates are sought by advertisement in selected European media and web sites, including the ECAS web site. Short listed candidates are given five test cases under real life conditions (72 hour deadline, translation requirement, concise answers etc.) and the replies are analysed and rated by the Quality Coordinator in the Management Team.

For each country/language for which the recruitment is organised, a new shortlist is produced and a group of candidates is invited for an interview. After the interview, the recruitment team discuss the candidates' performance and ranks them to produce a selection list.

All new experts participate in a practical training session, which is focused on explaining and testing the CSS database and ensuring full awareness of the work flow within the Management Team and between management and experts.

All experts are approved by the European Commission before taking up post.

Learning together

The CSS management team ensures that the legal knowledge of the team of legal experts is kept as up to date as possible by providing a continuous flow of EU legal news and analysis. First, experts have at their disposal an internal web site created by ECAS, through which they can easily communicate with each other. It is regularly updated with press releases and documentation on the recent EU legislation and with practical background information and contact points, and a section contains the ECAS Newsletter which provides monthly information about free movement issues of citizens in EU.

Secondly, the CSS management team produces a monthly Legal Update collecting the latest information on pending legislation, infringement procedures, and judgements of the Court of Justice. Particularly interesting judgements and legal news are also flagged directly to experts, as occasion arises.

Thirdly, an annual training seminar, run in conjunction with the EC, provides detailed briefing on developments in EU law and implementation and enables case handling and quality issues to be discussed.

15) http://ec.europa.eu/citizensrights/front_end/index_en.htm

16) Allowing for holidays in Belgium and in the expert's home country, the reply is required within 3 working days.

ANNEX C – QUALITY

The «CARE» criteria

The criteria used for controlling the quality of replies are known as the CARE criteria (point 5.2 of Annex I to the contract):

C - Clear – The reply must be easily understandable for the enquirer.

A - Accurate – The reply must be based on correct legal analysis of the information provided and sound understanding of EC instruments as they apply to the case.

R - Relevant (and complete) – The reply must contain a direct reply to the enquiry as well as a reference to the relevant European legislation applicable and include related information when it is of importance to the case.

E - Enabling – The reply, in the spirit of a «signposting» service, must contain an indication of the next useful step for the user of the CSS for the exercise of his/her rights, whether to find further information, to get direct assistance from a competent service at national and/or European level, or a combination of both.

Selecting the sample

The Contractor applies the CARE criteria to a sample of 100 cases per month. The selection of cases consists of three groups of randomly selected cases from the CSS database: a first group, made of one case per expert (normally around 50), guarantees that all experts are covered; a second, smaller group, comprising one additional case for any expert who has failed the CARE test in the quality control check of the previous month, provides extra focus on experts which have raised concern at one point; a third group of additional cases brings the total number to 100, and the fact that it is picked on a fully random basis allows coverage of the more important languages and/or countries of provenance.

This internal quality control also checks that the enquirer's requests for the means of reply have been respected - his/her preferred language and method of communication (phone or e-mail), and that the deadline was met.

Preventive quality control

The Contractor not only operates the system of internal quality control described above but also provides for ex-ante (or preventive) quality control in two ways.

If an expert's quality control record shows three unsatisfactory replies – based on the CARE criteria – within a six month period, that expert's performance will be scrutinised for a reasonable period by way of a preventive control of the reply, so that it is subject to approval before being sent to the enquirer.

In addition, experts may also spontaneously request proof-reading of their draft reply by the senior experts in the management team if they feel it necessary.

Statistics and monthly reporting

The results of checks on the monthly samples indicated above are communicated to the experts, with explanation of why the reply or the record of the case was not considered satisfactory on a given aspect. The expert's point of view is duly taken into consideration, for the more critical cases, before the results are finalised.

The results are then used to produce statistics which are communicated to the Commission as part of the management team's general monthly reports.

ANNEX D – TYPICAL CASES

The examples set out below are typical enquiries which can concern infringement, misapplication or ignorance of EC law, whether by national authorities or by private bodies, or a clear problem of lack of awareness of citizens about their rights. Although the CSS does not provide for systematic feedback by the enquirers, in some cases they express their satisfaction¹⁷ to CSS spontaneously.

Free movement of persons

1 Question: A British citizen seeks to travel to another EU country, where she has a family house, with her non-EU husband but is encountering difficulties in obtaining a visa for him. The authorities of the host country charge an administration fee and insist that the husband provides proof of his employment together with an invitation from both the citizen and her mother (who is co-owner of the family house) to stay there. They are requested to fill in forms even if it is clearly stated that particular questions need not be answered by the spouses of EU citizens.

Reply: She is informed that her husband should be granted a visa free of charge and without undue formality by the national authorities. It should not be necessary for him to provide proof of employment or an invitation, nor should he have to pay an administration fee. The requirements of the national authorities seem to go beyond the requirements of EU law. The citizen is advised to contact the relevant authorities.

Happy with the information provided by the signpost service, the citizen later consulted the CSS on other issues.

2 Question: A Romanian citizen living in Greece for 24 years asks about his parents rights to join her in Greece.

Reply: She is informed of the relevant EU legislation and of the conditions that her parents and herself have to fulfil, and warned that Greece is late in the implementation of this legislation and may therefore be asking for more conditions to be fulfilled.

Satisfied by the information received, the citizen came back to the service some months later when her parents were well settled in Greece to seek advice on other issues.

Car registration

3 Question: An EU citizen buys a car in Poland with a bank loan which makes the bank co-owner of the car. Some months later he moves to France. He knows he needs to register his car in France. He informs the bank, but it refuses to have the car registered in France.

Reply: The citizen is informed that there is no clear legal provision on the matter. On the one hand, if the bank is one of the owners of the vehicle, it is understandable it is protecting its interest by refusing to have the car taken abroad. If the citizen fails to pay off the loan which the car secures, it would be very difficult (if at all possible) for the bank to have its money back. On the other hand it is understandable that the citizen wishes to enjoy his free movement right and take his car with him. The citizen is advised to try to convince the bank, and if necessary challenge it in court.

Social security

4 Question: A Polish citizen working in Austria for 12 years asks if he can get Austrian family benefits even if his wife and four children live in Poland, where she is registered with the unemployment office.

Reply: He is informed that the European rules provide that, as resident in the territory of another Member States, he is subject to the same obligations and enjoys the same benefits under the legislation of that State as its nationals, and that he could claim the right to certain social security benefits granted by Austrian social security scheme, even if his family members lived in another Member State.

The citizen said that CSS advice eventually enabled him to get family benefit in Austria.

5 Question: Many people enquired from France over fear of losing access to universal health care cover ("CMU"). Most were inactive British citizens in early retirement facing problems concerning their access to CMU in France. The reason was that France had changed its legislation to exclude inactive foreign EU citizens from CMU unless they had previously worked in the country.

Reply: Upon informal advice provided to CSS by the European Commission, CSS informed the citizens in which cases the French position was compatible with Community law and in which not, encouraging them to enforce their rights where there was a clear-cut infringement. Eventually France decided to revise its new legislation to apply the new rules only to newcomers.

6 Question: A French citizen wanted to follow training in the UK in order to become a nurse. She worked previously in France and was getting unemployment benefit. However, she was told by the competent administration (ASSEDIC) that she would still get the unemployment benefit if she decided to do this training in France, but that if she left the country, unemployment benefit would not be paid anymore. She found this answer very discriminatory and wanted to know whether the authorities were right.

Reply: She was informed about the possibility, through the E303 form, to transfer her unemployment status and benefits for up to three months to another Member State whilst looking for work there. She was told there was no reason why she should not be able to do the same under the same procedural conditions if the training sought in the UK was comparable to that recognised under the French scheme for the unemployed. She was also signposted to an organisation which would be able to help her at the national level.

Protection of consumers

7 Question: A British citizen residing in another EU country is overcharged by the national telecom operator who failed to inform him that they had changed the supplier, and asks about redress.

Reply: He is informed of the relevant EU legislation, namely of Council Directive 93/13 on unfair terms in contracts, and was signposted to the local European Consumer Centre and other private consumer organisations.

The citizen later wrote to express his satisfaction with the answer provided by CSS:

"Through your help we have been able to recover 429€ from our telecom operator".

Recognition of qualifications

8 Question: A Greek citizen graduated in physiotherapy from a Bulgarian university and asked about the current EU legislation regarding the recognition in Greece of his professional qualifications.

Reply: He is informed of his rights under the general system of professional recognition of qualifications and given practical information, including signposting to the competent organisation in Greece. CSS also informed him about the appeal procedure in case of any problems.

He later thanked the CSS "for the clear & thorough reply".

9 Question: A Hungarian nurse, when submitting a request for recognition of her diploma in France, is told that it would not be granted before 7 months pending the submission of further documents. She complains of red tape and lack of information.

Reply: She is informed of her rights under the general system of professional recognition of qualifications and of the different possibilities of appeal.

She later thanked the CSS for the "very helpful information".

Buying property in another country

10 Question: The enquirer sold property in Hungary and now intends to buy a house in Romania. Hungarian legislation provides for exemption from taxes of the selling price of property if it is invested into the purchase of another property, only if this is again in Hungary. The citizen asks if it is in conformity with Community law.

Reply: The citizen is informed that taxation on personal income falls within the competence of the Member States, but the European Court of Justice has consistently held that there must not be any direct or indirect discrimination on the basis of nationality, nor may there be any unjustified restrictions to the four freedoms – which is probably the case here, as regards free movement of capital, so he is informed about the means of redress at national and possibly EU level.

Opening a bank account in another Member State

11 Question: An EU citizen living in another EU country is not able to open a bank account with some banks as he has not been resident there long enough, or is only offered to have an account with no credit facility. The reason given is lack of credit history (residence, credit and employment) in the host country.

Reply: The citizen is informed that different banks can offer different types of accounts and that the arrangements for opening an account and the terms and conditions can vary from bank to bank. This area is governed by the freedom of contract, so banks can refuse to allow individuals certain services on commercial grounds (only), although they are not allowed to discriminate on the grounds of nationality. He is nevertheless advised to contact the financial services authority consumer helpline in the country concerned.

12 Question: A German citizen wants to purchase a house at a judicial sale in Germany, for which he needs a directly enforceable guarantee from a German bank. He lives in the Netherlands and has an account with a Dutch bank. He asks if it is compatible with European law to accept a guarantee only from a German bank. Furthermore he asks if it is compatible with EU law that a German Bank refused to open a bank account for him on grounds that he is not resident in Germany.

Reply: He is informed that free movement of capital is an essential condition for the proper functioning of the Single Market, and that it does not seem compatible with this principle to accept only guarantees from German banks. He is advised to bring the matter to FIN-NET. As regards the opening of account, contractual freedom is flagged again (see previous case) and he is advised to look for other banks possibly opening accounts for non residents.

Working in another country

13 Question: An EU citizen wants to know if the basketball federation of another EU country can charge a higher fee to a player coming from another EU country to play in a national team on the sole ground of nationality.

Reply: The citizen is informed that restrictions based on nationality are excluded, except in very limited situations (i.e. access to specific types of positions in the public sector). Access to employment in sport clubs would certainly not fall under these exceptions and therefore the fee for the affiliation with the relevant national federation should not be discriminatory (the "Bosman" ECJ ruling is mentioned). CSS explained that while there is no jurisprudence concerning the practice of amateur sport, the general principle of prohibition of discrimination based on nationality for residents is applicable.

14 Question: A Bulgarian citizen living in Portugal and married to a Portuguese national with whom she has two children is looking for employment but the employment office refused to register her, on grounds that she, as a Bulgarian citizen, does not have the right to work in Portugal.

Reply: While there are transitional restrictions for citizens from the new EU Member States, the enquirer is entitled to work in Portugal as spouse of a Portuguese national under Portuguese law (unless he himself has returned to Portugal with her after having exercised his European free movement rights in another Member State). She is therefore informed of the means of redress in Portugal to clarify her situation to the employment office.

15 Question: A Polish citizen would like to know if it is true that as from 1 July 2008 Poles may work in France without work permits. She heard about that and contacted the prefecture, but they said they have never heard of anything like that. Also she would like to get a residence card for 5 years, like all other Europeans (currently she needs to renew her residence card and work permit every year). Nevertheless, the prefecture says that such card does not exist for Polish nationals.

Reply: The citizen is informed that indeed, as of July 2008, the French employment market has been opened to all nationals of the EU countries that joined the Union in 2004, and therefore residence cards abolished for these nationals like for all the other EU citizens. Nevertheless, there are still registration requirements imposed on EU citizens and the authorities should confirm that this obligation has been complied with by issuing a registration certificate. She is advised to go to the local authority or prefecture and insist to get a registration certificate and otherwise complain to SOLVIT.

16 Question: A Bulgarian citizen lives in Finland with her Bulgarian husband who works in Finland. She wishes to register in Finland for the purpose of seeking employment there, but the local police say she must reside in Finland for at least three months before she can register, and the employment office will not register her as job-seeker until she is registered as resident in Finland.

Reply: The citizen is informed that, as an EU citizen, she is free to look for work in Finland, and that the police is wrong to impose a waiting period before registering as resident. It is true, under Directive 2004/38, she may not be required to register before the end of a three month period after her arrival to the country, but she is free to choose to register before if she likes, especially if this is necessary – as is legitimate – to exercise her free movement of workers rights. She is informed of the different means of redress in Finland and, possibly, at EU level.

Registered partnership under Directive 2004/38

17 Question: Two European citizens try to get registered as registered partners (PACS) in France with their Civil Partnership certificate obtained under UK law. The French competent authorities inform the couple that their partnership is not recognised, and that they must dissolve their Civil Partnership first and then get registered in France under the PACS (which obviously is not going to help them exercise a right of residence in France together, as newcomers).

Reply: The citizens are confirmed in their impression that this is incompatible with Community provisions. Directive 2004/38 on the right of entry and stay of EU citizens and their family members, says that where registered partnership exists under national law, a similar partnership contracted under the laws of another Member State should be recognized. The citizens are informed of the complaint possibilities, including the possibility of a complaint to the Commission or contacting SOLVIT.

Studying in another country

18 Question: A Danish citizen would like to study in a university in Romania. But the university denies him this right, even as EU citizen.

Reply: The citizen is provided with the legal references under EU law confirming that EU citizens have the right to study in another Member State without discrimination based on nationality – he is warned that this does not mean that they are obliged to take him if there are legitimate, objective reasons for this that would apply also to Romanians. He is invited to clarify the reasons, preferably getting them in writing, and eventually complain to SOLVIT or the European Commission. Furthermore, CSS provided practical information on the procedure for registration in Romanian universities.

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