



# 2008 REPORT

Development and Performance  
of the SOLVIT network

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**SOLVIT**



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# 1. INTRODUCTION

The SOLVIT logo consists of the word "SOLVIT" in a bold, sans-serif font. The letter "O" is stylized with a circular arrow around it, suggesting a cycle or a process. The logo is positioned in the upper right corner of the page, next to a large, stylized yellow star.

## 1.1. Background to SOLVIT<sup>1</sup>

SOLVIT is a network created by the Commission and the Member States, with the aim of solving problems that arise for individual citizens and businesses as a result of the misapplication of internal market law. All of the EU Member States, plus Norway, Iceland and Liechtenstein, have set up a national SOLVIT centre, in most cases within their Ministry of Foreign or Economic Affairs. These centres cooperate directly via an on-line database to devise rapid and pragmatic solutions to the problems submitted by citizens and businesses. The rules governing cooperation within SOLVIT are set out in a Commission recommendation<sup>2</sup> of 2001 which was endorsed by Council conclusions. SOLVIT has been operational since July 2002. In addition to the recommendation, SOLVIT centres adopted a set of common quality and performance standards in December 2004 to ensure a high quality of service throughout the network.

## 1.2. Aim of the report

The aim of this report is to provide a clear picture of the performance and development of SOLVIT in 2008<sup>3</sup>. The recommendations at the end of the report indicate which actions are needed by the Commission and the Member States to ensure that good practices continue to be applied. They also address the problems that may prevent SOLVIT from developing its full potential.

Facts and figures in the report are based on case handling information from the SOLVIT database and on the replies to a questionnaire that was submitted to all 30 SOLVIT centres in October 2008.

## 1.3. Summary of main developments in 2008

In 2008, SOLVIT case flow grew by a further 22% and for the first time since the creation of SOLVIT the milestone of 1000 cases submitted to the system

within a year has been reached. The resolution rates remained high at 83%. At the same time, the shortage of staff and frequent changes in a number of SOLVIT centres resulted in the average case handling speed dropping from 58 days in 2007 to 69 days in 2008. Moreover, the percentage of cases solved within the ten-week deadline fell from 79% to 74%.

The majority of the SOLVIT centres voluntarily became involved in solving difficult and often time-consuming SOLVIT+ cases<sup>4</sup>, which also resulted in longer case handling times and sometimes lower resolution rates; however, this should be seen as a very positive development. The fact that some national authorities against whom the complaints were made, did not always want to cooperate, and have still not become accustomed to the short SOLVIT deadlines, has continued to be a problem for many SOLVIT centres.

The cost savings as a result of solving problems for citizens and businesses were estimated at EUR 32.6 million in 2008. These estimates apply to 25% of all resolved cases and are based on the cost of not solving the problem.

In 2008, staffing problems in four SOLVIT centres (Belgium, Cyprus, Malta and Romania) were tackled. However, nine SOLVIT centres (Austria, Finland, France, Iceland, Ireland<sup>5</sup>, Italy, Lithuania, Poland and Slovenia) remained understaffed and, following a significant increase in its case load, Spain can no longer be considered to be adequately staffed. As was the case in 2007, the increase in SOLVIT case volume is entirely due to the fact that more citizens are finding their way to SOLVIT. The number of cases submitted by businesses has remained stable in absolute numbers and therefore has declined as a proportion of the overall case load from 31% in 2006 to 14% in 2008.

1) See annex 1 for a summary of procedures and scope of SOLVIT and see [ec.europa.eu/solvit](http://ec.europa.eu/solvit) for more detailed information in all EU languages.

2) Commission Recommendation of 7 December 2001 on principles for using «SOLVIT» - the Internal Market Problem Solving Network (Text with EEA relevance) (notified under document number C(2001)3901) OJ L 331, 15/12/2001 p. 79-82.

3) This report covers the period 1.11.2007-31.10.2008; the new reference period is needed because from this year on the SOLVIT report will be published in February, two months earlier than before, together with the Internal Market Scoreboard; all figures in the report are based on this reference period unless otherwise indicated.

4) For more information on SOLVIT+ see point 5.2.

5) The number of staff at the Irish SOLVIT centre increased by one in September 2008 and the staffing situation there is now adequate.

Each of the three main policy areas in which SOLVIT cases occur saw a substantial increase in 2008: social security +20%, recognition of professional qualifications +43% and residence rights +93%. Two thirds of all problems reported to SOLVIT were in these three areas.

The European Parliament has reiterated its strong support for SOLVIT and increased the budget from EUR 200.000 for 2008 to EUR 800.000 for 2009.

#### 1.4. SOLVIT as part of the wider picture

In May 2008 the Commission published a staff working document<sup>6</sup> containing an action plan for the streamlining of a whole range of existing information and assistance services including SOLVIT, 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 the functioning of SOLVIT, since it will address one of the main obstacles reported by the

SOLVIT centres, namely the very large volume of non-SOLVIT cases that they are receiving. Better filtering of cases at the point of entry, and more efficient signposting of citizens and businesses to the most appropriate service, will help to reduce the percentage of cases that cannot be handled within SOLVIT.

The action plan also provides for better integration of the single market assistance services with the Commission's complaint handling tasks. While the Commission is responsible for addressing complaints about infringements of EU law by EU Member States, much of the incoming correspondence it receives is about requests for information and assistance that could be provided more efficiently by the single market assistance services. For instance, many complaints about incorrect application of EU law can be resolved quickly and successfully through SOLVIT and many queries about EU rights and how to enforce them can be addressed by the Citizens Signpost Service. While some Commission services already make good use of the single market assistance services by referring to them on their web pages, a more systematic approach across the board is needed to develop the full potential of these synergies.

Figure 1 – Infringement cases<sup>7</sup> compared with SOLVIT cases<sup>8</sup>

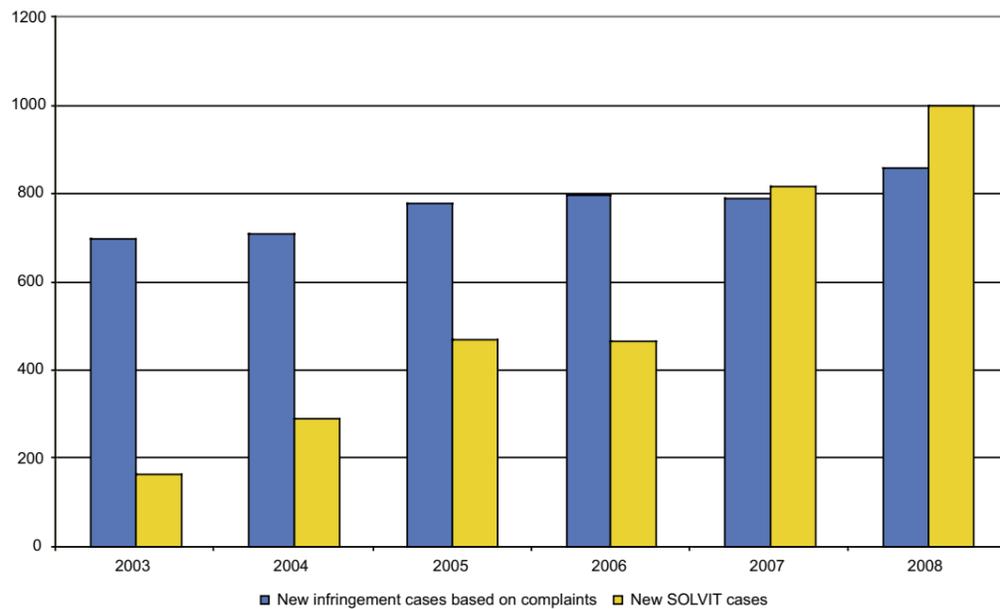


Figure 1 compares the number of infringement cases opened by the Commission on the basis of complaints in the area of single market law with the number of SOLVIT cases over the past six years. This illustrates that the development of SOLVIT as an alternative, complementary

instrument is already moving in the right direction. This is good news for citizens and business who need to get their problems solved quickly. The average case handling time for SOLVIT is just under two months.

## 2. PERFORMANCE AND RESULTS

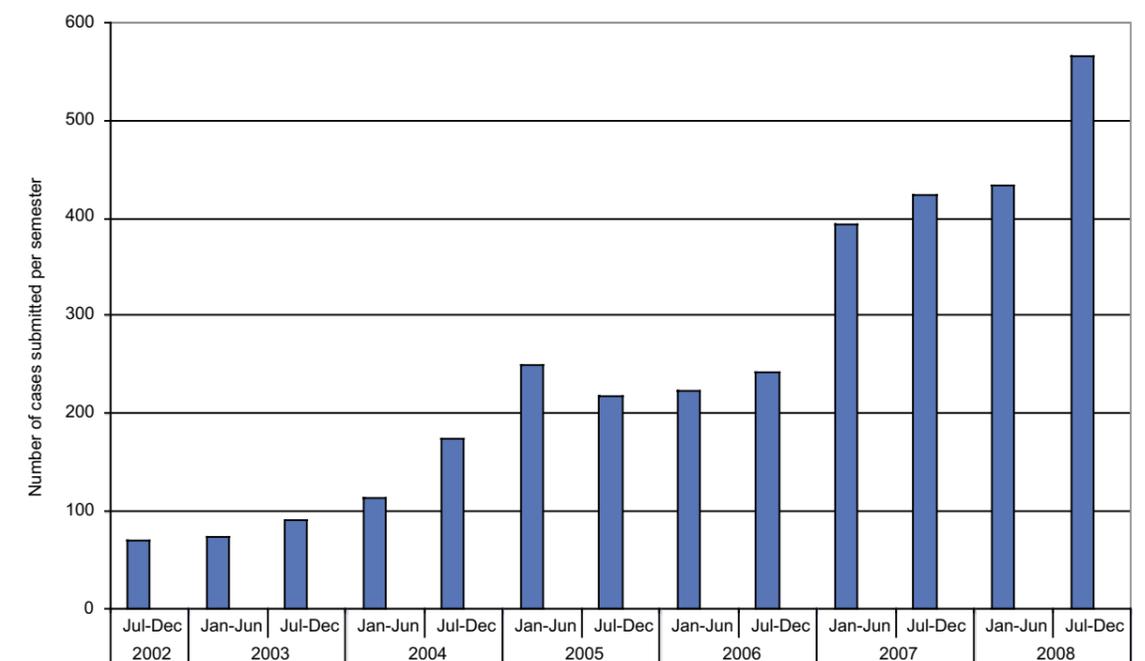
SOLVIT

### 2.1. Milestone of 1000 cases reached

After the sharp increase in case flow in 2007 (75% more cases than in 2006), the volume of cases handled by the network in 2008 continued to grow - albeit less rapidly - at a rate of 22%. In the year 2008, for the first time since the creation of SOLVIT, the number of cases submitted to the system has gone up to one thousand.

While the increase in case flow in 2007 can be largely explained by the introduction of the on-line complaint form in December 2006, the intensive promotion activities around the 5th anniversary of SOLVIT and the accession of Romania and Bulgaria, the growth noted in 2008 was mainly due to growing brand recognition and promotion activities undertaken by the individual SOLVIT centres and the EC SOLVIT team.

Figure 2 – Evolution of SOLVIT case flow 2002-2008

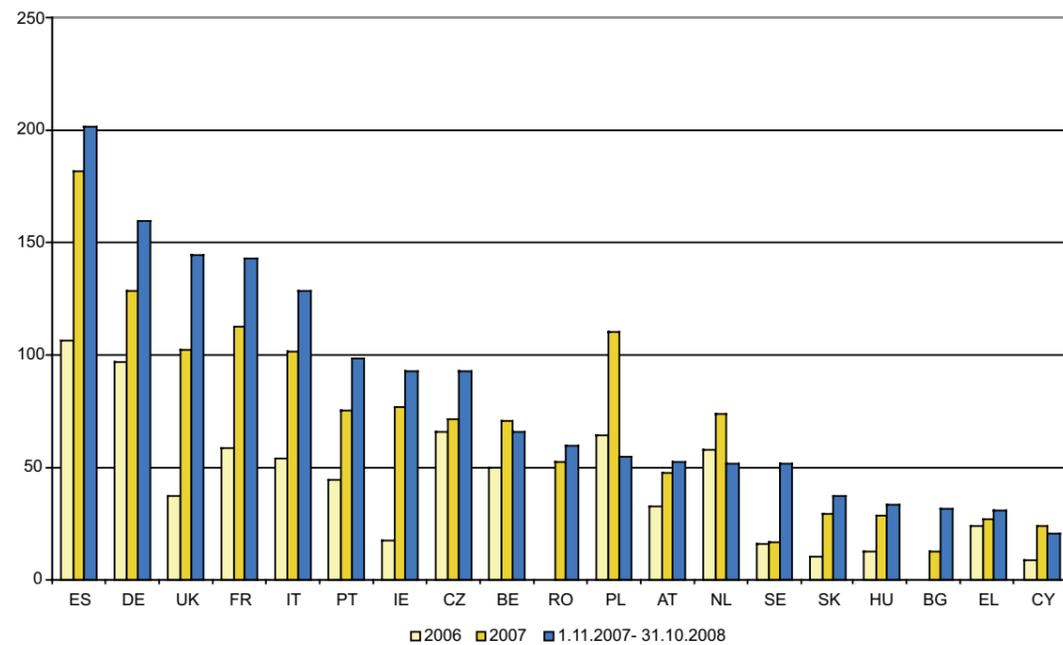


6) Commission staff working paper – Action plan on an integrated approach for providing Single market Assistance Services to citizen and business, 8 May 2008, SEC(2008)1882, which fits into the broader context of the Commission strategy to improve communicating Europe inter alia by streamlining information and assistance networks supported by the Commission, 20 July 2005, SEC(2005)985.

7) The figures in this graph include opened infringement cases based on complaints in the following areas: free movement of persons, goods, capital and services, social security and employment rights, taxation, border controls, motor vehicle registration, telecommunications, access to education, residence rights and visa.

8) The numbers included in this graph cover the periods from 1 January until 31 December of each year.

**Figure 3 – Total volume of cases handled 2006 - 2008**  
(SOLVIT centres with a total number of cases submitted and received<sup>9</sup> of 20 or more in 2008)



Spain, Germany, the UK, France and Italy had the highest case flow (i.e. cases submitted to and received from other SOLVIT centres) in 2008. SOLVIT Sweden registered a steep increase in cases from 17 in 2007 to 52 in 2008 due to a change of policy in the recording

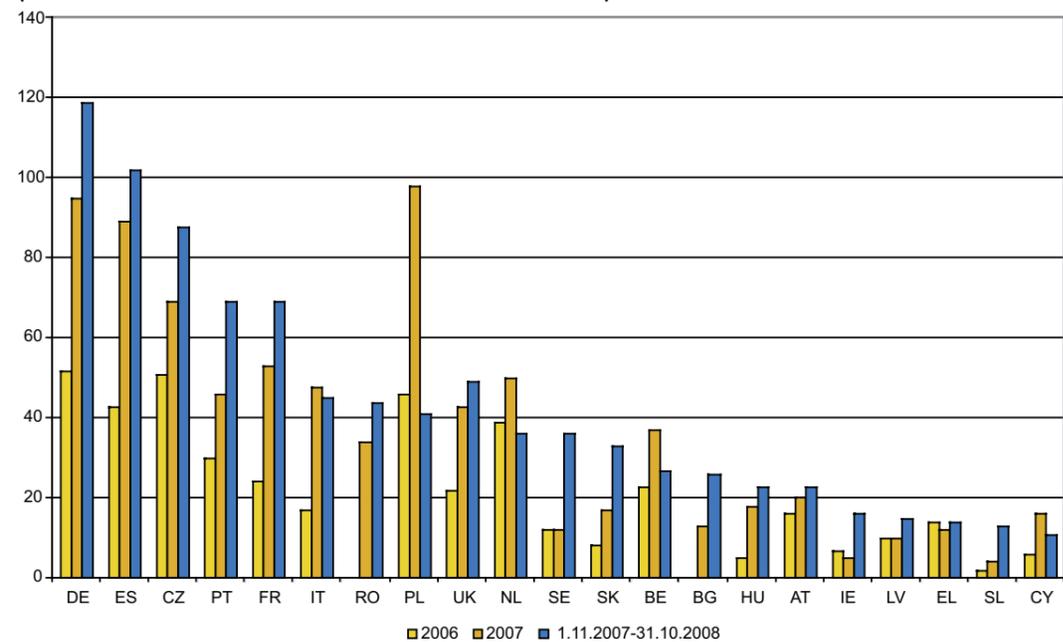
of cases in the SOLVIT database. Bulgaria's case load was almost double that of the previous year. Belgium, Cyprus, Netherlands and Poland saw a decrease in case flow.

**2.2. Increase in case submission unevenly spread**

The SOLVIT centres in Germany, Spain and Czech Republic submitted the highest number of cases to the system in 2008. The four largest EU countries - Germany, the

United Kingdom, France and Italy - still submit relatively few cases in proportion to their population (see figure 5). While Germany, France and the United Kingdom increased the volume of cases, Italy submitted fewer cases than last year.

**Figure 4 – Evolution of cases submitted as SOLVIT home centres<sup>10</sup> 2006 - 2008**  
(SOLVIT centres which submitted 10 cases or more in 2008)

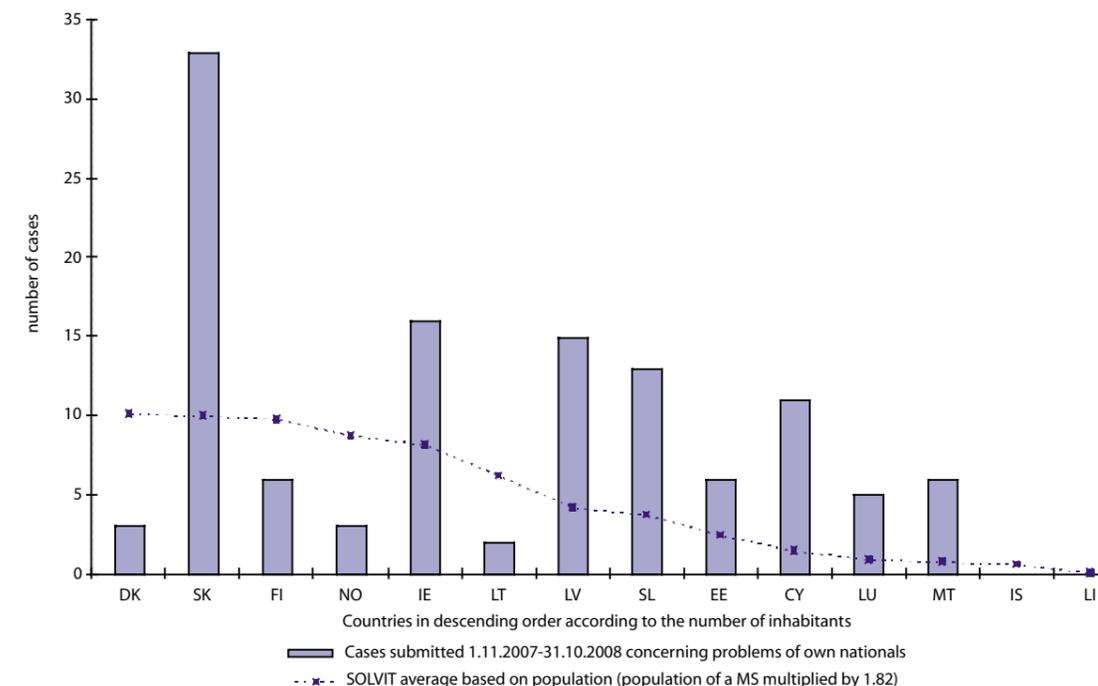
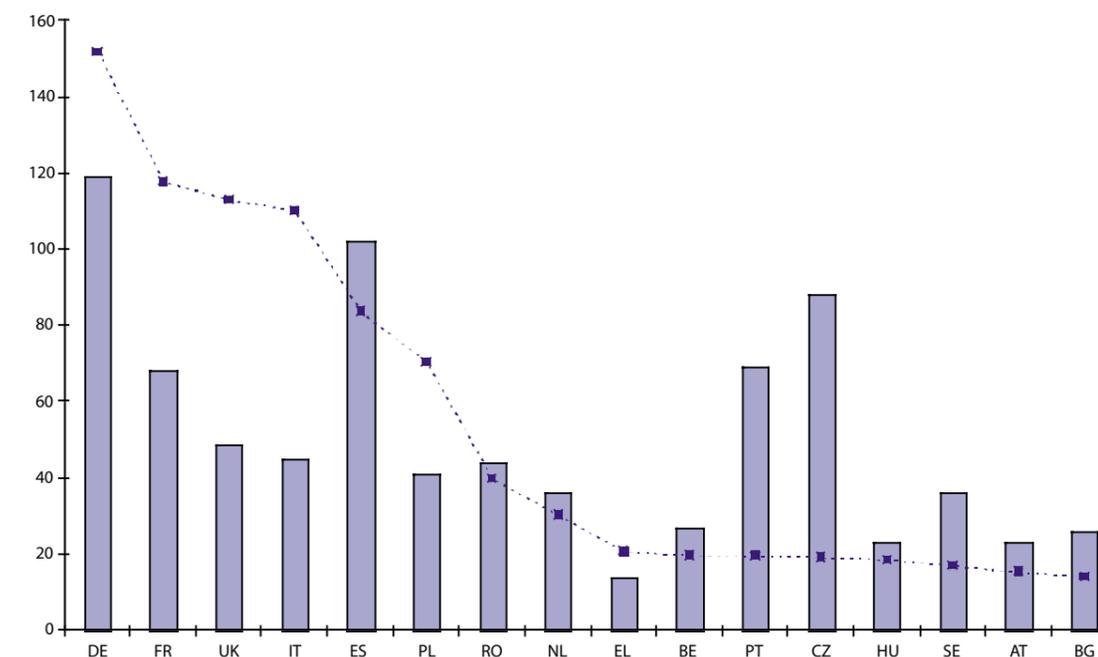


9) Cases submitted to other SOLVIT Centres on behalf of own citizens and cases received to be resolved from other SOLVIT Centres.  
10) On behalf of their own citizens/businesses.

A significant decrease in case submission can be noted in Poland<sup>11</sup>, and a smaller decrease in Cyprus, the Netherlands and Belgium. SOLVIT centres in Portugal, the Czech Republic and Slovakia are very

active in submitting cases to help their own citizens and businesses relative to/compared with the number of inhabitants of these countries.

**Figure 5 – Volume of cases submitted as SOLVIT home centre in 2008 compared with SOLVIT average<sup>12</sup>**



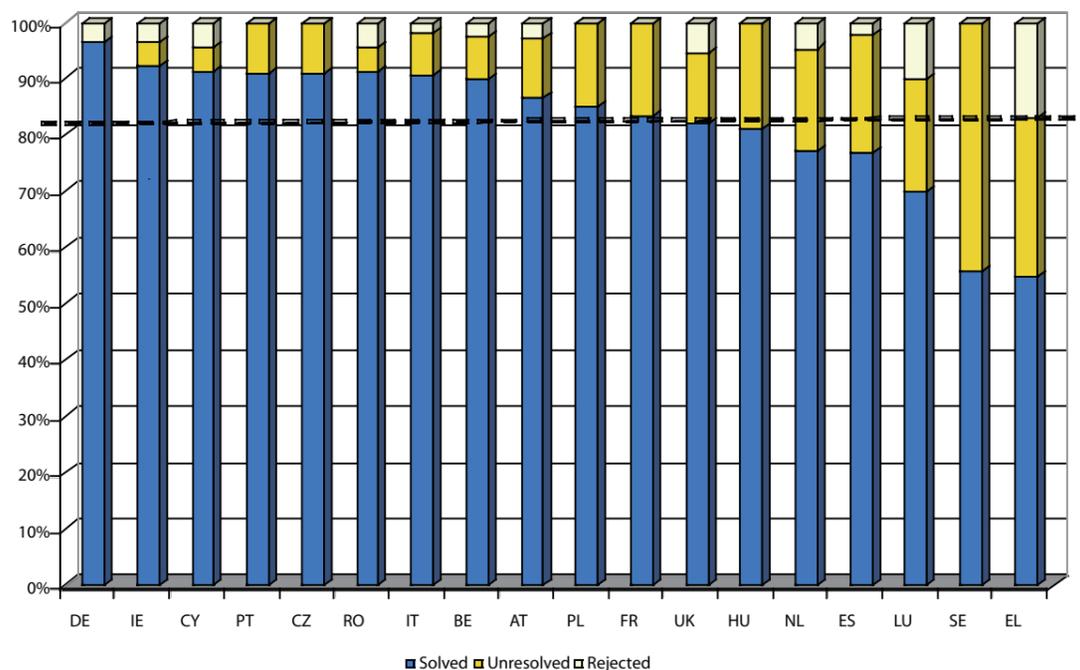
11) In 2007 SOLVIT Poland submitted a very high volume of social security cases, mainly child benefit claims, to Ireland. In view of the structural delays in Ireland in handling these claims, it was decided as an interim measure to stop the submission of Polish child benefit cases to SOLVIT mainly in order not to give preferential treatment to citizens through SOLVIT while other applications were kept waiting in the pile. The Irish authorities have also put measures in place to deal with the backlog of such claims.  
12) SOLVIT average for cases submitted by the whole network in the period 1.11.2007-31.10.2008 was around 1.82 cases per million inhabitants.

### 2.3. Resolution rates remain high

The network as a whole achieved a resolution rate of 83% of all cases accepted by SOLVIT, which is the same as last year. SOLVIT centres in Germany, Ireland, Cyprus, Portugal,

the Czech Republic and Romania resolved more than 90% of all problems submitted to them. At the other end of the scale are Sweden<sup>13</sup> and Greece, with resolution rates below 60%.

Figure 6 – Case resolution rates of SOLVIT lead centres for cases closed between 1.11.2007-31.10.2008 (SOLVIT centres which received 10 cases or more)

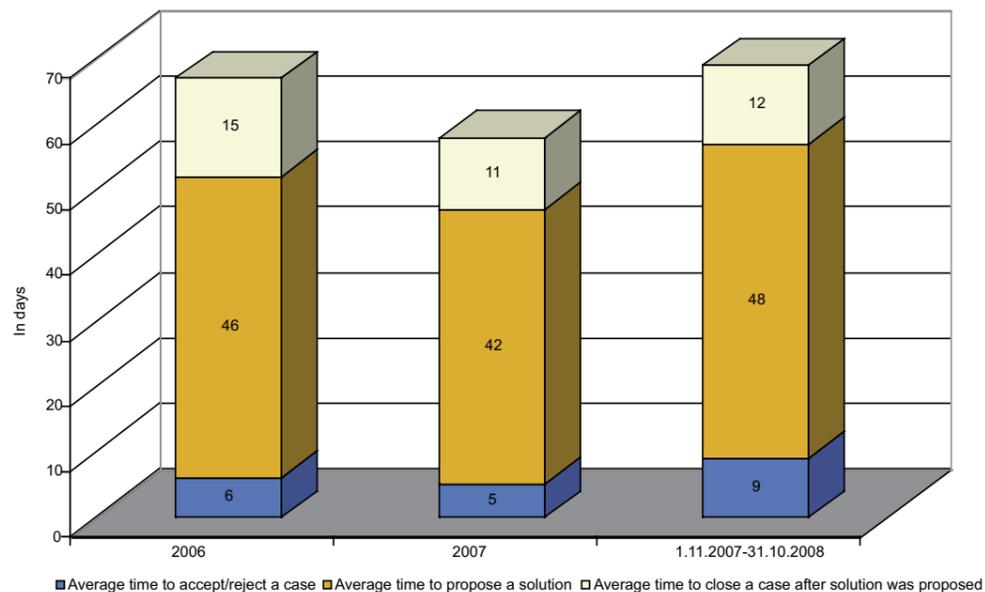


### 2.4. Average case handling speed has diminished

SOLVIT centres are committed to handling cases within a 10-week deadline (70 calendar days). For the network as

a whole, in 74% of all problems resolved the solution was found within the deadline of ten weeks. This is slightly less than last year which was 79%. The average time to accept or reject a case was 9 days and the total case handling time after acceptance was 60 days; in 2007, by comparison, the

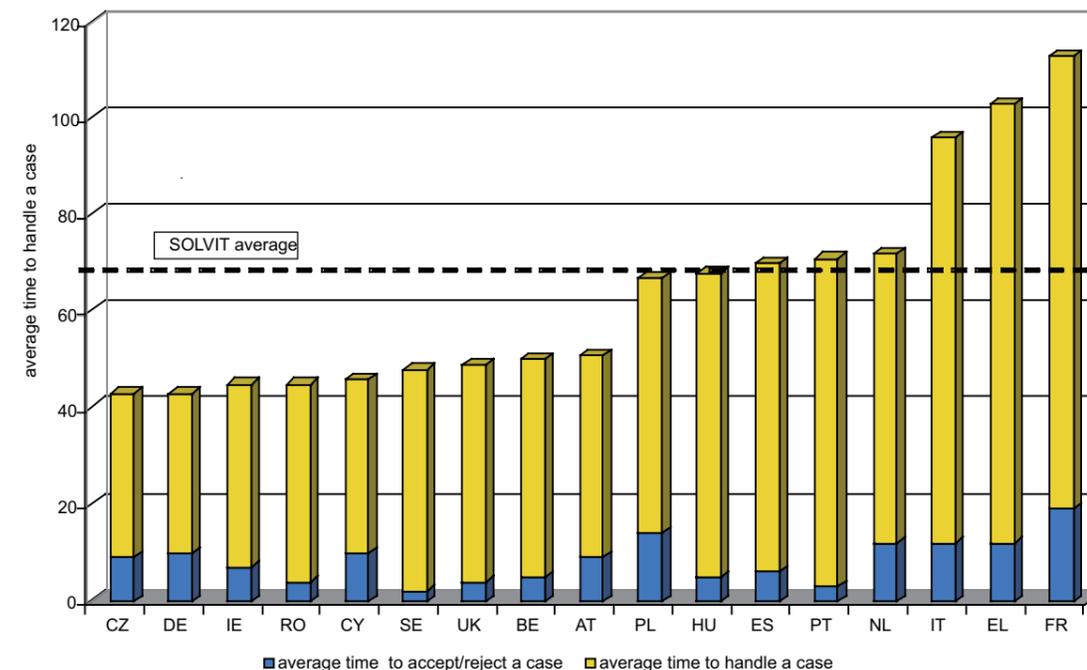
Figure 7 – Evolution of average case handling time 2006-2008



figures were 5 days and 53 days respectively. This average drop of 19% in case handling speed is likely to be due to the increase in the volume of cases and the lack of appropriate resources in the SOLVIT centres to deal with the increase. Moreover, many centres point out that this year they have handled many more complex cases, which - due to a lack of precedents - required extensive legal analysis.

The fastest SOLVIT centres in 2008 were those in the Czech Republic, Germany, Ireland, Romania, Cyprus, Sweden, the United Kingdom, Belgium and Austria. At the other end of the scale, Italy, Greece and France took over 13 weeks on average to handle a case. It should be noted that Belgium, Ireland and Sweden have significantly reduced their case handling time in comparison with last year (from almost 10 weeks in 2007 to around 7 weeks in 2008).

Figure 8 - Average time taken by SOLVIT lead centres to accept/reject and handle cases received from other member states (SOLVIT centres that received 10 cases or more)



13) In the period under review SOLVIT SE handled two so called "SOLVIT+ cases", where the Swedish law had to be changed in order to solve them. Both cases had to be closed as unresolved as the solution for the client could not be found within the SOLVIT deadline. However, thanks to the intervention of SOLVIT SE, the law was amended. It entered into force on 1.1.2009, and thus the problem of the client could be solved; for details see annex 5.

### 3. PROBLEM AREAS AND ORIGIN OF CASES

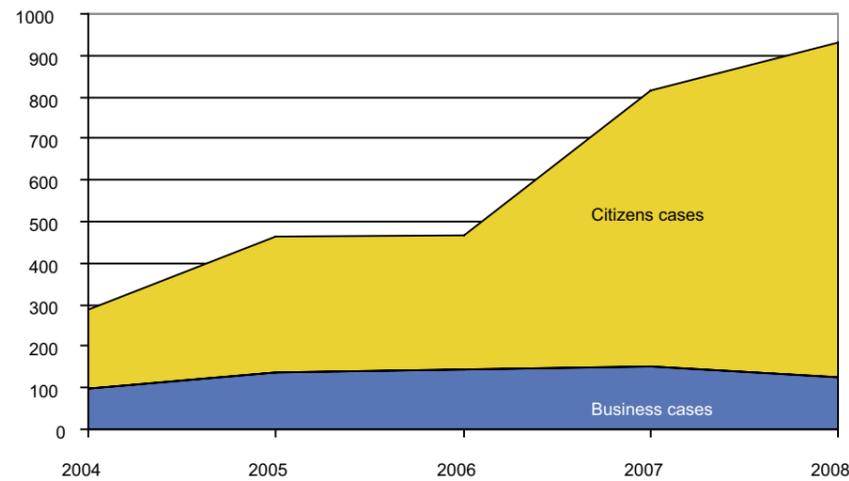


#### 3.1. Further drop in the number of business cases as a share of overall case flow

Like last year, the increase in SOLVIT case volume is entirely due to more citizens finding their way to SOLVIT. The number of cases submitted by businesses has remained stable in absolute terms and has therefore declined as a proportion of the overall case load from 31% in 2006

to 14% in 2008. SOLVIT centres report that this is not a sign that enterprises are encountering fewer problems than citizens in the Internal Market, but an indication that they are less likely to submit them to SOLVIT. It seems that businesses normally prefer to seek paid legal advice, especially if the problem involves relatively large amounts of money. Moreover, they might have other established channels for addressing problems caused by incorrect

Figure 9 – Cases submitted by citizens and businesses 2004 - 2008



application of EC law, such as the Chambers of Commerce. Some SOLVIT centres report that enterprises are sometimes reluctant to file complaints against national authorities, as they fear that this may have repercussions on their relations with the authority concerned. Therefore, some enterprises prefer to accept additional requirements (such as further product testing, unnecessary language tests for

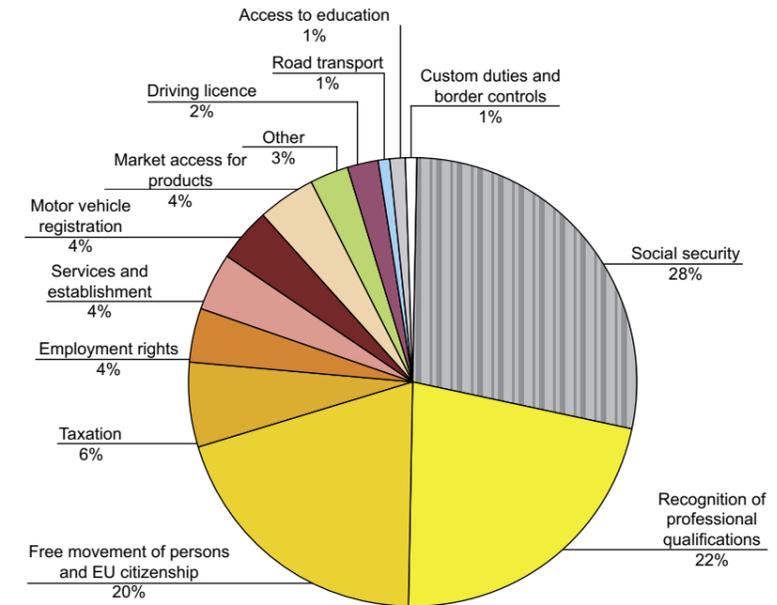
employees, etc.) even if they are not in line with EC law. Further analysis is needed in order to understand why businesses do not seem to be finding their way to SOLVIT easily. In any event, it is expected that the streamlining of existing information and assistance services<sup>14</sup> may lead to an increase in the number of business cases.

#### 3.2. Considerable increase in problems related to professional qualifications and residence rights

Each of the three main policy areas in which SOLVIT cases occur has seen a substantial increase in 2008: social security up 20%, recognition of professional qualifications

up 43% and residence rights up 93%. More than two thirds of all problems reported to SOLVIT fall within these three areas.

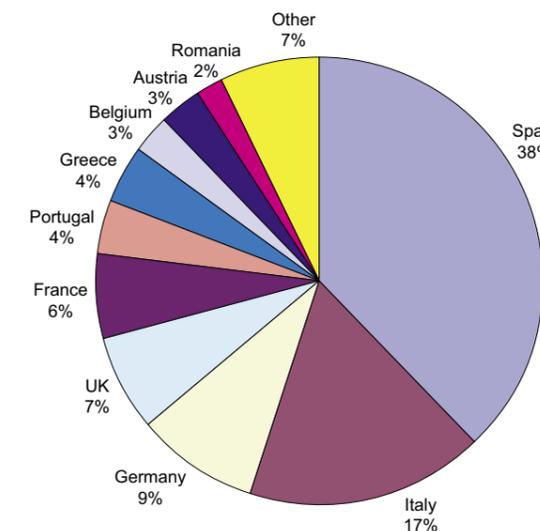
Figure 10 – Cases handled in 2008 according to problem areas



A very large proportion of the problems regarding professional qualifications are found in Spain. Clearly, Spain is a popular country for migrating EU citizens and could expect to receive a relatively high number of SOLVIT cases in general. However, with an overall 14% of

SOLVIT's total case load, the 38% share of professional qualifications cases would seem to suggest that there is a particular problem in the application of the relevant EU law. Fortunately, SOLVIT Spain has managed to resolve 85% of problems in this area.

Figure 11 - Professional qualification problems submitted to SOLVIT sorted by country where the problems occurred

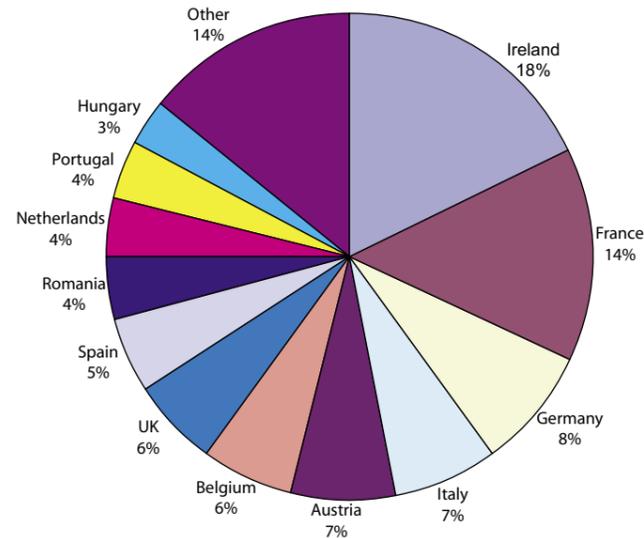


14) For details see point 1.4.

Similarly, Ireland and France seem to attract a relatively large number of social security problems. The very marked increase in the number of migrant workers in Ireland since enlargement has led to delays in the processing of certain social security claims – mainly in the area of family benefits

– and this has resulted in a corresponding increase in the number of complaints. In the case of France, there does not seem to be a single main cause of the relatively high incidence of social security cases.

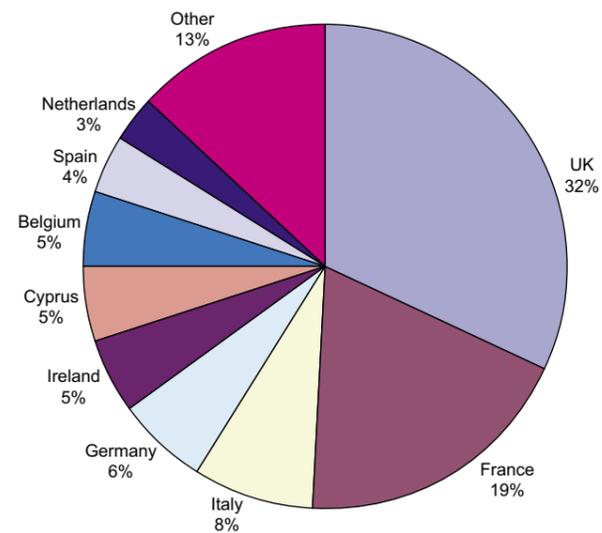
Fig 12 - Social security problems submitted to SOLVIT sorted by country where the problems occurred



In the third main SOLVIT problem area - residence rights and visas - the United Kingdom is the front runner, with a 32% slice of the pie. It is likely that most problems here are caused by the fact that the United Kingdom is not part of the Schengen area, and this can lead to confusion among citizens about the applicable rules and to differing interpretations of those rules among Member States. Furthermore, the United Kingdom is obviously an attractive

destination for migrating citizens because of employment opportunities and the English language. The fact that the number of cases in this area has almost doubled since last year for SOLVIT as a whole would appear to be due to the wide gap between citizens' expectations about their right to free movement within the single market and the fairly restrictive interpretation many Member States have of the residence rights Directive.

Figure 13 - Residence rights and visa problems submitted to SOLVIT sorted by country where the problems occurred

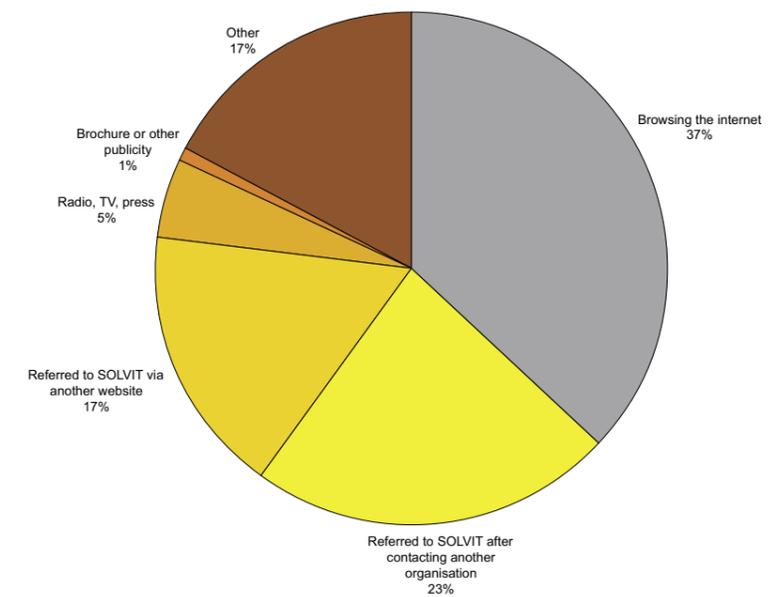


### 3.3. Slight increase in cases submitted using the on-line complaint form

Since December 2006 it has been possible for citizens, businesses and intermediaries to submit complaints directly to the SOLVIT database. From November 2007 to October 2008 1 545 complaints were submitted by webform; only 27% of these were accepted by the SOLVIT

centres for processing. The remaining 73% were deemed to fall outside the scope of SOLVIT for a variety of reasons (no infringement of EU law, consumer-to-business problems, national problems, requests for information etc.). This is an improvement over the previous year, when 80% of cases submitted on-line were found not to be within the remit of SOLVIT.

Figure 14 – How do complainants find their way to SOLVIT ?



Slightly more than one third of all cases submitted to the SOLVIT database have been submitted using the on-line complaint form, i.e. 8% more than in the previous reference period; the remaining 65% reached SOLVIT centres via other channels.

More than half of all citizens and businesses who use the on-line complaint form have found SOLVIT by browsing the internet or via a link on a website they visited. In 23% of cases another organisation advised them to contact SOLVIT.

### 3.4. Cost savings

Addressing problems through SOLVIT is a cost-saving approach since it avoids formal proceedings, which can be expensive and labour-intensive. While these effects are difficult to quantify, the SOLVIT database allows SOLVIT centres to include an estimate of the costs that would be incurred by the complainant over the next 12 months

if the problem were to remain unsolved. The figures are based on estimates by complainants whose problems were resolved between November 2007 and October 2008, and for which an estimate has been included (only 21% of all cases). The total amount of costs saved in 2008 was EUR 32.6 million.

## 4. FUNCTIONING OF THE NETWORK



### 4.1. Cooperation within the SOLVIT network is good

National SOLVIT centres are generally positive about their relations with other SOLVIT centres, which they rate 8 on a scale of 10. Although still good, this is somewhat down from last year's overall mark of 8.3. Staffing shortages and high turnover of staff are problematic not only for the SOLVIT centres directly concerned, but also for all those who cooperate with understaffed centres. Shortages of staff or lack of continuity will affect willingness to accept cases, quality of files submitted, response time and general

case handling speed. Since the vast majority of cases involve two SOLVIT centres working together, the effects of staffing shortages are causing stress for all concerned.

The three annual workshops where SOLVIT staff meet to discuss common approaches, and to share experiences, go a long way towards ironing out any difficulties that have occurred in joint case handling.

In 2008 the workshops were hosted by the Commission in Brussels (February), by SOLVIT Hungary in Budapest (June) and by SOLVIT Luxembourg (November).

### 4.2. SOLVIT still attracts a large volume of non-SOLVIT cases

SOLVIT continues to attract a large number of complaints and queries that are outside its scope, and more than a half of the SOLVIT centres regard this as one of the main bottlenecks. Responding to non-SOLVIT enquiries and referring complainants to other bodies/networks is absorbing a considerable proportion of the time that staff should be devoting to the handling of SOLVIT complaints. Moreover, many SOLVIT centres indicate that, owing to conflicting priorities (see figure 15), they are unable to concentrate on the work and demands of SOLVIT.

These problems are having an adverse effect on the role, function and performance of SOLVIT; unless SOLVIT centres are resourced adequately, the problem will grow. It is anticipated that the implementation of the single market assistance services plan<sup>15</sup> would help in diverting such enquiries.

Smaller Member States, such as Finland, Lithuania or Slovenia, flagged up that on the one hand they do not have enough cases to develop a routine (i.e. establish an active network of contacts within the administration, develop better channels for more efficient problem solving etc), while, on the other, they do not have enough staff to invest time in promotion activities to attract more cases.

### 4.3. Staffing of SOLVIT centres is still a problem

While SOLVIT centres spent on average 17<sup>16</sup> man-months on SOLVIT tasks in 2008, almost the same as in 2007, their case load grew by 22%. As in the previous year, almost half

of all SOLVIT centres report that they need more personnel or that they experienced continuity problems in 2008. It seems that the staffing situation improved in four SOLVIT centres, namely Belgium, Cyprus, Malta and Romania, and deteriorated in Iceland and Spain. In a further eight SOLVIT centres, staffing levels remained inadequate.

Table 1 - Staffing levels in SOLVIT centres during 1.11.07- 31.10.2008<sup>17</sup>  
(Countries marked in bold have changed category in comparison with last year)

Adequate		Low	
Bulgaria	Luxembourg	Austria	Lithuania
<b>Belgium</b>	<b>Malta</b>	Finland	Poland
<b>Cyprus</b>	Netherlands	France	Slovenia
Czech Republic	<b>Norway</b>	Ireland <sup>18</sup>	<b>Spain</b>
Denmark	Portugal	<b>Iceland</b>	
Estonia	<b>Romania</b>	Italy	
Greece	Slovakia		
Hungary	Sweden		
Latvia	United Kingdom		
Liechtenstein			

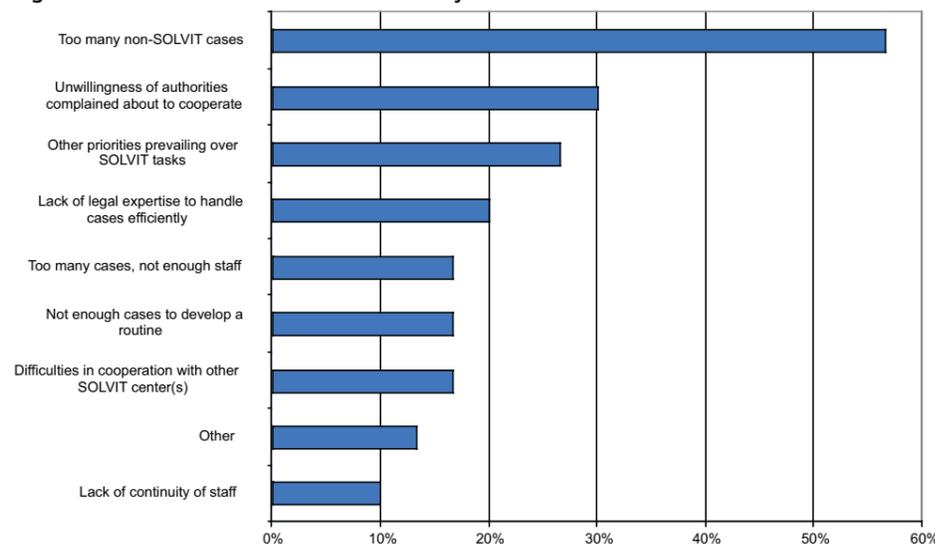
### 4.4. National authorities not always cooperative

Success in resolving SOLVIT cases depends on several factors: good preparation of the legal assessment of a case by the SOLVIT home centre before it is sent to the SOLVIT lead centre (to the country where the problem occurred), good cooperation and prompt exchange of information between the two centres while handling the case, and the readiness of national authorities to reconsider their decisions in order to comply with EU rules. This is unfortunately not always the case, and sometimes - despite all efforts made by both SOLVIT centres - cases have to be closed as unresolved. This year, 30% of SOLVIT centres reported that they are regularly hampered by the unwillingness of national authorities to solve problems informally. Moreover, national administrations are often not used to working to short deadlines.

Regular contacts and daily efforts to establish good working relations with national authorities and explain what SOLVIT is, are crucial. Recurring problems in a particular area can often be solved more quickly since the authorities involved become experienced in working with SOLVIT. For unusual cases in new areas resolution times can be considerably longer.

Therefore, many SOLVIT centres are putting considerable effort into making the SOLVIT method better known within their own national administration. They organise presentations and meetings with various parts of the national administration; some issue their own annual reports which focus on the functioning of their SOLVIT centre (such as Austria, Belgium, Cyprus or Luxembourg) or distribute publicity material. In general, the larger SOLVIT centres with a higher case load have better channels for solving problems than SOLVIT centres with a smaller case load.

Figure 15 – Main bottlenecks encountered by SOLVIT centres



15) See point 1.4.

16) For example, '6 months' means that one person has been working on SOLVIT half of his/her time.  
17) Germany is not included since no data on staffing were provided by the SOLVIT centre. For detailed information on calculating statistics see the table in annex 2.  
18) See footnote no 5.

## 5. FURTHER DEVELOPMENT OF SOLVIT



### 5.1. Promotion of SOLVIT

On average, SOLVIT centres have spent only 12% of their time on awareness raising activities. Almost all centres have been involved in promoting SOLVIT internally within their administration in order to develop internal networks of experts whose advice is often necessary for solving

problems. In addition, a majority of SOLVIT centres were engaged in external promotion, but there were SOLVIT centres who reported that they had done almost no awareness raising in 2008. Almost all SOLVIT centres would like to spend more resources on awareness raising activities, but staff shortages prevent them from doing so.

Table 2 - External awareness raising activities undertaken by the SOLVIT centres in 2008 (Countries marked in bold have increased and those in italics have decreased awareness raising activities)

	Many	Some	Very little
<b>SOLVIT centres</b>	Bulgaria Cyprus <b>Czech Republic</b> <b>Italy</b> <b>Luxembourg</b> Portugal Sweden <b>United Kingdom</b>	Austria <b>Belgium</b> <b>Denmark</b> <b>Estonia</b> Greece <b>Iceland</b> Ireland Latvia <b>Liechtenstein</b> Luxembourg <i>Malta</i> <b>Netherlands</b> <i>Poland</i> <i>Romania</i> Slovakia Slovenia Spain	<i>Finland</i> France <i>Germany</i> <i>Hungary</i> Norway

### 5.2. More SOLVIT centres engaged in solving structural problems

SOLVIT's main task is to solve problems caused by the misapplication of EU law. However, sometimes it appears that the problem is not the result of a simple misapplication of the rules, but requires a change in national law, guidelines or other formal implementing provisions. Despite the fact that the SOLVIT mandate allows SOLVIT centres to refuse to take on such cases, because they are difficult to solve by informal means or within ten weeks, more and more SOLVIT centres are pursuing these so-called SOLVIT+ cases. In this way not only are the individual problems of the complainants resolved, but also similar future problems are prevented. In 2008 a record number of 17 SOLVIT centres (Austria, Belgium, Bulgaria, Cyprus, Czech Republic,

Finland, France, Latvia, Lithuania, the Netherlands, Poland, Portugal, Romania, Slovakia, Spain, Sweden) engaged in a total number of 32 SOLVIT+ cases, 12 of which were eventually solved (see Annex 5 for examples), 20 are still pending. It is very encouraging that even those SOLVIT centres that have serious staffing problems do not turn down these cases – which are usually complicated and time-consuming. Only two SOLVIT centres, Germany and Denmark, reject such cases as a matter of principle. Furthermore, many SOLVIT centres often try to help the complainants even if the case is not within the scope of SOLVIT (for instance, cross-border problems that do not concern EU law). A special 'non-SOLVIT' category was created in the SOLVIT database in 2007 to record cases of this kind. Between November 2007 and October 2008, SOLVIT centres handled 250 of such non-SOLVIT cases.

## 6. RECOMMENDATIONS



1. Just as last year, the staffing situation improved slightly in some SOLVIT centres, but deteriorated or remained unsatisfactory in others.

Various SOLVIT centres urgently need either more staff or the possibility to free up the existing staff to spend more time on SOLVIT.

**Action :** Austria, Finland, France, Iceland, Italy, Lithuania, Poland, Slovenia, Spain.

2. Regular awareness raising activities within the national administration are needed in order to ensure the development and maintenance of an active network of contacts, which can provide legal assistance and support to convince subordinate bodies to act in accordance with EU law. Many SOLVIT centres, faced with the constant staffing shortage and having to handle a growing case load, do not have any time left for these activities, which in turn is not helpful to them in terms of running the service.

Member States should ensure that their SOLVIT centres are encouraged to spend more time and effort on internal awareness raising activities and that they have the necessary resources for this.

**Action:** Estonia, Finland, France, Greece, Germany, Spain.

3. Resolution rates and case handling times for the SOLVIT network as a whole are still satisfactory. However, the latter figure was down on the previous year's result, and some SOLVIT centres are experiencing particular problems in this area.

Some SOLVIT centres need to examine and address the causes of their relatively long case handling times and low resolution rates.

**Action:** France, Italy, and Norway (on case handling speed); Slovenia and Sweden (on resolution rates); Denmark, Greece and Malta (on both).

4. The core part of SOLVIT work consists in convincing other parts of the respective national administrations that they need to change their decision or position if they are to solve a practical problem in accordance with EU law. This is a difficult task, given that the authorities complained about are often not used to working quickly enough to meet the SOLVIT deadlines. Some SOLVIT centres have encountered serious difficulties and need stronger political support for this task.

Member States should ensure that their SOLVIT centre has strong political support so that it can persuade the authorities about whom complaints are made to cooperate actively under the SOLVIT procedure and within the deadlines.

**Action:** Belgium, Czech Republic, France, Iceland, Greece, Italy, Lithuania, Latvia, Poland.

5. To ensure that solutions are compatible with EU law, SOLVIT centres need sound legal advice on the legal merits of the problems submitted and the solutions proposed. They need good access to legal advice both within their centre and within the administration of which they are part. Where there are differences of legal opinion between two Member States on the case they are handling together, complex legal issues or simply no proper access to legal advice in their country, SOLVIT centres often turn to the Commission for advice. However, given the increase in the number of enquiries from the SOLVIT centres, the Commission does not always provide informal legal advice as quickly as the SOLVIT centres would wish.

Member States should ensure that SOLVIT centres have proper access to legal expertise within their administration. The Commission should speed up the provision of informal legal assessments to SOLVIT centres on request.

**Action:** Commission, Belgium, France, Ireland, Italy, Malta, Slovenia.

6. SOLVIT was created with a mandate to help citizens and businesses in their problems with public administration when trying to enforce their EU rights on the internal market. Each year sees a rapid growth in the number of citizens' complaints, whereas the number of complaints from business remains relatively low. At the same time, many SOLVIT Centres would be interested in offering their assistance to a larger number of enterprises.

The reasons for the relatively low level of business cases need to be analyzed in order to provide input for a better strategy to promote SOLVIT within the business community.

**Action:** Commission + SOLVIT centers.

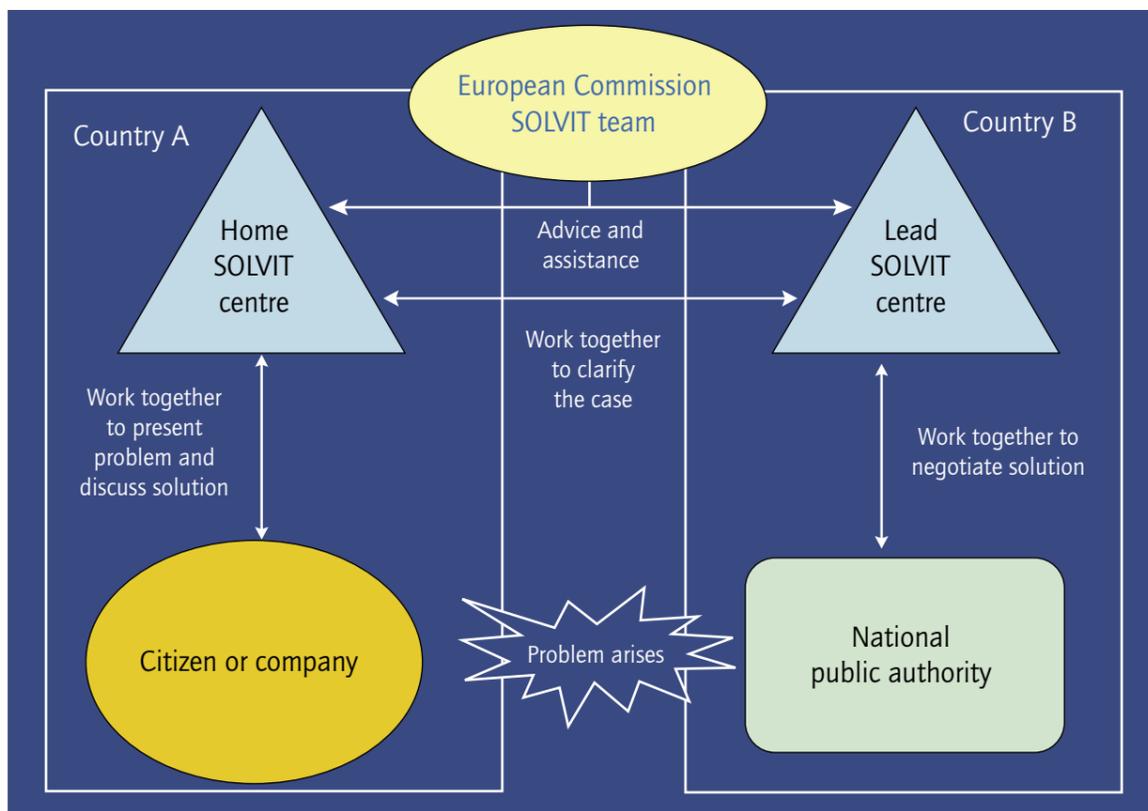
# ANNEXES

## ANNEX 1 – PROCEDURE AND SCOPE OF SOLVIT

### A. HOW SOLVIT WORKS

When a citizen or business submits a case to SOLVIT, the SOLVIT centre of their country of origin (known as the SOLVIT «home» centre) will first check the details of the application to make sure that it does indeed concern a misapplication of Internal Market rules and that all the necessary information has been made available. It will then enter the case into an on-line database system, and it will be forwarded automatically to the SOLVIT centre in the other Member State where the problem has occurred (referred to as the SOLVIT «lead» centre).

The SOLVIT lead centre should confirm within one week whether or not it will take on the case. This will depend to a large extent on whether it considers that the case is complete and that it falls within the scope of SOLVIT.



The target deadline for finding a solution to the problem is 10 weeks. The two SOLVIT centres will work together to try to solve the problem, and the complainant will be kept informed of progress and the proposed solution by the SOLVIT home centre. Nevertheless, if a problem cannot be resolved, or the complainant considers that the proposed solution is unacceptable, he/she can still take legal action through a national court or lodge a formal complaint with the European Commission.

### B. WHERE SOLVIT CAN HELP

SOLVIT deals, in principle, with any cross-border problem between a business or a citizen on the one hand and a national public authority on the other, and which involves the possible misapplication of EU law relating to the single market. The policy areas that SOLVIT has mostly dealt with so far are: recognition of professional qualifications and diplomas, access to education, residence permits, voting rights, social security, employment rights, driving licences, motor vehicle registration, border controls, market access for products, market access for services, establishment as a self-employed person, public procurement, taxation, free movement of capital or payments. This is not an exhaustive list SOLVIT will consider any case that meets the above criteria.

However, since SOLVIT is an informal approach to problem solving, it should not be used in situations where legal proceedings are already underway. Moreover, SOLVIT does not deal with business-to-business or consumer-to-business problems.

## ANNEX 2 – OVERALL PERFORMANCE OF SOLVIT CENTRES IN 2008

Please note that the case handling speed and resolution rates in this table indicate how quickly and how well each SOLVIT centre managed to solve the problems in their country, that were submitted by citizens and businesses from other Member States. Only the first column concerns the work done by each SOLVIT centre on behalf of their own citizens and businesses by submitting cases to other SOLVIT centres.

	Cases submitted to the system compared with country size (1)	Overall case load (submitted and received) (2)	Case handling speed (3)	Resolution rates (4)	Staffing level (5)
Austria	↔ <sup>19</sup> high	↔ large	↔ high	↓ average	↔ low
Belgium	↔ high	↔ large	↑ high	↑ high	↑ adequate
Bulgaria	↑ high	↔ medium	high	average	↔ adequate
Cyprus	↔ high	↔ medium	↔ high	↑ high	↑ adequate
Czech Republic	↔ high	↔ large	↔ high	↔ high	↔ adequate
Denmark	↔ low	↔ small	↔ low	↔ low	↔ adequate
Estonia	↑ high	↔ small	-	-	↔ adequate
Finland	↓ low	↔ small	-	-	↔ low
France	↓ low	↔ very large	↔ low	↓ average	↔ low
Germany	↑ average	↔ very large	↔ high	↔ high	? <sup>20</sup>
Greece	↔ low	↔ medium	↔ low	↔ low	↔ adequate
Hungary	↔ average	↑ medium	↔ average	↔ average	↔ adequate
Iceland	↔ low	↔ small	-	-	↓ low
Ireland	↑ high	↔ large	↑ high	↑ high	↔ low <sup>21</sup>
Italy	↔ low	↔ very large	↔ low	↔ high	↔ low
Latvia	↔ high	↔ small	↔ average	↑ high	↔ low

(1) The average number of cases submitted to SOLVIT during the period 1.11.2007-31.10.2008 was +/- 1.82 per million inhabitants. The term «low» denotes more than 25% below the average compared with country size while the term 'high' denotes more than 25% above the average. Where a SOLVIT home centre has submitted only three cases or fewer in the period under review, this is considered 'low' regardless of country size.

(2) On average, a case handled by a lead centre takes twice as much time as a case submitted by a home centre to another centre. Cases received have therefore been double-counted in the assessment of the overall case load for each of the SOLVIT centres. Indications of size are as follows: small 0-25 cases; medium 26-75 cases; large 76-175 cases; very large 176-375 cases.

19) The arrows indicate whether this year's performance of the SOLVIT centre is better (↑) the same (↔) or worse (↓) in comparison with the last year's performance. If there is no such indication it means that no comparison can be made as the data were not available for that particular country last year (as it handled fewer than 10 cases as lead centre).

20) SOLVIT Germany has not provided information about staffing in 2008; last year the staffing level was 'low'.

21) See footnote no 5.

	Cases submitted to the system compared with country size (1)	Overall case load (submitted and received) (2)	Case handling speed (3)	Resolution rates (4)	Staffing level (5)
Liechtenstein	↔ low	↔ small	-	-	↔ adequate
Lithuania	↔ low	↔ small	-	-	↔ low
Luxembourg	↔ high	↓ small	↔ average	↔ average	↔ adequate
Malta	↔ high	↔ small	low	low	↑ adequate
Netherlands	↓ average	↓ medium	↓ average	↓ average	↔ adequate
Norway	↔ low	↔ small	low	average	↑ adequate
Poland	↓ low	↓ medium	↔ average	↔ average	↔ low
Portugal	↔ high	↔ large	↓ average	↔ high	↔ adequate
Romania	↔ average	↔ large	↔ high	↔ high	↔ low
Slovakia	↔ high	↔ medium	↑ high	↔ average	↔ adequate
Slovenia	↑ high	↔ small	medium	low	↔ low
Spain	↓ average	↔ very large	↓ average	↔ average	↓ low
Sweden	↑ high	↔ medium	↑ high	↔ low	↔ adequate
United Kingdom	↔ low	↑ very large	↔ high	↔ average	↔ adequate

(3) An average case handling speed of 55 days or less is considered high; an average speed of 75 days or more is considered low. For centres receiving fewer than 10 cases as lead centre in 2008 (Bulgaria, Denmark, Latvia, Luxembourg, Malta, Norway, Slovakia and Slovenia), the combined case load of 2007 and 2008 was taken as a basis. The remaining five SOLVIT centres (Estonia, Finland, Iceland, Liechtenstein and Lithuania) did not have at least 10 cases in 2007 and 2008 combined, so the case handling speed is not shown.

(4) A resolution rate of less than 70% is considered low; more than 90% is considered high. For centres with fewer than 10 cases received as lead centre in 2008 (Bulgaria, Denmark, Latvia, Luxembourg, Malta, Norway, Slovakia and Slovenia), the combined case load of 2007 and 2008 was taken as a basis. The five remaining SOLVIT centres (Estonia, Finland, Iceland, Liechtenstein, and Lithuania) did not have at least 10 cases in 2007 and 2008 combined, so no indication of resolution rate is given.

(5) Assignment of a centre to the category 'low' or 'adequate' is based on the time spent on SOLVIT tasks in 2008 (as reported by each SOLVIT centre) and overall case load. Experience shows that each SOLVIT centre should have at least 6 man-months available on an annual basis. The medium-sized SOLVIT centres need at least 18 man-months at current levels of case load. The large centres require at least 24 man-months, and the very large centres 36 man-months. However, certain SOLVIT centres that are performing very well despite the heavy case load, and which do not consider themselves as understaffed, were marked 'adequate'.

### ANNEX 3 – STATISTICS ON CASE FLOW OF ALL SOLVIT CENTRES

Figure 14 – Cases submitted and received 1.11.2007- 31.10.2008 – SOLVIT centres which have submitted and/or received more than 30 cases

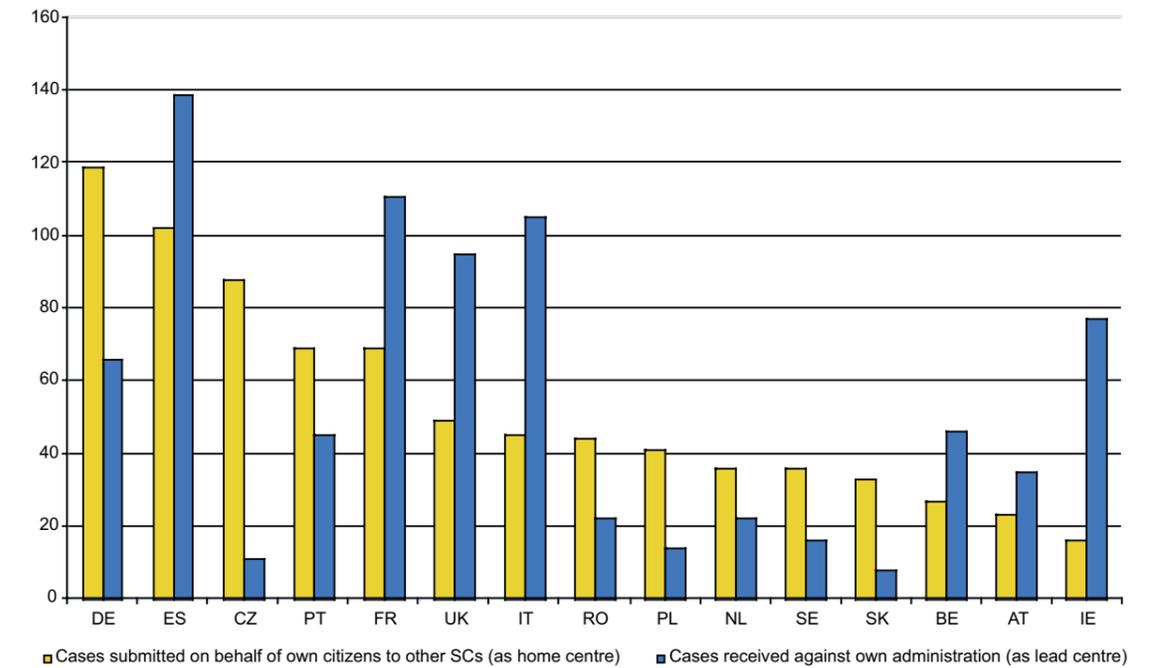
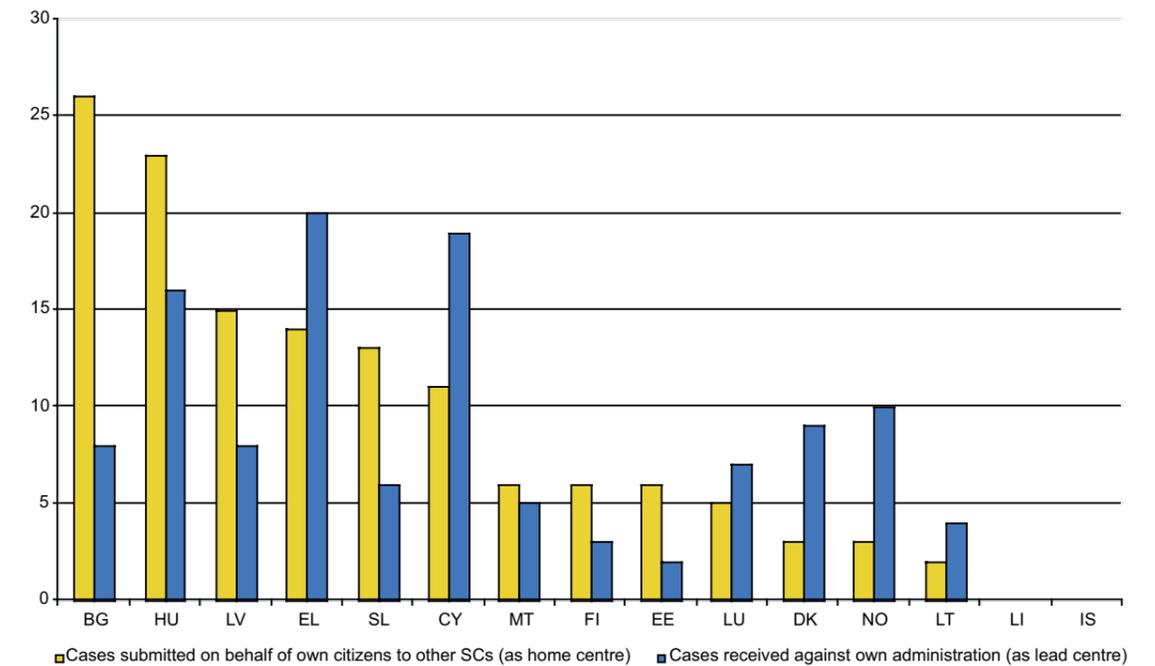


Figure 15 - Cases submitted and received 1.11.2007- 31.10.2008 – SOLVIT centres which have submitted and received less than 30 cases



## ANNEX 4 – SOLVIT SUCCESS STORIES 2008

### FREE MOVEMENT OF PERSONS

#### Procuring a permanent work permit in Germany for a Czech citizen

A Czech citizen who had been working in Germany for more than one year applied for a permanent work permit. However, the German authorities were reluctant to issue a work permit that would be valid for more than one year. SOLVIT pointed out that, under the Accession Treaty, the person was entitled to a permanent work permit and convinced the authorities to issue the document.

**Solved within 2 weeks.**

### SOCIAL SECURITY



#### Italian citizen gets unjustified fee cancelled in France

An Italian citizen worked for two months in France in Euro Disney. She needed urgent medical assistance and was operated on in a public hospital. Afterwards she was asked to pay EUR 12 494.46 for the assistance received, despite the fact that this cost should have been covered by the insurance. Thanks to SOLVIT's intervention, the error was corrected and the invoice was sent to the insurance company.

**Solved within 5 weeks.**

#### British citizen receives his pension from Portugal

A British citizen worked in Portugal as a teacher for a couple of years and each month contributed about 10% of his salary to the Portuguese Pension Scheme. When he retired, he returned to the United Kingdom and applied for payment of his pension. Having tried unsuccessfully for over four years to receive his pension, he turned to a Member of the European Parliament for assistance. The MEP contacted SOLVIT and, very quickly, the applicant not only received his backdated pension but was also assured that his monthly pension would be paid on a regular basis.

**Solved within 14 weeks.**

#### Problems with birth allowance clarified in Belgium

A Belgian citizen living in Belgium had a husband who was living in Luxembourg. Their child was born in Belgium and she received a birth allowance from the Belgian authorities. After the birth, she went to live with her husband in Luxembourg. As a result, the Belgian authorities claimed repayment of the birth allowance, arguing that family benefits should be paid by Luxembourg. However, Luxembourg did not want to pay either. SOLVIT made it clear that it was up to the Belgian authorities to pay this birth allowance, since the baby had been born in Belgium, and it convinced the Belgian authorities that they were not entitled to claim the money back.

**Solved within 6 weeks.**

#### Ensures unemployment benefits for Czech citizen returning from Ireland

A Czech citizen, who worked in Ireland for more than one year, decided to return to the Czech Republic. Before she left Ireland, she applied there for a document setting out her entitlements to unemployment benefit. Five months after her application, she turned to SOLVIT for help. The form was issued immediately after SOLVIT's intervention.

**Solved within one week.**

#### SOLVIT solves cross-border pension problem

A Hungarian citizen applied for a widow's pension from the German authorities since her late husband had worked in Germany for most of his working life. However, seven months after her application, she had still heard nothing from the German authorities. SOLVIT discovered that the delay was due to the provisions of an old German law that recognised pension rights to foreigners only if they were living in Germany. SOLVIT intervened to point out that this practice was not in line with EU law and with the principle of free movement of workers. Following this intervention, the German competent authority recognised the widow's pension rights.

**Solved within one week.**

#### Greek citizen does not have to pay double social security contributions

A Greek engineer, working as a self-employed person in Greece, expanded his activities into Belgium. Since in Belgium he was also working as a self-employed person, he presented the appropriate E101 forms to the Belgian authorities, explaining that he was covered by the Greek social security scheme. However, as he had registered himself and his family in a Belgian commune and had a Belgian VAT number, the Belgian authorities considered him to be permanently resident in Belgium and asked him to pay social security contributions for his past 4 years of activity in Belgium, which amounted to EUR 22.000. Following the intervention of SOLVIT Belgium, the Belgian authorities agreed to reconsider the case and recognised Greece as the client's main place of residence.

**Solved within 13 weeks.**

#### Swedish student registered with an Italian municipality

A Swedish citizen, currently studying in Italy, experienced some difficulties in trying to register with the Italian municipality where she resided because it did not accept her European Health Insurance Card as proof of her health insurance cover in Sweden. The student was informed that she might be prevented from completing her studies unless she obtained an Italian insurance. SOLVIT contacted the municipality and cleared up the misunderstanding. The student had been registered and did not have to take out complementary insurance as initially demanded by the Italian authorities.

**Solved within 9 weeks.**

#### SOLVIT helps Czech citizen obtain an E 104 form from Denmark

A Czech citizen worked in Denmark for six months. When he returned to the Czech Republic, the Health Insurance Company informed him that he had to pay health insurance contributions for the period of six months during which he had been abroad, unless he could produce an E 104 form completed by the Danish Authority. Although the Danish Authority provided the client with a document showing the detailed tax records, this was not acceptable to the Czech Health Insurance Company, which insisted on receiving the E 104 form. Thanks to SOLVIT DK, the E 104 form was issued within a few days.

**Solved within 3 weeks.**

#### SOLVIT helps an Estonian bus driver to get a good night's sleep

An Estonian bus driver, who had worked and lived in Finland for 5 years, needed medical help for sleeping disorders related to his occupation. However, although he was covered by Finnish health insurance, he was refused treatment in the Finnish hospital on the argument that he was no longer under the Finnish social security system. With the help of the Finnish SOLVIT centre, the problem was cleared up and the client was able to receive the treatment to which he was entitled.

**Solved within 11 weeks.**

#### SOLVIT arranges payment of medical invoices sent to holidaymakers

In two separate instances, an Italian and an Austrian citizen were on holiday in the Netherlands when they had to have urgent medical treatment. They showed their European Health Insurance Cards and were treated. After returning home, they received invoices from the Netherlands, and were expected to pay for the medical service. Solvit contacted the hospitals and the invoices were redirected to the national contact points, which ensured that payment was duly processed.

**Solved within 5 weeks .**



#### **Hungarian diploma recognised in France**

A French citizen with a Hungarian nursing diploma applied for recognition of her professional qualifications in France so that she could take up employment. However, the competent authority did not react within the six-month deadline laid down by EU law. This delay was jeopardising her chances of accepting the job she had been offered. Thanks to SOLVIT's intervention, the committee responsible for the decision assessed her file and proceeded swiftly to fully recognise her qualifications.

**Solved within 9 weeks.**

#### **Qualifications of the Belgian teacher recognized in Portugal**

A Belgian teacher with a diploma in Physical Education, Sports and Leisure Activities, residing in Portugal, wanted the Portuguese authorities to recognize his professional diploma. He had been trying to get an answer to his application since 2001, but it was not until recently (7 years after his initial request!) that the competent authority informed him that his

application had been rejected. SOLVIT Portugal persuaded the Portuguese competent authority to reconsider his file and grant the professional recognition of his Belgian diploma in accordance with EU law.

**Solved within 7 weeks.**

#### **SOLVIT helps Polish doctor in Spain**

A Polish citizen applied for recognition of her medical qualifications in Spain. Even though according to EU law the procedure for examining an application must be completed as quickly as possible, and in any event within 3 months of the submission of a complete file, the citizen had been waiting over four months for the recognition. Thanks to the intervention of SOLVIT, the Spanish authorities eventually assessed the applicant's qualifications.

**Solved within 9 weeks.**

#### **British nurse obtains recognition of her qualifications in France**

A fully qualified British nurse moved to France but was unable to obtain recognition of her professional qualifications because her documentation referred to a recently adopted EU law, which had not yet been implemented in France. She was thus unable to support herself or to begin her new life in France. Following SOLVIT's intervention, the French regional authority acknowledged its obligation to accept applications under the new EU legislation and the nurse's application was accepted immediately.

**Solved within 4 weeks.**

#### **SOLVIT makes sure Romanian physiotherapists can sit exam in Italy.**

Five Romanian citizens wanted to have their physiotherapist qualifications recognised in Italy. The Italian competent authority assessed their files and asked them to choose a compensation measure, i.e. either a training period or an exam. Although the citizens informed the authority of their choice, the Ministry failed to organise the exam, thereby obliging the citizens to wait. Thanks to SOLVIT's intervention, the Ministry agreed to organise the exam. All five physiotherapists passed and had their qualifications recognised.

**Solved within 4 weeks.**

#### **SOLVIT helps Portuguese entrepreneurs to start a business in Luxembourg**

Three Portuguese citizens working in Luxembourg as employees of a company dealing with construction and public works wanted to establish their own company in Luxembourg. The Luxembourg authorities required them to present an official document certifying their professional experience. After several unsuccessful attempts to obtain the requisite document from the Portuguese authorities, they decided to contact SOLVIT Portugal, who persuaded the relevant authority to provide the papers.

**Solved within 2 weeks.**



#### **British 7-year-old able to access Bulgarian public school free of charge**

A British national migrated with her family to Bulgaria to start a business. She applied for a place in a publicly funded school for her seven-year-old son and was told that she had to pay a fee of EUR 800. Bulgarian children do not pay school fees, and therefore the school's actions were discriminatory under EU rules. As a result of SOLVIT's intervention, the Bulgarian authorities changed their rules, and now all eligible children of EU nationals have free access to compulsory education.

**Solved within 13 weeks.**

#### **VISAS**

#### **Romanian citizen can travel with her Indian husband to France**

A Romanian citizen, married to an Indian citizen, both residing in Malta, applied for a visa for the husband to travel to France, where he was to attend a university MBA course. The French embassy informed them that the normal Schengen visa procedure was applicable in this case and that it would take some time. As the start of the academic year approached, and the need became urgent, they decided to seek the help of SOLVIT. According to Community law, in such a case the visa should be issued free of charge and by means of an accelerated procedure. Following SOLVIT's intervention, the visa was issued the following day.

**Solved within one week.**

#### **NON-DISCRIMINATION**

#### **The rights of a Swede in Austria to participate in championship sports**

A Swede living in Austria was prevented from playing his favourite sport of curling. The Austrian Curling Federation rules stipulated that non-Austrian players could only participate in the Austrian championships if they had been living in Austria for the previous 18 months. Moreover, only one non-Austrian player was allowed in each team. SOLVIT pointed out that these rules were discriminatory and persuaded the federation to remove the quota for foreigners from their regulations.

**Solved within 18 weeks.**



#### **RESIDENCE RIGHTS**

#### **Brazilian spouse of a French citizen receives a residence card in Ireland**

A Brazilian citizen moved to Ireland with his French-Brazilian wife. He applied for a residence card as the spouse of an EU citizen. When he had received no answer after more than six months, he turned to SOLVIT for help. SOLVIT quickly cleared up the problem - apparently the favourable decision has already been issued, but had not reached the applicant. The authority concerned was given the applicant's new address and sent him the decision again.

**Solved within 3 weeks.**

#### **Dutch citizen's husband obtains residence card in France**

A Dutch citizen, who lived in France with her non-EU husband and their children, was experiencing many problems in obtaining a residence card for the husband. The file was lost several times and the prefecture in their town of residence refused to apply EU law. SOLVIT contacted the prefecture and clarified the situation; as a result, the prefecture recognized the complainant's right to receive a residence card.

**Solved within 2 weeks.**

#### **Greek worker receives a residence card in Belgium**

A Greek cross-border worker employed in Luxembourg, and living in Belgium, tried to register in a Belgian municipality to obtain a 5-year residence card. The Belgian authorities refused his request because he did not have a contract with an employer based in Belgium. SOLVIT clarified the situation and explained to the client which procedure he should follow. As a result, the client obtained his residence card without any further problems.

**Solved within 9 weeks.**

#### **Norwegian citizen's husband can work in the United Kingdom**

A Norwegian doctor and her American husband settled in the United Kingdom. The husband, who was also a doctor, experienced delays in obtaining his residence card in the United Kingdom and was not allowed to start working without the document. SOLVIT Norway contacted SOLVIT United Kingdom, who managed to persuade the competent authority to speed up the processing of the case. After just a few days, the doctor obtained the necessary documents, and was able to start work at the hospital.

**Solved within one week.**

### **Finnish citizen obtains permanent residence rights in Luxembourg**

A Finnish citizen who has legally resided in Luxembourg for more than ten years encountered problems when he applied for permanent residence, to which he was entitled under EU law. The Luxembourg authorities still required him to prove sufficient financial resources by producing a contract of employment. After SOLVIT's intervention, the competent authority acknowledged the applicant's right to permanent residence without any further requirements.

**Solved within one week.**

### **CAR REGISTRATION**

#### **SOLVIT helps British citizen to register a German car in Portugal**

A British citizen with a car licensed under German plates had been waiting to have her car registered in Portugal for almost a year and a half. This caused her very serious inconvenience as she lived in a remote area and her car was her only means of transport. The car was overdue for its yearly inspection and the applicant was afraid that the situation would cause her even more problems with the Portuguese authorities. SOLVIT helped her obtain the registration document quickly.

**Solved within 2 weeks.**

#### **Solvit ensures refund of VAT on an imported vehicle**

A citizen moving from France to the Netherlands took his car with him. The Dutch authorities considered the move of his car as an inter-community purchase, and therefore required him to pay VAT, even though he had already, correctly, paid the tax in France. Solvit managed to obtain a refund of the amount of EUR 2 343 of VAT that the applicant had paid in the Netherlands. The tax services had argued that the car was newly imported to the Netherlands, but in fact it had been purchased and registered in France when the complainant was still living there.

**Solved within 10 weeks.**

### **FREEDOM TO PROVIDE SERVICES**

#### **SOLVIT helps Portuguese company in France**

A temporary work agency in Portugal assigned its workers to provide temporary services in the construction sector in France. One of the workers was an Angolan citizen, who had been resident in Portugal for 16 years, had a contract with the Portuguese company and held a Portuguese resident's permit valid for 5 years. The French labour inspectorate obliged the Angolan national to stop working because of doubts concerning the Portuguese residence permit. This caused a serious problem for the company which was losing a large amount of money every day, because the Angolan employee was prevented from carrying out his duties. After several clarifications, SOLVIT managed to convince the French authorities that the Angolan employee of the Portuguese company should be allowed to continue his temporary work in France.

**Solved within 2 weeks.**

### **MARKET ACCESS FOR PRODUCTS**

#### **SOLVIT helps to give Polish houses a coat of Austrian paint**

An Austrian producer of varnish and paints was having difficulties marketing his products in Poland. The Polish authorities insisted that the name of the Polish distributor must appear on the label, as well as that of the manufacturer. SOLVIT pointed out that, under EU rules, only one name was required on the label: i.e. that of the manufacturer, importer or distributor. The Polish authorities duly confirmed that the producer was not obliged to indicate the contact details of the Polish distributor on the package.

**Solved within 17 weeks.**

#### **SOLVIT clears the way for Czech products on the Slovak market**

A Czech company importing goods from other EU Member States onto the Slovak market was required to obtain additional certificates from Slovak laboratories, even though the products had certificates from other appropriate EU testing laboratories. SOLVIT managed to clarify the problem with the competent authority, which gave an assurance that the current certificates are sufficient.

**Solved within 4 weeks.**



### **ANNEX 5 – SOLVIT + CASES 2008<sup>22</sup>**

#### **Spain adapts its rules to accept Icelandic citizens in Spanish universities**

An Icelandic citizen had encountered problems in Spain regarding access to the University of Barcelona. The client was informed that she would have to sit a preliminary examination before she could start her studies, even though citizens of the EU Member States were exempted from this requirement. SOLVIT contacted the university, pointing out the discrimination on grounds of nationality. The university acknowledged the mistake and gave an assurance that Icelandic students who had completed secondary education in Iceland are eligible to be accepted in Spanish universities on the same conditions as other students trained in the EU education systems. The applicant was able to register at the University without further problems. The rules concerned were corrected so that Icelandic students will not encounter such difficulties in the future.

**Solved within 9 weeks.**

#### **Belgium changes internal procedures to enable provision of services from other EU Member States**

A Luxembourg company wanting to provide carpet placement services in Belgium had encountered problems, because the Belgian authorities had laid down a prior authorisation procedure for the provision of such services. 8 months after the company had applied for the authorisation, a negative decision was issued, citing the potential service provider's lack of proper professional qualifications. This was contrary to EU law in the field of free movement of services. The company contacted SOLVIT, who - in cooperation with the competent authority - resolved the company's specific problem. Furthermore, as a result of SOLVIT's intervention, the whole procedure was changed, so that in the future other European companies in this sector will be able to provide such services in Belgium without any problems.

**Solved within 9 weeks.**

#### **Sweden abolishes discriminatory rules for EU boats**

SOLVIT Sweden was informed by a shipping company that the Swedish rules discriminated against foreign vessels. These rules stipulated that foreign vessels built before 1992 had to comply with stricter requirements than did Swedish vessels built before that date. In order to comply with the requirements, foreign vessels had to be rebuilt, which represented a significant cost. As a result of SOLVIT's intervention, the rules were modified and equal requirements were introduced for Swedish and EU vessels.

**Solved within 9 weeks.**

#### **Bulgaria adapts its rules to ensure the recognition of work experience gained in other EU member states**

A Bulgarian citizen worked in Germany as a musician for eight years. After his return to Bulgaria he started working at the High School of Music. Under Bulgarian rules there is a special supplement to the salary that is granted in respect of periods of professional experience in Bulgaria in the same or similar profession. However, the Bulgarian rules did not take into account the professional experience gained in other EU Member States. Thanks to the intervention of SOLVIT Bulgaria, the Bulgarian rules have been modified and now they guarantee the recognition of professional experience acquired in the territory of other Member States for the purposes of granting a salary supplement.

**Solved within 10 weeks.**

#### **France issues guidelines to ensure the free movement of goods**

An Austrian producer of industrial fridges and freezers for supermarkets, who sold his products to French customers, came up against a serious problem. The French competent authority considered that the products in question, although they did not bear the EU mark, should be withdrawn from the French market, because they did not comply with certain French regulations. This would have meant a loss of EUR 10 million for the producer. SOLVIT managed to clarify the incorrect interpretation of EU law with the competent authority and to resolve the Austrian entrepreneur's problem. Moreover, the authority at national level sent written information to all regional authorities to ensure that this type of incidents do not occur in the future.

**Solved within 8 months.**

#### **Portugal revises its law on car registration**

A Portuguese law adopted in June 2007 was causing serious inconvenience to a number of Spanish health professionals who had to commute from their home in Spain to their work in Portugal by car. The law considered anyone working in Portugal as a "Portuguese resident", which meant that hundreds of Spanish cross-border workers had to register their vehicles in Portugal. This ran counter to EU legislation and existing case law. SOLVIT's intervention resulted in the resolution of the four cases that were referred to SOLVIT and has also led to a revision of the law.

**Solved within 10 months.**

22) Please note that Section 2 (G) of Commission Recommendation of 7 December 2001 on principles for using «SOLVIT» - the Internal Market Problem Solving Network [Official Journal L 331 of 15.12.2001] also applies to SOLVIT + cases: «All proposed solutions should be in full conformity with Community law. The Commission reserves the right to take action against Member States whenever it considers that this may not be the case».

**Cyprus revises its policy concerning residence rights of third country nationals married to EU citizens in Cyprus**

An Irish national residing in Cyprus encountered problems regarding the residence rights of his Russian wife. The Cypriot competent authority refused to recognize her rights under EU law due to the fact that the marriage had taken place in Cyprus. After the intervention of the Cypriot SOLVIT centre, the Russian spouse's application for a residence card was accepted. What is more, the Cypriot competent authorities revised their policy in order to ensure that non-EU citizens married to EU citizens in Cyprus are not confronted with this type of problem in the future.

**Solved within 5,5 months.**

**Sweden adapts its rules on subsidies**

The Swedish competent authority did not pay State subsidies in respect of solar collectors that had not been tested and approved by the competent testing institution in Sweden, even if they had previously been approved by an accredited test laboratory from another EU country - in this case a German laboratory. Thanks to SOLVIT's intervention, the Swedish rules on subsidies have been modified.

**Solved within 9 months.**

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