

Single Market Scoreboard

Performance per governance tool

SOLVIT

(Reporting period: 01/2013 – 12/2013)



The screenshot shows the 'THE EU SINGLE MARKET Single Market Scoreboard' website. The navigation menu includes: THE SINGLE MARKET GOVERNANCE CYCLE, PERFORMANCE OVERVIEW, PERFORMANCE PER MEMBER STATE, GOVERNANCE TOOLS (highlighted), PERFORMANCE PER POLICY AREA, and FEEDBACK & CONCERNS. The main content area is titled 'SOLVIT' and includes a list of links: About, Performance, Achievements, Facts and figures, and Priorities. To the right of the links is a circular diagram with segments labeled: EVALUATE, ADOPT, TRANSPOSE, MONITOR, ENABLE, CONNECT, and SOLVE. Below the links is an 'About' section with text: 'SOLVIT was created in 2002 by the Commission and the EU Member States (plus Iceland, Liechtenstein and Norway) for citizens who move or travel abroad and for businesses who are active across borders. It provides them with fast and pragmatic solutions to problems caused by the breach of EU law by a public authority. SOLVIT is an informal alternative to other problem-solving mechanisms, such as national court procedures, formal complaints to the Commission and petitions. There is a SOLVIT centre in each Member State as part of the national administration. To resolve problems, SOLVIT centres cooperate directly with each other via an online database. Since 1 July 2013 Croatia also joined the SOLVIT network and established a SOLVIT centre'. At the bottom of the page, there is a 'Performance' section header and a 'TOP' link.

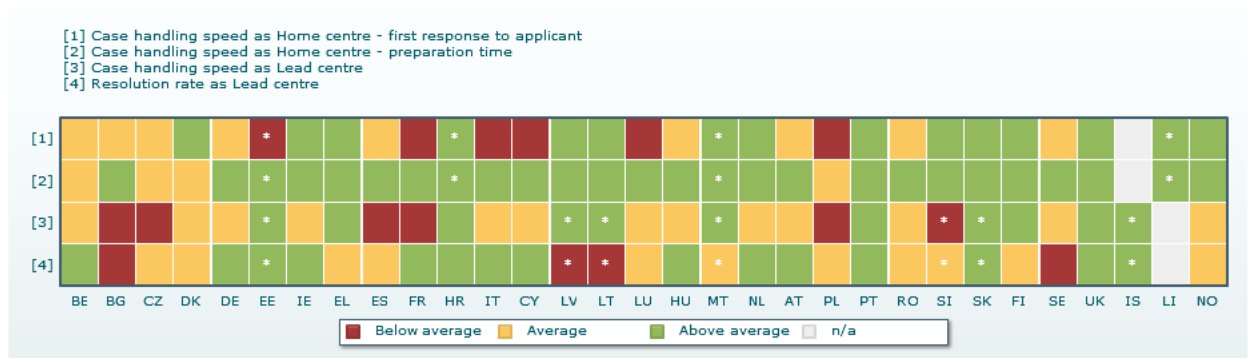
About

SOLVIT was created in 2002 by the Commission and the EU Member States (plus Iceland, Liechtenstein and Norway) for citizens who move or travel abroad and for businesses that are active across borders. It provides them with **fast and pragmatic solutions to problems** caused by the **breach of EU law** by a **public authority**. SOLVIT is an **informal** alternative to other problem-solving mechanisms, such as national court procedures, formal complaints to the Commission and petitions.

There is a SOLVIT centre in **each Member State** as part of the national administration. To resolve problems, SOLVIT centres cooperate directly with each other via an online database. Since 1 July 2013 **Croatia** also joined the SOLVIT network and established a SOLVIT centre.

Performance

Performance per indicator



* countries with less than 10 cases

Iceland's performance as Home centre and Liechtenstein's performance as Lead centre could not be evaluated as they didn't receive any cases in these functions.

Indicator [1] Case handling speed as Home centre – first response to applicant

Home centres should give a first reply to the applicants within 7 days. If a Home centre succeeded in doing so in more than 75 % of its incoming cases it is marked as "green". If it met this requirement in 55 to 75 % of the cases it is marked in "yellow" and if it succeeded in less than 55 % of the cases, it is marked as "red".

Indicator [2] Case handling speed as Home centre – preparation time

Home centres should submit a case to the Lead centre no later than 30 days.

If a Home centre succeeded in doing so in more than 75 % of its incoming cases it is marked as "green". If it met this requirement in 55 to 75 % of the cases it is marked in "yellow" and if it succeeded in less than 55 % of the cases, it is marked as "red".

Indicator [3] Case handling speed as Lead centre

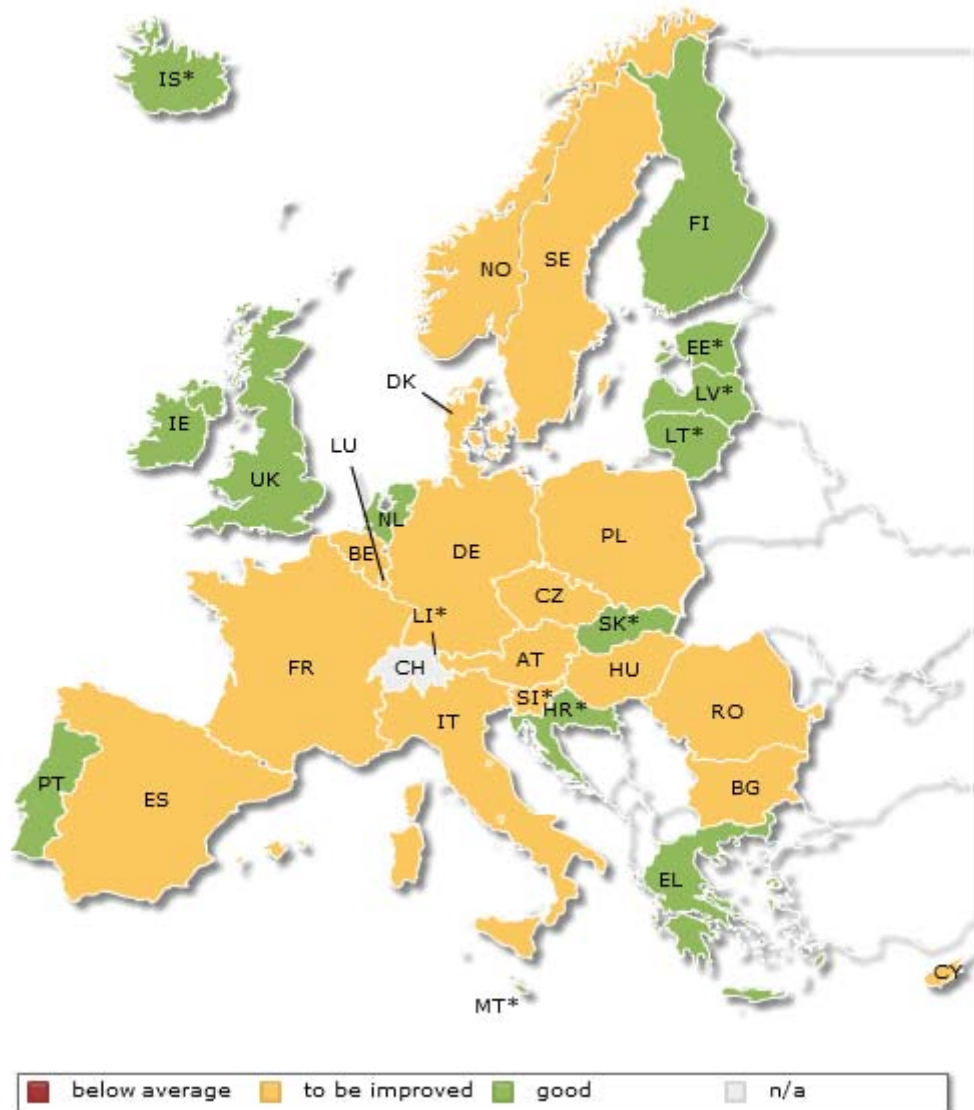
Cases received as a Lead centre should be solved within a maximum period of 70 days.

If a Lead centre succeeded in finding a solution within this timeframe in more the 75 % of its cases it is marked as "green". Has it succeeded in doing so in 55 to 75 % of the cases it is marked as "yellow" and if it succeeded in doing so in less than 55 % of the cases it is marked as "red".

Indicator [4] Resolution rate by Lead centre

If a Lead centre has a resolution rate of more than 90 % it is marked as "green". A resolution rate between 70 % and 90 % is marked as "yellow", and a rate of less than 70 % is marked as "red".

Overall performance



A country's **overall performance** is calculated according to the following rules:

- If three or more indicators are marked as "green", this leads to an overall "green".
- If three or more indicators are marked as "red", this leads to an overall "red".
- All other "overall performances" are marked as "yellow".

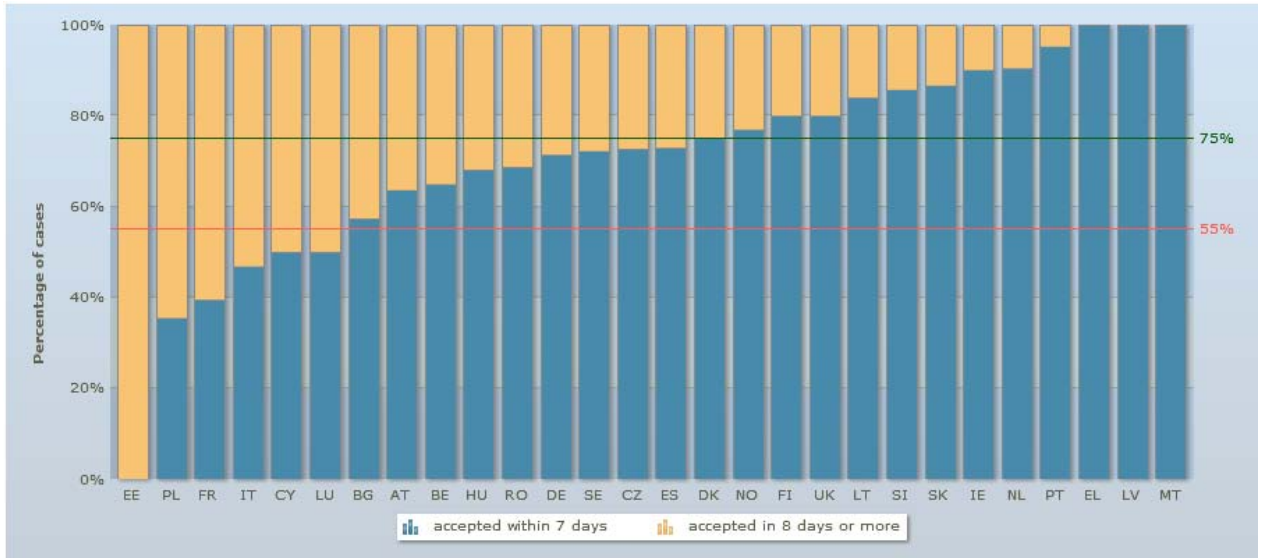
* countries with less than 10 cases

Iceland’s performance as Home centre and Liechtenstein’s performance as Lead centre could not be evaluated as they didn’t receive any cases in these functions. Therefore the evaluation of the overall performance of these two countries is based on only two indicators.

How does SOLVIT work?

SOLVIT cases are handled by two centres: the **Home centre** prepares the case together with the client, the **Lead centre** deals with the authority that took the decision at stake.

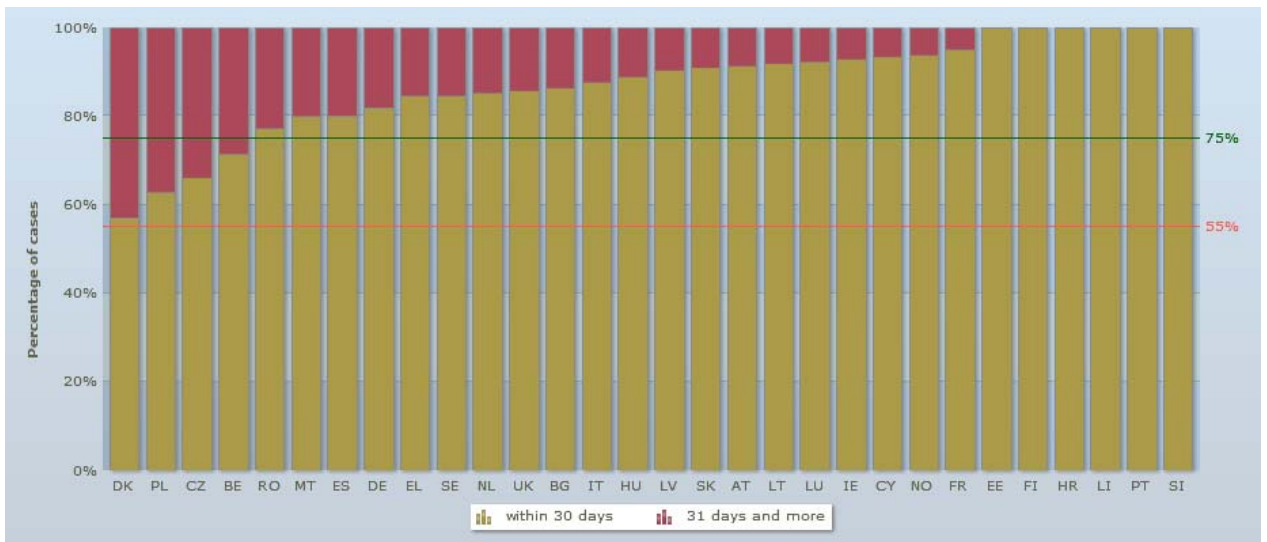
Case handling speed as Home centre - first response to applicant



The Home centre is the SOLVIT centre applicants turn to when they are having a problem. Home centres should give a first response to applicants **within 7 days**. In 2013, SOLVIT centres took on average 6 days to provide a response to clients. This means that the **network, as a whole, became faster**.

Nevertheless there is still room for improvement with regard to the percentage of cases accepted within the given deadline.

Case handling speed as Home centre - preparation time



Once a Home centre has accepted a case it needs to analyse it thoroughly and prepare it to be sent to the Lead centre. In order to do so it has to gather relevant documents and information from the applicants. In the majority of countries the **preparation time** is satisfactory – the deadline being fixed at **30 days**. Belgium, the Czech Republic, Poland and Denmark, however, need to improve their performance.

Case handling speed as Lead centre - resolution time



Lead centres should solve the cases submitted to them within **70 days**. In the reporting period, the average case handling time across the network has increased to **72 days** (compared to 68 in the last reporting period). This means that the target has not been met and nearly all countries need to improve their case handling speed as a Lead Centre.

Furthermore the percentage of cases that took **more than 70 days** to solve has risen considerably from 31 % to 38 % in 2013.

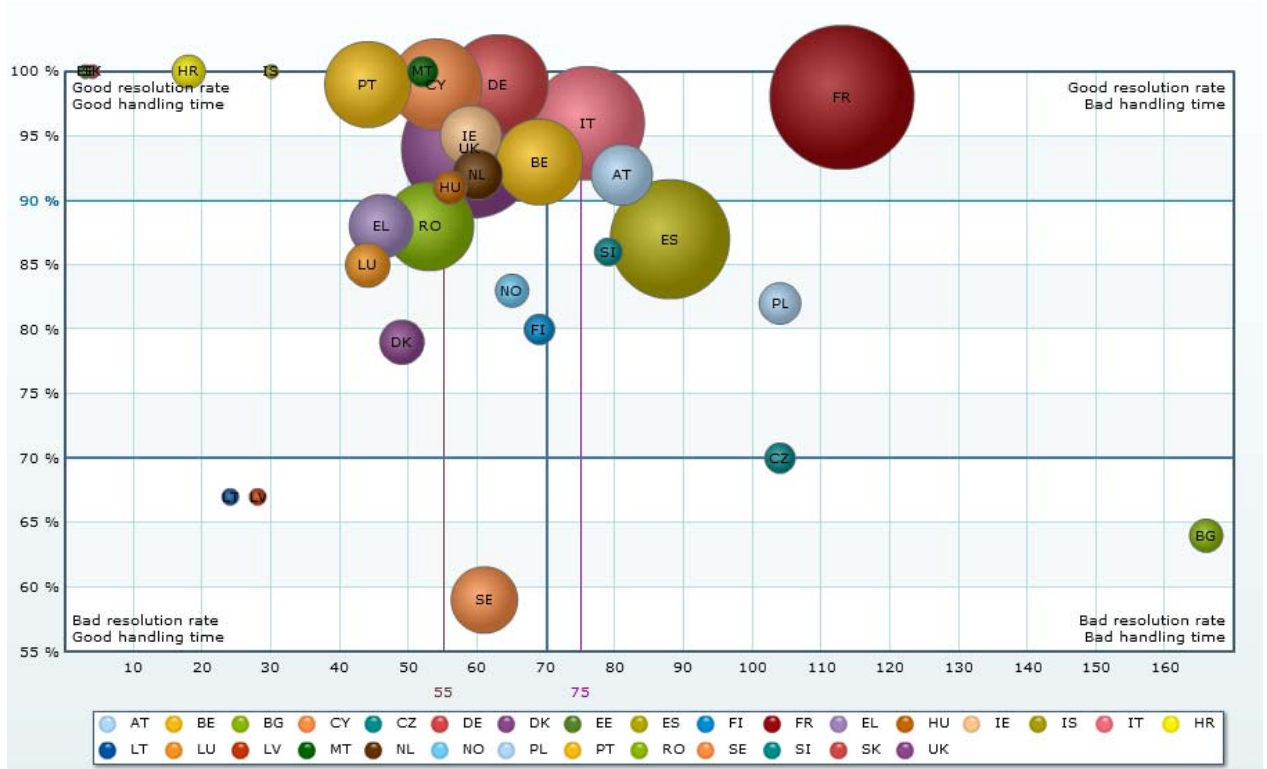
200 cases (14 % of the total number of cases) were open for more than **140 days** (twice as long as the foreseen period). Although 76 % of these cases could finally be solved, this is not an acceptable result as one of the main goals of SOLVIT is to offer **fast help**. In **2014**, SOLVIT centres should focus on the **improvement of these figures**.

The time it takes a SOLVIT centre to handle a case naturally also depends on the **cooperativeness** of the **national administrations**.

The increased caseload and the inadequate staffing number in some SOLVIT centres may also influence these figures negatively.

This is not only valid for the Lead centres but also for the Home centres. If there is not sufficient staff in a Home centre to well prepare a case, a Lead centre won't be able to deal with it efficiently either.

Resolution rate by Lead centre



In addition **resolution rate**, this graph also shows the **case handling time** and the **number of cases** handled as **Lead centre** (depicted by the size of the bubbles).

In 2013, the **SOLVIT network** succeeded in **improving** its already high **resolution rate -92 %** compared to 89 % in 2012. Resolution means that individuals or businesses turning to SOLVIT found a solution to their problem (in case EU law was breached) or were being informed about their legal rights (in case a perceived problem did not amount to a breach of EU law). The resolution rate depends to a large extent on the **cooperativeness** of the **authorities** involved.

One of the tasks of the SOLVIT is to point out **where citizens and businesses in the EU encounter problems**. Therefore, SOLVIT centres are encouraged to submit even those cases, where, from the outset, it is clear that the chances to solve them within the 70 days deadline are very small.

Only **Bulgaria and Sweden** show a resolution rate of **less than 70 %**. The **Swedish result** is due to the fact that the country received a large number of cases regarding problems with the mandatory personal identification number, a **structural problem** that could not be solved informally. This is not the case for **Bulgaria**. Four out of the 11 cases the country received could not be solved while covering different areas.

Achievements

In 2013 SOLVIT stepped up cooperation with 2 services: **Europe Direct Call Centre (EDCC)**, an information service that answers general enquiries about the EU, and **Your Europe Advice (YEA)**, an advisory service providing personalised advice on EU rights. Both services are provided by external contractors under contracts signed with the European Commission.

This increased cooperation is expected to have 2 results: (a) SOLVIT will be able to help those entitled to its assistance, and (b) it can reduce the incidence of queries falling outside its remit. EDCC and YEA's prior assessment of the issues concerned should ensure the initiative's success.

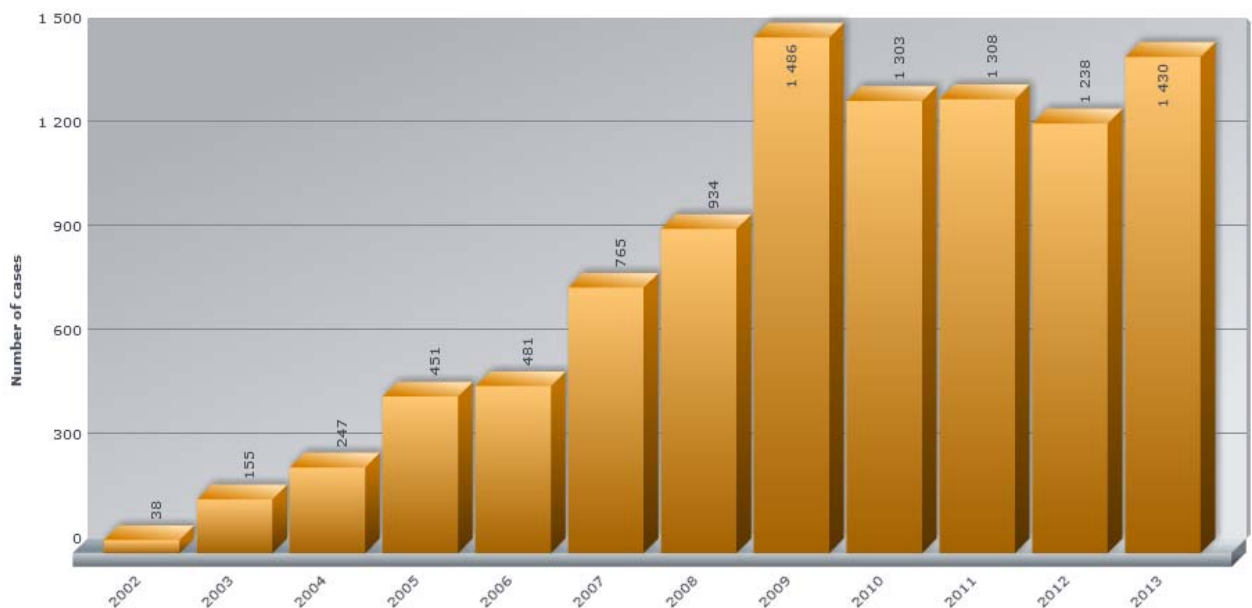
Intensified contacts with **Europe Direct Call Centre** in the first quarter of 2013 resulted in training being organised for EDCC agents and in the signing of a Memorandum of Understanding (MoU) in April 2013. The MoU allows EDCC agents to **refer enquirers to SOLVIT** if they are confident that the problem meets SOLVIT's criteria. Between May and the end of 2013, EDCC referred 832 individuals to SOLVIT.

In September 2013 a technical innovation enabled queries to be transferred seamlessly from **Your Europe Advice** to SOLVIT. Whenever YEA experts think a query involves a problem that could be handled by SOLVIT, they can **transfer it directly to the SOLVIT** application. Cases transferred by YEA are identified by the YEA reference and have the reply provided by the expert attached to the case. This guarantees the transparency and consistency of the replies.

YEA has transferred 210 cases since this feature was introduced. Of these, SOLVIT has rejected 67 %. Analysis of the reasons for rejection shows that only 30 % of the rejected cases were wrongly transferred. The rest were rejected either because there was no response from the applicant or because the problem had ceased to exist by the time SOLVIT contacted the enquirer. YEA and SOLVIT are making every effort to improve cooperation and further reduce the number of out-of-scope cases transferred

Facts and figures

SOLVIT's overall caseload

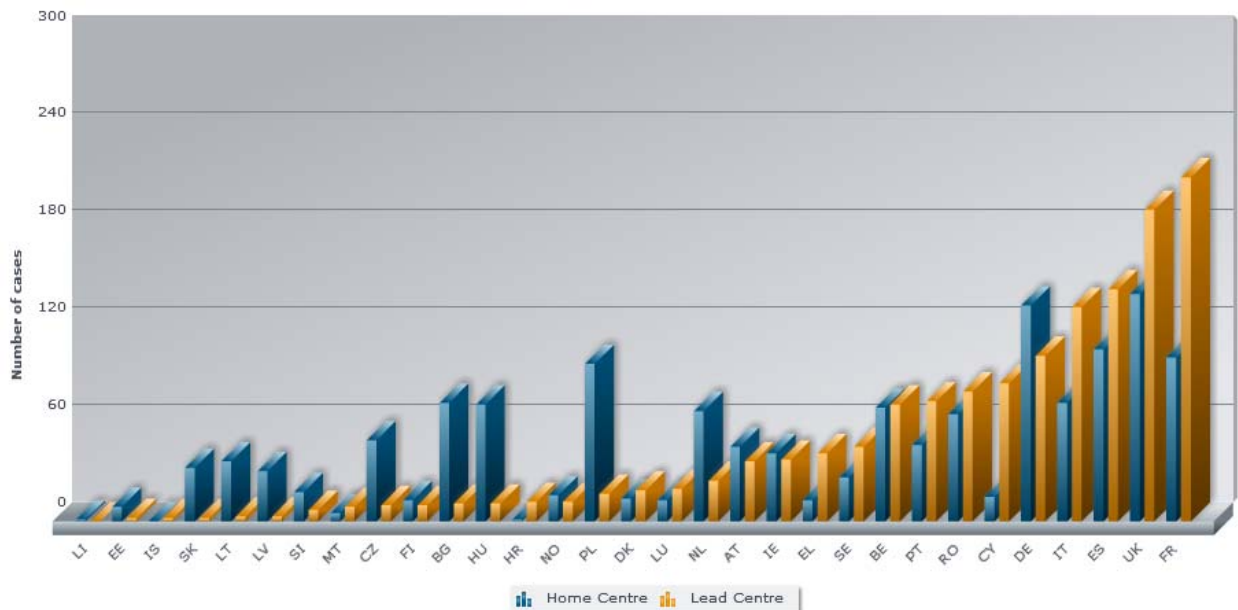


In 2013 SOLVIT handled **3 130 complaints**, of which only **1 430 fell within its remit**. SOLVIT responds to complaints falling outside its remit (non-SOLVIT cases) by trying to help citizens and businesses find alternative means of redress.

SOLVIT's caseload **increased by 16 % in 2013** from 1 238 to 1 430 cases. This is mainly because the Your Europe portal, used by growing numbers of people, refers users to SOLVIT. Increased cooperation with the **Europe Direct Call Centre (EDCC)** and the **Your Europe Advice service (YEA)** is another significant factor. The increase is evenly spread across the whole range of problem areas except those to do with business cases. This sets current trends apart from earlier sharp caseload increases arising from particular problems that were often confined to a single EU country.

Some 70 % of cases are submitted by **web form**, with the rest coming by other channels - e-mail, phone or post.

Distribution of cases: Home centres and Lead centres



The 4 largest SOLVIT centres (France, UK, Spain and Italy) are **net recipients** of cases, as are Cyprus, Romania, Portugal, Sweden and Greece. Germany, the Netherlands, Poland, Hungary, Bulgaria, the Czech Republic and Slovakia are **net submitters** of cases. To a large extent, this pattern reflects issues arising from labour migration flows within the EU.

The low figures for **Croatia** can be explained by the fact that the country joined the **SOLVIT** network only on 1 July 2013.

Eligible cases & non-SOLVIT cases

About half the cases submitted to SOLVIT over the years have been outside its remit.

Non-SOLVIT cases fall into **4 main categories**:

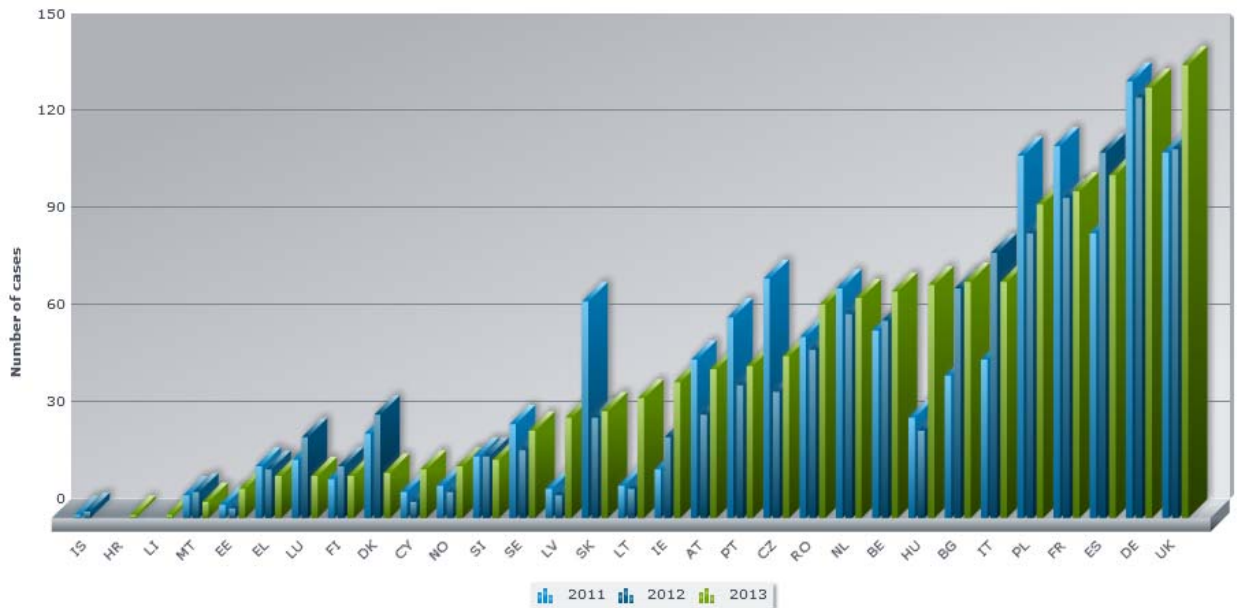
- requests for information that should be addressed to the Your Europe portal or Your Europe advice
- cases that do not involve more than one EU country (e. g. a company being prevented from opening a new branch in the EU country where it is based)
- complaints about a private firm rather than a public authority (e.g. a complaint by an individual about his mobile service provider)
- cases that do not involve EU law (e.g. complaints about income tax).

Moreover, some applicants withdraw their complaint because the problem has already been solved, or they have decided not to pursue it.

Steps taken to reduce the number of non-SOLVIT cases include

- providing clearer information about SOLVIT's remit on its website
- including a better filtering system in the new online complaint form
- providing clearer instructions and better training for other networks and services signposting to SOLVIT.

Trends in number of cases submitted, per Member State



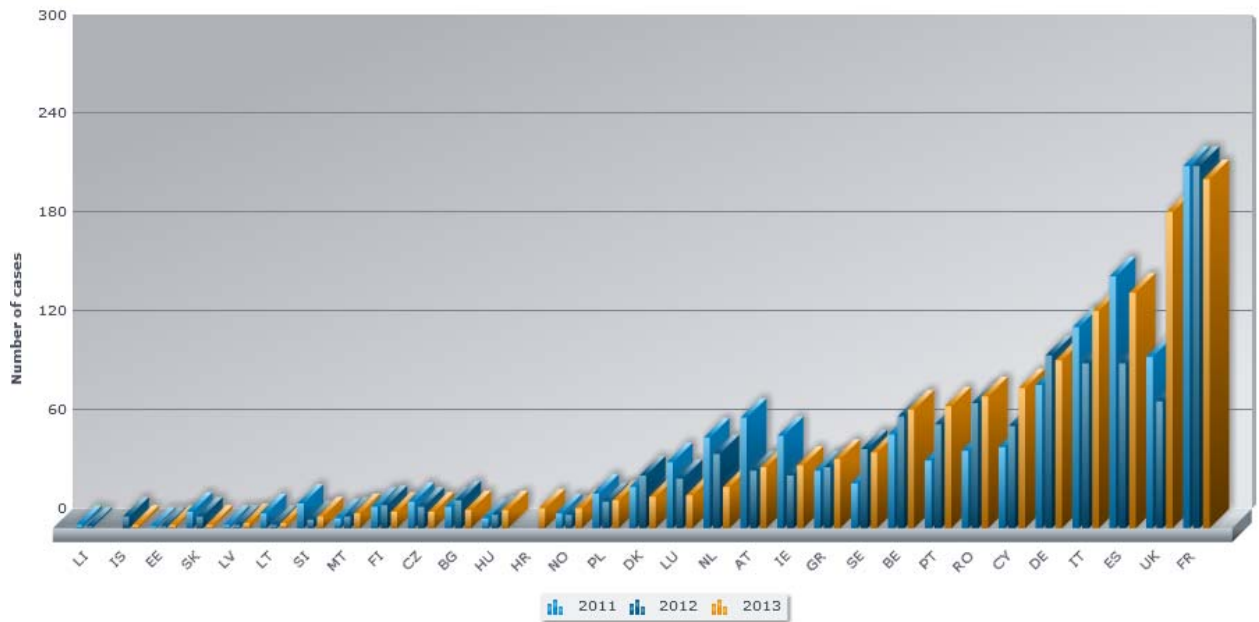
In nominal terms, the UK, Germany, France, Spain and Poland contributed most cases to the network.

In 2013, Hungary, Lithuania, Latvia and Cyprus saw the largest increases in case numbers, followed by Norway, Ireland, Austria, the Czech Republic and the UK. Many SOLVIT centres mentioned the transfer of cases from YEA to SOLVIT as one of the factors behind this increase.

Better networking with other national authorities and bodies has also resulted in more frequent signposting to SOLVIT. Examples include:

- UK: since SOLVIT was integrated into the Single Market Centre, other government departments and bodies have made more active use of it, particularly for social security matters.
- Austria: more intensive cooperation with EURES.
- Romania: more references to SOLVIT on specialised fora for the medical professions have led to a flow of cases from these areas.

Trends in the number of cases received, per Member State

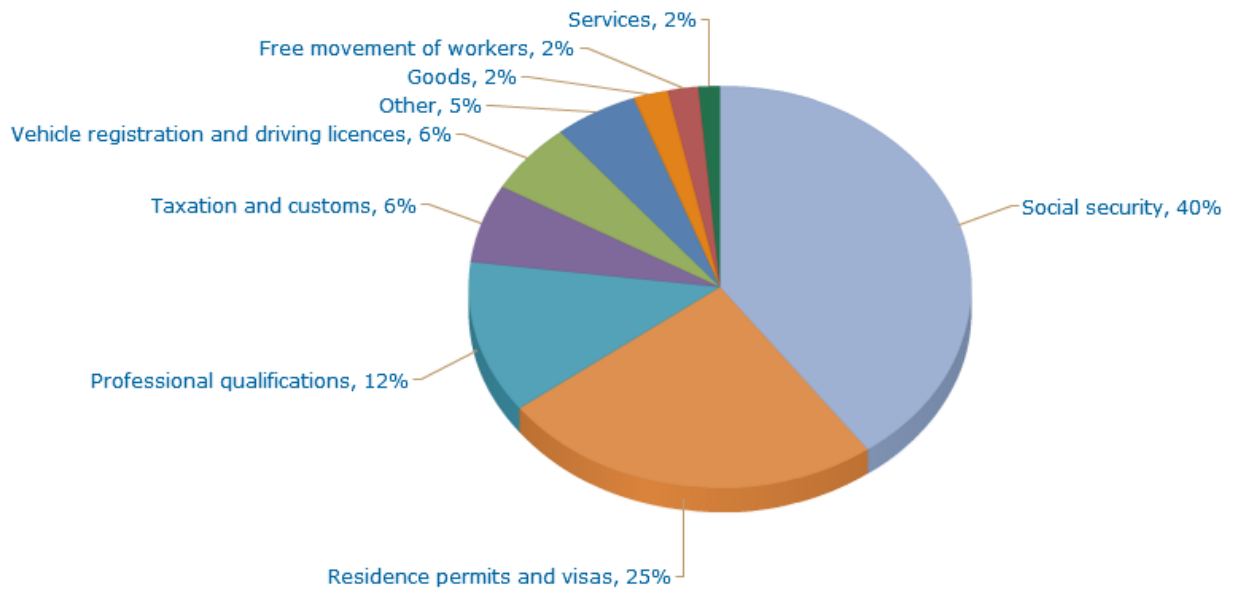


The overall increase in the volume of cases is not evenly distributed over all SOLVIT centres. 19 centres saw an increase in their incoming case load, including a 149 % increase in cases addressed to the UK (compared to 2012).

SOLVIT centres reported the following main reasons for increases and/or areas involved:

- UK: residence rights and social security.
- Romania: vocational/professional qualifications (many complaints came from Romanians who had encountered difficulties in obtaining documents from the Romanian authorities to have their occupation recognised in another EU country) and social security. A number of social security cases were about a structural issue, the deductibility of certain taxes (see the section on structural cases).
- Italy: social security and residence rights. These increases are not due to any specific problem within the Italian administration.
- Cyprus: delays in handling applications for social security benefits. The increase is a result of Cyprus's difficult economic situation, which has prompted many EU citizens to return to their home countries.
- Portugal: impact of an awareness campaign by the embassies of EU countries in Lisbon.
- Greece: mostly delays in the payment of Greek pensions to EU citizens who used to work in Greece but have now returned home.

Overview of problem areas in 2013



Cases involving social security:

In 2013, social security cases totalled 572, with 27 remaining unresolved. Many cases related to:

- delays in taking decisions
- **delays in issuing** social security documents (e.g. to calculate the length of time spent acquiring pension rights) or unemployment benefits - many complainants had already waited for documents for over a year
- **non-acceptance** of a European Health Insurance Card (EHIC) or disagreement about its scope
- **denying people access** to an EU country's social security system.

The underlying problem in many cases relating to social security is the authorities' failure to **communicate effectively** and exchange information. Many such cases could have been avoided if the authorities concerned were linked up to an IT system enabling them to communicate efficiently.

Free movement of people & right of residence:

Residence rights and the free movement of people accounted for 353 cases, 22 of which could not be resolved.

In this area, most problems occur:

- when EU citizens' **family members** apply for a **visa** to accompany or join their families in an EU country (the commonest scenario is for family members to be denied the easier, shorter and free procedure under Directive 2004/38, instead of which they are dealt with under the general visa regulations) or
- when family members from non-EU countries apply for **residence cards** as an EU citizen's family members (in most cases, EU countries fail to abide by the **6 months deadline** for issuing residence cards).

Recognition of vocational/professional qualifications:

176 cases related to vocational/professional qualifications. 15 remained unresolved.

The issues that arose most frequently were:

- the **difference** between the profession the professional is entitled to exercise in the **home** country and the one he or she intends to exercise in the **host** country and the partial access to a profession or
- **lack of information** as to **whether or not a given profession is regulated** in the host country (see the section of the pie chart labelled "others")
- requirements for **compensatory measures** or the way in which the adaptation period or the aptitude test are organised
- failure to meet the **3-month deadline** set by Directive 2005/36 for taking a decision on an application for the recognition of professional qualifications

Driving licences & vehicle registration:

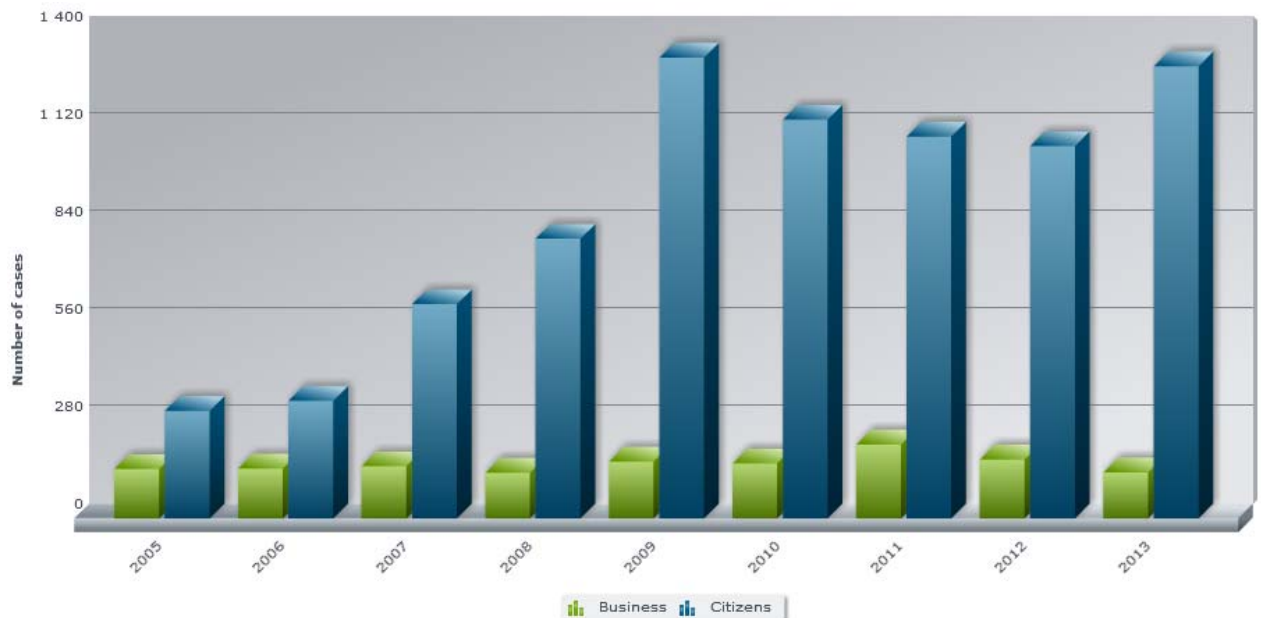
This area accounted for 82 cases, 17 of which remained unresolved.

The issues occurring most frequently concerned vehicle registration, e.g.:

- **road tax**, especially the issue of the country where taxes are to be paid
- when buyers try to transfer a car bought in another EU country to their country of residence the question of short term registration or **temporary number plates**
- problems with **international transport**, often combined with the proportionality of fines or the blocking of vehicles.

For **taxation and the free movement of goods and services**, see the chapter on business cases.

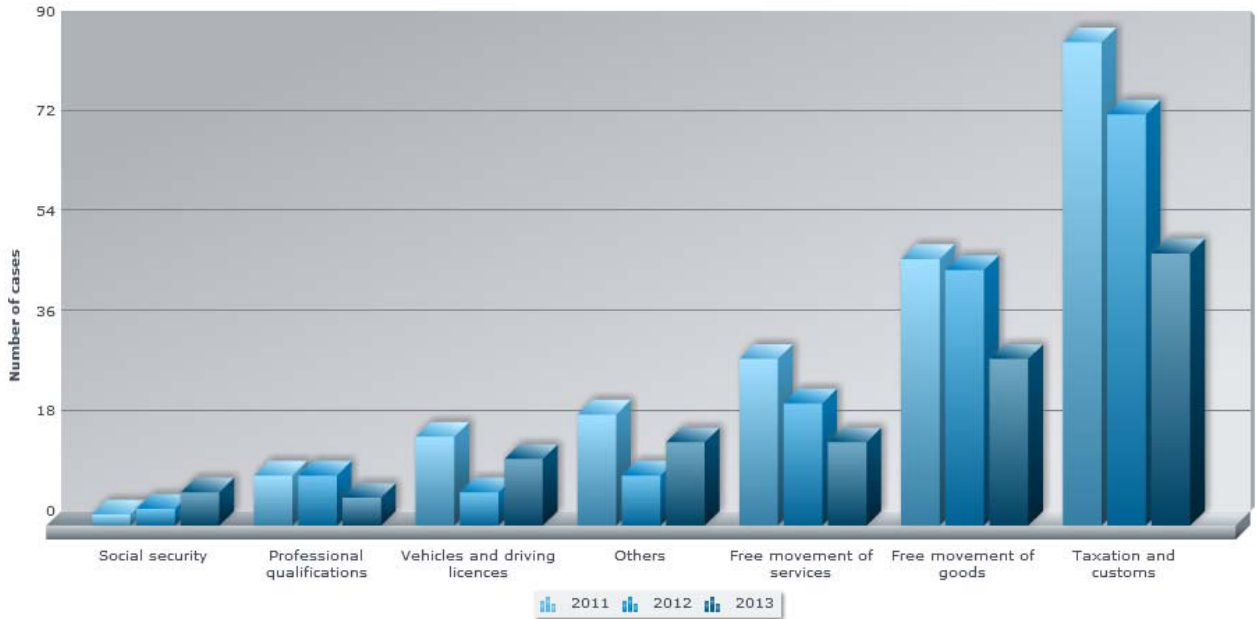
Trends in business and citizens' caseload



Over the years, **business has accounted for a very small number of cases** by comparison with the number of cases submitted by private individuals. An all-time low was reached in 2013, with only 132 closed cases (207 in 2012), only 9 % of all cases.

There is a clear reduction in all areas where business cases predominate (free movement of services (-50 %), taxation (-44 %) and free movement of goods (-38 %).

Business cases by area of legislation

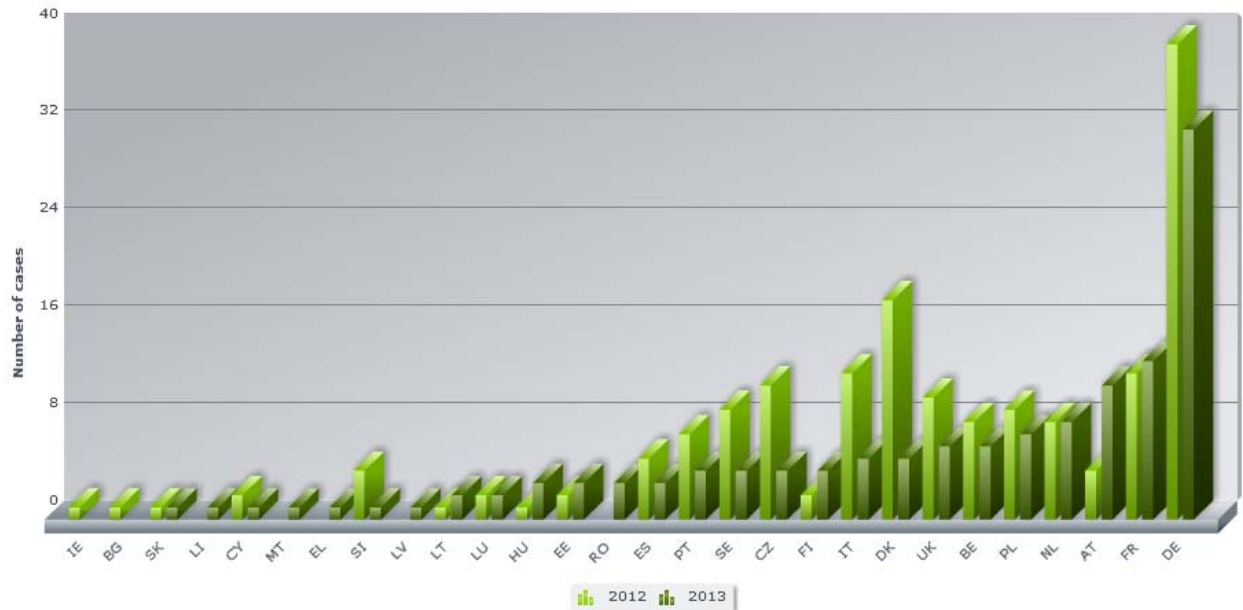


Earlier studies (2011 SOLVIT evaluation (CSES); Enforcement in the EU Single Market (Jacques Pelkmans and Anabela Correia De Brito, Centre for European Policy Studies, 10 October 2012); previous SOLVIT annual reports) indicate that possible reasons for this low number include the following:

- Businesses may **doubt SOLVIT's capacity to act independently** of other authorities, since it is part of national administration.
- The financial interests at stake are generally higher than with citizens' cases, making authorities more reluctant to comply.
- Businesses prefer to have more **legal certainty**.
- Proving that a particular national restrictive measure is unjustified calls for **technical expertise** and formal powers that SOLVIT centres do not have (for examples, see below).

The network will continue its efforts to attract business cases, but we need to be realistic about **which cases are suitable** for the informal problem-solving SOLVIT offers, and which are not. Cooperation with business organisations at national level, and with **networks such as EEN**, with **contact points for services and goods** established under different directives needs to be further explored and reinforced (single points of contact for the service directive and product contact points in particular). SOLVIT centres also need to improve their access to expertise on issues relevant to businesses.

Trends in business cases by Member State



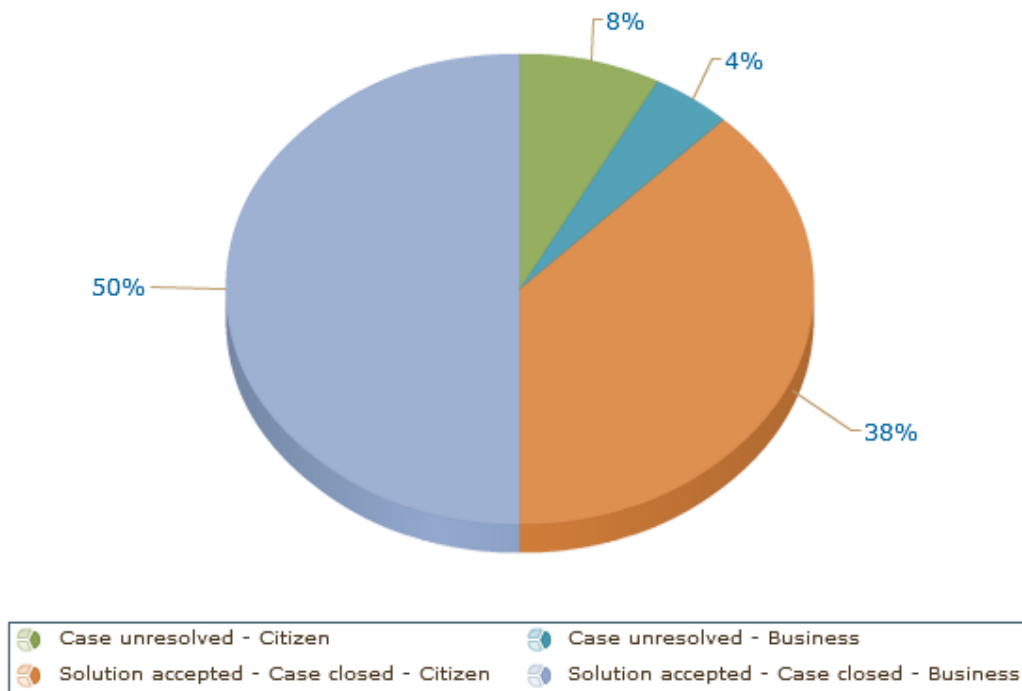
Business cases have fallen in nearly all EU countries apart from Austria, Finland, Romania, Estonia and Hungary. Numbers have plummeted in **Denmark**. The SOLVIT centre there - part of the Internal Market Centre - reports that large numbers of businesses continue to contact it. However, most contacts are not SOLVIT-related, but **requests for information** about the law in other EU countries and the like. The **Product Contact Point** or other bodies field such enquiries. **Germany** still generates the **vast majority of business cases**, although numbers have fallen since 2012. The **UK** and **Italy** have relatively **few business cases** given their size and the overall caseload, and numbers have fallen significantly in both.

Austria, Belgium and the **Netherlands** attract relatively large numbers of business cases. Austria cooperates closely with the **Economic Chamber/EEN** Austria, which regularly refers complainants to SOLVIT and is associated with the case handling process. The Dutch SOLVIT centre cooperates with business organisations, raising their awareness of SOLVIT. The fact that it is part of the Ministry of Economic Affairs' Internal Market Centre raises its profile in the Dutch business community. Belgium also says it has been promoting the service in Belgian business circles.

The **rate at which business cases are solved**, although lower than the network average, is good at 83 %. It is particularly **good in the taxation field** (where there are many cases of late VAT reimbursement), though **less so** where the **free movement of goods** and **services** is concerned.

Most goods and services cases are about the justification of a **national measure restricting the marketing** of a good or the provision of a service. It is often very hard to analyse, prove and convince a national authority in an informal way that a given measure is **disproportionate**, especially where large sums are involved. For examples, see the sections below on different types of business case.

Taxation cases in 2013 (business cases)



In 2013, 90 **taxation cases** were closed, down from 111. 49 of these were submitted by businesses (74 in 2012) and 41 by citizens (37 in 2012). As in 2012, Germany submitted most cases (23 in total). Spain received most cases as Lead centre (13), followed by Italy (8), while in 2012 the biggest countries on the receiving side were Italy, Germany and Luxembourg. Of the total number of **taxation cases for businesses**, only 4 remained unresolved. 11 of the total number of taxation cases remained unresolved.

Many cases concern **late reimbursement of VAT**. In most taxation cases (33 of 76 solved cases) SOLVIT's contribution helped to clarify that there was no misapplication of EU law, but just a misunderstanding of the issue.

Free movement of goods & services (business cases)

In 2013 SOLVIT dealt with 30 cases concerning the free movement of goods (48 in 2012) and 22 cases relating to the free movement of services (33 in 2012).

Out of the 30 cases in the area of free movement of **goods**, 22 were closed as solved (69 %).

Examples of unresolved cases to do with goods include:

- **Labelling** to show a food product contains nuts. The EU country concerned rejected the argument that, given the small quantity of nuts in the product, the wording 'contains traces of nuts' would be sufficient to protect consumers. The problem could not be resolved through SOLVIT.
- **Certification** of solar panels. An EU country insisted on certification by a national body, as it did not accept another EU country's certification (required to qualify for a grant). The case could not be resolved informally, and the applicants decided to go to court.
- Difficulty with importing **fertilizers**. Products from another EU country were not recognised as such, as the authority concerned interpreted the word 'fertilizers' differently. The case was closed because it could not be resolved informally, and the Commission had started its own informal procedure against the country concerned.

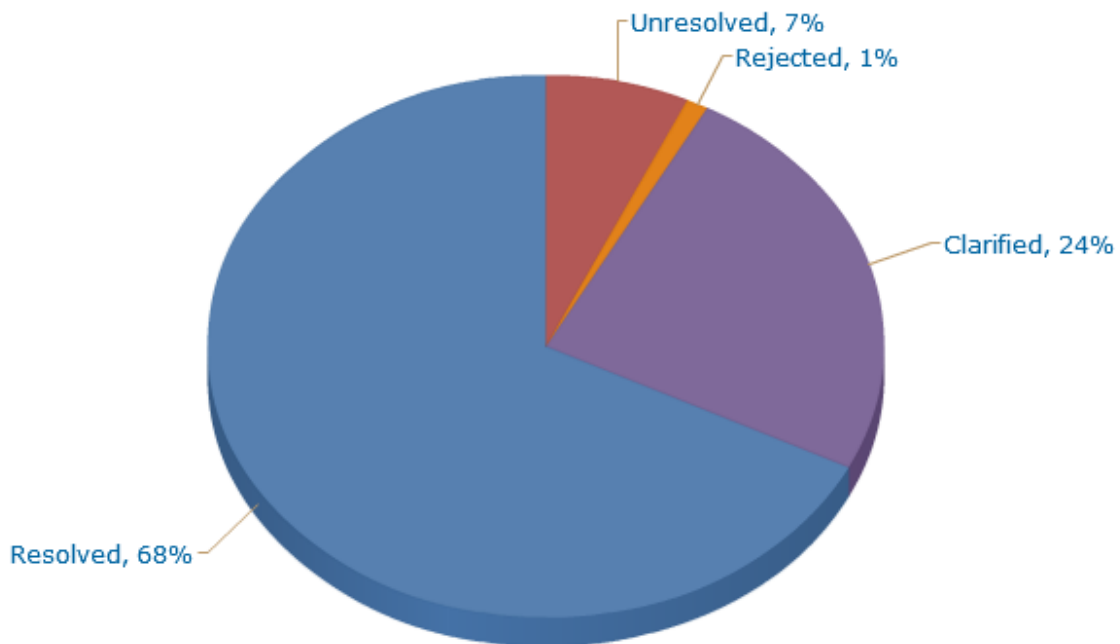
- Transit of **defence products** through an EU country. The country of origin considered the transit licensing procedure to be disproportionate. Given its political sensitivity the case could not be resolved informally.
- Acceptance of **hallmarking** by an organisation accredited by another EU country. This is generally also a politically sensitive matter and it was impossible for the SOLVIT centres to resolve this case informally.
- Marketing of **nutrition supplements**. They were marketed legally in many EU countries, but one EU country required them to be registered as medicinal products, refusing to let them be marketed as nutrition supplements. It was not possible to find an informal solution.
- The proportion of **alcohol in a canned drink**. These drinks were legally marketed in one EU country, but the alcohol content meant they could not be sold in a particular EU country because of its national legislation. As the national law was undergoing reform at the time, the relevant authorities were unable to resolve the problem informally.
- **Registration of a certain type of trailers**. The authorities of one EU country refused to register certain trailers. This made it impossible to sell them in that country. The issue was already under discussion in formal EU meetings between the authorities responsible for vehicle registration, so SOLVIT was unable to provide a solution. The matter was further taken up bilaterally between the respective authorities.

Of the 20 cases relating to **services**, 15 were solved (75 %).

Unresolved cases included:

- The refusal by **trade unions** in a certain EU country to accept the temporary provision of **construction services** by **self-employed** nationals from another EU country. The country concerned set requirements going beyond those allowed under the Services directive. SOLVIT was unable to resolve the problem, as the matter was very politically sensitive, and the authorities refused to address the situation.
- The right of **consumers** not to be **discriminated in their access to services**. A student from another EU country was unable to benefit from reduced rail fares for students. The SOLVIT centre concerned was unconvinced that this constituted a breach of EU law, but the home SOLVIT centre insisted that it did. The case was closed as unresolved.

Resolution rate in 2013



The overall **resolution rate** remained **good** at 92 % in 2013, as compared to 89 % in 2012 and 86% in 2011.

Two thirds of all cases, involved finding a **genuine solution**. In **one quarter** of all cases, it transpired that the authority concerned **was actually not in breach of EU law**. While this may not have been of any practical assistance to the applicants concerned, they did at least end up better informed about the legal situation and the scope of their rights.

The numerous factors that determine whether cases can be resolved or not include:

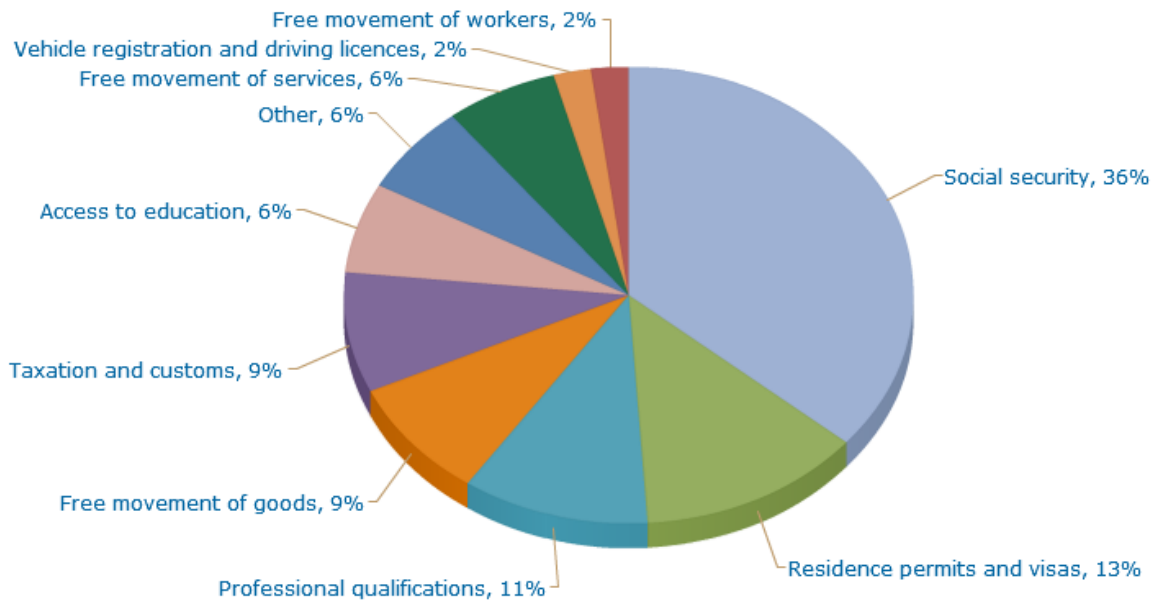
- whether national authorities are sufficiently flexible to accept SOLVIT's informal approach
- the political sensitivity of the issue at stake
- whether the infringement is a one-off or the result of a structural problem
- the status of the SOLVIT centre concerned within the national administration.

It is also worth noting that the lead SOLVIT centre can handle cases more effectively if they have been **properly prepared** by the home centre, which should provide **sound legal analysis** and **supporting documents**. Without these, the lead centre is less likely to achieve a good result.

Unresolved cases are cases in which the 2 SOLVIT centres involved **were unable to agree** on a solution, or the lead centre **failed to persuade the authority** to change its initial decision.

Even though there may be a breach of EU law, the lead centre may **reject a case** when it knows from the outset that it will not be able to solve it informally. Although shown separately in the pie chart above, these cases are also considered as unresolved.

Structural cases by area of legislation



In 2013, SOLVIT handled 47 cases arising from a **structural problem**, i.e. cases where national laws were in breach of EU law owing to failure to transpose an EU directive or to transpose it adequately.

Of these 47 structural cases, 19 were solved, while 28 remained unresolved. Even if a case cannot be closed after having been solved within SOLVIT, the matter is pursued either by the SOLVIT centre or another national department.

The graph shows that structural cases fall into the same **3 main areas of legislation** as cases in general:

- social security – 17 cases
- free movement of persons and right of residence – 6 cases
- recognition of professional qualifications – 5 cases.

As for the **case handling time**, structural cases are very often highly complex, and resolving a SOLVIT+ case means amending national law. Consequently, these cases usually take longer than 10 weeks to resolve.

As regards the possible outcome of such cases, the lead SOLVIT centre may decide:

- either to keep the case open until the necessary changes have gone through, bringing an end to the particular problem in question
- or to close the case and class it as unresolved, since (a) it will take too long or (b) the lead centre cannot persuade the regulatory authority that the law needs to be amended.

In 2013, **case handling time** for **structural cases** was good. 51 % of cases were closed within the 70 days deadline, while 49 % exceeded it. The longest case handling time was 279 days.

Sweden (12) and Romania (10) registered most structural cases as lead centres in 2013. In both countries the cases involved **non-compliance of national legislation** with EU social security law. A further 16 SOLVIT centres handled up to 3 structural cases each.

Examples of structural cases:

- One SOLVIT case involved a complaint that French legislation made no provision for **recognising the professional qualifications** of a specific category of pharmacists, as France had no organisation authorised to process recognition. Following the SOLVIT case, the French Health Code was amended and an existing body has now been tasked with handling the procedure.
- On the basis of several SOLVIT cases, SOLVIT Romania established that Romanian **legislation** infringes Regulation 883/2004 as Romania levies social security contributions on the rental income of Romanians who still have properties in Romania but live and/or work in another EU country and **are covered by the social security legislation of that country**. Work on this issue continues.
- In a Dutch case against Belgium, a Belgian royal decree was found to have contravened EU law by laying down certain conditions concerning **workplace hygiene**. The Belgian SOLVIT centre is working to have the decree brought into line with EU law.

Staffing level in SOLVIT centres

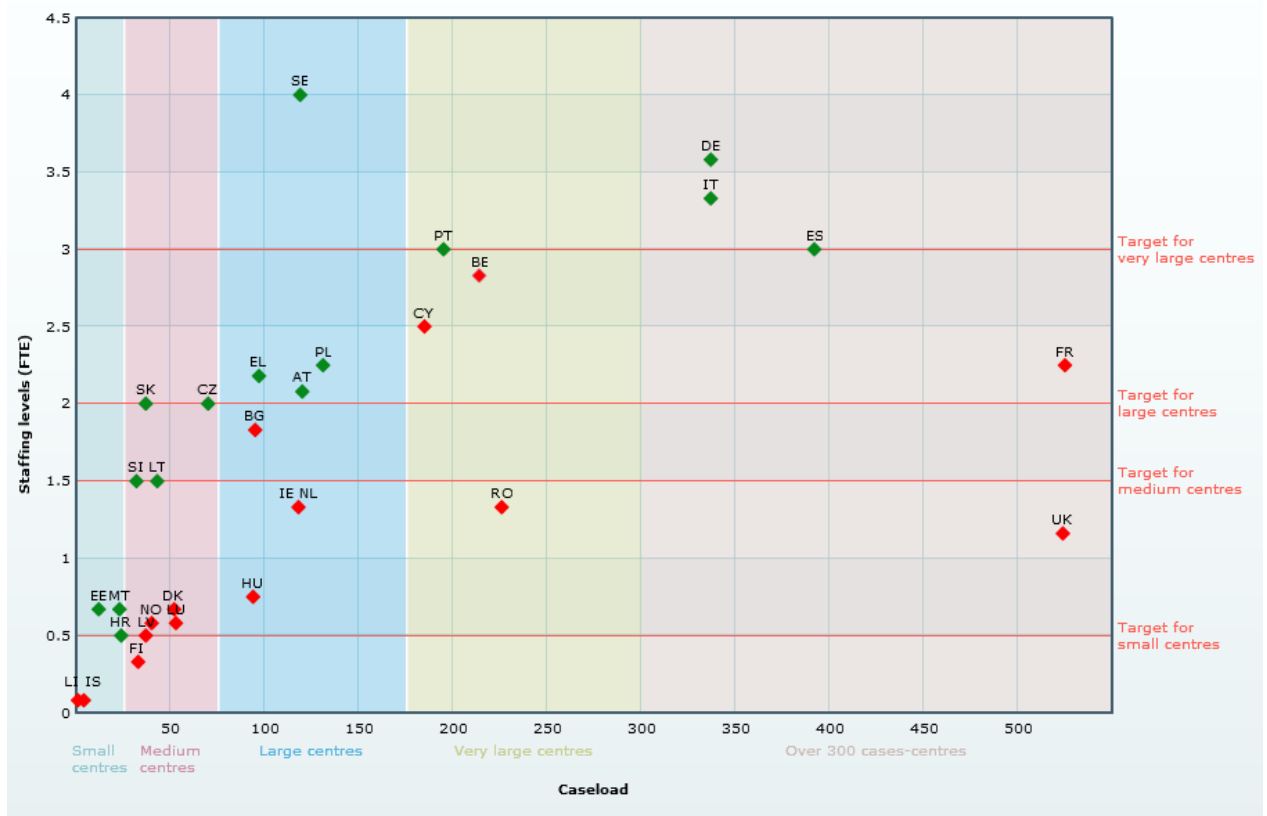
The table below shows the **SOLVIT centres' current staffing levels** in relation to the existing caseload (cases received by the Lead centre have been counted twice in each SOLVIT centre's overall caseload as it takes usually twice as long to handle them compared to Home centre cases).

The SOLVIT centres have been grouped in 5 "size categories":

- small (0-25 cases)
- medium (26-75 cases)
- large (76-175 cases)
- very large (176-300 cases) and
- "more than 300".

Depending on the time spent on SOLVIT tasks in 2013 and the overall caseload of a SOLVIT centre, its staffing is considered to be "low" (red) or "adequate" (green).

Experience has shown that small SOLVIT centres should have at least 0.5 FTEs (full-time equivalents) at their disposal. Medium-sized SOLVIT centres would need at least 1.5 FTEs and large centres at least 2 FTEs. The minimum requirement for very large and "more than 300" centres would be 3 FTEs.



It remains a **cause for concern** that the number of cases is on the increase, while staffing levels are stagnating or even falling. In many cases, there may not be enough staff to cope with any further caseload increase - one of SOLVIT's objectives for the next few years. Moreover, the high turnover in some centres makes it difficult to maintain continuity and handle cases efficiently. The factors **staff continuity and experience**, or the backing provided by national administrations which are extremely important for enabling a SOLVIT centre to develop its full potential can unfortunately not be shown in this table.

Numerous SOLVIT centres report that they are frequently obliged to prioritise tasks and are therefore not able to dedicate sufficient time to their SOLVIT related tasks.

The limited resources of certain SOLVIT centres may also be the reason for the high number of cases exceeding the 10 weeks deadline (handling time).

Case handling time is an important indicator of SOLVIT's success. Therefore SOLVIT centres should be able to work efficiently and focus on problem solving. One way to achieve this is to **reduce the number of out-of-scope cases**, another to provide support during the preparation phase. SOLVIT centres can have recourse to **Your Europe Advice for basic legal analysis** when preparing a case. So far, they have however made only limited use of this possibility. The Commission also provides **informal legal advice** in the event of any disagreement on how to interpret EU law. In 2013, 46 requests for informal legal advice were received, most of which related to residence rights, professional qualifications and social security.

Priorities

Based on the findings in this report on the performance of the SOLVIT network in 2013, the following actions are recommended to strengthen the network and ensure that it is able to deal with an increased caseload in an efficient way:

- Member States should ensure that the SOLVIT centres are **sufficiently staffed**, enable the staff to prioritise SOLVIT work and ensure a certain **continuity** of staff.
- SOLVIT centres need to abide by the case handling rules and pay particular attention to the recommended **deadlines**. The **case handling time as lead** needs to be drastically **improved** in a large number of Member States.
- SOLVIT centres need to continue their national **promotion efforts** by strengthening the cooperation with the national authorities, including Embassies and Consulates, and intermediary organisations which have proven to bring more SOLVIT cases to the network.
- The Commission should continue to strengthen the **cooperation with other networks** and help services in order to ensure that more cases falling within SOLVIT's remit are submitted or transferred to SOLVIT.
- The Commission and Member States need to **strengthen the cooperation** with business organisations at national and EU level and with **networks such as EEN**, with **contact points** established under different directives in the area of **services and goods**. In addition, SOLVIT centres should ensure that they have expertise or better access to this expertise on issues of interest to businesses.
- The Commission should ensure a good articulation between SOLVIT and Commission complaint handling and **increase the awareness** about SOLVIT **within the Commission** services.