SOLVIT

2006 REPORT

Development and Performance of the SOLVIT network in 2006

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1. INTRODUCTION

1.1. Background on SOLVIT[1]

SOLVIT is a network, created by the Commission and the member states, with the aim to solve problems that arise for individual citizens and businesses from the misapplication of internal market law. All EU member states as well as Norway, Iceland and Liechtenstein, have created a SOLVIT centre, in most cases within their ministry of foreign or economic affairs. These centres cooperate directly via an on-line database to solve problems submitted by citizens and businesses rapidly and pragmatically. The rules for cooperation within SOLVIT are included in a 2001 Commission recommendation[2] that was endorsed by Council conclusions. SOLVIT has been operational since July 2002. In addition to the recommendation, the SOLVIT centres have adopted a set of common quality and performance standards in December 2004 to ensure a high quality of service throughout the network. For more detail on the basic instruments for the operation of the SOLVIT network, see the previous annual reports of 2004 and 2005[3].

1.2. Aim of the report

The aim of this report is to provide a clear picture of performance and development of SOLVIT in 2006. 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 are continued and to address the problems that may hinder 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 28 SOLVIT centres in January 2007 (Romania and Bulgaria just joined the SOLVIT network on 1 January 2007 and are therefore not covered in this report).

1.3. Summary of main developments in 2006

After three years of rapid expansion, growth in SOLVIT case flow has come to a halt in 2006. SOLVIT handled the same number of problems in 2006 as in 2005. This does not indicate that the system has reached its full potential, but that the lack of sufficient staff in several SOLVIT centres has become a bottleneck to further expansion. Most SOLVIT centres report that they would like to spend more time on awareness raising but do not have enough human resources for this. Almost half of all SOLVIT centres are currently understaffed.

On the positive side, resolution rates have remained high at an average of 82% and case handling speed has increased significantly from an average of 74 days for all cases (resolved and unresolved) in 2005 to an average of 55 days in 2006[4] .

Furthermore, half of all SOLVIT centres (Cyprus, Czech Republic, Denmark, Germany, Greece, Italy, Latvia, Malta, Netherlands, Poland, Portugal, Slovakia, Spain and Sweden) have continued to pursue more structural problems to ensure that national legislation or official guidelines were adapted to comply with EU law. These so-called SOLVIT+ cases are beyond the official mandate of SOLVIT but they demonstrate a growing capacity and willingness of national administrations to bring national rules in line with EU law without being prompted by the Commission.

Finally, Romania and Bulgaria have joined the SOLVIT workshops in 2006 to prepare for the opening of their SOLVIT centres on 1 January 2007.

1) See Annex 1 for a summary of procedures and scope of SOLVIT and see www.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) SOLVIT 2004 report, SEC(2005)543 of 19.04.2005 and SOLVIT 2005 report, SEC(2006)592 of 04.05.2006
4) The period is counted from the acceptance of a case by a SOLVIT lead centre until the acceptance of the solution by the SOLVIT home centre. It does not include the time (around a week) which the two centres involved use to examine and discuss whether a case is suitable for SOLVIT.

2. PERFORMANCE AND RESULTS

1.4. SOLVIT in the wider picture

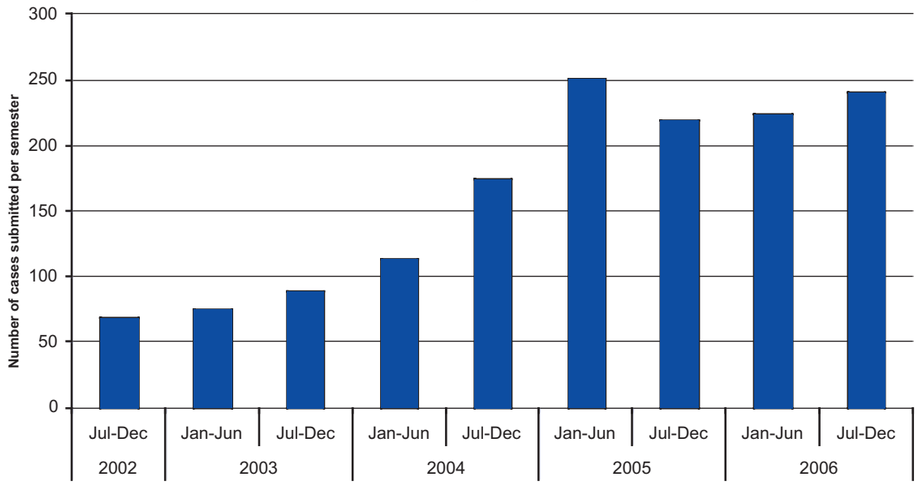
The Commission launched a 'Citizens' agenda' in 2006 in which it commits itself to removing the remaining barriers to a single market, to enable European citizens and entrepreneurs to enjoy the full benefits of the EU. To that end it proposed to launch a fundamental review of the single market to look at what more needs to be done and how. As work on this review is underway, SOLVIT emerges as one of the key instruments to achieve the objective of better enforcement of EU rules because it provides fast and pragmatic solutions for citizens and businesses. SOLVIT is widely recognized as an excellent model for administrative cooperation between the EU member states and the Commission and for the delivery of a result oriented, fast, non-bureaucratic service to citizens and businesses.

2. PERFORMANCE AND RESULTS

2.1. Overall SOLVIT case flow stabilised in 2006

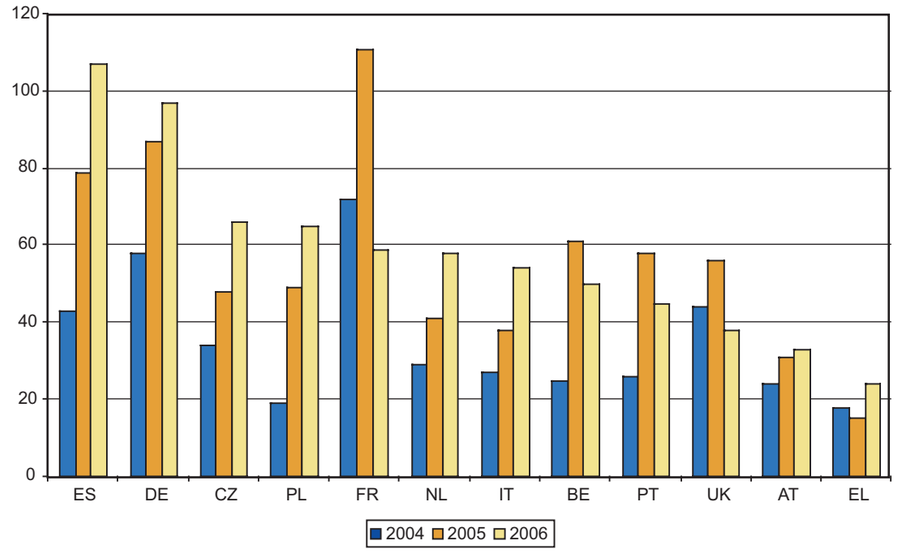
After three years of rapid growth, SOLVIT case flow has stabilised during 2006 at 467 cases, about the same level as in 2005. In the previous annual report it was argued that the real potential of SOLVIT in terms of case volume was likely to be at more than 1600 cases per year, based on the case submission level of the most active SOLVIT centres. However, this potential was not realised in 2006. Almost half of all SOLVIT centres are understaffed and all would like to do more about awareness raising.

Figure 1 – Evolution of SOLVIT case flow 2002-2006



Spain, France and Germany had the highest case flow in 2006. Activity of SOLVIT France dropped significantly over 2006 with a reduction of almost 50% of the overall case load, mostly due to lack of resources and continuity problems.

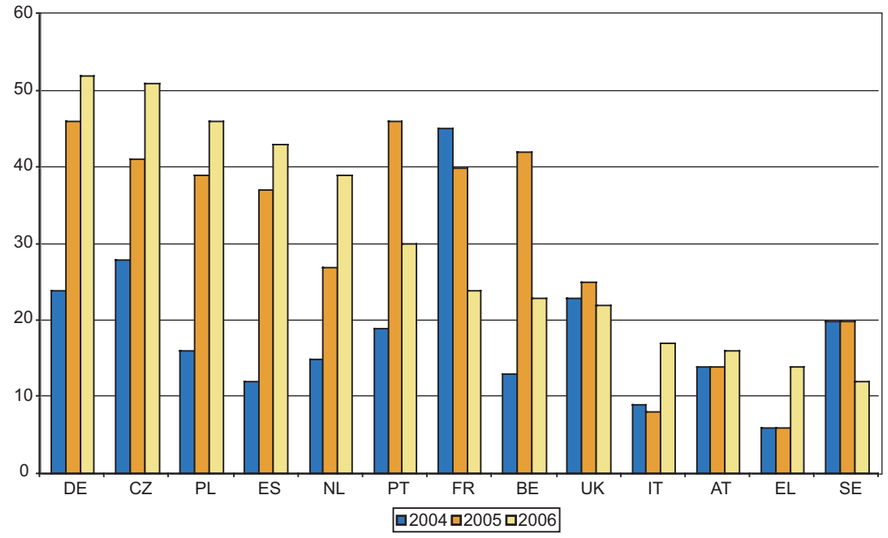
Figure 2 – Total volume of cases handled 2004-2006
(SOLVIT centres with a total number of cases submitted and received of 20 or more in 2006)



2.2. Several SOLVIT centres have submitted fewer cases than last year

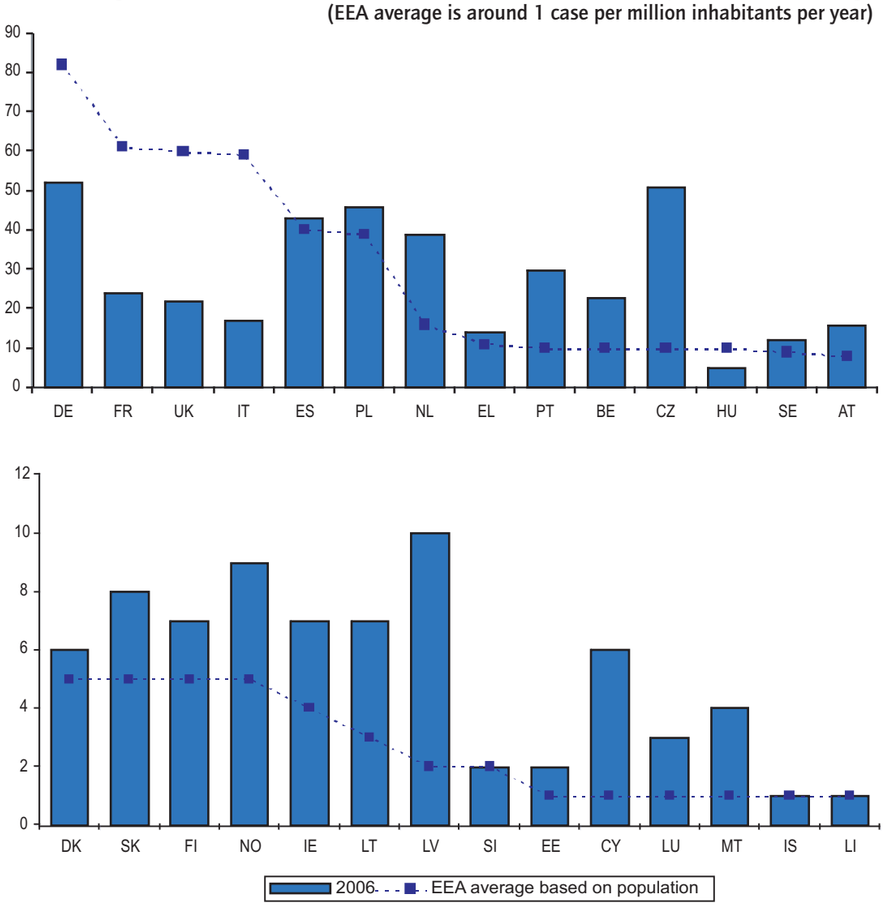
SOLVIT Germany and the Czech SOLVIT centre have submitted the highest number of cases to the system in 2006. Poland, Spain and the Netherlands have also been very active in submitting problems encountered by their citizens and businesses. Five SOLVIT centres submitted fewer cases than the year before, namely Portugal, France, Belgium, the United Kingdom and Sweden (see figure 3). However, Portugal, Belgium and Sweden still have a case submission level that is higher than average, considering their population figures.

Figure 3 – Evolution of cases submitted as SOLVIT home centre 2004-2006
(SOLVIT centres which submitted 12 cases or more)



The four largest EU countries, Germany, the United Kingdom, France and Italy do not submit as many cases as could be expected on the basis of population figures. Hungary also remained below average.

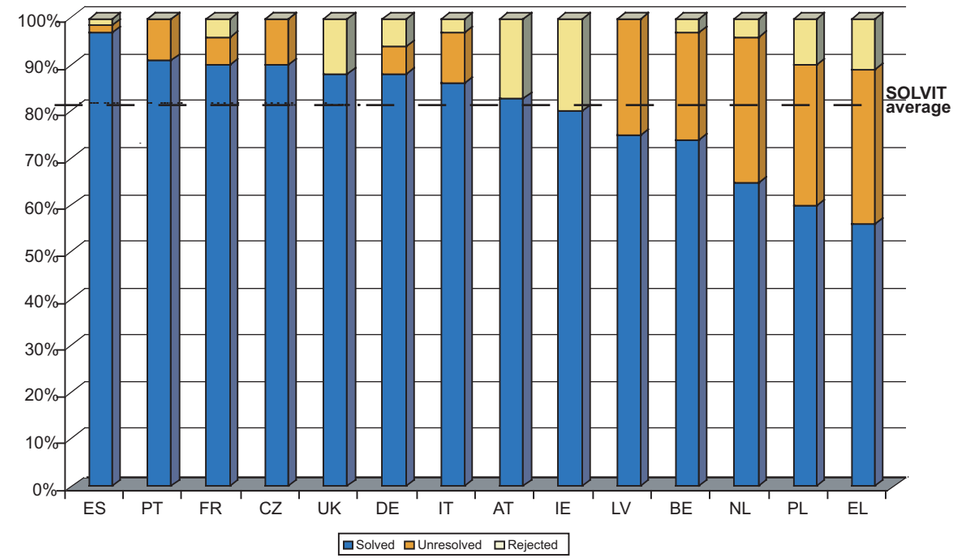
Figure 4 – Volume of cases submitted as SOLVIT home centre compared with EEA average (EEA average is around 1 case per million inhabitants per year)



2.3. Resolution rates remain high

Many SOLVIT centres have managed to achieve impressive resolution rates. SOLVIT centres of Spain, Portugal, France and the Czech Republic resolved more than 90% of all problems submitted to them. The below average resolution rates of SOLVIT Poland and SOLVIT Netherlands are mostly due to the fact that they both accepted to handle a number of problems that were caused by formal national rules which were not compatible with EU law. While this prevented them from finding a solution for the individual problems in due time, they pursued these cases as SOLVIT+ files (see chapter 5.3). Some of them have already been concluded successfully, other cases are still ongoing. The lower resolution level of SOLVIT Greece as well as their extremely long average case handling time (see figure 7 below), are caused by a general lack of willingness of other parts of the administration to cooperate on the basis of SOLVIT principles.

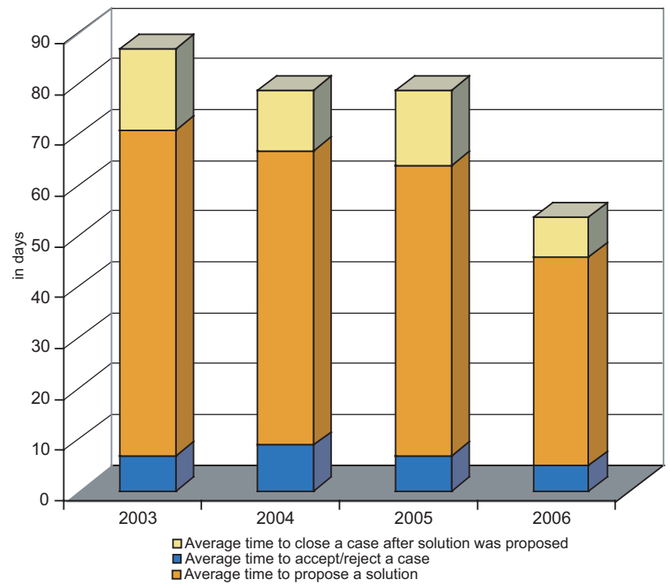
Figure 5 – Case resolution rates of SOLVIT lead centres 2006 (SOLVIT centres which received 10 cases or more)



2.4. Average case handling speed has increased significantly

SOLVIT centres are committed to handle cases within a 10 week deadline (70 calendar days). For the network as a whole, 73% of all resolved cases were resolved within the deadline of ten weeks. For 2006 the average time to accept or reject a case was 5 days and the total case handling time after acceptance was 54 days. This represents a significant improvement compared with 2005 when the respective figures were 7 days and 74 days.

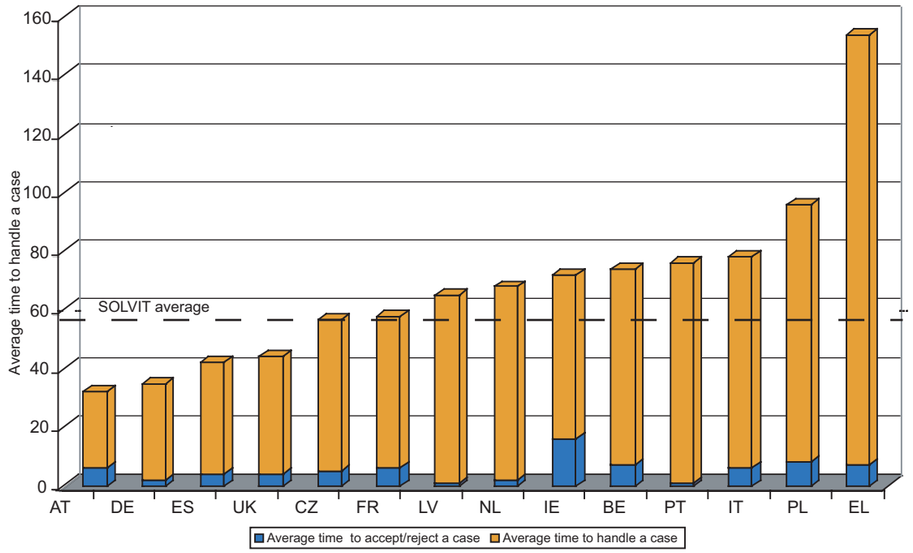
Figure 6 – Evolution of average case handling time 2003 - 2006



3. PROBLEM AREAS AND ORIGIN OF CASES

Fastest SOLVIT centres in 2006 were those of Austria, Germany, Spain and the United Kingdom, all four handling cases in considerably less time than the SOLVIT average of 60 days (including time to accept a case). SOLVIT Greece needs by far the most time with an average of 154 days. SOLVIT Poland also has significant scope for improvement with an average of 98 days.

Figure 7 - Average time taken by SOLVIT lead centres to accept/reject and handle cases (SOLVIT centres that received 10 cases or more)



3. PROBLEM AREAS AND ORIGIN OF CASES

3.1. Businesses submit less cases to SOLVIT than citizens

Just like in previous years, in 2006 citizens have submitted more cases to SOLVIT than businesses, respectively 69% and 31%. As explained in last year's report, it is not clear why businesses submit fewer cases than citizens. It may be that business users have other established channels through which they address problems caused by incorrect application of EU law. Other suggestions are that when larger sums of money are involved, businesses prefer to seek paid legal aid or work around the problem (e.g. by accepting to submit a product to further national tests even though this is not in line with EU law) rather than complain to a governmental body. Some SOLVIT centres have reported that enterprises are reluctant to complain about authorities in other member states because they fear negative consequences for their business.

Lack of success through SOLVIT should not be a reason to avoid submitting business cases because the network solved 75% of all business problems submitted, only slightly less than the SOLVIT average of 82%.

Figure 8 shows that only the SOLVIT centres of the Netherlands, Sweden, Latvia, Norway and Denmark have submitted more business' than citizens' cases to the network. SOLVIT Netherlands submitted 22% of all business cases handled by SOLVIT in 2006. The very low number of business cases submitted by SOLVIT centres in larger EU member states (France, United Kingdom, Spain, Italy) would suggest that in many countries businesses have not found their way to SOLVIT yet and that awareness raising activities need to be better targeted to reach them.

Figure 8 – Cases submitted on behalf of citizens and businesses (not including SOLVIT centres that submitted less than two business cases in 2006)

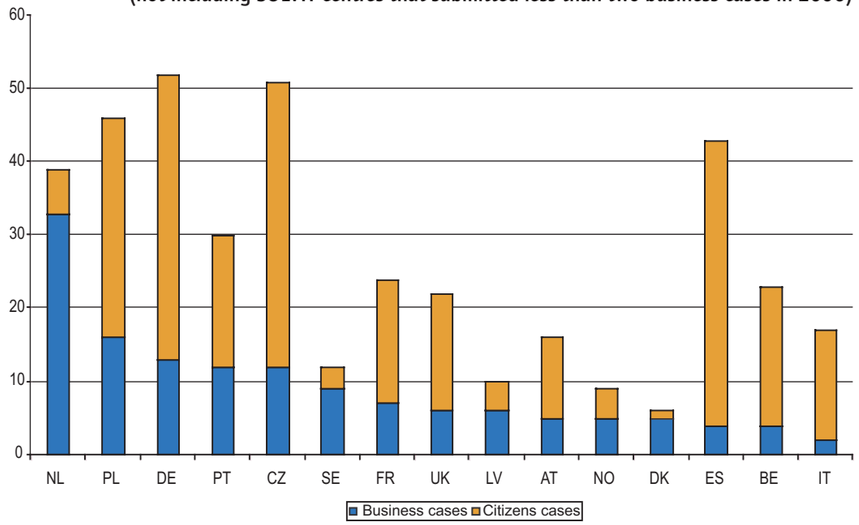
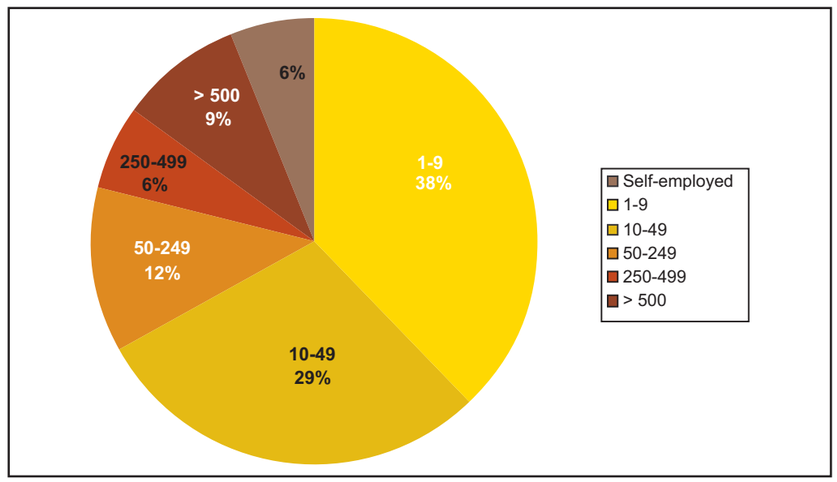


Figure 9 shows that small and medium sized enterprises form the largest category of SOLVIT business customers. Nevertheless, it would appear that bigger companies are also discovering the benefits of the SOLVIT approach considering that 9% of cases are submitted by companies with more than 500 employees.

Figure 9 – Number of employees of companies submitting cases to SOLVIT in 2006

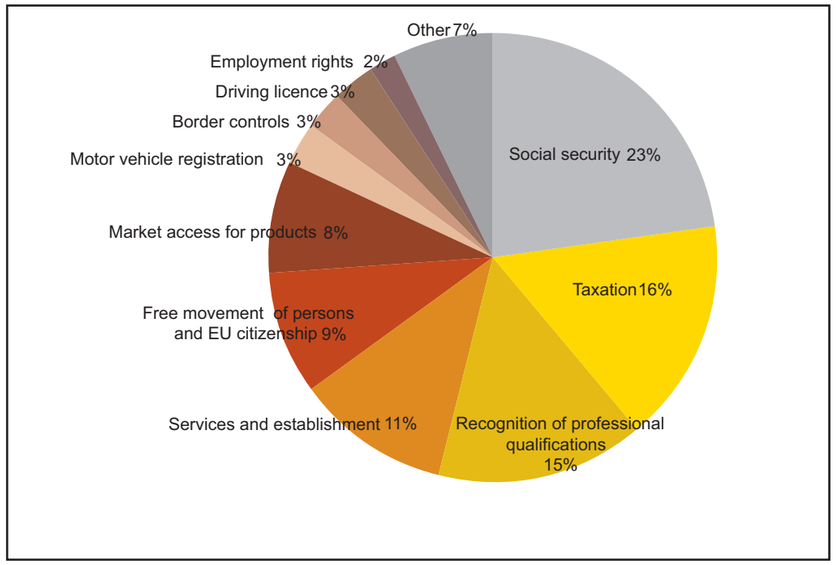


4. FUNCTIONING OF THE NETWORK

3.2. Social security, taxation and professional qualifications biggest problem areas

The repartition of SOLVIT cases over the different policy areas has not changed much since 2005. However, there has been an increase in cases concerning social security, taxation and free movement of persons (rights of residence and visa). Most social security cases are submitted by migrant workers from the Czech Republic and Poland, a large number of taxation cases concern late repayment of VAT and are submitted by Dutch and Polish companies. Professional qualification cases are more evenly spread over the EU member states.

Figure 10 – Cases handled in 2006 according to problem areas



4. FUNCTIONING OF THE NETWORK

4.1. Cooperation between the SOLVIT centres

Open and constructive relations between SOLVIT centres based on mutual trust and respect, are a key element for the success of the network. The three annual workshops where SOLVIT centre staff meet to discuss common approaches, to share experience and expertise and to discuss further development of the network are essential for maintaining and developing team spirit. SOLVIT centres have rated these workshops organised by the Commission at 8.4 on a scale of 10 in their replies to a questionnaire from the Commission. In 2006 the workshops were hosted by the Commission in Brussels (February), by SOLVIT Norway in Oslo (June) and by SOLVIT Ireland in Dublin (November).

SOLVIT centres are positive about relations with other SOLVIT centres (rated 7.4 on a scale of 10) but several comment that the lack of resources in other centres has a negative effect on their possibilities to handle cases efficiently.

4.2. Commission SOLVIT support team

The Commission SOLVIT support team consists of five full time officials and is part of the unit dealing with legal issues and infringements procedures in DG Internal Market and Services. The team provides the SOLVIT centres with day-to-day assistance regarding legal, technical and procedural issues, it maintains and develops the database and the websites, implements promotional activities and develops promotional instruments, monitors quality and performance and organises regular workshops.

SOLVIT centres are generally satisfied with the services provided by the Commission (rated 8.5 on a scale of 10) but they are less happy about the timeliness of legal advice on specific SOLVIT cases. The centres often request an informal legal opinion of the Commission in cases where they disagree about the correct interpretation of EU law or where such an opinion is needed to persuade the authority complained about to change their policy or decision. In view of the ten weeks deadline for handling SOLVIT cases, the centres cannot afford to lose time waiting for Commission opinions, but it happens quite frequently that advice is only delivered after several weeks. The Commission support team depends on experts within other services of the Commission to provide legal advice on SOLVIT cases and mostly this is delivered within reasonable delays. However, formal integration of SOLVIT in the normal workflow of units dealing with infringement cases is needed to avoid that SOLVIT requests are treated with low priority or not at all if the general workload is too high.

4.3. Handling non-SOLVIT cases

SOLVIT continues to attract a large volume of problems and queries that are outside the scope of SOLVIT. A majority of SOLVIT centres (60%) mention this as one of the main bottlenecks for the smooth operation of their service. In 2004 SOLVIT centres reported that they spent on average 40% of their time on non-SOLVIT cases and this has not changed over the last two years. Other networks and services (EU Ombudsman, Eurojus, Citizens Signpost Service) describe similar experiences in their reports which shows that it remains quite difficult for citizens and businesses to identify the right address for their problem or query. Better signposting on websites and cross-linking between the websites of the various available help and advice services can alleviate the problem.

Nevertheless, a certain percentage of non-SOLVIT cases that cannot be signposted to another instance is probably unavoidable. It is important that SOLVIT centres get credit for the time they spend on such queries and problems. Therefore a new facility has been created in the SOLVIT database to register non-SOLVIT cases so that they can be taken into account in the statistics. Furthermore, an on-line complaint form was made available on the multilingual SOLVIT website in December 2006 which allows citizens and businesses to submit cases directly to the SOLVIT database. This will make it easier for SOLVIT centres to process SOLVIT cases and it provides them with an instrument to register non-SOLVIT cases without additional work.

4.4. Lack of resources

SOLVIT centres spent on average 16.5 man months on SOLVIT tasks in 2006, but staff levels vary from 1 to 59 man months per centre. Almost half of all SOLVIT centres are understaffed or have experienced continuity problems in 2006. Furthermore, in most SOLVIT centres staff have to combine their SOLVIT tasks with other, high(er) priority work. In such situations there is obviously a strong incentive to keep SOLVIT work limited and not to attract more cases through awareness raising. Staff shortages have in most cases not led to lower resolution rates or to longer case handling time, but they have put a break on further expansion of SOLVIT. The majority of SOLVIT centres report that they would like to do more about awareness raising but that they do not have the staff for it and would not be able to handle additional case flow.

Table 1 - Staffing levels in SOLVIT centres during 2006

Adequate		Low	
Cyprus	Malta	Austria	Italy
Czech Republic	Netherlands	Belgium	Latvia
Denmark	Norway	Finland	Lithuania
Estonia	Portugal	France	Poland
Greece	Slovakia	Germany	Slovenia
Hungary	Spain	Iceland	Liechtenstein
Ireland	Sweden		
Luxembourg	United Kingdom		

4.5. Persuading public authorities to solve problems informally

The SOLVIT method, based on a fast, pragmatic and non-bureaucratic approach to problem solving, frequently meets considerable resistance in other parts of the national administration. According to 40% of the SOLVIT centres, the authorities in their country are generally willing to try and solve problems in an informal way and as quickly as possible. For 15 % of the centres, most of the public bodies they work with, insist on more formal, time consuming methods to address problems. The remaining 45% say that attitudes vary considerably between the authorities concerned.

5. FURTHER DEVELOPMENT OF SOLVIT

SOLVIT centres were also asked about the openness (or lack of it) of public authorities to reconsider their decisions in the light EU law. About half of all SOLVIT centres state that authorities are generally willing to take a pro-EU attitude, but the other half concludes that it is very often difficult to persuade other parts of the public administration that EU law prevails over national law. Many suggest that more information, education and legal training of national officials regarding EU law is urgently needed to develop a stronger 'EU law reflex'.

In general, SOLVIT centres need strong political support to be able to overcome the reluctance of other authorities to not only apply EU rules correctly but also to do so without formal procedures.

5. FURTHER DEVELOPMENT OF SOLVIT

5.1. Promotion of SOLVIT

SOLVIT centres spend on average 13% of their time on awareness-raising activities and the large majority managed to organise or attend 1 to 5 promotion events. In most of the cases, awareness-raising was mainly focused on presenting SOLVIT within the relevant parts of their administration. In 2006 only two centres, Hungary and Sweden had promotion budgets available. Hungary focused its promotion campaign on citizens and Sweden on businesses.

Almost all SOLVIT centres would like to spend more resources on awareness raising activities but staff and budget shortages prevent this. In addition, promoting SOLVIT is very labour intensive process because the target audience is not the general public (as this would attract too many non-SOLVIT cases) but organisations and instances that are likely to be the first port of call for citizens and businesses with 'SOLVITable' problems. These organisations cannot be approached via professional marketing companies but they need to get the message from persons directly involved in SOLVIT in order to understand the scope and nature of SOLVIT and to gain trust in the system. Clearly, this limits the possibilities for outsourcing awareness-raising considerably.

The Commission will use the 5th anniversary of SOLVIT in July 2007 to step up promotion activities linked to events that are organised in the EU member states to celebrate the 50th anniversary of the Treaty of Rome. The Commission will also propose a better coordination and common objectives for the promotion activities. Especially business should be targeted in view of the relatively low number of cases submitted by them. Furthermore, contacts with the representations of the European Commission and of the European Parliament in each country will be further developed in the course of 2007.

5.2. Strengthening cooperation with other networks

Both at EU and national level progress has been made in strengthening the ties between SOLVIT and the Euro Info Centres (providing information and advice to enterprises) . The wide majority of SOLVIT centres have regular contacts with EICs in their country and attend annual meetings of the network. SOLVIT Ireland created an information exchange group for all networks and instances providing information and assistance on EU matters in Ireland. EICs are encouraged to signpost enterprises to SOLVIT with problems they encounter in exercising their rights within the EU. Special leaflets were created to inform EICs and their customers about the concrete results SOLVIT achieved in handling such problems. A special website informing EICs about SOLVIT will be launched in the first half of 2007.

A link has been created between the Citizens Signpost Service (providing customised legal advice to citizens) and the SOLVIT database to make it easier for citizens to transmit suitable cases to SOLVIT.

In view of the great number of social security cases submitted to SOLVIT, the centres have a strong interest in developing close links with national experts in this field to assist them in analysing cases. For this purpose SOLVIT centres staff attend the national seminars organised by TRESS, an EU funded project for Training and Reporting on European Social Security.

6. RECOMMENDATIONS

5.3. SOLVIT+ cases : resolution of structural problems

2006 was a particularly successful year with regard to so-called SOLVIT+ cases. These are cases in which SOLVIT centres manage to get national legislation or guidelines changed to comply with EU rules. In this way they do not only solve the individual problem but they also prevent similar problems in the future. SOLVIT centres may refuse to handle cases where national legislation or formal instructions are at the origin of an individual problem since they cannot normally be solved in ten weeks. Nevertheless, 13 SOLVIT centres (Cyprus, Czech Republic, Ireland, Latvia, the Netherlands, Poland, Portugal, Spain and Sweden) engaged in a total number of 32 SOLVIT+ cases in 2006 (see Annex 5 for examples).

6. RECOMMENDATIONS

The recommendations presented in the annual report of last year remain valid for the next year. Operational measures to sustain further development of the SOLVIT approach should be focussing on the following objectives:

- Member states should ensure that SOLVIT centres can work in optimal conditions to maintain a high level of service.
- Member states should increase (permanent) staff in those SOLVIT centres where lack of human resources and continuity of staff have become a bottleneck to further development of the SOLVIT network.
- Both the Commission and the member states should address the problem of an increasing volume of non-SOLVIT cases by improving signposting on EU and national websites to make it easier for citizens and businesses to find the right address for their queries, by improving the possibilities for SOLVIT centres to transfer queries outside the scope of SOLVIT to other networks and instances and by making work on non-SOLVIT cases more visible.
- To ensure that all citizens and businesses with 'SOLVITable' problems find their way to the network, further awareness raising is needed at EU and national level and cooperation with other networks should be intensified.
- The use of SOLVIT as a complementary instrument to handle complaints that are submitted to the formal Commission complaint procedure and to the European Parliament's petitions procedure should be further encouraged and facilitated to provide faster solutions.
- The Commission should speed up the provision of informal legal assessments to SOLVIT centres on request.
- Using SOLVIT to pursue solutions for more structural problems is a development that should be encouraged and supported both at national and EU level.

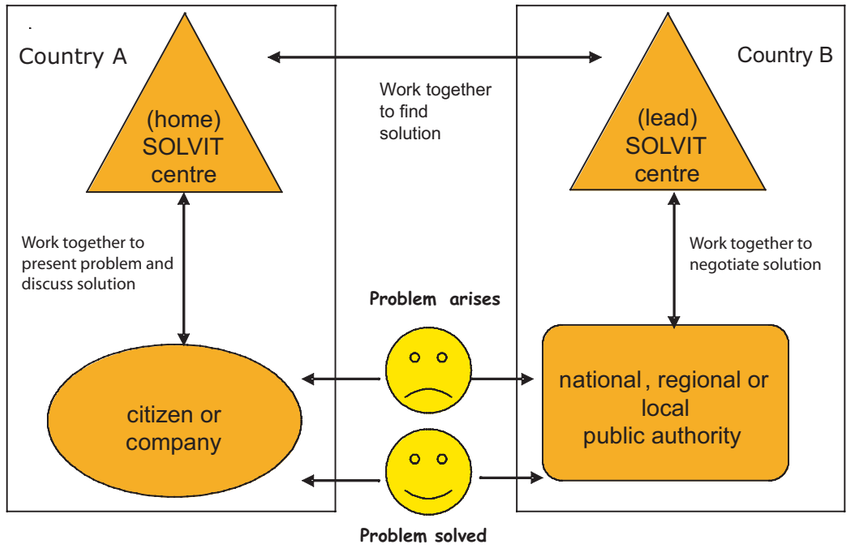
ANNEX

ANNEX 1 – PROCEDURE AND SCOPE OF SOLVIT

A. HOW SOLVIT WORKS

When a citizen or business submits a case to SOLVIT, the local SOLVIT centre (known as the SOLVIT «home» centre) will first check the details of the application to make sure that it does indeed concern the 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 (known as the SOLVIT «lead» centre).

The SOLVIT lead centre should confirm within a week whether or not it will take on the case. This will largely depend on whether it considers that the case is well-founded and whether there is a good chance that it can be resolved pragmatically. In some cases, not only its application, but the rule itself may be the problem. If the solution to a problem requires the repeal of a particular rule, this may take many months, if not longer – and may well require formal legal action. In such cases, there is little SOLVIT can do, although a member state which has agreed that it will change a contested rule may well decide to waive its application.



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 goes unresolved, or the complainant considers that the proposed solution is unacceptable, he/she can still pursue 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 concerns the possible misapplication of EU single market law.

The policy areas 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 self-employed, public procurement, taxation, free movement of capital or payments. This is not an exhaustive list. SOLVIT will consider any case that meets the criteria above.

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 and consumer-to-business problems.

ANNEX 2 – OVERALL PERFORMANCE OF ALL SOLVIT CENTRES IN 2006

Please note that the case handling speed and resolution rates in this table indicate how fast and how well each SOLVIT centres managed to solve the problems in their country, 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 compared with country size (1)	Overall case load (submitted and received) (2)	Case handling speed (3)	Resolution rates (4)	Staffing level (5)
Austria	high	average	high	average	low
Belgium	high	high	low	average	low
Cyprus	high	low	-	-	adequate
Czech Republic	high	high	average	high	adequate
Denmark	average	low	-	-	adequate
Estonia	low	low	-	-	adequate
Finland	high	low	-	-	low
France	low	high	average	high	low
Germany	low	high	high	average	low
Greece	average	low	low	low	adequate
Hungary	low	low	-	-	adequate
Iceland	average	low	-	-	low
Ireland	high	average	low	average	adequate
Italy	low	high	low	average	low
Latvia	high	average	average	average	low
Liechtenstein	low	low	-	-	low
Lithuania	high	low	-	-	low
Luxembourg	average	average	-	-	adequate
Malta	high	low	-	-	adequate
Netherlands	high	high	average	low	adequate
Norway	average	low	-	-	adequate
Poland	high	high	low	low	low
Portugal	high	high	low	high	adequate
Slovakia	high	average	-	-	adequate
Slovenia	low	low	-	-	low
Spain	average	high	high	high	adequate
Sweden	high	average	-	-	adequate
United Kingdom	low	average	high	average	adequate

(1) The average number of cases submitted to SOLVIT during 2006 was +/- 1 per million inhabitants. 25% less than average compared with country size is marked 'low', 25% more than average is marked as 'high'. Where a SOLVIT centre has submitted only 2 cases or less in 2006, this is considered 'low' regardless of the country size.

(2) On average a case handled as lead centre takes twice as much time as a case submitted as home centre to another centre. Cases received have therefore been counted double in the assessment of the overall case load for each of the SOLVIT centres. A case load between 25 and 70 (including double counting) is considered as average.

(3) Average time to accept/reject a case was 5 days, average time to handle a case as from acceptance was 55 days (=60 days). Average case handling speed of 50 days or less is considered high, an average speed of 70 days or more is considered low. For centres with less than 10 cases received as lead centre no meaningful case handling speed indication can be given.

(4) Average resolution rate is 82%. Less than 74% is considered low, more than 90% is considered high. No indications for centres with less than 10 cases as lead centre.

(5) Experience shows that each SOLVIT centre should at least have 3 man months available, regardless of the size of the country. The bigger countries need at least 24 man months at current levels of case load. The intermediate countries need at least 18 man months, or more if their case load is higher than average. Indications are based on time spent on SOLVIT tasks in 2006 as reported by the SOLVIT centres.

ANNEX 3 – STATISTICS ON CASE FLOW OF ALL SOLVIT CENTRES

Figure 11 – Cases submitted and received in 2006 – SOLVIT centres who have submitted and/or received more than 12 cases

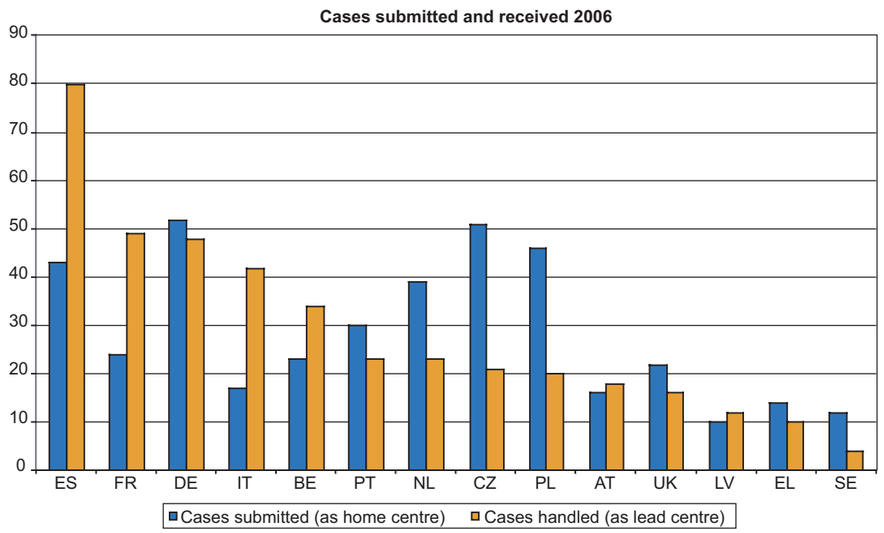
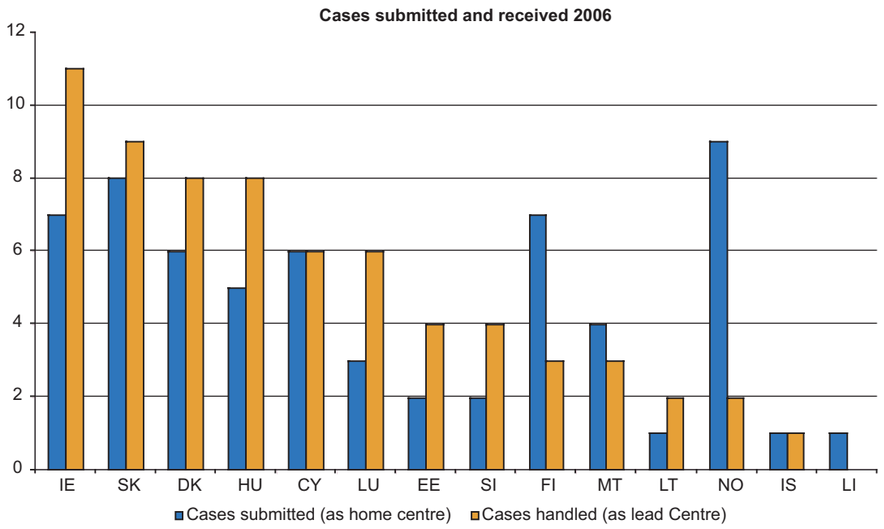


Figure 12 - Cases submitted and received in 2006 – SOLVIT centres who have submitted and received less than 12 cases

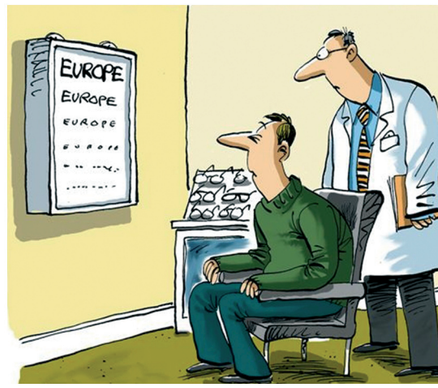


ANNEX 4 - SOLVIT SUCCESS STORIES 2006

1. Czech employment statements help Greek citizens to receive their pension

Five Greek citizens, ex-political refugees, reached retirement age and applied for pension benefits in Greece. However, the Greek authority needed statements from the Czech Republic, where they had all worked when in exile, to establish the correct amount for the pension benefits. Cooperation between the Czech and Greek authorities was unproductive until SOLVIT intervened and managed to sort out the missing paper work. **Solved within 8 weeks.**

2. Austrian optician's diploma recognised in Italy



An Austrian optician holding an Austrian diploma wanted to open a branch in South Tyrol. His request for acknowledgement was rejected by the competent Italian Ministry because of the lack of documentation for compliance with the conditions of the Directive 92/51 and 89/48. SOLVIT Italy clarified the case. The Italian Ministry of Health has supplied to send a letter to Austria for knowing if the citizen has the experience necessary in order to exercise as an independent optician and subsequently on reception the title will be recognized. **Solved within 10 weeks.**

3. Flying the French flag in Portuguese waters

The French owner of a sailing yacht registered in France was asked by the Portuguese authorities in Porto de Sines to register his boat in Portugal because he had stayed in Portuguese ports for longer than six months. The yacht owner wanted to keep the French flag and turned to SOLVIT for help. SOLVIT Portugal contacted the maritime port authority to clarify the situation. It appeared that the six month limitation was not applicable to EU registered boats. This was explained to the local port authorities so that the French sailor could keep his flag. **Solved within 2 weeks.**

4. Dutch car dealer gets help to overcome bureaucratic obstacles in France

A Dutch car dealer imports second hand cars from France to sell them in the Netherlands. Occasionally he also tries to sell second hand cars in France but this turns out to be problematic. To sell a second hand car in France, he had to fill in certain forms, which he could only get when registered in France as a car dealer. However, he did not want to register in France because this would cause difficulties with the application of the social security system. After many fruitless discussions with the relevant French authority, SOLVIT France intervened, to clarify that under EU law the car dealer did not need to be registered in France to be able to sell cars. With this confirmation, the car dealer could run his business unimpeded in France and the Netherlands, without further bureaucratic obstacles. **Solved within 9 weeks.**

5. British hairdresser can open a salon in Germany

A British hairdresser with more than 10 years of experience in running a salon in the United Kingdom wanted to open a similar business in Germany. The German authorities rejected his application for a permit because his certificate of experience had not been issued by the right United Kingdom authority. SOLVIT Germany intervened to argue that the Chamber of Commerce had to accept the certificate in accordance with EU rules. As a result the hairdresser received his permit to start a business. **Solved within 1 week.**

6. Norwegian aviation company gets reimbursement of unjustified French fine

A Norwegian aviation company had one of its aircrafts impounded at an airport in France by the French customs authorities. The aviation company had to pay a fine of 3,000 EUR in order to get hold of its aircraft. The reason for the seizure of the aircraft was the fact that the aviation company at the time had operated a commercial flight between two French airports without prior permission from the French authorities. However, under the EEA Agreement which extends the Internal Market to cover the three EFTA states Iceland, Liechtenstein and Norway, the Norwegian aviation company did not need a special authorisation for this flight. SOLVIT France intervened with the legal office of the French custom authority in order to inform them that the fine was in breach of EU rules. The authority then reimbursed the fine to the aviation company. **Solved within 11 weeks.**

7. Hungarian doctor's diploma recognised in Ireland

A Hungarian doctor requested recognition of his medical diploma in Ireland, but the Irish Medical Council refused the request and required further documents. While the doctor had received his diploma in 1985, before the date at which automatic recognition of diploma's was required, he could prove that he had effectively and lawfully been exercising his profession for at least the required minimum period. Under EU law, this should also entitle him to recognition of the qualifications. After the Irish SOLVIT centre contacted the Irish Medical Council, the Hungarian doctor was granted full registration. **Solved within 3 weeks.**

8. Polish entrepreneur can register his business in Germany

A Polish citizen wanted to set up a company in Germany but was refused by the competent German authority on the argument that the entrepreneur did not speak German. In view of the company he wanted to establish, this requirement was considered disproportionate and therefore a restriction of the freedom of establishment. After SOLVIT Germany contacted the German competent authority, they promised to admit the Polish enterprise. The client received his business registration. **Solved within 2 weeks.**

9. Luxembourg sickness insurance persuaded to be flexible about Czech claim

A Czech citizen suffered a work injury when he was employed in Luxemburg. Upon return to the Czech Republic he submitted a claim for sickness benefits but received no response from the Luxembourg authorities for eight months. SOLVIT Luxembourg contacted the competent authorities who explained that the non-payment of sickness benefits was due to the fact that the clients' employer had not respected his legal obligation to declare the work accident. Following SOLVIT Luxembourg's intervention, the competent authority showed flexibility and accepted an accident declaration signed by the client, who then received his sickness benefits. **Solved within 7 weeks.**

10. Greek citizen helped out of Danish taxation trap

A Greek citizen had a temporary job in Denmark for three months and continued his stay in Denmark as a student. He had to pay taxes on the temporary income but could not benefit from the lower tax rate of 8% that applies for yearly income below 36.000 DKr for Danish tax payers. SOLVIT helped to clarify, that the fact that the Greek citizen continued to reside in Denmark should be taken into account so that he could claim reimbursement of some of the tax already paid under the same rule as applicable for other Danish residents. **Solved within 3 weeks.**

11. British anaesthetist gets recognition in Spain

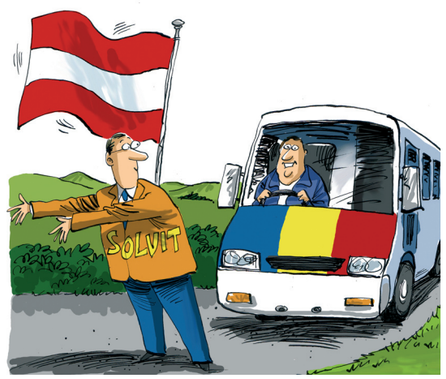
A British anaesthetist applied for recognition of his qualifications in order to take up employment in Spain. While he was eligible for recognition in accordance with EU rules and had submitted the necessary declaration from the United Kingdom Specialist Training Authority, the Spanish authorities kept asking for more documentation. The doctor had already approached various other instances to help him resolve the bureaucratic deadlock. SOLVIT finally succeeded in cutting the red tape and the British doctor could start to work in Spain. **Solved within 8 weeks.**

12. Norwegian water flows to Sweden

A Norwegian company importing Danish and Norwegian food into Sweden was reprimanded by a Swedish municipality for labelling its products with the Danish and Norwegian words for water rather than the Swedish word. EU regulation states the labelling should be understood by the consumer. The company felt that, given the commonality of the word, the close proximity of the municipality to Norway, and the general familiarity of Scandinavians with the three languages, it should not be forced to change their labels for such a minor detail. When approached by SOLVIT, the municipality agreed to lift the barrier. **Solved within 1 week.**

13. Austrian police corrects error against Romanian bus driver employed in Spain

A Spanish bus company maintains a regular passenger transport service between Spain and Romania for which it employs several Romanian drivers, all with all necessary papers in order. At the Hungarian Austrian border, the Austrian border police prevented a bus from transiting through Austria because the Romanian driver could not provide proof of residence in Spain. They insisted that only Spanish drivers could drive the bus. The passport of the Romanian driver was marked with a notice stating that he could not drive busses in Austria for the next five years. Moreover, the bus had to take a detour via Slovenia and passengers, drivers and the bus company were seriously inconvenienced. SOLVIT Spain argued that the Austrian police was not entitled to impose nationality or residence requirements, let alone prevent the bus from crossing Austria. SOLVIT Austria convinced the authorities that the police had made a serious mistake. They offered their apologies for the inconvenience caused, the notice in the passport of the Romanian driver was removed and the rules were clarified to ensure that similar mistakes would no longer occur.
Solved within 12 weeks.



14. Czech citizen get benefits for special care

The mother of a physically disabled boy received special care benefits in her Czech place of residence, until the date of accession of the Czech republic to the European Union. However, the municipality then stopped paying with the argument that Austria was now obliged to pay these benefits because her husband worked there. Austrian authorities also refused to pay since according to Austrian rules they cannot be paid to someone who lives in another country. The Czech SOLVIT centre clarified to the local municipality that the benefits for a disabled person are considered to be a social benefit which are to be paid by the state where the entitled person resides. The municipality accepted this and resumed payment. **Solved within 4 weeks.**

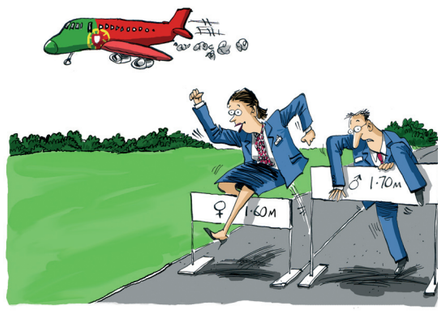
ANNEX 5 - SOLVIT + CASES 2006

1. SOLVIT Denmark obtains adaptation of Danish rules on visa for non-EU family members of EU citizens

The Danish authorities refused to issue a visa to the Chinese wife of a British resident who wanted to accompany her husband on a visit to Denmark, because they could not provide a reference in Denmark who would confirm the reasons for the visit. SOLVIT Denmark contacted the Danish authorities who finally regretted not to have taken into consideration the existing EU rules and subsequently granted a visa to the Chinese citizen. Furthermore, the memorandum of practice by which the authorities have specified the rules and conditions for granting visas was adjusted according to the EU regulation in order to avoid similar problems in the future. **Solved within 3 months.**

2. SOLVIT Portugal fights against gender discrimination in the air

A Portuguese airline applied different criteria for the minimum height of male and female employees, namely 1.60m for women and 1.70m for men. A male applicant who already worked for another airline could not apply because of his 1.67m height. After the intervention of SOLVIT, the airline company changed its rules to abandon the discriminatory provision and establish a minimum height criterion of 1.60m for both men and women. **Solved within 9 months.**



3. SOLVIT Cyprus defends social security rights of migrant workers

Seven Czech lorry drivers had been employed for more than one year by an international transport company established in Cyprus. Their employer paid their health and social insurance to the Cypriot Social Insurance Department although the drivers had their permanent residence in the Czech Republic. Therefore, the drivers asked the Cypriot authorities to issue the E106 form in order to be able to visit their doctors in the Czech Republic. The Cypriot Ministry of Health issued only the Cypriot Medical Card and the European Health Insurance Card because the Cypriot Civil Registry and Migration Department had issued a permanent resident permit on behalf of the drivers. According to article 19 of the Regulation 1408/71/EEC the drivers have the right to consult their doctors in Czech Republic but this was not so clear to the competent Cypriot department. SOLVIT Cyprus used the power of the General's Attorney Office to convince the Health Ministry to issue the requested forms. The Cypriot Ministry of Health accepted the opinion of the General Attorney and gave new instructions to the competent department to issue the E106 for all applicants in the same situation. **Solved within 1 month.**

4. SOLVIT Poland solves car registration problem

A Polish citizen purchased a second hand car in Belgium. The car was delivered with incomplete registration documents (Part I and a statement from the Belgian police that part II had been previously lost). In order to register the car in Poland, Polish competent authorities requested the applicant to provide an official confirmation that the vehicle had been previously registered in Belgium. However, the competent registration office in Belgium refused to issue such confirmation because the request had to be made directly by the Polish authorities. SOLVIT Poland could demonstrate that Polish traffic law was not in line with Directive 1999/37/EC in cases where the documents had been stolen or lost. In such cases, Polish authorities themselves had to make the request. Furthermore, on 20 April 2006, the Polish Ministry of Transport adopted amendments to the regulation which clearly state that when registration documents have been lost or stolen, Polish authorities will directly request the necessary documents to the authorities of another EU country. A specific e-form in English is now available for this purpose. **Solved within 3 weeks.**

5. SOLVIT Spain makes railroad reduction card available for all senior EU citizens

A Spanish citizen and his British wife both applied for the Spanish railways Gold Card which gives 60+ citizens a 40% discount on railway tickets. The Spaniard received the card but his wife did not because she was not a resident of Spain. Since the residence condition was not applied to Spanish nationals, this represented discrimination contrary to EU rules and SOLVIT Spain approached the railway company to persuade them to adapt the rules. They eventually succeeded and as a result all EU citizens of 60 years and older can now benefit from the Spanish reduction card. **Solved within 4 months.**

6. SOLVIT Germany pursues change in national rules for renewal of driving licences

A Spanish citizen resident in Germany wanted to renew his driving licence, originally obtained in Switzerland. The German authorities provided him with a new licence but did not include the original data of issuance of the driving licence so that the Spanish citizen could no longer prove that he was an experienced driver for instance for the purpose of car rentals. EU rules require driving licences contain the date of first issue and that this date must be repeated on the new license in the event of subsequent replacement or exchange. Citizens with driving licences issued in countries outside the EU also benefit from this rule. As a follow-up to the SOLVIT cases all 16 German Federal States and the Federal level agreed to adjust the administrative practice to the EC requirements with regard to driving licences issued in countries outside the EU. **Solved within 10 months.**