



European Commission  
Internal Market and Services



**SOLVIT** 

# 2010 **REPORT**

Development and performance  
of the SOLVIT network in 2010

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

SOLVIT is a network created in 2002 by the European Commission and the Member States of the European Union (plus Iceland, Liechtenstein and Norway)<sup>2</sup>. SOLVIT works directly with citizens and businesses and from their perspective: the aim is to provide rapid and pragmatic solutions to cross-border problems caused by misapplication of EU rules by public authorities. There is a SOLVIT centre in each Member State within the national administration. To resolve problems, SOLVIT centres cooperate directly with each other via an on-line database. This keeps the network transparent and makes sure that the interests of the client come first.

## 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 the 2010 reference period (hereafter '2010' unless otherwise indicated)<sup>3</sup>. It also describes the main policy areas dealt with by SOLVIT. The facts and figures in this report are based on case-handling information from the SOLVIT database and on replies to a questionnaire sent to all 30 SOLVIT centres in August 2010. All the centres replied. Annex 1 gives an overview of the performance of all the centres.

The fact that the network depends not only on how the SOLVIT centres operate, but also on external factors over which SOLVIT centres have no direct influence, may also affect its performance. This needs to be taken into account throughout this report, when interpreting the statistics and performance of individual SOLVIT centres. Examples of such external factors include the size of country, migration trends in the EU and EEA, the complexity of cases, the willingness of national authorities to cooperate and the political backing given to SOLVIT centres by their national administration.

The recommendations at the end of this report indicate which actions the Commission services and individual Member States should take in order to ensure that good practices continue to be applied and that new practices can be developed. They also address the problems that could be preventing SOLVIT from achieving its full potential.

## 1.3. Summary of main developments in 2010

In 2010 SOLVIT handled almost 3 800 cases, out of which 1 363 fell within its competence. In response to cases falling outside its remit (so-called non SOLVIT cases), SOLVIT centres either directly point citizens and businesses in the right direction or explore various options to solve the problem or help to solve the problem themselves.

In absolute figures, the number of real SOLVIT cases was lower than in the 2009 reference period. It should be noted however that in 2009 SOLVIT handled a very large series of similar cases lodged by non-EU family members of EU nationals' suffering delays in obtaining a residence permit in the UK. The number of such cases dropped significantly in 2010, after the UK authorities took structural measures to put an end to the problems. This shows that SOLVIT can help identify and overcome structural problems with application of EU rules, which is another sign of its success.

Resolution rates<sup>4</sup> improved further this year and now average above 90 % (compared with 85 % last year). In addition, in cases where SOLVIT is not able to help, for example because the issues involved are too complex or sensitive, SOLVIT centres help clients decide other possible steps.

Besides dealing with the cases of individual citizens and businesses, SOLVIT also contributes to a better understanding of how the internal market is working in practice. SOLVIT brings to light structural problems with the way the single market operates. That is why the Commission services have taken further steps to improve reporting on cases handled by SOLVIT and other assistance services, with a view to having structural problems addressed at national and/or European level.

The number of cases lodged by businesses has remained stable (on around 160). The Commission and Member States should therefore step up their efforts to attract business cases, especially from small firms. To this end, closer links are forged between SOLVIT and the Enterprise Europe Network<sup>5</sup>, among others.

1. See [ec.europa.eu/solvit](http://ec.europa.eu/solvit) for more detailed information in every official EU languages
2. See the Commission Recommendation of 7 December 2001 on principles for using 'SOLVIT' – the Internal Market Problem Solving Network, C(2001) 3901, 15.12.2001
3. This report covers the period from 1 November 2009 to 31 October 2010. All figures in this report are based on this reference period unless otherwise indicated.
4. Resolution rate refers to those cases where the bad implementation or application of EU law is redressed and the problem is solved for the client and cases where the network established that there was no bad implementation or application of EU law
5. <http://www.enterprise-europe-network.ec.europa.eu>

Over the course of 2010 the Your Europe portal<sup>6</sup> has been entirely revamped. The 'new' Your Europe provides information about EU rights in a much more user-friendly manner and points users to further advice and help available (including SOLVIT) where relevant. In addition, the Europe Direct contact centre (accessible via a free phone number) is actively using Your Europe, with a view to redirecting relevant cases to SOLVIT. The Commission services also intend to ensure that European and national information networks, such as the Europe Direct relays (a network of over 500 local offices in Europe), make greater use of the Your Europe portal. It is too early to assess the precise effect of the new Your Europe on SOLVIT, but it is expected to lead to an increase in 'eligible' cases for SOLVIT, whereas the number of out-of-scope questions (which still create a heavy workload) is set to fall.

Staffing improved at a number of SOLVIT centres, but still needs attention. One important point to note is that the country with the second highest case-load — France — has increased its staffing by one at the beginning of 2011. This is a major improvement in the situation in that country and is very important for the network as a whole, since France is involved in a very large number of cases.

In 2010 three SOLVIT workshops were held. To tighten cooperation with other assistance networks, joint meetings were held in March with the Your Europe Advice network (formerly known as the 'Citizens Signpost Service')<sup>7</sup> and in June with the network of liaison officers of the national Ombudsmen (organised together with the European Ombudsman). Joint workshops like these are a valuable way to improve mutual cooperation, awareness and learning. In 2010 an increasing number of SOLVIT centres consulted Your Europe Advice, with satisfactory outcomes, and contacts between SOLVIT centres and the liaison officers of the national Ombudsmen also increased.

#### 1.4. SOLVIT's contribution to a better functioning of the internal market

As the European Parliament recalled in its March 2010 resolution<sup>8</sup>, SOLVIT makes a substantial contribution to better functioning of the single market. Since 2007, the number of SOLVIT cases has been consistently higher than the number of cases of infringements of single market law.

Within the current enforcement system, SOLVIT has a unique role to play. Citizens and businesses who appear to be denied their EU rights by public authorities can contact their SOLVIT centre directly and are closely involved in the subsequent handling of the case. They can expect to find a solution in SOLVIT within record time — 10 weeks and often less. Solutions found by SOLVIT can produce effects extending well beyond the limits of the individual case: they can lead to structural changes in the behaviour of public authorities or even to a change in the national legislation (cf. SOLVIT+ cases).

That said, there is still more that could be done. The Commission services are conducting an evaluation of SOLVIT with a view to reinforcing the network. Following this evaluation, the Commission will formulate specific proposals to this end, as announced in the Communication "Towards a Single Market Act"<sup>9</sup>.

In 2011 the Commission services will also undertake a thorough revision of the SOLVIT database, which is crucial for operation of the SOLVIT network. The database allows efficient and transparent case-handling and contributes to the good quality standards of the system. As the system was designed before SOLVIT was launched, further developments are necessary to make it fit for a growing case-load, to make greater use of SOLVIT data for feedback on the functioning of the internal market, to follow up unresolved cases and to improve cooperation with other assistance services.

In March 2010 the European Parliament reiterated its strong support for the network by adopting a resolution on SOLVIT, which stressed the importance of greater promotion and more staffing to allow SOLVIT to grow to its full potential. The Commission has given serious consideration to these recommendations with a view to further development of the network, as will be shown throughout this report.

6. <http://ec.europa.eu/youreurope>

7. <http://ec.europa.eu/citizensrights>

8. 2009/2138/(INI) <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0047+0+DOC+XML+V0//EN>.

9. COM 2010(608) [http://ec.europa.eu/internal\\_market/smact/docs/single-market-act\\_en.pdf](http://ec.europa.eu/internal_market/smact/docs/single-market-act_en.pdf)

## 2. ORIGIN OF CASES AND PROBLEM AREAS

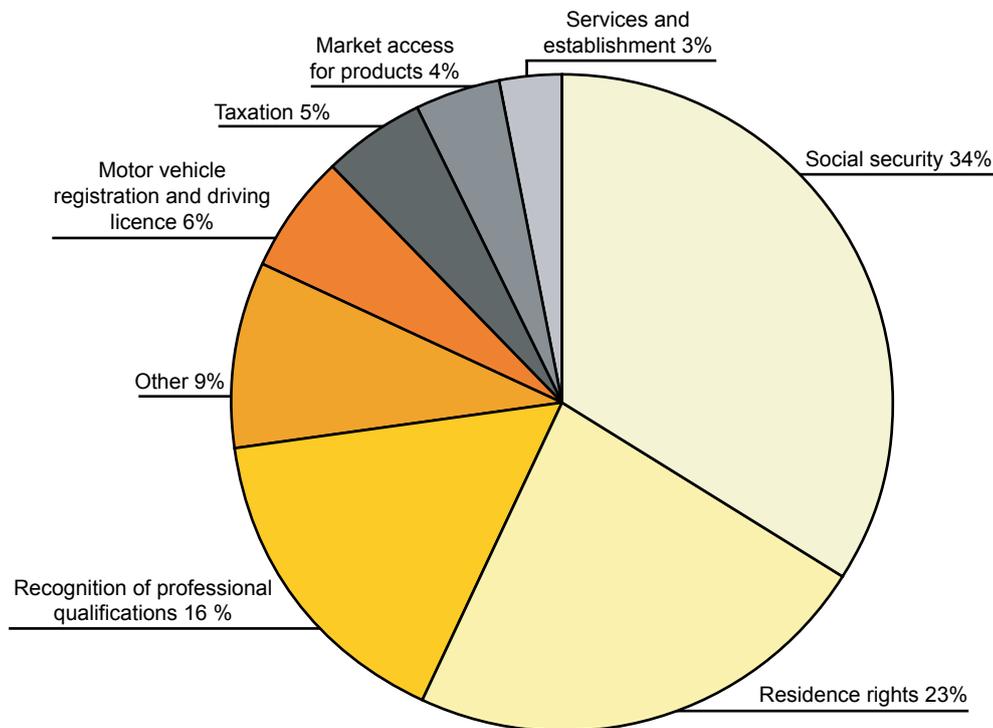


### 2.1. Problem areas

In 2010 social security issues generated the largest number of cases (34 %).

Residence rights came second (with 23 %) and recognition of professional qualifications third (with 16 %).

**Figure 1** Cases handled in 2010, by problem area



#### 2.1.1. Social security

With 34 % of the overall workload or, in absolute figures, 471 cases, social security was the biggest field of action for SOLVIT in 2010. The number of cases increased by 38 % in 2010, the strongest growth recorded. At more than 95 %, the resolution rate in this area remains above the SOLVIT average.

Examples of problems handled by SOLVIT in this area include payment of family allowances for workers away from their family, recognition of pension rights acquired in other countries and coverage of medical treatment outside the patient's country of origin. As in the last few years, Ireland had the highest number of cases in this area, with cases concerning Czech citizens clearly predominating.

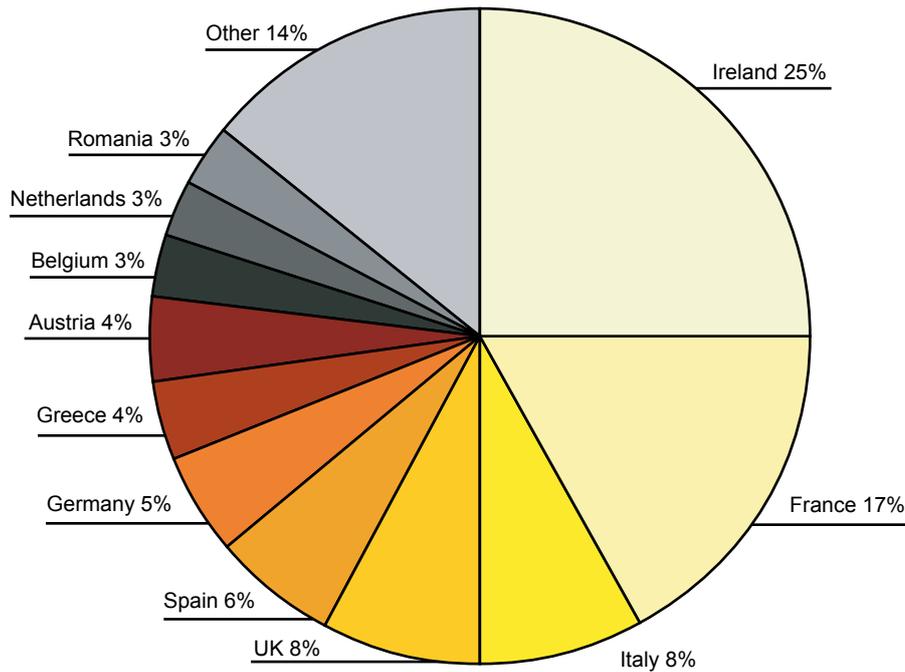
Some cases require in-depth expertise that can be provided by members of the Administrative Commission for the Coordination of Social Security Schemes, a specialised body made up of a government representative from each

Member State<sup>10</sup>. Its duties are to deal with all administrative issues and questions of interpretation arising from the EU rules and to develop cooperation between Member States on social security matters. Around one third of the national SOLVIT centres regularly work together with their national representatives, one third occasionally and one third hardly or not at all. The aim is to secure closer coordination between members of the Administrative Commission and the SOLVIT network on cases requiring in-depth expertise. For those cases, much can be gained from stronger synergies between the work of the Administrative Commission and SOLVIT in the area of social security. To this end, discussions with and between the two networks will continue.

It is too early to say what influence the new Regulation on coordination of social security systems (applicable since May 2010) will have on the number of cases within SOLVIT and on how they are handled. This will be assessed next year.

10. [http://europa.eu/legislation\\_summaries/employment\\_and\\_social\\_policy/social\\_protection/c10516\\_en.htm](http://europa.eu/legislation_summaries/employment_and_social_policy/social_protection/c10516_en.htm)

**Figure 2 Social security cases handled in 2010, broken down by country where the problem occurred**



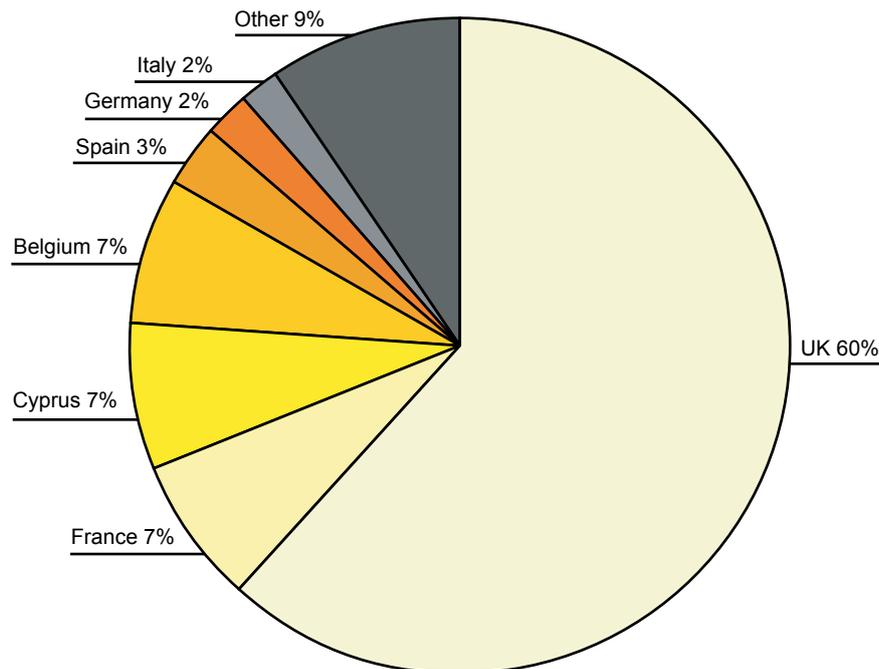
### 2.1.2. Residence rights

In 2010 SOLVIT centres closed 306 cases concerning residence rights, managing to solve 91 % of them. Although cases against the United Kingdom still account for 61 % of all these complaints, there was a sharp decrease in 2010 from 419 cases to 185. This is because the United Kingdom has reduced the delays in handling applications for residence cards for EU citizens' family members, in response to the high number of problems flagged, among others by SOLVIT. Another country involved in many residence rights cases relative to its size is Cyprus — half of the cases submitted against Cyprus in 2010 concerned residence rights.

Examples of problems identified by SOLVIT in this area include:

- non-compliance by national authorities with the six-month deadline for issuing the 'residence cards of a family member of a Union citizen' to non-EU nationals (Article 10 of Directive 2004/38/EC);
- denials of visas to non-EU nationals married to EU citizens, on the basis that another authority in the same Member State has not issued a residence card for the non-EU citizen in question and that the application is beyond the six-month deadline;
- excessive demands for documents in the case of applications for Article 10 residence cards, such as proof of health insurance for the spouse, a certificate about not being previously married or confirming a divorce from the previous spouse, etc.;
- restricting the validity of Article 10 residence cards to one year or to the period for which the applicant's passport is valid;
- in case of doubts about the authenticity of a marriage between an EU citizen and a non-EU national, some national authorities considered the deadline of six months for taking a decision on the application suspended until they had satisfied themselves of the authenticity of the marriage.

**Figure 3 Residence rights cases handled in 2010, broken down by country where the problem occurred**



### 2.1.3. Professional qualifications

In 2010 SOLVIT centres dealt with 220 cases on professional recognition, solving 91 % of them.

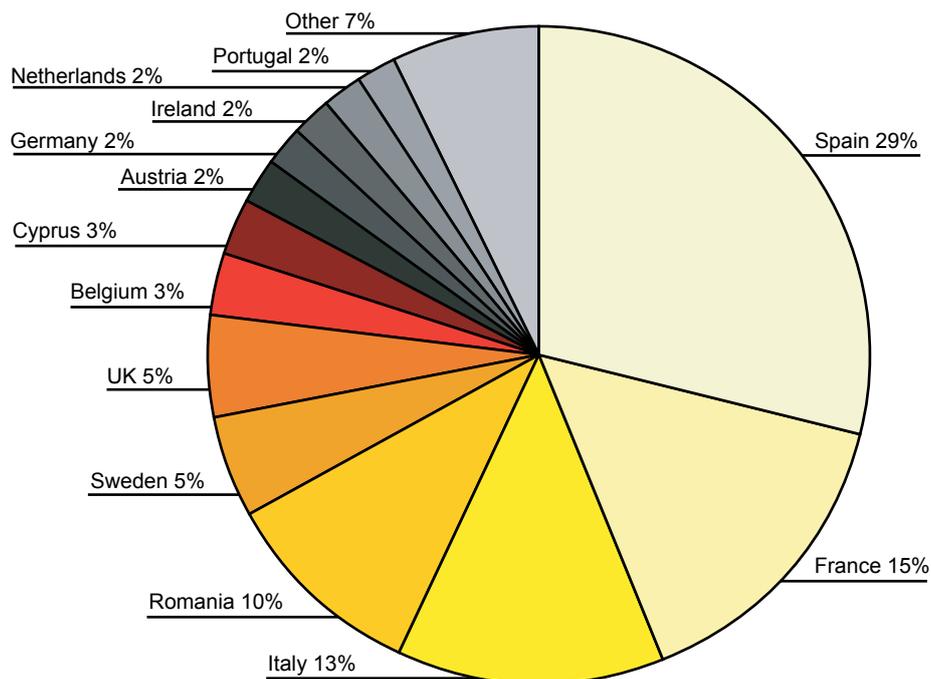
Surveys show that citizens do not normally expect problems with recognition of their professional qualifications when they move to another Member State. However, in 30 % of the cases reported to the European Commission, applications for recognition of qualifications were initially rejected or the holders were required to undergo additional tests or had to lodge appeals in order to pursue their requests<sup>11</sup>. SOLVIT cases also confirm that it is still not as easy as might be expected for people to exercise their profession abroad. The number of SOLVIT cases in this area is not decreasing.

Examples of problems handled by SOLVIT in this area include:

- Article 51 of Directive 2005/36/EC requires the authorities to acknowledge receipt of the application and to inform the applicant within one month if any document is missing and to issue a decision within three months at the latest. Both these deadlines are frequently disregarded.
- The compensatory measures imposed are sometimes more demanding compared to the real differences in training. As it is very difficult to prove a lack of proportionality, SOLVIT centres sometimes have problems with solving cases of this type.
- In the case of professions for which the minimum training requirements have been harmonised but where automatic recognition is not available, the authorities often simply refuse recognition instead of proposing compensatory measures.
- Persons exercising non-regulated professions sometimes find it more difficult to practise their profession abroad than people whose professions are regulated; for example, potential employers might expect some proof of work experience abroad, whereas authorities responsible for recognition do not, as a rule, provide such certification for non-regulated professions.
- Even where qualifications are recognised, people may encounter other difficulties when trying to gain access to a profession (for example, discriminatory systems where extra points are granted for national diplomas only).

11. Internal Market Scoreboard No 21, 2010: [http://ec.europa.eu/internal\\_market/score/docs/score21\\_en.pdf](http://ec.europa.eu/internal_market/score/docs/score21_en.pdf) and Eurobarometer survey published in July 2010: [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_337\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_337_en.pdf)

**Figure 4 Recognition of professional qualifications cases handled in 2010, broken down by country where the problem occurred**



#### 2.1.4. Free movement of services, goods and taxation

As can be expected from the relatively small number of business cases, SOLVIT still deals with a relatively modest number of problems with free movement of goods and services and with freedom of establishment. The number of taxation cases is higher, probably because taxation rules affect not only businesses but also citizens.

The resolution rates in these areas have increased compared with last year, but still remain below the average. This could be because these cases tend to be more complex than cases in the other areas. There are also a number of cases where the proportionality of certain measures needs to be assessed; they are generally difficult to solve informally, unless the measures are clearly disproportionate.

#### *Free movement of services*

In 2010 the number of cases related to services increased by more than 30 % from 28 to 37. At the end of 2009 the Services Directive came into force in the EU. However, as not all the cases related directly to the Directive, but many, instead, concerned the general provisions on free movement of services in the EU Treaty, it is too early to conclude whether the increase can be attributed solely to application of the Directive. The resolution rate improved markedly from below 50 % to more than 80 %. Services often involve businesses and the proportion of business cases remained high at around 75 %. A large number of the cases concern national requirements to hold an authorisation or other form of licence, without recognising similar ones from other Member States. Cases are spread over all EU countries.

One interesting point is that unresolved individual cases often required structural changes in national legislation. In half of the unresolved SOLVIT cases in the area of services, these changes were already in the pipeline.

### *Free movement of goods*

In 2010 SOLVIT centres closed 50 cases concerning market access for products, of which 46 were solved, giving a resolution rate of 92 %, which is a big increase compared with 2009 (64 %). Free movement of goods cases tend to be complex and a large proportion of them took longer than ten weeks to solve (only 26 of the cases closed were solved within the ten-week deadline).

The most common problems included unjustified requests for extra tests or national testing certificates before allowing products onto the market, requirements for packaging in set quantities, requirements for a specific type of labelling, the need to be established in the country of destination, classification of products and the rules applicable (e.g. cases involving medical devices, food supplements, etc.).

Unresolved cases concerned confiscation of goods and requirements for extra testing. Where the national authority was unable to redress the situation informally, the complainant was advised to submit a complaint to the Commission or to take it to a national court.

### *Taxation*

Just as last year, most taxation cases in SOLVIT concerned reimbursement of VAT and double taxation. Others were about excise duties and discriminatory tax provisions. In 2010, 68 cases were handled and 58 solved. This gives a good resolution rate of 85 %.

#### 2.1.5. Driving licences and vehicle registration

Driving licence and vehicle registration cases together made up 6 % of the total case-load in SOLVIT (75 vehicle registration and 11 driving licence cases). About 92 % of the cases were solved, which is slightly above the SOLVIT average.

Most vehicle registration cases concerned either importing into the Member State of normal residence

or registering vehicles in a Member State other than the state of normal residence. A significant number of cases occurred in Italy and France. One problem was requirement of a national certificate of conformity for vehicles that had previously been registered in another Member State. This is not always in line with EU legislation on vehicle registration (directive 1999/37).

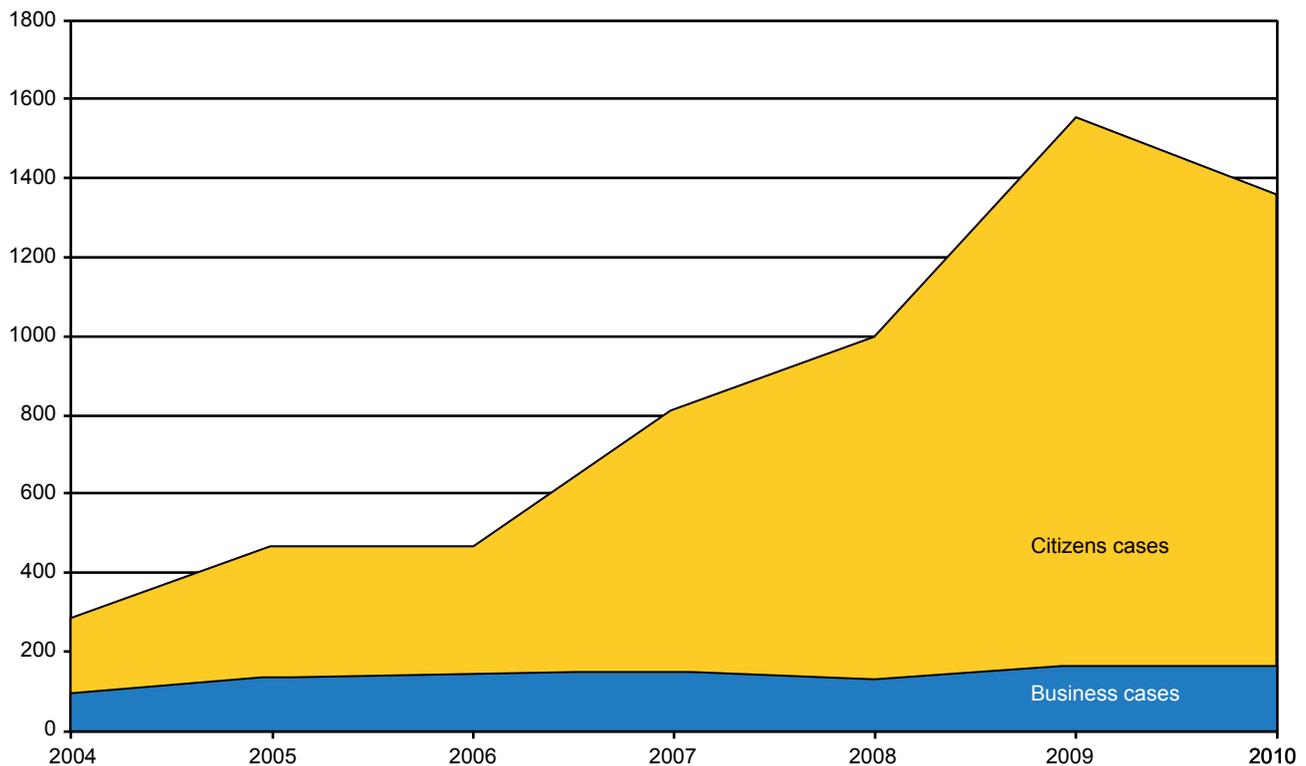
The main problem in the area of driving licences is mutual recognition of EU/EEA driving licences, especially when they are exchanged for a new licence in the host Member State. Under EU law on driving licences (directive 2006/126), they should be exchanged without additional conditions. However, some Member States require, for example, registration of the licence or presentation of a translation of the driving licence from another Member State. These requirements are not in line with the principle of unconditional mutual recognition as set out in the EU legislation on driving licences.

## 2.2. SOLVIT+ cases

SOLVIT's task is to solve problems caused by misapplication of EU law by national authorities. In some cases, the breach of EU law is not simply the result of misapplication of the rules applicable at national level, but stems from bad transposition of EU rules. In situations like that, the only solution is to change those national rules. SOLVIT+ cases not only find a solution to the individual problem, but also prevent similar problems in the future.

Despite the fact that SOLVIT+ cases are often difficult to solve informally or within ten weeks, the vast majority of SOLVIT centres are prepared to take on such cases and can handle them successfully (SOLVIT Germany and SOLVIT Denmark refuse to handle SOLVIT+ cases as a matter of principle). In 2010, 18 SOLVIT+ cases were handled by 13 SOLVIT centres. Examples can be found in Annex3.

**Figure 5 Cases within SOLVIT's remit submitted between 2004 and 2010 by citizens and businesses<sup>12</sup>**



### 2.3. Business cases

At the end of 2009 the Commission services took specific action to attract more businesses to SOLVIT. SOLVIT centres were also encouraged to step up promotional drives targeted at businesses. This was based on a survey amongst businesses; one of the findings was that 83 % of respondents would have considered using SOLVIT had they known about it. At the beginning of 2010 more businesses seemed to be turning to SOLVIT for assistance; however, the final number of business cases in the reporting period was around the same as over the last few years (167). The largest number of cases concerned market access for products, taxation, services and vehicle registration.

Whilst it is possible that the promotion measures recently taken need more time to produce effects on the ground, the Commission and Member States will need to intensify their efforts to reach out to businesses.

It is also clear that some centres that have started or stepped up promotion measures targeted at businesses saw the number of business cases increase (for example, Spain and Slovenia). The Czech SOLVIT centre has a relatively large number of businesses, which is possibly the effect of SOLVIT Czech Republic also being responsible for the national product contact point, which informs companies on which technical rules apply to certain products.

12. The figures in this graph are based on the full-year reference periods, from January to December.

### 3. FUNCTIONING OF THE NETWORK



#### 3.1. Cooperation within the SOLVIT network

National SOLVIT centres gave a rating of 8 out of 10 to their relations with other SOLVIT centres (the same as in 2009). However, some of them, while giving a good mark for cooperation in general, reported difficulties in cooperating with certain SOLVIT centres, for instance relating to communication, the quality of the files submitted, lack of legal expertise or lack of time dedicated to the cases submitted. This is an important point for attention; specific problems are regularly addressed within the network. The workshops in which SOLVIT staff meet to discuss common approaches and to share experience are valuable in this context.

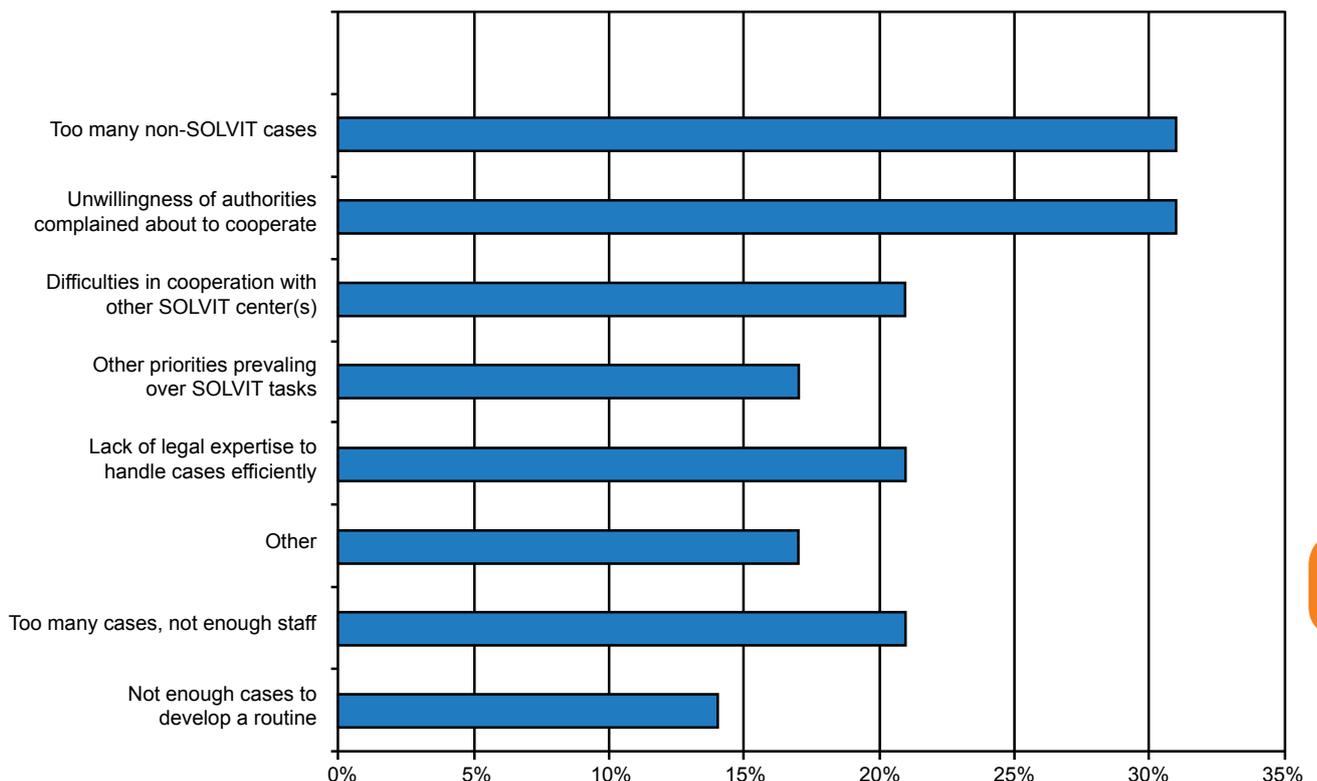
In 2010 the first workshop was held in Brussels, hosted by the Commission. Experts from Your Europe Advice attended part of the meeting in order to ensure closer cooperation with their network.

The second workshop organised by the European Commission was held in Strasbourg. Part of this workshop was joined with the bi-annual meeting of liaison officers from the national Ombudsmen's offices, organised by the European Ombudsman. The objective was to improve the understanding of each others' work and to facilitate cooperation. In November, during the Belgian Presidency, a third workshop was held in Brussels, hosted by SOLVIT Belgium.

In addition, the European Commission organised a training session for newcomers to SOLVIT in May 2010, which included legal training in the areas where SOLVIT is most active (see Section 3.2.4). This new initiative (two sessions have been organised so far) has proved a success and the Commission services will therefore continue organising this kind of training.

#### 3.2. Main bottlenecks encountered by SOLVIT centres

Figure 6 Percentage of SOLVIT centres reporting a particular bottleneck



### 3.2.1. Non-SOLVIT cases

In 2010 SOLVIT also attracted a large number of complaints and queries about matters falling outside its remit (see Section 4.1 for further details). Clearer and better targeted promotion, closer cooperation with other networks and the revamped Your Europe portal put on-line recently should help to reduce the number of non-SOLVIT cases.

**A best practice: Participate in the national meeting of representatives of assistance and information services to gain a good understanding of each others' activities and ensure good signposting<sup>13</sup>.**

### 3.2.2. Staffing

The number of staff allocated to SOLVIT centres ranges from 1 person-month to 55 person-months a year. Whether staffing is adequate depends to a large extent on the case-load. Experience shows that, in order for SOLVIT to function properly, each centre should have at least 6 person-months available per year. Medium-sized SOLVIT centres need at least 18 person-months, the large centres at least 24 and the very large centres 36 person-months (see Annex 1 for an overview and details of the method of calculation). With the case-load growing year by

year and the SOLVIT network developing further, staffing will clearly remain a critical issue.

In 2010 there were a number of changes in the level of staffing in different centres. However, the total number of person-months allocated to SOLVIT remained more or less the same. To give a more detailed picture, the staffing levels (or time spent by current staff on SOLVIT work) increased at five SOLVIT centres (Austria, Italy, Lithuania, Norway and Spain). Staffing slipped from 'adequate' to 'low' in five centres. In four centres (Belgium, Cyprus, Ireland and Latvia) this was not due to a nominal decrease in staff, but because of the increase in case-load, which in turn requires more staffing. Although the number of employees increased in Hungary, the level is still low as they had to spend a large part of their time on other tasks. It is, of course, important that every centre has sufficient staff to deal with the case-load and awareness-raising activities. This is even more important in the centres which deal with a large proportion of the SOLVIT case-load. The UK, France, Spain and Italy were involved in more than 50 % of all cases handled in 2010. The UK, Spain and Italy each employ three persons who work exclusively or partly on SOLVIT. For three staff members, the case-loads are already very high, but in France with only one staff member it is practically impossible to deal with all the cases and meet all

**Table 1: Staffing levels in SOLVIT centres from 1.11.2009 to 31.10.2010<sup>14</sup>**

Countries marked in bold have changed category in comparison with last year. For reasons of objectivity, the minimum staffing level depends on the case-

load of the centre (small, medium, large or very large). No account is taken of the speed with which cases are handled.

	Adequate	Low
<b>SOLVIT Centres</b>	<b>Austria</b> Bulgaria Czech Republic Estonia <b>Italy</b> Liechtenstein <b>Lithuania</b> Malta <b>Norway</b> Poland Portugal Romania Slovakia Sweden United Kingdom	<b>Belgium</b> (because of higher case-load) <b>Cyprus</b> (because of higher case-load) Denmark Finland France Germany <sup>15</sup> Greece Hungary Iceland <b>Ireland</b> (because of higher case-load) <b>Latvia</b> (because of higher case-load) Luxembourg <b>Netherlands</b> Slovenia <sup>16</sup> Spain

13. SOLVIT centres try out different means in order to overcome these bottlenecks in the more immediate future (as generally the bottlenecks require more resources, which is not easy to obtain on short term notice). These "best practices" refer to one of the actions a SOLVIT centre has undertaken to improve the situation, this is to illustrate what can be done and can eventually serve as an example for other centres.
14. For details on how the statistics are calculated, see Annex 1.
15. SOLVIT Germany provided no data on staffing. However, the database names one contact person, who is assisted by one or more trainees most of the year. The same person also has responsibilities other than SOLVIT. Taking into account the high case-load and the further potential in Germany, this staffing cannot be considered adequate.
16. Staffing was increased on 1 September 2010. From that date on, the staffing level has therefore been adequate.

the deadlines. Therefore the fact that the centre will be taking on one more permanent member of staff at the beginning of 2011 is very welcome (although two are still not enough to deal with the number of cases France receives). SOLVIT Germany is also understaffed. One person, also responsible for other tasks, works for the centre, assisted by one or more trainees. Because of the size of its population, Germany has a much higher potential number of cases than the SOLVIT centre currently handles.

As in 2009, once again many SOLVIT centres pointed out that, because of additional responsibilities over and above those relating to SOLVIT, they are often unable to concentrate on the work and to meet the demands of SOLVIT. These problems are adversely affecting the performance of SOLVIT. Unless centres have enough resources to allow staff to spend the necessary time on SOLVIT tasks, the problems are set to grow. Also long absence of one of the staff members, as in Luxembourg, makes it difficult for centres to keep up the required quality standards for that period of time.

### 3.2.3. Cooperation with national authorities

Although cooperation with national authorities is still mentioned as a bottleneck, a large number of SOLVIT centres reported that SOLVIT is now better known by the national authorities, with the result that their willingness to cooperate has improved. Also the informality of SOLVIT does not seem to be so much of a barrier as before to cooperating in order to find a solution. Of course, there are still difficulties, but these seem to be limited to specific countries, areas of legislation or authorities/individuals. Difficulties are also still being reported with convincing the national authorities of the need to stick to the short deadlines in order to help clients as swiftly as possible.

**Best practice: organise regular meetings leaving room for more informal contacts to improve understanding of SOLVIT and create a more cooperative spirit within the national administration.**

### 3.2.4. Legal expertise

SOLVIT centres' staff need to be well trained in EU and national law in a wide range of areas and to have quick access to the specialist legal expertise needed in order to handle cases within short deadlines. Normally, SOLVIT centres should be supported by the expertise of their national administration. Many SOLVIT centres have also created networks of experts who give opinions on more complex complaints. However, given that national administrations do not always work to such short deadlines as SOLVIT, not all SOLVIT centres are able to obtain the opinions they need in a short time.

In June 2009 the European Commission opened up the opportunity for SOLVIT centres to request advice from independent legal experts working for Your Europe Advice, in order to obtain a preliminary assessment of the case if the SOLVIT centre cannot give one itself. Over the period from 1 November 2009 to 31 October 2010, 66 requests for advice were made. Almost all of them were answered within a week. SOLVIT centres find this service very helpful.

In addition, the Commission services provide informal advice to SOLVIT centres. This advice does not express the official position of the Commission, but merely an informal opinion on the case given by the Commission's expert in the area concerned. This is offered in cases where two SOLVIT centres have already prepared different legal assessments of the case, but cannot agree which of them is right. The SOLVIT team in the European Commission, which coordinates the network, assists SOLVIT centres in situations like this and asks the Commission experts for their opinion. In 2010, 72 requests for advice were addressed to the Commission (similar to the number in 2009). The aim is to provide advice within two weeks; in 2010 the average time taken to provide advice was 26 days and in 2009 it was 23 days. Besides these formally registered requests, the SOLVIT team in the Commission deals with numerous other requests for advice on case-handling where legal aspects also need to be considered.

### 3.3. Promotion

This year SOLVIT centres spent an average of 13% of their time on promotional activities, similar to the figure in previous years. The level of promotional activities continues to vary across the network:

six centres reported that they had spent more than a fifth of their time on promotion, whereas nine said less than 10 %. The variation between centres can be explained, in part, by differences in the staff resources available to each centre.

**Table 2: External awareness-raising activities by SOLVIT centres in 2010**

The arrows indicate the trend compared with the previous year. Countries in bold are specifically targeting the business community.

	Many		Some		Little or none	
<b>SOLVIT Centres</b>	Belgium	↔	<b>Austria</b>	↔	<b>Finland</b>	↔
	<b>Bulgaria</b>	↔	<b>Czech Republic</b>	↓	<b>Germany</b>	↔
	Cyprus	↔	<b>Denmark</b>	↔	<b>Greece</b>	↔
	<b>Slovenia</b>	↔	<b>Estonia</b>	↑	<b>Hungary</b>	↔
	<b>Sweden</b>	↔	France	↑	<b>Italy</b>	↓
			Iceland	↑	Liechtenstein	↔
			Ireland	↔	<b>Lithuania</b>	↔
			<b>Latvia</b>	↓	<b>Norway</b>	↔
			<b>Luxembourg</b>	↓	<b>Slovakia</b>	↓
			<b>Malta</b>	↔	<b>Spain</b>	↓
			<b>Netherlands</b>	↑		
			<b>Poland</b>	↓		
			Portugal	↓		
			<b>Romania</b>	↔		
			<b>United Kingdom</b>	↔		

Almost all the SOLVIT centres organised events to promote the network and more are targeting the business community than before. Activities to raise awareness on the part of businesses include close collaboration with the Enterprise Europe Network, articles in the professional press and magazines, round tables with entrepreneurs and meetings with trade unions, chambers of commerce and business organisations.

Many centres have expressed the wish to step up their awareness-raising activities in the year ahead, with continued interest being shown in attracting more business cases.

Twenty also reported activities to develop a strong network of contacts within their administration. Many centres now disseminate national annual reports, and many have also established and trained SOLVIT contact points within key ministries. Some SOLVIT centres have established procedures with these contacts to handle cases more efficiently, while others hold regular bilateral or briefing sessions to keep raising awareness about SOLVIT. Contacts with embassies are also frequent.

Most SOLVIT centres are actively cooperating with other EU-wide information and assistance networks, such as Your Europe Advice, the European Consumer Centres, the Europe Direct Information Centres, the Europe Enterprise Network, the product contact points and the points of single contact. Moreover, most SOLVIT centres are now in contact with their national Ombudsman, a trend that gained pace after the joint workshop in June 2009 in Strasbourg between SOLVIT and the network of national Ombudsmen. This type of cooperation is important to raise the profile of the network, improve signposting, reduce the number of non-SOLVIT cases and improve case-handling by SOLVIT. Also the launch of the revamped Your Europe web portal, where citizens and businesses are first informed of their rights in a user-friendly way and then redirected to an assistance service if necessary, is also expected to provide easier access to SOLVIT.

**Best practice: give a presentation on SOLVIT to the national parliament (for example, to a committee responsible for European affairs).**

## 4. PERFORMANCE OF THE NETWORK IN FIGURES



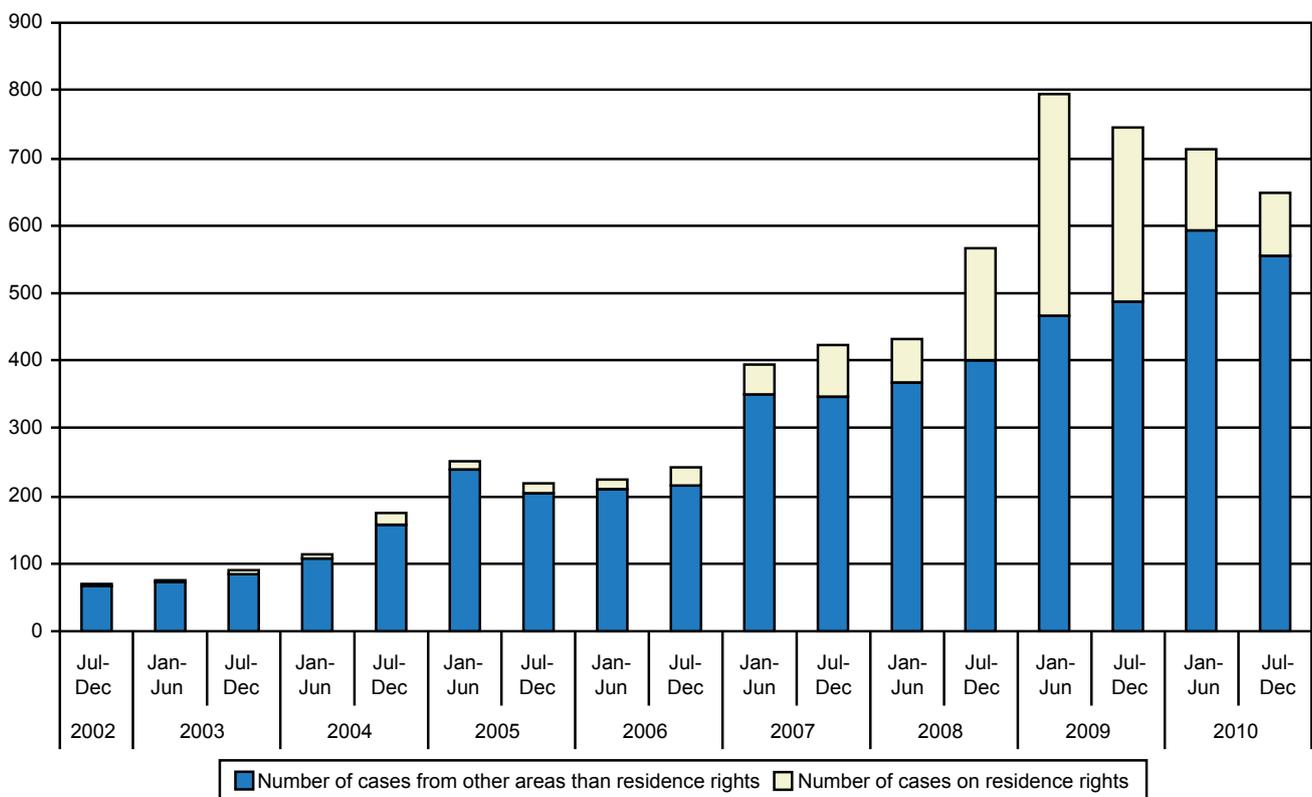
### 4.1. Case-load

#### 4.1.1. Case-load of the whole network

In 2010 the overall case-load decreased (1 363 cases within SOLVIT's remit compared with 1 540 in 2009). However, as can be seen from the graph, the big increase in cases last year and decrease this year are mostly attributable to the residence rights problems in the UK.

If residence rights cases are removed, it becomes clear that for the last three years there has been a constant increase in the case-load, with a slight slowdown in the second half of 2010.

**Figure 7 Case flow 2002–2010: cases within SOLVIT's remit opened in the given period<sup>17</sup>**

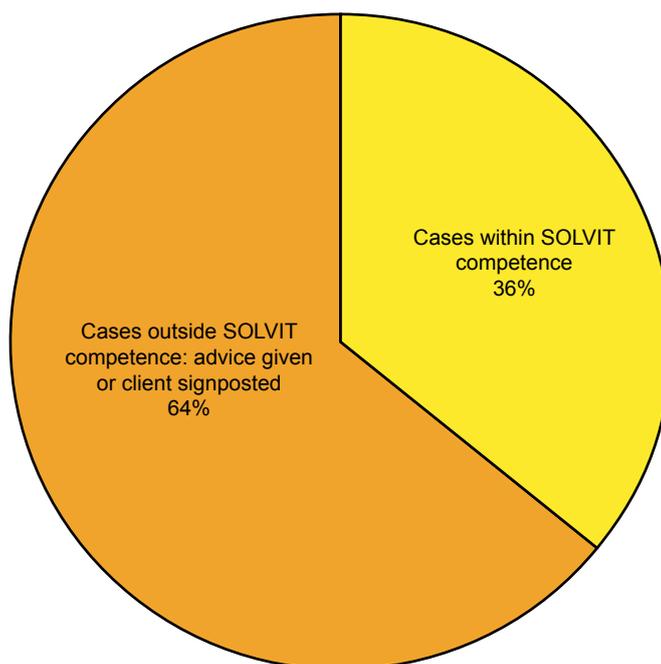


The number of cases within SOLVIT's remit does not, on its own, give the full picture of the workload that SOLVIT centres had to deal with in 2010, as this number made up only 34 % of all the cases referred to SOLVIT. Cases submitted to SOLVIT, but outside

its remit, continue to account for a very significant share of SOLVIT's overall workload. All these cases also need to be examined and analysed in order to point the complainants in the right direction.

17. The figures in this graph are based on the full-year reference periods, from January to December.

**Figure 8** Cases within and outside SOLVIT's remit closed between 01.11.2009 and 31.10.2010 submitted by the on-line complaint form



#### 4.1.2. Case-load as home centre and lead centre

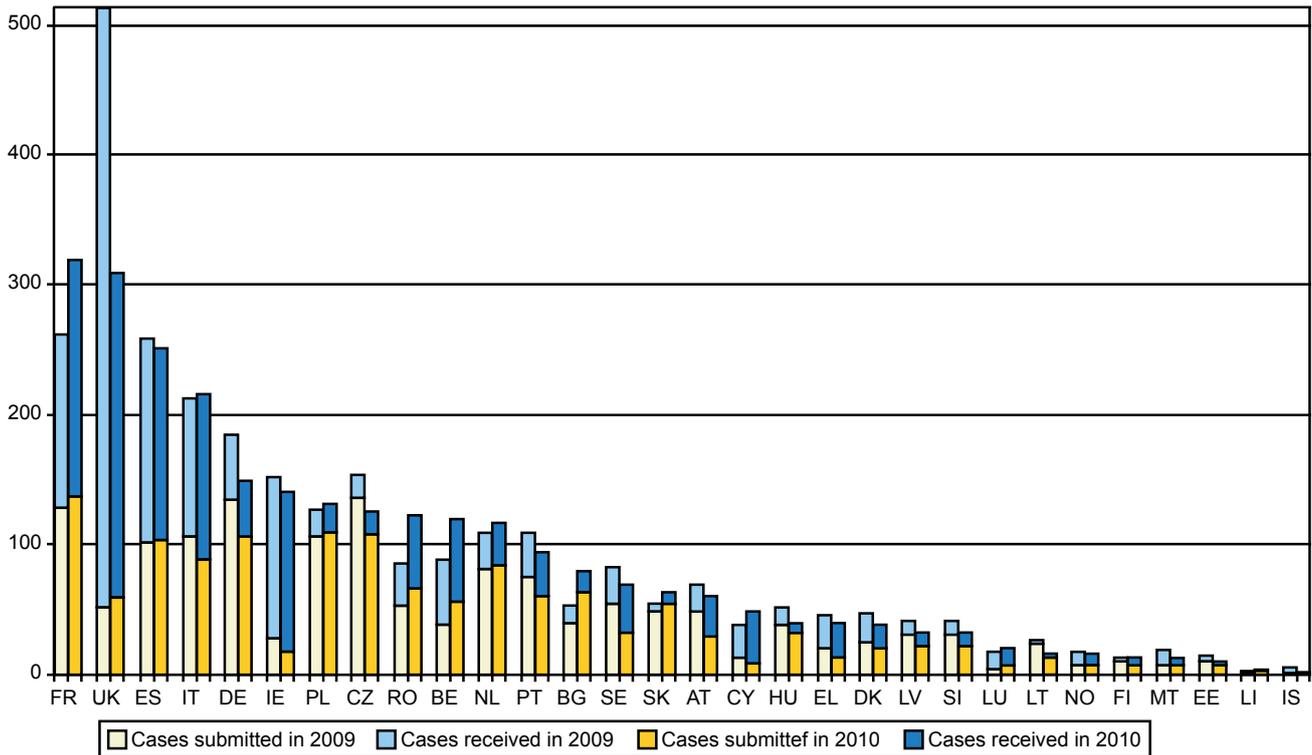
Efficient handling of cases by SOLVIT depends on the work of two SOLVIT centres. In every case, a national SOLVIT centre serves either as the home centre or as the lead centre.

The 'home SOLVIT centre' (normally the centre in the applicant's country of origin) receives the complaint, contacts the client, collects all the documents, prepares the legal analysis of the case and translates it into English before sending the case to the 'lead SOLVIT centre' via the SOLVIT database.

The lead SOLVIT centre is the centre in the country of the public administration about which the complaint is being made. Its role is to compare the legal assessment of the case prepared by the home centre with the position of the national administration and to find a solution for the client. Under SOLVIT rules, the lead SOLVIT centre has ten weeks to deal with the case.

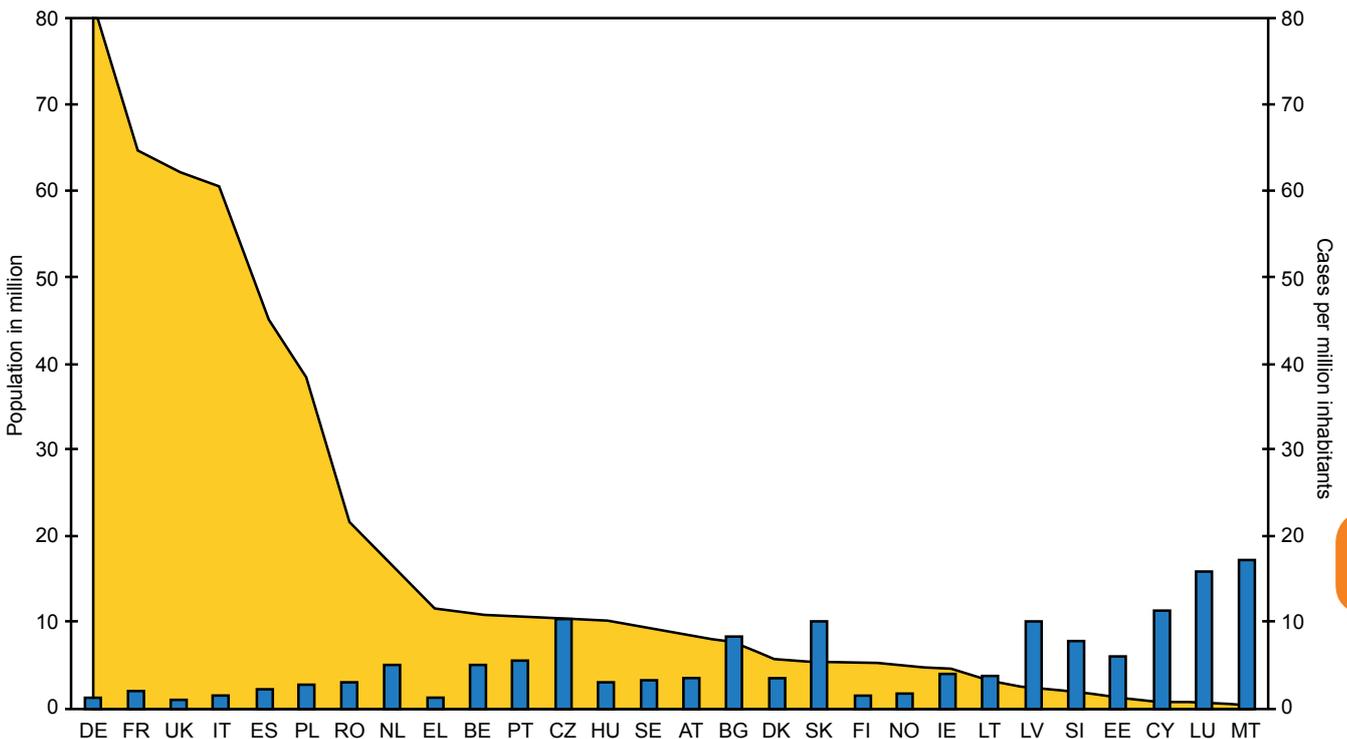
Figure 9 (on page 19) shows the case-load of each SOLVIT centre in both these roles.

**Figure 9 Case-load in absolute figures in 2009 and 2010 — cases submitted as home centre and received as lead centre**



The sharpest increases in the number of cases submitted and received can be seen in France, which now seem to be less acute (see Section 2.1.2). The exceptionally high number of cases received by the UK in 2009 was mostly due to the problems with residence rights, and is now less acute.

**Figure 10 Case-load in proportion to population — home centres that submitted five cases or more**



The number of cases submitted and received by the SOLVIT centres generally reflects the size of the countries, except in the Czech Republic and Ireland, as there were, as last year, an exceptional number of social security cases from Czech citizens residing in Ireland (due to publicising by word of mouth).

In Figure 10 the EU/EEA countries are arranged in order of size, which paints a very different picture from the absolute number of cases. As can be seen from the graph, the smaller the country the more cases it submits to SOLVIT in proportion to its population. Medium-sized countries such as the Czech Republic, Bulgaria and Slovakia also stand out in terms of number of cases submitted.

#### 4.2. Resolution rates

The resolution rate within the SOLVIT network increased to 91 % (86 % in 2009). In 23 % of the cases the solution consisted of correct application of EU law by a public authority, following clarification of the meaning of the relevant EU rules. The resolution rates of most SOLVIT centres are well above or around the SOLVIT average, in particular Portugal, Bulgaria and Sweden. SOLVIT Latvia, Greece and Luxembourg reported the lowest resolution rates (64 %, 62 % and 58 % respectively).

In this context, it is very important to stress that solving cases depends not only on the capacity of the SOLVIT centre, but also on the willingness of the relevant authorities to cooperate informally. Moreover, some problems submitted to SOLVIT centres may be very difficult to handle informally and/or within the deadlines applicable within SOLVIT (for example, some problems may be too complex or too sensitive to be solved informally or in other cases only a technical expert can assess whether a certain measure is justified).

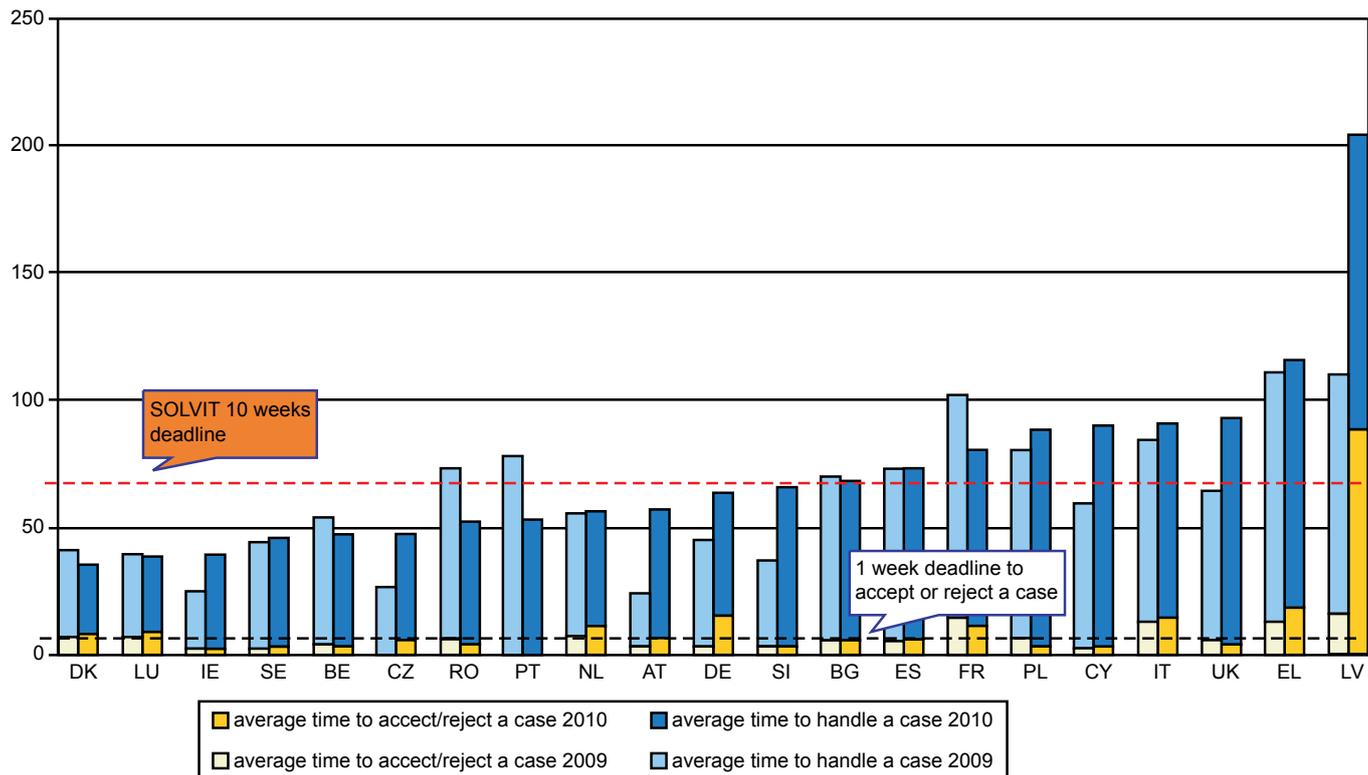
#### 4.3. Case-handling time

In 2010 most cases were handled within the SOLVIT deadline of ten weeks: the average time was 66 days.

##### 4.3.1. Case-handling time as lead centre

Once the home SOLVIT centre has prepared the case, it sends it to the lead centre. The lead centre should accept or reject the case within seven days. If the case is accepted, a solution has to be found within ten weeks. If the case is particularly complicated, the deadline can be extended by four weeks. Sometimes the case can be kept open for longer than 14 weeks, but only when there is a genuine chance that a solution can be found in SOLVIT after the deadline and the client prefers to keep the case open longer and have it solved rather than having it closed as 'unresolved' within the deadline. The time taken by SOLVIT centres to handle a case depends largely on the readiness of the national administration to cooperate. In some countries an exchange of views on the content of the case by e-mail or telephone can help, while in others an exchange of official correspondence between the SOLVIT centre and the public authority concerned is necessary which, of course, has a significant impact on the speed with which the case is handled.

**Figure 11 Case-handling times in 2009 and 2010 — lead centres that handled ten cases or more**



Most SOLVIT centres took, on average, less than 10 weeks to handle a case. The average case-handling time by the lead SOLVIT centre after acceptance of the case was 66 days. France, Greece, Romania and Portugal improved their performance in 2010, but Latvia took significantly longer to handle cases (almost three times the SOLVIT deadline), despite the fact that its case-load was down on 2009. The situation seems to have improved in the second half of 2010.

#### 4.3.2. Preparing cases for submission as home centre

The SOLVIT recommendation<sup>18</sup> sets a deadline of ten weeks to handle a case from the date of acceptance by the lead SOLVIT centre in the database. However, it gives no guidance on how long a SOLVIT centre may take to give an initial response to a citizen or business submitting a problem. Within the SOLVIT network agreement has been reached that the first response should be given within one week. In 2010 more than half of the SOLVIT centres responded to

applicants within one week, which is much better than last year. The remaining centres need to speed up their response, especially Latvia and Lithuania, which took, on average, 1.5 months to answer their clients. SOLVIT Greece significantly improved its performance in comparison with last year.

The average time taken by each SOLVIT centre to prepare a case for submission to the lead centre was also analysed (this includes the time to respond to the client). The preparation time does not depend on the SOLVIT centre alone, but also on the time taken to obtain relevant documents and/or information from the applicants. Most of the SOLVIT centres managed to prepare cases within one month, which seems reasonable. The SOLVIT centres which took longer than a month should try to speed up the case-preparation phase, Latvia and Lithuania in particular, given the small volume of cases they submit to the network (countries that took significantly more than one month on average, in descending order of preparation time: Latvia, Lithuania, France, the UK and Italy).

18. See footnote 2

## 5. RECOMMENDATIONS



These recommendations represent the views of the services of the Commission and are the result of the findings made in this report. Member States, and in particular the hierarchy responsible for SOLVIT centres, play a leading role in most of these recommendations, as SOLVIT centres depend on the support they receive from their hierarchy to keep running smoothly.

### 1. Staffing

Further development of SOLVIT and promotion of its services will need to be matched by sufficient and appropriate staffing in the future. A number of SOLVIT centres urgently need either more staff or to be able to free up existing staff to spend more time on SOLVIT, ensure continuity and step up promotion drives.

**Action:** *Belgium, Cyprus, Denmark<sup>19</sup>, Finland, France, Germany, Greece, Iceland, Ireland, Latvia, Luxembourg, the Netherlands and Slovenia. (France will receive one new permanent member of staff; this will improve the situation, although as France has the highest case-load in the network, it is still not sufficient.)*

### 2. Promotion

SOLVIT still needs to be promoted more actively. Member States should encourage their SOLVIT centres to give more time and effort to external awareness-raising activities and provide the necessary resources for this. In order to reduce the number of non-SOLVIT complaints, the promotion drive should be carefully targeted. The recently launched Your Europe website is also meant to reach out to those who need SOLVIT's help and should reduce the number of non-SOLVIT cases (by directing citizens and businesses to the most appropriate service). SOLVIT centres are therefore encouraged to promote the Your Europe website.

**Action:** *Commission and all Member States. In particular, greater efforts are needed in Finland, Germany, Hungary, Italy, Liechtenstein, Lithuania, Norway, Slovakia and Spain.*

### 3. Increasing the number of business cases

The Commission services have analysed the reasons for the relatively small number of business cases and has developed a business promotion strategy. As pointed out, the first months of implementation of the strategy have produced no clear-cut result. Efforts need to be continued and new ways explored to reach out to businesses effectively.

**Action:** *Commission and SOLVIT centres.*

### 4. Stepping up cooperation with other networks

The Commission will continue to step up its cooperation with appropriate networks, such as the Enterprise Europe Network, at European level. SOLVIT centres should do likewise at national level. This ought to reduce the number of non-SOLVIT cases and ensure better signposting.

**Action:** *Commission and SOLVIT centres.*

### 5. Cooperation by national authorities and political support within national administrations

Regular awareness-raising activities within the national administration are needed in order to develop an active network of contacts, which can provide legal assistance and support to convince subordinate bodies to act in accordance with EU law. Strong political support within the national administration is also needed in order to convince the relevant authorities to cooperate actively with SOLVIT and to work within the deadlines.

**Action:** *Commission, Member States and SOLVIT centres.*

## 6. Resolution rates and case-handling time

Resolution rates and case-handling time for the SOLVIT network as a whole are satisfactory. However, some SOLVIT centres are below the average resolution rate and/or above the deadline of ten weeks. The causes need to be analysed and ways to address them examined.

**Action:** *Resolution rates and case-handling time as lead centre: Greece and Latvia. Resolution rate only: Luxembourg. Case-handling time as lead centre only: Bulgaria, Cyprus, France, Italy, Poland and the UK.*

## 7. Legal expertise

SOLVIT centres need sufficient legal expertise or direct access to legal expertise to handle cases correctly. If access to legal expertise is difficult, SOLVIT centres can turn to Your Europe Advice for input. As a last resort, SOLVIT centres can also turn to the Commission for advice.

Member States need to make sufficient in-house legal expertise available in SOLVIT centres. The Commission services should keep open the possibility for SOLVIT centres to use Your Europe Advice and improve the provision of informal legal advice by Commission experts.

**Action:** *Commission, Belgium, Cyprus, Ireland, Italy, Malta and Slovenia.*

## ANNEX 1 – OVERALL PERFORMANCE OF SOLVIT CENTRES IN 2010

For details of the basis used for the indicators in this table, see the explanatory notes below.

	Work load and staffing of SOLVIT centre		Performance at the service of citizens and businesses of own country		Performance at the service of citizens and businesses of other countries	
	Overall case load (submitted and received)	Staffing level	Cases submitted to the system compared with country size	Case handling speed Home centre	Resolution rates	Case handling speed Lead centre
	(1)	(2)	(3)	(4)	(5)	(6)
Austria	↔ <sup>20</sup> large	↔ adequate	↔ high	↑ high	↑ high	↔ high
Belgium	↑ very large	↓ low	↑ high	↔ good	↔ high	↔ high
Bulgaria	↑ large	↔ adequate	↔ high	↑ good	↑ high	↔ good
Cyprus	↑ large	↓ low	↔ high	-	↑ high	↓ low
Czech Republic	↔ large	↔ adequate	↔ high	↓ good	↔ good	↔ high
Denmark	↔ medium	↔ low	↔ high	↔ good	↔ good	↔ high
Estonia	↓ small	↔ adequate	↔ high	-	-	-
Finland	↔ small	↔ low	↔ low	-	-	-
France	↔ above 300	↔ low	↑ medium	↔ low	↑ high	↑ good
Germany	↔ very large	↔ low <sup>21</sup>	↔ low	↓ low	↑ high	↔ high
Greece	↔ medium	↔ low	↔ low	↑ good	↔ low	↔ low
Hungary	↔ medium	↔ low	↓ medium	↔ good	-	-
Iceland	↔ small	↔ low	↓ medium	-	-	-
Ireland	↑ very large	↓ low	↔ high	↔ good	↔ high	↔ high
Italy	↔ above 300	↑ adequate	↔ low	↔ low	↔ good	↔ low
Latvia	↑ medium	↓ low	↔ high	↓ low	↔ low	↔ low
Liechtenstein	↔ small	↔ adequate	↔ high	-	-	-
Lithuania	↔ small	↑ adequate	↔ high	↓ low	-	-
Luxembourg	↔ medium	↔ low	↔ high	-	↓ low	↔ high
Malta	↓ small	↔ adequate	↔ high	-	-	-
Netherlands	↔ large	↓ low	↔ high	↔ good	↔ good	↑ high
Norway	↓ small	↑ adequate	↔ low	-	-	-
Poland	↔ large	↔ adequate	↔ medium	↔ good	↔ good	↔ low
Portugal	↔ large	↔ adequate	↔ high	↔ high	↑ high	↑ high
Romania	↑ very large	↔ adequate	↔ medium	↑ high	↔ good	↑ high
Slovakia	↔ medium	↔ adequate	↔ high	↔ good	-	-
Slovenia	↔ medium	↔ low <sup>22</sup>	↔ high	↔ high	↑ good	↑ good
Spain	↔ above 300	↔ low	↔ medium	medium	↑ high	↔ good
Sweden	↔ large	↔ adequate	↔ high	↔ high	↑ high	↔ high
United Kingdom	↔ above 300	↓ low	↔ low	↔ low	↑ high	↓ low

20. The arrows indicate whether this year's performance of the SOLVIT centre is better (↑), the same (↔) or worse (↓) than last year's.

21. See footnote 15.

22. See footnote 16.

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## Explanatory notes

1. On average, handling of a case by the lead centre takes twice as long as submission of a case by the home centre to another centre. Cases received as the lead centre have therefore been double-counted in the overall case-load of each SOLVIT centre. The size categories are: small (0-25 cases), medium (26-75 cases), large (76-175 cases), very large (176-300 cases) and 'above 300'.
2. Centres are classified as 'low' or 'adequate' on the basis of the time spent on SOLVIT tasks in 2010 (as reported by each SOLVIT centre) and of their overall case-load. Experience shows that each SOLVIT centre should have at least 6 person-months available per year. Medium-sized SOLVIT centres need at least 18 person-months at current case-load levels. The large centres require at least 24 person-months and the very large centres 36.
3. The average number of cases submitted to SOLVIT during the period 1.11.2009-31.10.2010 was 2.66 per million inhabitants. 'Low' means more than 25 % below the average and 'high' more than 25 % above.
4. An average case-handling speed of 20 days or less as home centre is considered 'high'; an average speed of 35 days or more is considered 'low'. Centres that submitted fewer than 10 cases (Iceland, Liechtenstein, Malta and Norway) are not mentioned.
5. A resolution rate of less than 70 % is considered 'low'; more than 90 % is considered 'high'. In between is considered 'good'. For centres which received fewer than 10 cases as lead centre in 2009, no resolution rate is given in the table, namely Estonia (1 case solved out of 2), Finland (3 out of 6), Hungary (7 out of 8), Iceland (2 out of 2), Liechtenstein (1 out of 1), Lithuania (2 out of 3), Malta (5 out of 6), Norway (4 out of 8) and Slovakia (6 out of 8).
6. An average case-handling speed of 55 days or less is considered 'high'; an average speed of 75 days or more is considered 'low'. In between is rated 'good'. Centres that received fewer than 10 cases (Estonia, Finland, Hungary, Iceland, Liechtenstein, Lithuania, Malta, Norway and Slovakia) are not included.

## ANNEX 2 – SOLVIT SUCCESS STORIES IN 2010

### RESIDENCE RIGHTS AND FREE MOVEMENT OF PERSONS

#### **SOLVIT helps French student pilot register in Belgium**

A French national studying to become a pilot at a Belgian flight school could not register as a student with the Belgian authorities because the school was private and not recognised by the Belgian regional authorities (the «French Community»). However, because the certificates issued by the school were approved by the Belgian transport ministry, under EU law anyone enrolled there should have student status.

Thanks to SOLVIT's intervention, the French Community authorities agreed to register the student.

**Solved within 8 weeks**



#### **SOLVIT helps reunite Turkish husband with pregnant Danish wife in Germany**

A Turkish national wanted to join his Danish wife in Germany, where she was about to give birth and thus not able to travel. The Turkish father-to-be needed a visa to travel and was struggling to get the necessary paperwork.

SOLVIT intervened and the German authorities issued a certificate attesting the couple's financial situation, which was needed by the consulate in Istanbul to issue the visa.

**Solved within 8 weeks**



#### **SOLVIT helps reunite Spanish-Ukrainian newly married couple in Belgium**

A Spanish citizen residing in Belgium, married to a Ukrainian national, complained to SOLVIT as his wife who recently travelled to her home country, could not come back to Belgium. She applied for a visa at the Belgian embassy in Kiev, leaving there her passport, and had not received any decision for 9 months. When calling the embassy she was only informed that her case was being examined. After SOLVIT's intervention the client's wife has been informed that the visa was ready and invited to collect it in the Belgian Embassy in Kiev.

**Solved within 3 weeks**

#### **SOLVIT lets Germans enjoy French life permanently**

Two German citizens who have been living in France since 1986 applied in autumn 2008 for permanent residence. Since then they were waiting for their cards one and a half years. When they contacted the competent authority, they finally received cards, but... only temporary cards, while they were entitled to permanent residence cards.

After the intervention of SOLVIT the authorities finally delivered the permanent residence cards.

**Solved within 9 weeks**

#### **SOLVIT helps Finnish citizen obtain UK residence permit for his Thai wife**

A Thai citizen living with her Finnish husband in the UK had to wait longer than the six-month period imposed by EU law for a UK residence permit. It was issued soon after SOLVIT intervened.

**Solved within 4 weeks**

### **SOLVIT helps partner of a Norwegian citizen with UK residence card procedure**

The Australian partner of a Norwegian citizen applied for a residence card in the UK. He did not receive a decision on time, which made it impossible for him to travel as his passport was held by the UK authorities. After SOLVIT intervened, the UK authorities recognised that the rights of a Norwegian are similar to those of EU citizens and the Australian partner received his card.

**Solved within 1 week**

## **SOCIAL SECURITY AND ASSISTANCE**

### **SOLVIT helps British patient receive healthcare in Bulgaria**

A British national resident in Bulgaria was incorrectly charged for a consultation despite presenting the documentation ('S1') entitling her to free healthcare at the point of delivery. In fact, people insured in Bulgaria do not have to pay for such consultation so the same treatment should be granted to a British national resident in Bulgaria.

Her doctor refused to accept her papers, claiming he had not received any guidance about treating patients from other EU countries.

After action by SOLVIT, the Bulgarian authorities sent the patient a letter confirming her rights (which the doctor accepted) and provided a contact person in case of further problems.

**Solved within 16 weeks**



### **SOLVIT ensures pension rights from different countries are upheld**

A Hungarian who'd worked in Romania for 20 years and then in Hungary for 18 years applied to the Hungarian authorities for his pension. They started by asking the Romanian authorities to calculate the Romanian part of the pension but got no reply for almost a year, despite several reminders.

Thanks to intervention by the Romanian SOLVIT centre, the Romanian pension authority has now taken a decision on the Romanian portion of the pension and the Hungarian can finally enjoy his retirement.

**Solved within 9 days**

### **SOLVIT helps Slovak family get Icelandic child benefits**

A Slovak living and working in Iceland applied for Icelandic child benefit for his 2 children. His application remained unanswered, and meanwhile he left Iceland and returned to Slovakia, where he again applied for child benefit. The Slovak authorities refused to pay him for the period he was working in Iceland.

SOLVIT discovered that the Icelandic authorities had not acted as they were missing some documents in his file. At SOLVIT's request, the applicant provided the documents and shortly after received the Icelandic benefit payments.

**Solved within 3 months**





### **SOLVIT offers French nationals relaxing retirement in Poland**

A Frenchman living in Poland who had worked both in France and in Poland, asked the French authorities to count his time working in France towards his Polish retirement pension. As he had not received an answer after several months, SOLVIT intervened to speed up the process. The man can now enjoy his retirement in Poland.

**Solved within 6 weeks**

### **SOLVIT helps Austrian student with payment for hospital treatment in the Netherlands**

An Austrian student had to have an operation while studying in the Netherlands. Under EU rules, this person should be treated in the Netherlands, while receiving necessary care, in the same way as people insured in the Netherlands. As people insured in the Netherlands would not need to pay in a similar situation because the bill would be paid directly by the health insurer, the same treatment should be applied to this Austrian student.

SOLVIT intervention clarified the situation and there was no need for the student to pay, her bill was settled by the relevant insurance body.

**Solved within 8 weeks**



### **SOLVIT helps Austrian look for work in France**

An Austrian living in France and registered with an employment agency in that country wanted his unemployment payments to be transferred from Austria to France. To do that, he needed a document from the French employment agency. However, the agency failed to issue it in time. After SOLVIT contacted the agency, the client received the certificate he needed.

**Solved within 2 days**

### **Time spent working in Germany included in Spanish unemployment benefit**

A Spanish citizen worked in Germany for six years and then returned to Spain where he worked until he was made unemployed. The time he had worked in Spain entitled him to unemployment benefit for six months. To extend this entitlement to two years, he needed to present an E-301 form confirming the period he had worked in Germany. He applied to the German authorities for the form. After six months of phone calls and discussions, he was informed that the form had been sent to him. However, it never arrived. The citizen turned to SOLVIT for help. After SOLVIT intervened, the Spanish citizen finally received form E-301 properly filled in, confirming that he had worked in Germany for six years. He was then able to claim unemployment benefit for a longer period.

**Solved within 14 weeks**

### **SOLVIT helps Slovak self-employed mother in Austria to obtain child and family allowances**

A Slovak mother, who had been paying all the statutory contributions as a self-employed person in Austria, moved back to Slovakia to take care of her child; However, she did not receive the family and child allowances she was entitled to in Austria. Thanks to intervention by SOLVIT, the situation was sorted out and she then started to receive the benefits due.

**Solved within 5 weeks**

### **SOLVIT helps professor returning to France from Ireland**

A French professor worked for more than 8 years at the National University of Ireland in Maynooth. When she returned to France, the Irish authorities made a mistake on the form which she needed in order to qualify for her benefits in France. After SOLVIT intervened, the Irish authorities rectified the situation, thus allowing the professor to receive the benefits she was entitled to.

**Solved within 1 week**

### **SOLVIT helps Latvian family obtain Irish child allowances**

A Latvian, who used to work and pay social security contributions in Ireland, where he applied twice without success for a family allowance, turned to SOLVIT for help. The family was entitled to a family allowance from Ireland, in accordance with the EU rules on coordination of social security schemes.

SOLVIT contacted the Irish authorities and the family finally received the allowance, plus interest.

**Solved within 12 weeks**

### **SOLVIT makes international pension payments cheaper**

A Swedish woman living in Sweden was entitled to a small widow's pension from Belgium after her husband died. The pension was paid every month by cheque, which was costly to cash. When the woman asked the Belgian authorities if they could pay the pension directly into her account she was told it was not possible because she had only a Swedish bank account. After SOLVIT intervened, the decision was reversed and she started receiving her pension directly in her account.

**Solved within 12 weeks**

### **SOLVIT secures reimbursement of double social contributions paid in Germany**

A Bulgarian citizen who studied in Germany in the period before and after Bulgaria joined the European Union was insured in both Bulgaria and Germany during his studies. In order to avoid paying double social insurance, he applied to the German insurance fund for reimbursement of his health insurance contributions for the period after Bulgaria joined the EU. When his request was refused, he turned to SOLVIT for help. SOLVIT Germany and SOLVIT Bulgaria worked together to secure a successful outcome to the case from the relevant institutions. The authorities in the two Member States concerned not only found a practical solution to this particular problem, but also changed their administrative practice so that in future they will be sure to handle other such requests for reimbursement in line with the European Union legislation.

**Solved within 7 months**

### **Help SOLVIT resulted in European Health Insurance Card for Portuguese pensioner in Luxembourg**

A Portuguese pensioner, resident in Luxembourg, was denied a European Health Insurance Card by the Portuguese authorities.

SOLVIT clarified that since the entry into force of the European regulation number 883/2004, it is indeed Portugal which has to issue the card to its pensioners even if they are residing in another Member State.

**Solved within a week**

### **SOLVIT helps UK citizen to enjoy Cypriot welfare**

A UK Citizen which has resided legally in the Republic of Cyprus for more than 25 years applied for social assistance. After five months he was informed that his application was rejected because he did not possess a registration certificate.

However the UK citizen had a permanent residence permit, therefore upon the intervention by SOLVIT, the request was re-examined by the Cypriot authorities and the social benefit was granted.

**Solved within 5 weeks**

## **PROFESSIONAL QUALIFICATIONS**

### **SOLVIT helps Bulgarian study architecture in Germany**

A Bulgarian national wanted to study architecture in Germany. His Bulgarian high school diploma (enough for access to any Bulgarian university) showed he had followed the general curriculum.

However, as he had studied some additional arts subjects, the diploma also mentioned a specialisation in arts and painting. The German authorities claimed this specialisation restricted his access to just certain universities, which did not include architecture colleges.

Thanks to SOLVIT, the German authorities changed their decision and recognised that his diploma qualified him to study architecture in Germany.

**Solved within 13 weeks**





### **SOLVIT helps Irish engineer to work in Poland**

A Polish national who obtained his engineering qualifications in Ireland was having difficulties getting them recognised in Poland. They insisted that he needed to take additional exams, due to differences between Irish and Polish engineering degrees. This requirement was not in line with EU law. Following SOLVIT's intervention, the Polish authorities agreed to recognise the Irish qualifications without further conditions.

**Solved within 4 weeks**

### **SOLVIT clears the way for Romanian physiotherapists in France**

Qualified physiotherapists from Romania used to suffer long delays getting recognised to practise in France. SOLVIT intervened, and recognition is now granted much more quickly.

**Solved within 7 weeks**



### **SOLVIT helps Hungarian emergency specialist gain recognition in Sweden**

A Hungarian doctor living in Sweden wanted to have her specialist qualification in emergency medicine recognised. She had submitted the request in October 2009, but by June the next year she still had not received any decision from the authority, although one should have been given within three months. After SOLVIT intervened, the authority recognised the client's qualification as a specialist in emergency medicine.

**Solved within 8 weeks**

### **SOLVIT helps Latvian citizen to gain professional recognition in France**

A Latvian physiotherapist applied for recognition of her professional qualifications in France. The French authorities acknowledged receipt of the application and asked for additional documents. The physiotherapist provided them and waited for an answer. After around 18 months without a reply, she turned to SOLVIT for help. EU rules require the authorities to issue their decision within three months after receiving all necessary documents. Thanks to intervention by SOLVIT, the physiotherapist's qualifications were recognised.

**Solved within 12 weeks**

### **Maltese pharmacist helped by SOLVIT to practice in the Netherlands**

A Maltese pharmacist residing in the Netherlands encountered problems when he asked for a recognition of his qualifications in order to start working as a pharmacist in the Netherlands. Following intervention by SOLVIT the competent authority accepted to consider his request for recognition of his qualifications.

**Solved within 8 weeks**

### **Non-EU citizen's Romanian doctor of medicine diploma recognised in Germany**

A Sudanese citizen graduated in medicine in Romania. A few years later, he moved to Germany with his German wife. However, because he is a non-EU citizen, the German authorities refused to recognise his qualifications. Thanks to intervention by SOLVIT, the German authorities acknowledged that he had the same rights as EU citizens.

**Solved within 6 weeks**

### **SOLVIT helps a parrot to move abroad**

A Czech citizen was travelling across France to the UK to sell a rare parrot. French customs fined him and confiscated the bird as the client was unable to produce adequate proof of its origin. However, the sort of proof requested went beyond what could be asked for under EU law. After SOLVIT intervened, the French customs authorities accepted the proof provided and agreed to pay back the fine and find a way for the client to get his parrot back.

**Solved within 5 weeks**

### **SOLVIT fosters free flow of goods**

An Austrian company imported goods from Italy to Austria and, subsequently, exported the same goods to Switzerland. In order to demonstrate that they were of preferential EU origin, a special certificate from the Italian authorities was necessary. After more than a year, this certificate still had not been issued. Once SOLVIT got involved, the Italian authorities issued the certificate requested.

**Solved within 8 weeks**

### **SOLVIT helps Swedish company with Danish eco-label**

A Swedish company wanted to mark its products with the Danish eco-label. This label shows that the Danish authorities had carried out an inspection on the premises of the last company that prepared/labelled the organic product. Although use of the label is voluntary and open to foreign companies, in practice it implies that the labelling takes place in Denmark, which the Swedish company considered discrimination. SOLVIT helped to clarify the conditions for eco-labelling on the Danish market and to resolve the case to the benefit of the client. No further tests will be required on the Swedish company that wishes to use the Danish 'Ö label' for its products on the Danish market.

**Solved within 13 weeks**

### **SOLVIT helps Liechtenstein company to provide transport services across Italy**

A Liechtenstein company was given a contract to transport cash across Italy. The company is legally established in Liechtenstein and the persons in charge possess a European firearms permit in line with EU law. However, the Italian authorities told the company that this service cannot be authorised because the company is established outside the European Union. After SOLVIT intervened, the Italian Ministry of the Interior acknowledged that Liechtenstein is part of the European Economic Area and that the company should therefore be treated equally to an EU company. Considering the urgency of the case, the ministry issued the authorisation in a week.

**Solved within 2 weeks**

### **SOLVIT helps Swedish company keep Danish homes warm**

In Denmark, householders can get a government subsidy of 20,000 Danish kronor if they replace their old oil heating system with a heat pump system.

However, the customers of a Swedish company installing such pumps in Denmark were not getting the subsidy because it was only granted to firms based in Denmark, with a Danish registration number (CVR-number).

After action by SOLVIT, the Danish authorities announced that systems installed by firms without a Danish CVR-number are also eligible for the subsidy.

**Solved within 3 weeks**





### **SOLVIT helps bring Tanzanian green beans to Belgium**

Under EU law, some goods from specific countries can be imported to the EU with lower tariffs than would normally be the case.

A Belgian company had been importing green beans (via Amsterdam airport) from Tanzania with such a low tariff for over 20 years, without any problems with the paperwork.

But in 2004, when the company shipped some beans through Brussels airport, the Belgian customs claimed they could not be sure the goods originated from Tanzania – a prerequisite for the lower tariff.

Thanks to SOLVIT's intervention, the Belgian finance ministry immediately ordered the customs to review their decision and the beans were granted the low tariff.

**Solved within 6 months**

### **SOLVIT allows Italian landfill company to continue operating in Poland**

Under a new rule in Poland, an Italian company operating 4 landfills had to apply for authorisation to continue its activities in one of the landfills.

The authorities refused to grant the authorisation, saying the landfill failed to meet the appropriate environmental standards – even though the company's operations had already been approved by the Polish environment ministry.

Thanks to action by SOLVIT, the company was given the authorisation it needed.

**Solved within 9 weeks**



### **SOLVIT helps buyers of imported agricultural machines get EU funding in Lithuania**

EU regional funds can be used to fund purchases of agricultural machinery. In 2009, Lithuania introduced a new rule that such funding would be granted only for purchases of new machinery (i.e. machinery that had not been registered anywhere before, regardless of whether it had been used or not).

This new rule had the effect of barring access to funding for companies that imported and leased such machinery.

Thanks to SOLVIT intervention, this new rule was revoked.

**Solved within 6 months**



### **SOLVIT helps Liechtenstein lawyer register European patent in Ireland**

A patent lawyer based in Liechtenstein was refused permission to register a European patent by the Irish Patent Office because his address in Liechtenstein was outside the EU.

The decision was wrong – although not an EU country, Liechtenstein is a member of the European Economic Area (EEA) and part of the European patent system.

SOLVIT intervened and the Irish Patent Office registered the patent.

**Solved within 3 weeks**



## TAXATION

### **SOLVIT speeds up repayment of VAT in Austria**

A self-employed Slovene provided transport services in Austria. He submitted his VAT refund claim by the e-procedure, but did not receive any payment. Thanks to intervention by SOLVIT, the transporter received his due payment within a week. Two other self-employed Slovenes with similar problems were helped at the same time.

**Solved within 1 week**

### **SOLVIT helps Portuguese football club obtain VAT refund**

A Portuguese football club bought a player from a Romanian club for €2 500 000 (including €475 000 VAT). The Portuguese club paid the 19 % VAT required to the Romanian authorities. In February 2009 it then submitted a claim for a VAT refund to the Romanian tax authorities. After 8 months without an answer, it turned to SOLVIT for help. After SOLVIT intervened, the Romanian authorities refunded the VAT to the club.

**Solved within 4 weeks**

### **SOLVIT speeds up reimbursement of VAT**

The client, a German air service company, paid VAT on kerosene and other services at a couple of airports around Europe and then applied for reimbursement. In some cases VAT was not reimbursed within six months. SOLVIT Slovakia and SOLVIT Italy contacted the tax authorities in their country and speeded up the reimbursement procedures.

**Solved within 1 week and 4 weeks respectively**

### **SOLVIT accelerates reimbursement of VAT**

A German company applied for a VAT refund in May 2009 using a bilingual form (Polish/English). In October 2009 the Polish tax office asked for a certified translation of a form confirming the nature of the company's activity within ten days. This was impossible since the original needed to be sent to the company from a branch office first and then translated.

With the help of SOLVIT, the deadline was extended so that the procedure could be completed. The Polish authorities then granted the tax refund.

**Solved within 2 weeks**

### **SOLVIT helps Danish company obtain VAT refund in Italy**

A Danish company, which was a member of a European consortium based in Italy, asked the local Italian tax office for a VAT refund on invoices it had issued in 2007. The company submitted the documentation necessary to obtain a refund but this was rejected by the Italian authorities. After SOLVIT intervened, the Italian authorities analysed the request once again. It emerged that the reason for the confusion was that it was not clear from the documentation sent that the purchase had been made on national territory. Thanks to SOLVIT, this was clarified and the VAT was refunded.

**Solved within 19 weeks**

## NON-DISCRIMINATION

### **SOLVIT helps Dutch resident in Portugal to apply for jobs as a teacher**

A Dutch citizen had been living in Portugal since the age of five. He was educated there from kindergarten to university. But when he then applied for a job as a teacher in a primary school, the authorities told him that he was ineligible because he is not a Portuguese citizen. After SOLVIT intervened, the Ministry of Education gave the go-ahead for the Dutch citizen to apply for several posts as a teacher.

**Solved within 5 weeks**

### **SOLVIT ensures equal access to Portuguese library**

A Romanian studying in Portugal tried to register at a Portuguese library. The library's rules required presentation of an ID card as an EU citizen. However, the librarian considered that Romanian ID cards are not recognised in Portugal and that the student needed to present a passport. Despite the student complaining to the supervisors, nothing changed and the library insisted he had to present a passport. The student considered this discrimination and turned to SOLVIT for help. After SOLVIT Portugal intervened, the citizen received a letter of apology from the library admitting that the librarian had made a mistake and confirming that it was possible to register at the library with any EU ID card.

**Solved within 4 weeks**

## **ANNEX 3 – SOLVIT+ CASES 2010<sup>23</sup>**

### **SOLVIT ensures fair treatment for rafting companies in Slovenia**

Rafting companies from Hungary and Slovakia complained that cheaper, year-long access (€420) to a particular river in Slovenia was reserved for Slovenian companies.

Foreign companies not only had to pay more (€56 a day) but had the daily inconvenience of buying tickets. Thanks to SOLVIT, the discriminatory rules were changed and foreign companies can now ply their trade on Slovenia's rivers on the same basis as local companies.

**Solved within 10 months**



### **SOLVIT lobbies to end unlawful metrological type-approval of chromatographs**

A Romanian company selling chromatographs (laboratory equipment) in Romania which are lawfully manufactured and marketed in other Member States without metrological type-approval or any other metrological evaluation contacted SOLVIT after attempting, without success, to get in touch with the Romanian Bureau of Legal Metrology. This Bureau had introduced compulsory metrological controls on chromatographs. This condition was not in line with EU principles on the free movement of goods.

SOLVIT drew the attention of the authorities to the need to bring the legislation into line with EU law. Following this intervention, the procedures to make the necessary amendments to the existing legislation were speeded up. Since the new Act was published (on 22 March 2010), gas and liquid chromatographs no longer need compulsory metrological type-approval.

**Solved within 10.5 months**

### **EU rules on migration also applied to Slovak nationals in Slovakia**

A Slovak lady married an Indian national in 2006. They went to live together in England, where they had a child in 2007. Later the family moved to live in the Czech Republic. When they were expecting their second child in autumn 2010 they wanted to move back to Slovakia. The Slovak authorities considered that the EU rules on free movement of persons did not apply and applied the stricter national rules on family members of Slovak nationals.

SOLVIT managed to persuade the Slovak immigration authorities to apply the EU rules on third-country family members of migrating EU nationals, as the family had already exercised their free movement rights across Europe.

To make sure that the same practice is also applied to other third-country nationals in similar situations, the Slovak Ministry of the Interior issued an internal instruction to the immigration authorities.

**Solved within 5 weeks**

23. Section G(1) of the 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, i.e.: '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.'

### **Heating Swedish houses with Hungarian fireplaces**

A Swedish importer of fireplaces manufactured in Hungary had to meet a number of requirements on the testing and conformity assessment procedure for these products. In practice, these requirements forced it to re-test and re-label some Hungarian fireplaces which had already been tested in line with the European standard.

SOLVIT contacted the Swedish local authority that had asked for the conformity assessments, which were indeed in breach of EU law. The authority changed its requirements and the Swedish importer is now free to market and install Hungarian fireplaces. In addition as a result of this case, SOLVIT Sweden sent a questionnaire to all Swedish local authorities and, in view of the responses, will be seeking changes to the rules of at least 20 local authorities.

**Solved within 6 weeks**

### **SOLVIT enables Slovenian social benefits to be paid into foreign bank accounts**

A German citizen worked in Slovenia for six months. Upon his return to Germany he applied for Slovenian child allowance and parental benefits for the period he had worked there. The Slovenian authority sent a letter requesting the applicant to open a bank account in Slovenia in order to receive the payment. It explained that a transfer to a German bank account is impossible for technical reasons. After SOLVIT intervened, the Slovenian authority decided to upgrade its IT system in order to allow cross-border payments of family allowances.

**Solved within 8 months**

### **SOLVIT helps cut charges on cross-border pension transfers from Portugal**

A Portuguese citizen residing in Germany was receiving an old age pension from Portugal of € 227 a month. The pension was paid in the form of a cheque which meant that the applicant had to pay around € 20 each month to cash the Portuguese cheque at her German bank. The applicant tried in vain to persuade the Portuguese authorities to pay her pension directly into her German bank account, without charges. SOLVIT Portugal contacted the authorities and explained that the bank charges were excessive and, what is more, that priority should be given to electronic means of payment, in line with EU law on intra-EU cross-border payments. After SOLVIT intervened, the Portuguese pension authority and the Portuguese bank involved in payment of the pension adopted new procedures allowing everyone receiving a pension from Portugal but residing in another Member State to receive the money via electronic transfer, without any bank charges.

**Solved within 6 months**

### **SOLVIT removes technical barriers to trade in Poland**

A Czech manufacturer of non-harmonised construction products lawfully marketed in the Czech Republic and exported to 60 different countries was having problems on the Polish market. Polish law required all construction products used in Poland, no matter whether harmonised at EU level or not, to bear either an EC mark or a Polish 'mark B'. There was no provision on mutual recognition in this area. The general obligation to adapt products to the Polish technical regulations was creating a technical barrier to trade, which was contrary to EU rules.

This problem could not be solved within the SOLVIT deadline, since it required an amendment to the Polish law in question. SOLVIT's suggestions were, however, taken into account when the law was amended. The new law was published on 29 June 2010 and the relevant provisions will be binding with effect from 30 December 2010.

**Solved within 31 months**

### **SOLVIT Poland brings national rules on car registration into line with EU law**

A company was trying to register in Poland a car which had previously been registered in Germany. The Polish authorities did not accept the harmonised German registration certificate consisting of two parts in accordance with Annexes I and II to Directive 1999/37/EC, as provided for by Article 3 of the same Directive, but asked for a Polish translation. This certificate is explained in detail in the annexes to the Directive and can be read simply by comparing the harmonised letters and numbers. There is therefore no need to understand the language in which the certificate is written.

This problem could not be solved within the SOLVIT deadline, since it required an amendment to the Polish law in question. However, SOLVIT Poland convinced the authorities that the law needed to be amended. The relevant rules have now been amended and the new version entered into force on 1 January 2010.

**Solved within 19 months**

### **SOLVIT helps Portuguese-Spanish couple register their child's name in the Portuguese order**

A Portuguese-Spanish couple residing in Luxembourg wanted to register their second daughter at the Spanish consulate in Luxembourg following the Portuguese order of surnames. Their first daughter's name had already been registered this way in both the Portuguese and Spanish consulates in Luxembourg. However, this time the Spanish consulate refused. Later, the couple moved to Brussels, where they submitted the same request to the Spanish consulate. Once again, it was refused. As a result, the second daughter was only registered in the Portuguese consulate. The couple turned to SOLVIT for help.

SOLVIT could not solve this problem within the usual short SOLVIT deadlines, as it stemmed from Spanish rules. After SOLVIT intervened, the rules were amended and published by the Spanish Ministry of Justice on 10 March 2010. Before the problem of this particular Portuguese-Spanish couple could be solved, the new rules still had to be officially notified to the consulates by the Spanish Ministry. This took several months more. In October 2010 the couple contacted SOLVIT to say that their second daughter has now been registered following the Portuguese order of surnames.

**Solved within 36 months**

### **SOLVIT abolishes discriminatory fees for foreign students**

A UK national studying medicine in Warsaw was in the third year of a four-year course, taught in English, which was for non-Polish nationals only. At the beginning of her course she signed a declaration that she would pay the international fee. She was not aware that she had the right to equal treatment with Polish nationals. However, she noticed that all the students on her course with Polish parents or grandparents, including those who held dual nationality, one of which was Polish, were entitled to a 30 % reduction of the fees and were receiving refunds, whether they were EU nationals or not. The UK citizen complained to SOLVIT which considered these rules discrimination on the grounds of nationality, contrary to EU law.

This problem could not be solved within the SOLVIT deadline, since more time was needed to change the university's rules. Thanks to SOLVIT, the relevant rules and regulations have now been changed.

**Solved within 15 months**









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