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SOLVIT 2009 REPORT  
Development and performance of the SOLVIT network in 2009

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**SOLVIT 2009 REPORT**

**Development and performance of the SOLVIT network in 2009**

## SOLVIT 2009 REPORT

### Development and performance of the SOLVIT network in 2009

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## **1. INTRODUCTION**

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

SOLVIT is a network, which was created in 2002 by the European Commission and the EU Member States (plus Norway, Iceland and Liechtenstein). Since 2002, SOLVIT has been providing citizens and businesses with practical solutions to problems caused by the misapplication of single market rules. There is a SOLVIT centre in each Member State and these are set up within the national administration. The centres cooperate directly via an on-line database to provide rapid and pragmatic solutions to the problems submitted by citizens and businesses.<sup>2</sup>

In May 2008, the Commission published an action plan<sup>3</sup> for streamlining the whole range of existing information and assistance services including SOLVIT, to help citizens and businesses to better understand and make full use of their rights and benefits in the EU. A single point of access will be created, which will increase cooperation between the services in order to provide users with a better and faster service.

### **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 2009<sup>4</sup>. The report also describes the main policy areas with which SOLVIT is dealing. Facts and figures in the report are based on case handling information from the SOLVIT database and on replies to a questionnaire that was sent to all 30 SOLVIT centres in August 2009. All of the centres replied.

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 have an effect on its performance. This aspect needs to be taken into account throughout the report, in order to interpret the statistics and performance of individual SOLVIT centres. Examples of these external factors include: the size of country, migration trends in the EU and EEA, the complexity of cases, willingness of national authorities to cooperate and the political backing provided to SOLVIT centres by their national administration.

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<sup>1</sup> See [ec.europa.eu/solvit](http://ec.europa.eu/solvit) for more detailed information in all EU languages.

<sup>2</sup> Commission Recommendation of 7 December 2001 on principles for using "SOLVIT" - the Internal Market Problem Solving Network (Text with EEA relevance) (notified under document number C(2001)3901) OJ L 331 , 15/12/2001 P. 79 – 82. The recommendation has been endorsed by Council conclusions. In addition to the recommendation, SOLVIT centres adopted a set of common quality and performance standards in December 2004 to ensure a high quality of service throughout the network.

<sup>3</sup> Commission staff working paper – Action plan on an integrated approach for providing Single market Assistance Services to citizen and business, 8 May 2008, SEC(2008)1882, which fits into the broader context of the Commission strategy to improve communicating Europe inter alia by streamlining information and assistance networks supported by the Commission, 20 July 2005, SEC(2005)985.

<sup>4</sup> This report covers the period 1.11.2008-31.10.2009; this is to enable the publication of the SOLVIT Annual Report at the same time as the Internal Market Scoreboard. All figures in the report are based on this reference period unless otherwise indicated.

The recommendations at the end of the report indicate what actions the Commission and individual Member States need to take in order to ensure that good practices continue to be applied. They also address the problems that may be preventing SOLVIT from developing its full potential.

### **1.3. Summary of main developments in 2009**

There was an increase of 54% in the number of cases submitted in 2009, the large majority of which concerned residence rights. Resolution rates remained high at 86%.

Staffing improved in some SOLVIT centres. However, it appears that the increased case load and the growing complexity of cases have affected the close cooperation between SOLVIT centres. This is an important point to watch out for, as it is necessary to ensure that there are no unnecessary obstacles to the development of SOLVIT in general and the further growth in the number of cases.

The number of business cases has remained stable in absolute terms, thereby shrinking in proportion compared to the number of citizens' cases. To ascertain the exact reasons for this, the European Commission carried out a survey of businesses through the European Business Test Panel. The results were used as a basis for the European Commission to develop ideas on how to promote SOLVIT to businesses. These ideas will need to be put into practice over the coming months by combining efforts both at national and at European level. The importance of reaching out to business has also been underlined by the Competitiveness Council in its Council Conclusions of 25<sup>th</sup> September 2009.<sup>5</sup>

Another recurring issue for SOLVIT is the large number of non-SOLVIT cases submitted to the network that require signposting. It is expected that the implementation of the Single Market Assistance Services action plan would alleviate this burden, as citizens and businesses should find it much easier to contact the appropriate service. The enhanced cooperation which was initiated in March between SOLVIT and Citizens Signpost Service is already showing results. Likewise, intensified cooperation with the other networks involved, such as the Enterprise Europe Network, is expected to produce positive results.

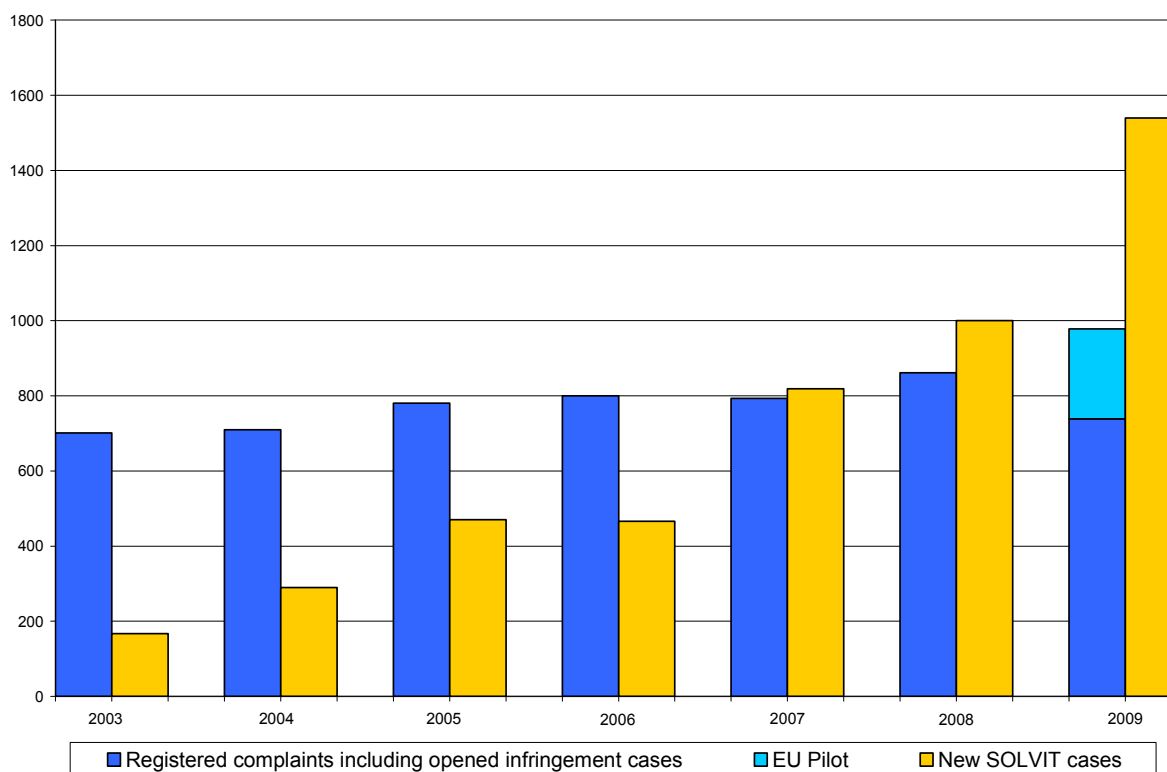
By taking on an increased case load, SOLVIT contributes to the better functioning of the Single Market. Figure 1 compares the number of registered complaints and opened infringement cases in the area of single market law with the number of SOLVIT cases over the past six years. Since 2007 the number of SOLVIT cases is higher than the number of these complaints and infringement cases.

This illustrates the effectiveness of SOLVIT as a complementary, alternative instrument to infringements and it is also good news for citizens and businesses that need to get their problems solved quickly.

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<sup>5</sup> Conclusions Competitiveness Council 24 and 25 September 2009.

**Figure 1 – Registered complaints, open infringement cases, and EU Pilot cases<sup>6</sup> compared with SOLVIT cases<sup>7</sup>**



It was estimated that the cost savings as a result of solving problems for citizens and businesses amounted to EUR 128 million in 2009. These estimates apply to 26% of all resolved cases and are based on the clients' estimates of the cost of failing to solve a problem.

The European Parliament has reiterated its strong support for the network and the Single Market assistance services action plan, and in 2009 it allocated a budget of EUR 800.000 for SOLVIT and other services under the action plan.

## 2. ORIGIN OF CASES AND PROBLEM AREAS

### 2.1. No substantial increase in business cases

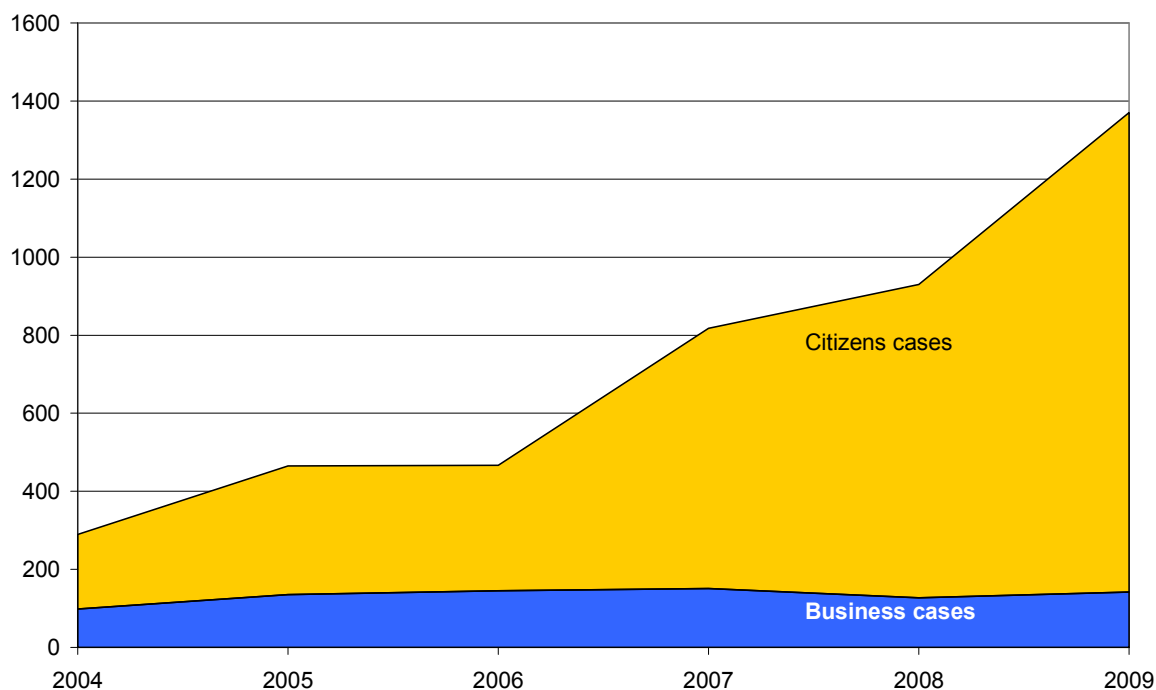
In 2009 the number of business cases remained stable at 162. The overall increase in cases has led to a further decrease in the percentage of business cases from 14% to 11%. However, this is not an indication that businesses are encountering fewer problems than citizens in the Single Market.

<sup>6</sup> The figures in this graph include complaints in the following areas: free movement of persons, goods, capital and services, social security and employment rights, taxation, border controls, motor vehicle registration, telecommunications, access to education, residence rights and visa. The light blue part represents the cases submitted to the EU pilot. This is an on-line information-exchange and problem solving network between the Commission and Member States concerning the application of Community law.

<sup>7</sup> For more information: [http://ec.europa.eu/community\\_law/infringements/application\\_monitoring\\_en.htm](http://ec.europa.eu/community_law/infringements/application_monitoring_en.htm)  
The numbers included in this graph cover the periods from 1 January until 31 December of each year.

Previously, it was assumed that the explanation of the small number of business cases was that businesses would normally prefer to seek independent, paid legal advice or make use of other established channels in order to solve their problems.

**Figure 2 - Cases submitted by citizens and businesses 2004 – 2009**



The reason why businesses are less inclined than citizens to turn to SOLVIT, when they encounter a problem was examined in a survey conducted by the European Business Test Panel in the first half of 2009. Its conclusion was that businesses are not using SOLVIT because they are not aware of it. It is not because they have no problems or that they always prefer to use other means to solve their problems. Some 83% of all participants said that if they had known about SOLVIT they would have considered using it.

There is thus a clear need for promotion at European and national level that is targeted more specifically at businesses. And for this to be effective, it needs in particular to be implemented at national level. A number of SOLVIT centres are already actively engaged in developing specific promotion strategies aimed at businesses and it is recommended that other SOLVIT centres follow this example.

In addition to more promotion, there is also a need for adequate staffing in the SOLVIT centres including sound legal expertise or direct access to such expertise on the issues that are of interest to businesses. These include market access for products and services, establishment, taxation and customs. Intensified cooperation with networks dealing with businesses, such as the Enterprise Europe Network, national Chambers of Commerce and Trade Associations, is also crucial. In addition, more time will be dedicated to business matters at the annual workshops.

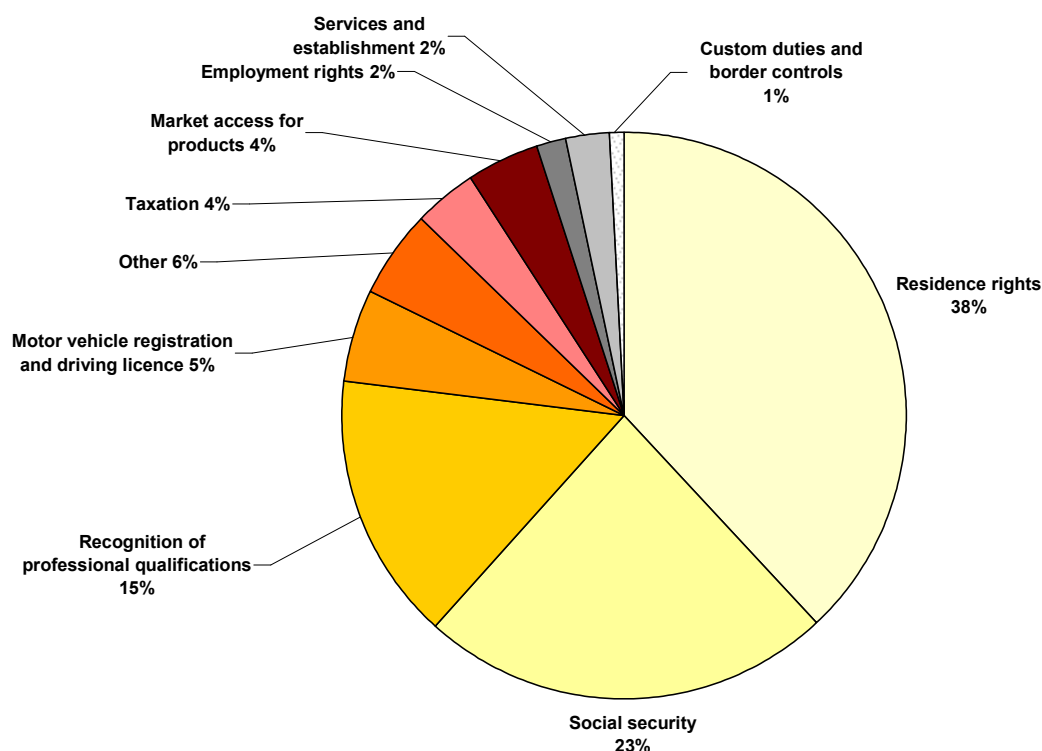
## **2.2. Problem areas: largest growth in cases on residence rights**

In 2009 the highest increase in case load was in the area of residence rights where the absolute number of cases more than tripled in comparison with 2008. The two other main areas in which



there have been increases are: social security, which is up 37% and recognition of professional qualifications, which is up 9%. Eighty percent of all problems reported to SOLVIT fall within these three areas.

**Figure 3 - Cases handled in 2009 according to problem areas**



### 2.2.1. Residence rights

In 2009, SOLVIT centres handled and closed 549 cases in the area of residence rights (residence permits and visa), having managed to solve 92% of them. 77% of all complaints were about delays in handling applications for residence in the UK by EU citizens and their family members. .

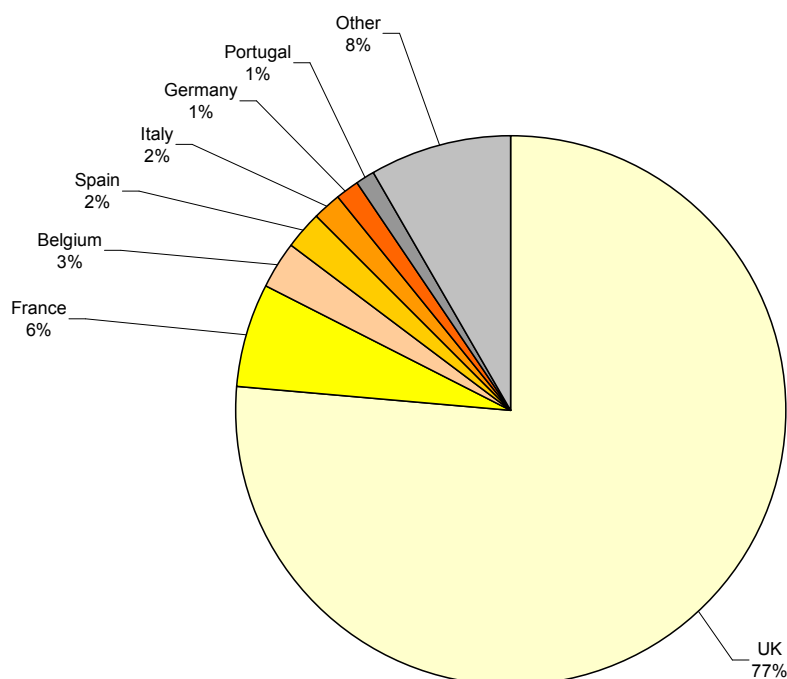
Examples of problems registered by SOLVIT in this area include:

- non-compliance by national authorities with the six-month deadline for issuing the "residence cards of a family member of a Union citizen" submitted by third country nationals (Article 10 of Directive 2004/38/EC<sup>8</sup>). In the majority of SOLVIT cases citizens contacted SOLVIT between 7 and 14 months after the submission of the application;
- delays in issuing the so-called "certificate of application" which, under the terms of Directive 2004/38/EC, should be issued immediately;
- problems of EU citizens' family members who are refugees without a passport, resulting from the fact that some Member States accept no proof of identity other than a passport for the purpose of issuing a visa;

<sup>8</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States

- interpretation of the notion of durable partnership' by the national authorities;
- non-recognition, by some Member States, of the residence documents, issued by UK under Article 10 of Directive 2004/38/EC, on the basis of its allegedly wrong form (a sticker in the passport);
- in the case of doubts about the authenticity of a marriage between an EU citizen and third country national, some national authorities considered the deadline of six months for the decision on the application as suspended until they had satisfied themselves as to the authenticity of the marriage.

**Figure 4 - Cases handled in 2009 in the area of residence rights, broken down by country where the problem occurred**



Concerning the delays in handling residence applications in the UK, the Commission contacted the UK authorities. The UK authorities have recognised the seriousness of the situation and implemented a robust and comprehensive plan to return to the appropriate service standards, as required by EU law by December 2009. The plan includes significantly expanding the number of caseworkers making decisions on applications and improved casework training and casework processes.

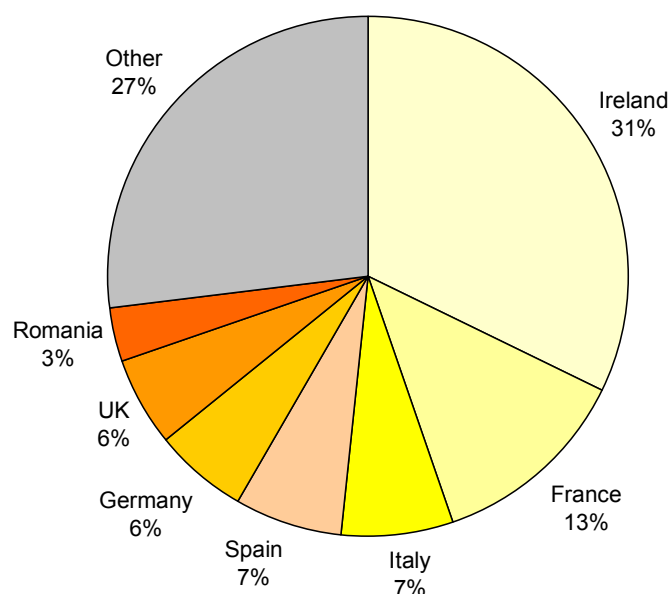
### 2.2.2. Social security

With 23% of the overall workload or in absolute figures 344 cases, social security matters continued to be an important field of action for SOLVIT. At 95%, the resolution rate in this area remains well above the SOLVIT average.

Examples of problems registered by SOLVIT in this area:

- delay in issuing health insurance certificates;
- late payment of social benefits;
- payment abroad of pension rights.

**Figure 5 - Cases handled in 2009 in the area of social security, broken down by country where the problem occurred**



As in previous years, there were many SOLVIT complaints involving Ireland, reflecting the situation that the Irish administration has to deal with large numbers of immigrant cases.

### 2.2.3. Professional qualifications

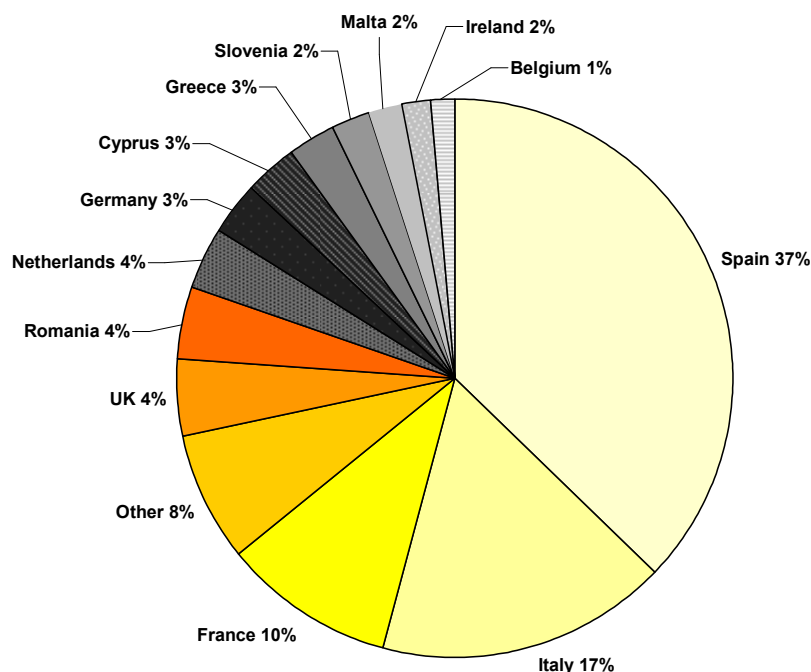
In 2009, SOLVIT centres handled and closed 220 cases in the area of professional recognition, having solved 75% of them.

Examples of problems registered by SOLVIT in this area include:

- failure to transpose the Directive 2005/36/EC on the recognition of professional qualifications, or lack of specific guidelines for the national authorities;
- no response from the national authorities and a lack of information on how much time the process of recognition would take;
- delays in processing applications for recognition;
- decisions proposing compensatory measures without justification;

- decisions proposing compensatory measures without precise information on the length of the compulsory traineeship or the way to apply for it; or, in extreme cases, proposing a compensatory measure and informally telling the applicant that no courses to comply with the measure were available;
- delays by national authorities in setting up expert committees to examine the applicants' knowledge (this is sometimes necessary in the context of compensatory measures);
- incorrect information given by the authorities, e.g. encouraging the client to apply for 'academic recognition' and only afterwards stating that the applicant should have applied for professional recognition;
- misunderstandings, lost files, etc

**Figure 6 - Cases handled in 2009 in the area of recognition of professional qualifications, broken down by country where the problem occurred**



Spain and Italy had a particularly large number of problems. Spain still has the highest number of cases relating to professional qualifications. This is partly due to the fact that Spain is a popular destination for migrating EU citizens. The main problem resulting from the SOLVIT cases in Spain is the delay in processing the applications for recognition. However, 73% of SOLVIT cases against Spain have been resolved. Many problems in this area were also caused by the fact that some Member States, including Greece, did not transpose the Directive 2005/36/EC on time<sup>9</sup>.

<sup>9</sup> On the closing date for this report, 31.10.2009, seven countries still have not or not fully transposed the Directive 2005/36/EC of 7 September 2005 on the recognition of professional qualifications: Austria, Belgium, Germany, Greece, France, Luxembourg and United Kingdom.

#### 2.2.4. *Free movement of goods, services and taxation*

As can be expected from the relatively small number of business cases, SOLVIT dealt with fewer problems regarding free movement of goods, services and establishment than in the areas described above. The resolution rates in these areas also tend to be lower than the SOLVIT average. The problem area of taxation is larger as cases are submitted not only by businesses but also by citizens.

It is expected that the increased promotion directed at businesses and the intensified cooperation with the Product Contact Points<sup>10</sup> and Enterprise Europe Network should lead to an increased case load in these areas next year. Moreover, the Points of Single Contact for services under the Services Directive are also likely to generate more cases in 2010.

##### *Free movement of goods*

In 2009, SOLVIT centres handled and closed 58 cases concerning market access for products. 37 of these cases were solved, which represents a resolution rate of 64%.

Examples of problems registered by SOLVIT in this area include:

- companies are unable to use the results of tests performed in certified laboratories in the other Member States;
- electronic registration requires a smart card to authenticate the signature, and this is only available to nationals;
- unjustified requirement to pack products in certain prescribed quantities;
- disproportionate measures to protect the consumer;
- products classified differently in different countries;
- national authorities promoting the purchase of nationally marked products only (for example, products bearing a national energy label);
- requirement to have a representative in order to be able to apply for mutual recognition of an authorisation;
- ban on marketing certain non-harmonised products which are already lawfully marketed in another Member State;
- national subsidies which, in practice, can only be received when buying national products.

##### *Free movement of services*

In 2009, SOLVIT centres handled and closed 28 cases concerning market access for services. Thirteen of these were solved, which represents a resolution rate of only 46%.

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<sup>10</sup> Regulation 764/2008/EC of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State

Problems encountered within the area of services included:

- Requirement to be established in order to be allowed to provide services;
- Higher entrance fee to museums for non-nationals, without valid justification;
- Unjustified requirement of a licence to provide services;
- Non-acceptance of national safety certificates to provide services in another EU-EEA country.

### *Taxation*

Most taxation cases in SOLVIT concern the reimbursement of VAT and the issue of double taxation. In 2009, 51 cases were handled and 44 were solved. This represents an excellent resolution rate of 86 %.

Examples of problems registered by SOLVIT in this area included:

- impossibility for foreign companies to use the pre-registration system which is a condition for offering tax deductible services;
- tax exemptions granted on the condition that the money is reinvested in the EU/EEA country;
- double taxation;
- delays or refusal of reimbursement of VAT;
- unjustified requirements to register for VAT.

### 2.2.5. *Driving licences and vehicle registration*

Driving licences and vehicle registration cases together make up 5% of the overall case load in SOLVIT (93 cases). About 82% of the cases are solved, which is around the SOLVIT average.

The main problem in the area of driving licences is the mutual recognition of EU/EEA driving licences especially when they are exchanged for a new licence in the host Member State. According to EU law this should be exchanged without conditions attached. However, some Member States require for example registration of the licence or the presentation of a translation when a driving licence of another Member State needs to be exchanged. These requirements are not in line with the EU legislation on driving licences.

Most cases in the area of vehicle registration concerned either the import into the Member State of normal residence of vehicles purchased in another Member State or the registration of vehicles in a Member State other than the state of normal residence. A significant number of cases occurred in Italy and France. France often requires a French national certificate of conformity for vehicles that have previously been registered in another Member State, which is not always in line with EU legislation.

### 2.3. SOLVIT+ cases

SOLVIT's main task is to solve problems caused by the misapplication of EU law. However, sometimes it becomes apparent that the problem is not simply the result of a misapplication of the rules, but actually requires a change in national law, guidelines or other formal implementing provisions. The intervention in a SOLVIT+ case not only results in a solution to the individual problem, but also prevents similar problems in the future. Despite the fact that under the SOLVIT mandate SOLVIT centres can refuse to handle such cases, because they may be difficult to solve by informal means or within ten weeks, the vast majority of SOLVIT centres do take on such cases. In 2009, 31 SOLVIT + cases were handled by 15 SOLVIT centres (as compared to 32 SOLVIT+ cases handled by 17 centres in 2008). Only two SOLVIT centres –those of Germany and Denmark - reject such cases as a matter of principle.

## 3. FUNCTIONING OF THE NETWORK

### 3.1. **Cooperation within the SOLVIT network remained good**

National SOLVIT centres are positive about their relations with other SOLVIT centres, to which they give a rating of 8 out of 10 (similar to 2008). However when commenting in detail about the bottlenecks encountered in their daily work, more SOLVIT centres have mentioned the cooperation with other centres as an important difficulty this year. Specific concerns raised included the insufficient preparation of cases by other centres and the lack of efficient communication during the handling of cases.

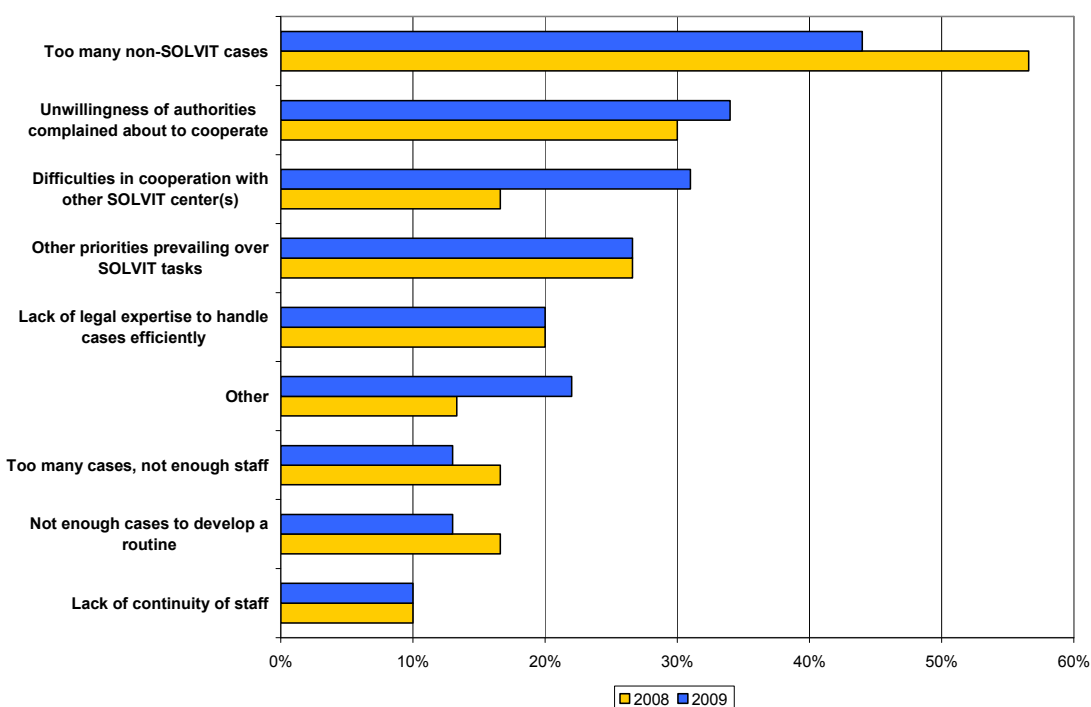
It can be assumed that these difficulties are mostly caused by the increasing workload, complexity of cases and lack of adequate staffing or high turnover of staff. This is problematic not only for the centre concerned, but also for those centres that cooperate with understaffed centres. Shortage of staff or lack of continuity of staff will affect the quality of files submitted, response time, general case handling speed and the willingness to accept cases.

The workshops in which SOLVIT staff meet to discuss common approaches and to share experiences are very important to strengthen the cooperation and to resolve the difficulties involved in joint case handling. These workshops are held two or three times a year.

In 2009, the workshops were hosted in March by the Commission in Brussels and in October by SOLVIT Lithuania in Vilnius. In addition, the European Commission organised the first SOLVIT newcomers training session in September 2009, which included legal training in the areas where SOLVIT is most active (see also point 3.2.4).

### 3.2. Main bottlenecks encountered by SOLVIT centres

Figure 7- Percentage of SOLVIT centres reporting a particular bottleneck



#### 3.2.1. Non-SOLVIT cases

SOLVIT continues to attract a large number of complaints and queries about matters that are outside its scope (see also point 5.1), and a large majority of SOLVIT centres regard this as one of the main bottlenecks. Responding to non-SOLVIT enquiries and referring complainants to other bodies/networks is time-consuming and absorbs a considerable proportion of the time that staff could devote to handling SOLVIT complaints. One of the objectives of the Single Market Assistance Services action plan<sup>11</sup> is to alleviate this by directing enquiries to the right service and by making better use of the citizens and businesses web portals and the Europe Direct Contact Centre. There are signs that the enhanced cooperation between SOLVIT and the Citizens Signpost Service is already producing some of the desired effects. For example, as a result of the introduction of the common on-line complaint form for SOLVIT and CSS in June 2009, it is now easier for complainants to contact the right service directly, which reduces the number of queries that are outside the remit of both systems. There are plans to further enhance this cooperation between

<sup>11</sup> For details see Chapter 1



SOLVIT and CSS as well as the cooperation between SOLVIT and other networks, which should further reduce the number of non-SOLVIT cases. Better targeting of promotion, including greater clarification of SOLVIT's role, should also reduce the number of non-SOLVIT cases.

### 3.2.2. Staffing

The number of staff allocated in SOLVIT centres varies between 3 man months and 55 man months a year. Whether staffing is adequate depends to a large extent on the size of the case load. Experience shows that, in order for SOLVIT to function properly, each centre should have at least 6 man months available on a yearly basis. The medium-sized SOLVIT centres need at least 18 man months, the large centres at least 24 man months and the very large centres 36 man months. In addition, with the annual case load growing year by year and the further development of the SOLVIT network in the coming years, it is clear that staffing will continue to be a critical issue.

In 2009, the staffing levels increased in eight SOLVIT centres (Austria, Bulgaria, Czech Republic, Ireland, Italy, Netherlands, Poland and Romania). In Hungary, staffing increased in September 2009, and in Lithuania it will increase considerably as of 1 December 2009. However, four of the SOLVIT centres which have medium to very large case loads (Spain, France, Germany, and Austria) are understaffed relative to their case load. This is particularly important for the first three centres as they are involved in 41% of all SOLVIT cases either as home or as lead centre. The staffing in three of the smaller SOLVIT centres - Finland, Iceland and Norway - also needs attention. Three SOLVIT centres – those of Luxembourg, Denmark and Slovenia - whose case load increased in 2009, moved from the category of small-sized SOLVIT centres (in terms of case load) to medium-sized centres. As a result their staffing is no longer adequate in terms of the levels recommended for SOLVIT centres of that size (see Annex 1).

The further development of SOLVIT and promotion of its services will lead to an increased case load, which in turn will also require adequate staffing.

**Table 1 - Staffing levels in SOLVIT centres during the period 1.11.2008- 31.10.2009<sup>12</sup>**

Countries marked in bold have changed category in comparison with last year. For reasons of objectivity the minimum staffing level is judged on the size of the centre in terms of case load (small, medium, large or very large). The speed of case handling is not taken into account in this appreciation.

	Adequate	Low
<b>SOLVIT Centres</b>	Belgium Bulgaria Cyprus Czech Republic Estonia <b>Ireland</b> Latvia Liechtenstein	Austria <b>Denmark</b> Finland France <sup>13</sup> <b>Germany</b> <sup>13</sup> <b>Greece</b> <b>Hungary</b> (more staff as of 09/2009) Iceland

<sup>12</sup> For detailed information on calculating statistics see the table in Annex 1.

<sup>13</sup> The French SOLVIT centre is manned by one permanent staff member and - since 2009 – reinforced by a stagiaire. However, the permanent staff member left 1/11/2009 and will be replaced in April 2010. SOLVIT Germany has not provided data on staffing, but there are two contact-persons listed in the SOLVIT database. Taking into account the high case load of both centres, their current staffing level is not sufficient.

	Malta Netherlands <b>Poland</b> Portugal Romania Slovakia Sweden United Kingdom	Italy Lithuania (more staff as of 1/12/09) <b>Luxembourg</b> <b>Norway</b> Slovenia Spain
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Moreover, 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 functioning and performance of SOLVIT. Unless SOLVIT centres have enough resources to allow staff to dedicate the necessary time to SOLVIT tasks, the problem will grow. Smaller Member States, such as Iceland, Malta and Finland, highlighted the fact that while, on the one hand, they do not have enough cases to develop a routine (i.e. establish an active network of contacts within the administration, develop better channels for more efficient problem solving etc), on the other hand, some centres are understaffed and do not have time to invest in promotional activities to attract more cases.

### 3.2.3. *Cooperation with national authorities*

This year, 34% of SOLVIT centres (compared to 30 % in 2008) reported that they are regularly hampered by the unwillingness of national authorities to solve problems informally. Moreover, national administrations find it difficult to meet short deadlines. Lastly, some national authorities also have difficulties in reviewing their decisions in order to comply with EU rules.

Regular contacts with national authorities are essential to establish good working relations with them and to explain and help them understand SOLVIT and what its role is. Recurring problems in a particular area can often be resolved more quickly because the authorities involved develop a better understanding of SOLVIT. Resolution times for unusual cases in new areas can be considerably longer. Sufficient political backing within the national administration is also crucial for SOLVIT in order to be an effective alternative dispute resolution mechanism.

Therefore, many SOLVIT centres are putting considerable effort into making the SOLVIT method better known within their own national administration. They organise presentations and meetings with various parts of the national administration; some issue their own annual reports or distribute publicity material.

### 3.2.4. *Legal expertise*

Many of the problems that are submitted to SOLVIT require a very specific knowledge of Internal Market law and also national law in a wide range of areas. In case of doubt or where clarification is needed, many SOLVIT centres ask their national experts from the various ministries for an opinion. However, not all SOLVIT centres are able to obtain such opinions, and in cases where the only source of legal expertise is the ministry about which complaint is being made, the opinion may not be entirely objective.

In June, the European Commission started a pilot project which provided the opportunity to 10 SOLVIT centres to request advice on cases from independent legal experts from the Citizens Signpost Service<sup>14</sup> to help them prepare the legal analysis of their cases. This service proved to be very helpful and, as a result, was extended to all SOLVIT centres in November 2009.

In addition to this service, the Commission provides informal advice to SOLVIT centres. The advice does not represent the official opinion of the Commission, but merely the opinion of the Commission's expert. This service is offered in cases where two SOLVIT centres already have their legal assessments of the case prepared, but cannot agree which of the centres is correct. The SOLVIT team in the European Commission, which coordinates the network, assists SOLVIT centres in such situations. It tries to obtain advice for the SOLVIT centres within two weeks, although in 2009 the average time was 23 days. This needs to be improved.

### 3.3. Promotion

SOLVIT centres spend an average of 14% of their time on promotional activities. However, the activities of the centres vary widely: while five centres reported that they had spent more than a quarter of their time on promotion, eleven centres spent less than 5% of their time on such activities. The variation between centres can be explained in part by differences in staffing resources available to each centre.

**Table 2 - External awareness raising activities undertaken by the SOLVIT centres in 2009**

Arrows indicate trend compared to previous year. Countries in bold are specifically targeting the business community.

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

Almost all centres are engaged in internal promotion to develop and maintain a strong network of contacts within their administration. Activities include regular meetings with contact points from different ministries, dissemination of activity reports, presentations to embassies, participation in technical or policy seminars, meetings with Product Contact Points, etc.

Twenty-one centres are also conducting external awareness raising campaigns, with 16 centres reporting on specific actions targeting the business community. Activities include close collaboration with the Enterprise Europe Network, targeted media campaigns in business newspapers and magazines, participation at SME conventions and trade fairs, cooperation with

<sup>14</sup> For details on CSS see [http://ec.europa.eu/citizensrights/front\\_end/index\\_en.htm](http://ec.europa.eu/citizensrights/front_end/index_en.htm)

chambers of commerce or confederations of industry, and activities concentrated in geographical areas where cross-border trade is widespread.

A majority of the centres wish to further develop their awareness raising activities in the future, mostly towards businesses (see point 2.1).

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

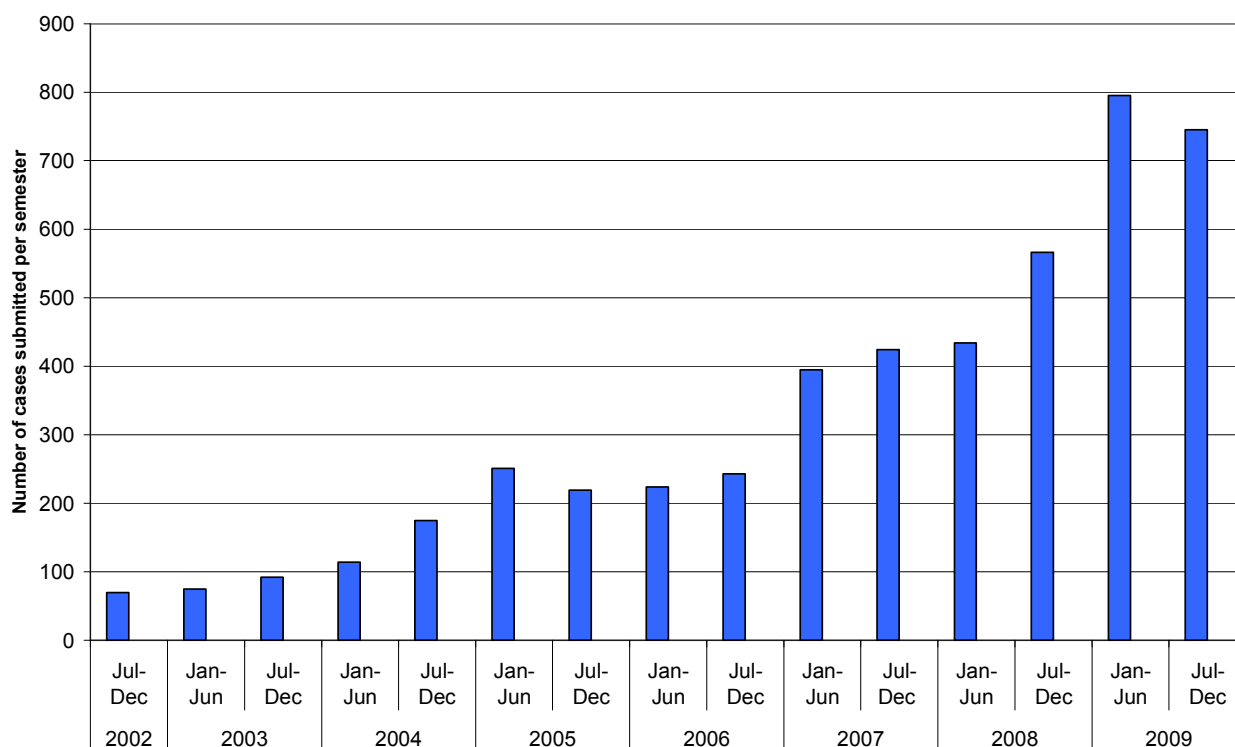
#### 4. PERFORMANCE AND RESULTS OF THE NETWORK IN FIGURES

##### 4.1. Continuous high increase in case load

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

In 2009 the work load of the SOLVIT network increased significantly by 54% (1 540 cases within the SOLVIT competence submitted to the network, compared to 1 000 in 2008). However, a large proportion (40%) of the cases submitted in 2009 concerned issues of residence rights encountered in the UK.

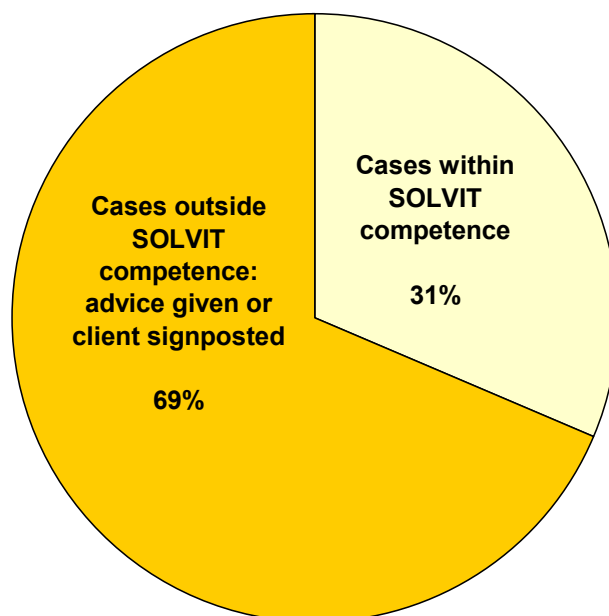
**Figure 8 - Evolution of case flow 2002-2009 – cases within SOLVIT competence open in the given period**



The number of cases within the remit of SOLVIT does not, on its own, give the full picture of the work-load that SOLVIT centres had to deal with in 2009, as this number represented only 31% of all the cases that were submitted to SOLVIT. The proportion of cases which were submitted to SOLVIT but were outside its remit has decreased slightly in comparison with last year, i.e. from 73% in 2008 to 69% in 2009. Nevertheless, it continues to account for a very significant share of

the overall SOLVIT work load since all of these cases also need to be examined in order to signpost them to a more appropriate address.

**Figure 9 - Cases within and outside SOLVIT competence submitted to SOLVIT between 1.11.2008 – 31.10.2009 by the on-line complaint form**



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

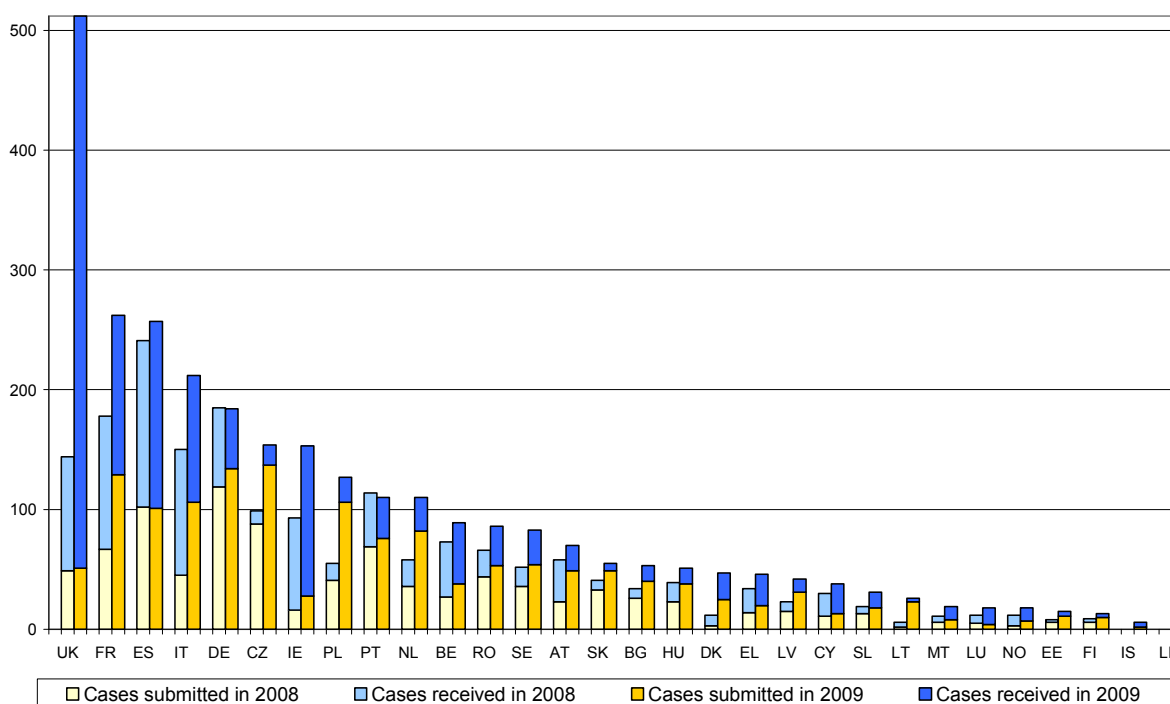
The efficient handling of cases in SOLVIT depends on the work of two SOLVIT centres. In every case, a national SOLVIT centre functions either as home or as lead centre.

The "home SOLVIT centre" (which is 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" through the SOLVIT database.

The lead SOLVIT centre is the centre in the country where the public administration about which the complaint is being made is located. The role of the lead centre is to compare the legal assessment of the case prepared by the home centre with the position of their national administration and to find a solution for the client. Under SOLVIT rules, the lead SOLVIT centre has 10 weeks to deal with the case.

Figure 10 shows the case load of each SOLVIT centre in both of its roles.

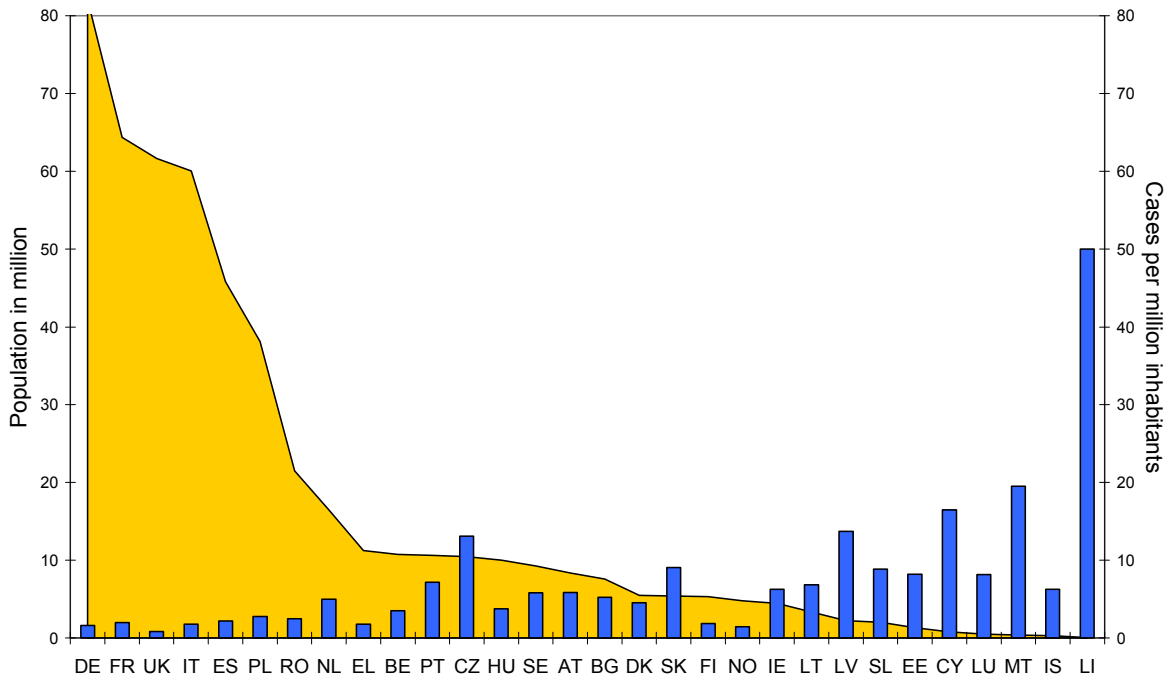
**Figure 10 – Evolution of case load in absolute figures 2008 and 2009 - cases submitted as home and received as lead centre**



In 2009, nearly all of the SOLVIT centres entered more cases into the network than in 2008. The sharpest increases in the number of cases submitted and received can be seen in the UK, Italy, Czech Republic, Ireland, Poland, the Netherlands and Lithuania. The outstanding number of cases received in 2009 by the UK is mostly due to the problems in the area of residence rights (see also point 2.2.2).

The number of cases submitted and received by the SOLVIT centres reflects in general the size of the respective countries, except for the Czech Republic and Ireland. The Czech Republic submitted a large number of complaints on social security from Czech citizens who had migrated to Ireland and left their families at home. This shows that word of mouth advertising can help to promote the use of SOLVIT for problems of a similar type, which often reflect a structural problem.

**Figure 11 - Case load in proportion to the population - cases submitted as home centre**



In the above graph the EU/EEA countries are arranged according to their size, which shows a very different picture from the absolute number of cases. It can be seen from this graph that the smaller the country the more cases it submits proportionally (i.e. as a percentage of its population) to SOLVIT. The UK, Greece, Finland and Norway submitted significantly fewer cases, while Portugal, the Czech Republic and Slovakia submitted more cases than other countries of a similar size.

#### **4.2. Resolution rates remained high**

The resolution rate within the SOLVIT network remained very high at 86 % (83% in 2008). It is important to stress that the resolution rate depends on many different factors and reflects not only the functioning of a national SOLVIT Centre, but also of the public authorities.

In 25 SOLVIT centres resolution rates are well above or around the SOLVIT average. Three SOLVIT centres (Hungary, Latvia and Poland<sup>15</sup>) have resolution rates of between 65% and 75%. SOLVIT Greece is the only medium sized SOLVIT centre with a resolution rate significantly below the SOLVIT average (57%), as was also the case in the previous two reporting years.

<sup>15</sup> In the period under review, Latvia handled one SOLVIT+ case, Poland and Hungary three SOLVIT+ cases each. These cases required a change of the national law and couldn't be solved within the SOLVIT deadline.

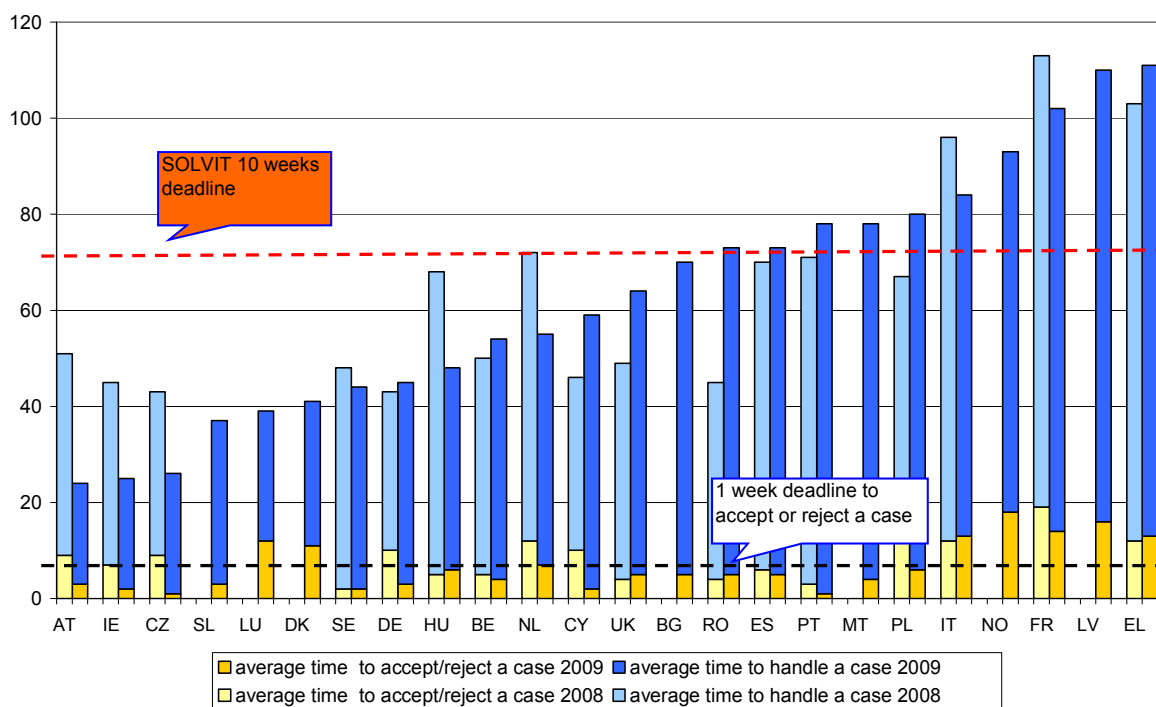
### 4.3. Majority of cases handled within 10 weeks

In 2009, the majority of cases were handled within the SOLVIT deadline of 10 weeks: the average time was 59 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 7 days and if the case is accepted a solution has to be found within 10 weeks. If the case is particularly complicated, the deadline can be extended by 4 weeks. Sometimes the case can be kept open for longer than 14 weeks. This is only possible when there is a genuine chance that a solution can be found in SOLVIT outside the SOLVIT deadlines, and where the client prefers to keep the case open longer and have it solved rather than having it closed as “unresolved” within the SOLVIT 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 it is necessary to have an exchange of official correspondence between the SOLVIT centre and the public authority concerned, which of course has a significant impact on the case handling speed.

**Figure 12 - Evolution of case handling time 2008 and 2009 – lead centres that handled 10 cases or more**



The majority of 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 a little better than last year, at 59 days. However, last year only three SOLVIT centres had an average case handling time that was significantly longer than 10 weeks. In 2009, there were eight SOLVIT centres in that category.

Ireland, Czech Republic, Austria and Hungary substantially diminished their case handling time by comparison with last year.



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

The SOLVIT recommendation includes a deadline of 10 weeks to handle a case from the date of acceptance of a case by the lead SOLVIT centre in the database. However, it does not provide any guidelines as to how long a SOLVIT centre may take to give an initial response to a citizen or business submitting a problem. The SOLVIT network has agreed that the first response should take place within one week. One third of SOLVIT centres respond to applicants within one week, whilst the remaining centres need to improve the speed of their response. This applies especially to France and Greece, which took around two months on average to respond (see Annex 1 for details).

The time taken by each SOLVIT centre on average 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/information from the applicants. Half of the SOLVIT centres managed to prepare cases within one month, which seems to be a reasonable time-frame. The SOLVIT centres which took more than a month should try to speed up the case preparation phase (preparation time in descending order was: Greece, France, Italy, Bulgaria, Hungary, the UK, Romania, Finland, Denmark and Latvia).

## **5. RECOMMENDATIONS**

### **1. Staffing**

The overall staffing level has improved considerably in a number of SOLVIT centres. However, the further development of SOLVIT and the 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 the possibility to free up the existing staff to spend more time on SOLVIT, ensure continuity of staffing and increase promotion efforts.

**Action:** *Austria, Denmark, Finland, France, Germany, Greece, Iceland, Italy, Luxembourg, Norway, Slovenia, Spain (underlined are those that also appeared in last year's recommendation. There may already have been some improvement, but more is needed).*

### **2. Promotion**

Given that there are over 500 million Europeans, the problems currently being submitted each year to SOLVIT are likely to be just the tip of the iceberg. Many more citizens and businesses encounter problems or are in need of advice than these numbers tell us. Therefore it is very important to continue to reach out to those citizens and businesses and make SOLVIT more easily accessible. There is also a need to promote the service more actively.

Member States should ensure that their SOLVIT centres are encouraged to spend more time and effort on external awareness raising activities and provide the necessary resources for this. In order to reduce the number of non-SOLVIT complaints, the promotion should be carefully targeted and combined with the clear explanation of the SOLVIT's role.

**Action:** *Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Lithuania, the Netherlands, Norway, Spain*

### **3. Increasing the number of business cases**

The Commission has analysed the reasons for the relatively small number of business cases and has developed a business promotion strategy. This will need to be implemented over the coming year. A number of SOLVIT centres are already pro-actively approaching the business community and they should continue their efforts. Those centres that have not yet actively engaged in promoting SOLVIT to businesses should start doing so and, wherever possible, draw inspiration from best practices of other SOLVIT centres. The necessary resources to solve business cases also require attention, as the resolution rates in these areas tend to be lower than the overall resolution rate.

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

#### **4. Intensification of cooperation with other networks**

The Commission will continue to implement the Single Market Assistance Services Action plan and strengthen 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 will help with 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 ensure the development and maintenance of an active network of contacts, which can provide legal assistance and support to convince subordinate bodies to act in accordance with EU law. There is also a need for strong political support within a national administration 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 still satisfactory. However, some SOLVIT centres are experiencing specific problems in this area, and there is a particular need to examine and address the causes of their relatively long case handling times and low resolution rates.

**Action:** *Greece, Latvia, Malta (resolution rates and case handling time), Hungary, Poland, (resolution rates), Norway, Italy, France (case handling time)*

#### **7. Legal expertise**

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

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

**Action:** *Commission, Cyprus, France, Ireland, Italy, Malta, Slovenia*

## ANNEX 1 – OVERALL PERFORMANCE OF SOLVIT CENTRES IN 2009

For an explanation of the basis used for the indicators in the table, please see explanatory notes below

	Work load and staffing of SOLVIT centre		Performance at the service of citizens and businesses of <u>own country</u>		Performance at the service of citizens and businesses of <u>other countries</u>	
	(1) Overall case load (submitted and received)	(2) Staffing level	(3) Cases submitted to the system compared with country size	(4) Case handling speed Home	(5) Resolution rates	(6) Case handling speed Lead
<b>Austria</b>	↔ <sup>16</sup> large	↑ low	↔ high	medium	↔ average	↔ high
<b>Belgium</b>	↔ large	↔adequate	↓ medium	medium	↔ high	↑ high
<b>Bulgaria</b>	↔ medium	↑ adequate	↔ high	low	↔ average	↓ medium
<b>Cyprus</b>	↔ medium	↓ adequate	↔ high	high	↔ high	↔ high
<b>Czech Republic</b>	↔ large	↑adequate	↔ high	high	↓ average	↔ high
<b>Denmark</b>	↑ medium	↓ low	↑↑ high	medium	↑ average	↑ high
<b>Estonia</b>	↓ small	↔adequate	↔ high	medium	-	-
<b>Finland</b>	↔ small	↔ low	↔ low	low	-	-
<b>France</b>	↔ very large	↑ low <sup>17</sup>	↔ low	low	↔ average	↔ low
<b>Germany</b>	↔ very large	↔ low <sup>18</sup>	↔ low	medium	↓ average	↔ high
<b>Greece</b>	↔ medium	↓ low	↔ low	low	↔ low	↔ low
<b>Hungary</b>	↔ medium	↓ low <sup>19</sup>	↑ high	low	↔ average	↑ high
<b>Iceland</b>	↔ low	↑ low	↑↑ high	-	-	-

<sup>16</sup> The arrows indicate whether this year's performance of the SOLVIT centre is much better (↑↑) better (↑) the same (↔) or worse (↓) in comparison with the last year's performance.

<sup>17</sup> See footnote 13.

<sup>18</sup> See footnote 13.

<sup>19</sup> The Hungarian SOLVIT centre has been reinforced as of September 2009. The staffing level as of that date is therefore adequate.

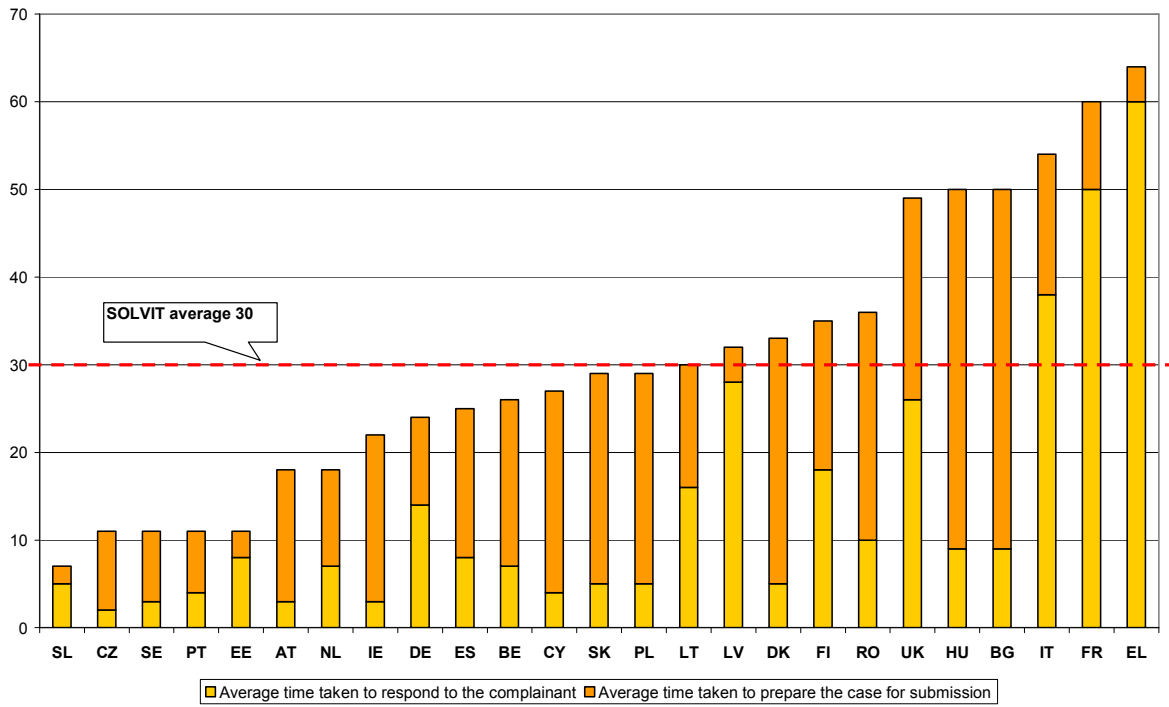
	Work load and staffing of SOLVIT centre		Performance at the service of citizens and businesses of <u>own country</u>		Performance at the service of citizens and businesses of <u>other countries</u>	
	(1) Overall case load (submitted and received)	(2) Staffing level	(3) Cases submitted to the system compared with country size	(4) Case handling speed Home	(5) Resolution rates	(6) Case handling speed Lead
<b>Ireland</b>	↔ large	↑adequate	↔ high	medium	↔ high	↔ high
<b>Italy</b>	↔ very large	↑ low	↔ low	low	↓ average	↔ low
<b>Latvia</b>	↔ low	↓ low	↔ high	medium	↓ low	↓ low
<b>Liechtenstein</b>	↔ low	↑ adequate	↑↑high	-	-	-
<b>Lithuania</b>	↔ low	↔ low <sup>20</sup>	↑↑ high	medium	-	-
<b>Luxembourg</b>	↑ medium	↓ low	↔ high	high	↔ average	↑high
<b>Malta</b>	↑ medium	↔ adequate	↔ high	-	↔ low	↔ low
<b>Netherlands</b>	↑ large	↑ adequate	↑ high	medium	↔ average	↔medium
<b>Norway</b>	↑ medium	↔ low	↔ low	-	↔ average	↔ low
<b>Poland</b>	↑ large	↑ adequate	↑ medium	medium	↔ average	↓ low
<b>Portugal</b>	↔ large	↑ adequate	↔ high	high	↓ average	↓ low
<b>Romania</b>	↔ large	↔ adequate	↔ medium	medium	↓ average	↓ medium
<b>Slovakia</b>	↔ medium	↑ adequate	↔ high	medium	↔ average	-
<b>Slovenia</b>	↑ medium	↓ low	↔ high	high	↔ low	↑ high
<b>Spain</b>	↔ very large	↓ low	↔ medium	medium	↔ average	↔medium
<b>Sweden</b>	↑ large	↔adequate	↔ high	high	↑↑ high	↔high
<b>United Kingdom</b>	↔ very large	↔ adequate	↔ low	low	↔ average	↓medium

<sup>20</sup> The Lithuanian SOLVIT centre will be reinforced as of the end of 2009. The staffing level as from then is to be considered adequate.

## Explanatory notes

- (1) On average, a case handled by a lead centre takes twice as much time as a case submitted by a home centre to another centre. Cases received as lead centre have therefore been double-counted in the assessment of the overall case load for each of the SOLVIT centres. Indications of size are as follows: small 0-25 cases; medium 26-75 cases; large 76-175 cases; very large 176-375 cases.
- (2) The assigning of a centre to the category 'low' or 'adequate' is based on the time spent on SOLVIT tasks in 2009 (as reported by each SOLVIT centre) and overall case load. Experience shows that each SOLVIT centre should have at least 6 man-months available on an annual basis. The medium-sized SOLVIT centres need at least 18 man-months at current levels of case load. The large centres require at least 24 man-months, and the very large centres 36 man-months.
- (3) The average number of cases submitted to SOLVIT during the period 1.11.2008-31.10.2009 was +/- 2.86 per million inhabitants. The term "low" denotes more than 25% below the average while the term 'high' denotes more than 25% above the average.
- (4) An average case handling speed of 21 days or less as home centre is considered high; an average speed of 35 days or more is considered low. In 2008 no figures were published concerning the performance as home. 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. For centres which received fewer than 10 cases as lead centre in 2009 (Estonia, Finland, Iceland, Liechtenstein and Lithuania) no indication of the resolution rate is given.
- (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. Centres that received fewer than 10 cases (Estonia, Finland, Iceland, Liechtenstein, Lithuania and Slovakia) are not mentioned.

**Figure 13 - Average time taken for overall preparation of the case for submission by the home centre – centres that handled 10 cases or more**



## ANNEX 2 – SOLVIT SUCCESS STORIES

### RESIDENCE RIGHTS AND FREE MOVEMENT OF PERSONS

#### **Non-EU national married to a Maltese woman receives UK residence**

A Maltese woman had been living in the UK since 2005. In 2008 she married a non-EU national who had also been living in the UK. Their application for registration and residence documents was not processed within the 6-month limit imposed by EU law. This was likely to impede both the husband's business travel abroad and the couple's holiday plans in Malta. Following intervention by SOLVIT the documents were issued in a few weeks.

**Solved within 6 weeks**



#### **SOLVIT enables Brazilian wife of Belgian citizen to travel in Europe**

A Brazilian woman living in the United Kingdom (married to a Belgian citizen) was prevented from travelling to France for urgent medical reasons because the UK authorities exceeded the 6-month limit under EU law for renewing her UK residence permit. SOLVIT contacted the UK Home Office, and the documents were issued rapidly.

**Solved within 4 weeks**

#### **SOLVIT helps Kenyan wife of Liechtenstein citizen obtain residence papers in the United Kingdom**

The Kenyan wife of a Liechtenstein national living in the United Kingdom had to wait more than ten months for a residence permit. It was finally issued within a few weeks following SOLVIT intervention.

**Solved within 6 weeks**

#### **SOLVIT keeps family united in the United Kingdom**



A Slovenian citizen had been married to an Australian citizen for 12 years. They came to the United Kingdom with a family permit valid for six months. Before it expired, the Australian applied for the Family Member Resident Stamp (FMRS) as a family member of an EU national. After waiting for nine months for the Home Office to issue the FMRS, the Australian contacted SOLVIT for help, and the Home Office issued the FMRS within a month.

**Solved within 4 weeks**

### **SOLVIT plays Santa: a Christmas visit to Denmark**

A Dane living in the United Kingdom with his non-EU wife wanted to pay a Christmas visit to his family in Denmark with her. As she had not yet obtained a UK residence permit (this takes up to six months), she was told she would need a tourist visa to travel to Denmark. The processing time required meant the authorities could not issue the visa in time for Christmas. The intervention of SOLVIT led to the Danish immigration authorities issuing the visa six days later, and the couple were able to celebrate Christmas in Denmark together.

**Solved within one week**

### **SOLVIT helps Tunisian citizen get UK residence permit**

A Tunisian living with his Polish wife in the UK had to wait longer than the 6-month period imposed by EU law to be issued a UK residence permit. It was issued soon after SOLVIT intervention.

**Solved within 10 weeks**



### **Latvian-Pakistani family reunited in Latvia**

After the birth of their son while resident in the United Kingdom, a Latvian citizen and her husband from Pakistan wanted to return to Latvia, but the Latvian authorities did not grant a temporary residence permit. After the intervention of SOLVIT, the residence permit was issued to the Pakistani citizen after all and he was able to join his family.

**Solved within 7 weeks**

### **SOLVIT helps Austrian artist register as resident in Luxembourg**

An Austrian artist wished to register as a resident in Luxembourg. He provided all the necessary papers to the local authorities, who refused to register him unless he provided a statement of support

by a person resident in Luxembourg. SOLVIT pointed out that this additional requirement could not be imposed on an EU citizen. The local authority revised its position and took all necessary steps to swiftly register the Austrian citizen.

**Solved within one week**

## SOCIAL SECURITY

### **Slovakian citizen obtains employment documents from Iceland**

A Slovakian citizen had been working in Iceland, and after his employment ceased he returned to Slovakia. To qualify for unemployment benefits in Slovakia, he needed an employment certificate from the Icelandic authorities. As there was an initial delay in issuing these papers, SOLVIT intervened and the certificate was quickly issued.

**Solved within 9 weeks**

### **SOLVIT helps Polish citizen get employment certificate from Ireland**

A Polish citizen wanted an official form certifying his period of employment and social contributions in Ireland. In spite of two letters sent to the Irish authorities, the form was still not forthcoming. Following the intervention of SOLVIT, the document was quickly issued.

**Solved within 2 weeks**

### **SOLVIT delivers unemployment benefits for Polish citizen returning from Austria**

A Polish citizen who had been working in Austria became unemployed. Having fulfilled all the legal conditions, he was entitled to unemployment benefits when he returned to Poland, but had not been informed about this possibility. Thanks to SOLVIT intervention, the Austrian authorities swiftly issued the forms for the transfer of benefits.

**Solved within 4 weeks**



### **SOLVIT assists Hungarian jobseeker in Belgium**

After giving birth to two children in Belgium while on unemployment benefit (having previously worked in Belgium), a Hungarian woman found she was no longer eligible for benefits as her work permit had expired and she could not therefore meet the requirement of actively seeking employment. SOLVIT resolved this with the Belgian authorities, and the woman was quickly recognised as an active jobseeker.

**Solved within 9 weeks**

### **UK baby recognised in France**

A UK citizen due to have a baby in France and needing urgent access to medical services had been refused the right to register her pregnancy with her healthcare provider, which is a legal requirement for all citizens in France. SOLVIT contacted the local authority, and the result was the swift registration of the expectant mother.

**Solved within 7 weeks**



### **German pensioner has medical check-ups in Spain**

A German living in Spain was refused reimbursement for medical check-ups as her German health insurance papers were rejected by the Spanish authorities. After action by SOLVIT, the woman was told which documents she needed, and succeeded in having her health insurance recognised.

**Solved with 4 weeks**

### **Czech receives sick pay while working in the Netherlands**

A Czech employed in a Dutch company got no Dutch sick pay after falling ill at the end of his working period. SOLVIT discovered that the Dutch health authorities had paid the money to the wrong bank account. The mistake was soon corrected.

**Solved within 3 weeks**

### **SOLVIT helps Austrian patient living in France receive treatment at home**

An Austrian resident in France was diagnosed with a serious disease and needed urgent medical care. As the patient had no family but had very close friends in Austria, she wanted to be treated in Austria in order to benefit from her friends' support during the difficult medical procedure. She applied for authorisation to undertake treatment abroad, but the French authorities rejected her application. After the intervention of SOLVIT, the patient received the necessary authorisation without further formalities, and was able to start receiving the treatment in Austria immediately.

**Solved within 5 days**

### **Bulgarian citizen granted full pension rights by Greece**

A Bulgarian citizen who had worked in both Bulgaria and Greece was denied part of his pension rights by the Greek authorities. SOLVIT clarified the issue with the pension authorities in both countries and enabled the claimant to receive his pension from the Greek institution with full benefits.



**Solved within 6 weeks**

### **SOLVIT unblocks pension dispute between Romania and Hungary**

Someone who had worked eight years in Romania before moving to Hungary, where she continued to work and then retired, was having difficulties getting recognition of the pension rights relating to her employment period in Romania. With the help of SOLVIT, the pension authorities of both countries were able to complete and process the file, and a decision on the pension was quickly issued by the competent authority.

**Solved within 5 weeks**

### **Hungarian family receives Swedish child benefit thanks to SOLVIT**

A Hungarian doctor living in Sweden was encountering delays in receiving the benefits his family was entitled to after the five children moved from Hungary to Sweden. The intervention of SOLVIT speeded up the processing of the file between the two countries involved. The Swedish authorities were soon able to take a decision on the child benefits.

**Solved within 8 weeks**

### **SOLVIT helps family to receive child benefits in Lithuania**

The Lithuanian authorities refused to pay child benefits for a boy living with his mother in Lithuania while his father lived in Germany. The German administration paid half. Thanks to the intervention of SOLVIT, the Lithuanian authorities revised its decision retroactively.

**Solved within 11 weeks**

## PROFESSIONAL QUALIFICATIONS

### **SOLVIT gets Norwegian work experience recognised in Spain**

A Spanish professor who had been teaching in Norway since 2001 was refused authorisation to teach at the same level in Spain because ‘Norway is not in the EU’. SOLVIT persuaded the university in question that, because Norway is in the European Economic Area, the professor should be treated as if he had been teaching in an EU country.

**Solved within 11 weeks**

### **Romanian dentist’s qualification recognised in Spain**

A Romanian citizen applied for the recognition of her professional qualifications as a dentist in Spain. European law requires the procedure for examining an application to be completed within three months, but the applicant had been waiting over a year. Thanks to SOLVIT intervention, the Spanish authorities quickly granted him his recognition.

**Solved within 6 weeks**

### **SOLVIT enables Estonian doctor to work in Spain**

An Estonian doctor was prevented from working in Spain for ten months due to a delay in recognising her qualifications. Under EU law, the maximum time for this procedure is three months. With the help of SOLVIT, the proceedings were speeded up, and the Estonian doctor is now able to work in Spain.

**Solved within 4 weeks**

### **SOLVIT promotes Finnish smiles in Spain**

A Finnish citizen wished to have his professional qualification as a dentist recognised in Spain. Having waited some considerable time for a decision from the Spanish Ministry of Education (more than the 3-month deadline provided for in EU legislation), he contacted SOLVIT for help. As a

result of SOLVIT intervention, the Spanish Ministry sent the applicant the credentials with his professional recognition.

**Solved within 10 weeks**

### **Portuguese safety manager's qualifications recognised in Spain**

A Portuguese national working in Portugal for a Spanish firm urgently needed her qualification as a senior health and safety officer recognised by the Spanish authorities. She turned to SOLVIT for help, and her application was processed in due time.

**Solved within 3 weeks**

### **SOLVIT enables Slovakian surgeon to work in Germany**

A Slovakian surgeon who had completed his education prior to Slovakia joining the EU, and with nine years of surgery practice, moved to Germany to work there as a surgeon. He applied to the local administration for recognition of his qualification. There were two levels of surgeon education in Slovakia before it joined the EU. Under EU rules, anyone who has completed both degrees should be recognised in all EU countries automatically, while those who have achieved only the first degree needed to have at least three years of practice, which the surgeon had. However, the German authorities misunderstood the wording of his certificate and thought his practice was not as a qualified surgeon but just as a trainee. The man turned to SOLVIT, and after several official letters of explanation had been produced, the German authorities recognised his qualification.

**Solved within 12 weeks**

### **SOLVIT abolishes language test for EU carpenters in Sweden**

A Polish carpenter working in Sweden was told that, to get full pay as a skilled carpenter, he had to obtain a Swedish proficiency certificate by proving he had 10000 hours work experience as a carpenter in Sweden and by taking a written test in Swedish. SOLVIT helped the carpenter get his certificate, and also convinced the authorities to abolish the written language test.



**Solved within 12 weeks**

### **SOLVIT helps Cypriot with a Greek qualification register as a doctor back home**

A Cypriot who acquired a medical degree in Greece had his application to be registered at the Cypriot Medical Registry refused, although he had all the qualifications he needed for this under EU law. After action by SOLVIT, the Cypriot authorities swiftly registered the man as a doctor.

**Solved within 12 weeks**

### **Irish engineer's qualifications recognised in Poland**

A Polish national who acquired his engineering qualifications in Ireland was finding it hard to get these qualifications recognised by the Polish authority, which insisted that he should meet additional requirements, due to the two countries having different systems. Following SOLVIT intervention, the Polish authorities agreed to recognise the engineer's qualifications without any further requirements.

**Solved within 4 weeks**

## **FREE MOVEMENT OF GOODS, SERVICES, PAYMENTS AND TAXATION**

### **Hungarian wood gets a coat of Austrian wood preservative**

An Austrian company was prevented from marketing wood preservative in Hungary because it had no representative in that country and because the local authorities insisted that this was a requirement. SOLVIT told the Hungarian authorities that all that was needed was an office in the European Union, and the imports were allowed through.

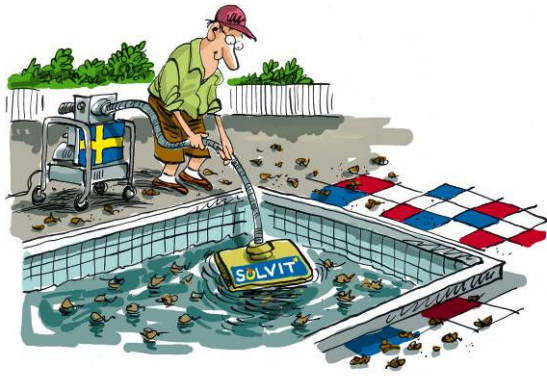
**Solved within 2 days**



### **SOLVIT puts Polish/German windows in Swedish houses**

A Swedish importer of windows manufactured and tested in Poland/Germany objected to a Swedish Energy Agency booklet informing consumers that reliable energy saving was offered only by windows with a voluntary Swedish mark and sold by certain Swedish companies. SOLVIT pointed out that this was a barrier to the free movement of goods in the European Union, and the authorities changed their booklet accordingly.

**Solved within one week**



### **SOLVIT enables sale of portable pool cleaners in France**

A Swedish manufacturer of mobile cleaning pumps for public swimming pools was denied access to the French market. Although their machines complied with a European standard — max. 12V AC when people are in the pool — the French rules said the maximum voltage applied whether swimmers were in the pool or not. SOLVIT found that the French rules only covered immovable products. Since the company's machines are portable and not to be used while people are in the pool, the manufacturer was given the go-ahead to sell them in France.

**Solved within 15 weeks**

### **Spanish gourmets enjoy Belgian imports of Chinese water mushrooms**

A Belgian company importing Asian food wanted to import a container of Chinese water mushrooms to Spain. The container was held back in the port of Bilbao because the Spanish authorities classed the product as a novel food that has not been exported to Europe before. The company turned to SOLVIT for help. The Spanish authorities were provided with all necessary documents stating that the product was not a novel food and that the client was allowed to sell it in Spain without further restriction. The Spanish authorities thereupon decided to release the container forthwith and to reimburse the company for the cost of holding the container in Bilbao.

**Solved within 3 weeks**

### **Spanish fisherman can shrimp with Portuguese boat**

A Spanish national purchased a fishing boat on the Azores Island, but continued to fly the Portuguese flag. The boat was refurbished for shrimping, and the owner applied for an authorisation for international waters in the Mediterranean. The Azores authorities agreed to issue a quarterly licence for one year. However, they failed to issue the authorisation for the last quarter. This situation was causing loss of revenue to the shipowner and 13 other people dependent on the boat being out to catch shrimps. After SOLVIT intervention, the licence was issued for the boat until the end of the year.

**Solved within 5 weeks**

### **SOLVIT enables Slovenian helicopters to fly in Bulgaria**



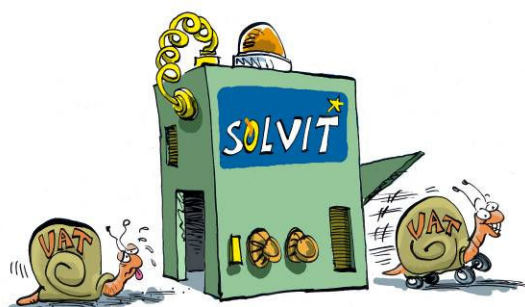
A Slovenian company specialising in airborne monitoring with infrared and ultraviolet cameras, laser scanning and complete data analysis for these technologies wanted to sign a sub-contract with a Czech company to do aerial work in Bulgaria. The company had already obtained similar permission from other Member States, as well as security clearance certificates from both the EU and NATO. However, when the application to the Bulgarian authorities failed to make any headway, the company turned to SOLVIT for help. SOLVIT found that the delay was due to the fact that the applicant had not submitted all the necessary documents. These were collected by the Bulgarian authority, and the necessary permission was issued three weeks later, enabling the client to complete its work within the prescribed time-limits.

**Solved within 4 days**

### **Non-EU national starts business in Belgium**

A non-EU national living in Greece since 1995 on a special ID card for ‘aliens of Greek descent’ was prevented from moving his business to Belgium because the Belgian authorities presented him with an unclear list of requirements he was supposed to meet. SOLVIT intervention led to the man being issued an occupational permit, which enabled him to start up his business in Belgium.

**Solved within 6 weeks**



### **SOLVIT helps French company get VAT refund from Germany**

A French company requested a VAT refund from the German authorities in February 2008. Having received no reply for ten months, the company turned to SOLVIT for help. Thanks to SOLVIT intervention, the procedure was speeded up and the company finally received the amount it had asked for.

**Solved within 6 weeks**

### **German architect gets VAT refunded in Romania**

A German architecture firm subcontracted to a Romanian architecture business as part of a larger contract in Romania. For these and other services in connection with the contract, the architect initially paid the Romanian VAT. Later on, he applied for a refund. He filed four applications and sent several letters, but more than six months later, the Romanian authority had still not refunded the VAT nor reacted in any way to the applications. After intervention from SOLVIT, the architect got a reply, and the money was paid.

**Solved within 10 weeks**

### **Portuguese company gets VAT refund on deliveries to Polish supermarkets**

A Portuguese company supplying retail goods to shops in Poland had to wait several months for a VAT refund. Once SOLVIT had contacted the Polish authorities, the refund was paid in two weeks.

**Solved within 2 weeks**



## **DRIVING LICENCES AND VEHICLE REGISTRATION**

### **Cyprus issues new driving licence to German citizen**

A German who used to live in Liechtenstein before moving to Cyprus had his driving licence stolen. The Cypriot authorities refused to issue a new one because the categories listed in the old licence were not recognised in Cyprus and because Liechtenstein was not a member of the EU. Thanks to action by SOLVIT, the authorities reconsidered the case and issued a new licence after all.

**Solved within 4 weeks**



### **Belgian trucker receives unlimited driving licence in Spain**

When a Belgian trucker living in Spain had his Belgian driving licence converted into a Spanish one, he was surprised to see that the new one barred him for a year from driving more than 50 km from his point of departure. Thanks to SOLVIT's intervention, the Spanish authorities soon found there was an error in the man's file and removed the restriction from his licence.

**Solved within 8 weeks**

### **Italian driving licence renewed thanks to SOLVIT**

An Italian working in Cyprus applied for a new driving licence. The Cypriot authorities asked their Italian counterparts to confirm the data on his licence, as required by EU law. There was no

response. SOLVIT stepped in, and soon after the Italian authorities provided the requested confirmation and the man received his new licence.

**Solved within 6 weeks**

### **SOLVIT facilitates trailer import to Bulgaria**

A Dutch national was prevented from importing a trailer into Bulgaria. As trailers lighter than 750 kg do not have to be registered in the Netherlands, the importer had no registration document — so the Bulgarian authorities refused to register the trailer in their country. SOLVIT helped the importer pass the Bulgarian roadworthiness test he needed to get the trailer registered there.



**Solved within 13 weeks**

## **NON-DISCRIMINATION**



### **SOLVIT stops discrimination against Bulgarian nationals working abroad**

A Bulgarian couple who were living and working abroad were barred from registering their daughter in a Bulgarian kindergarten because they were not covered by Bulgarian social security. After SOLVIT explained to the Bulgarian authorities that, under EU law, they were not allowed to penalise their own citizens for exercising their right to work in other EU countries, the family was able to enrol their daughter after all.

**Solved within 6 weeks**

### **SOLVIT gets British child to school in Bulgaria**

A UK citizen residing in Bulgaria applied for a place at a local school for her daughter and was asked to pay a school fee of € 900, which Bulgarian nationals are not subject to. Following SOLVIT intervention, the school reconsidered its decision and recognised the child's right to free schooling.

**Solved within 10 weeks**

## **SOLVIT lifts excess charges for Norwegian vessel in UK harbour**

A Norwegian ship carrying fertiliser from Norway to Northern Ireland was charged a higher fee than ships from EU countries. As Norway belongs to the European Economic Area (EEA), its vessels should be treated the same as those from any EU country. SOLVIT managed to persuade the harbour authorities to change their tariffs accordingly.

**Solved within 14 weeks**



## ANNEX 3 – SOLVIT + CASES IN 2009<sup>21</sup>

### **SOLVIT puts an end to unlawful requirement on testing vehicle heating systems in Sweden**

The Swedish Motor Vehicle Inspection Agency refused to register vehicles equipped with an auxiliary heating system, unless the importer could produce a certificate proving that the vehicles had been tested in Sweden in accordance with a specific national regulation. After discussions between SOLVIT, the agency and the authorities involved, it became clear that the national regulation infringed EU-law. As a result of SOLVIT's intervention, the inspection agency will no longer apply this national rule in similar cases.

**Solved within 5 weeks**

### **SOLVIT lifts ban on marketing of wine in bottles larger than 2 litres in Hungary**

The Hungarian Act on excise duty had provisions which banned the marketing of wine in bottles larger than two litres. Because of this, a UK company was not allowed to market its beverage in 50-litre kegs. The competent Ministry has admitted that the ban is not acceptable under EU law and European Court of Justice rulings. The Hungarian Act has been changed as of 1 January 2010.

**Solved within 14 months**



### **SOLVIT helps EU citizens enjoy Cyprus sun**

A British couple legally resident in Cyprus applied for permanent residence status. Almost a year later, the authorities informed the couple that they must first get a 3-month residence permit, to prove the continuity of their stay. SOLVIT notified the authorities that this was illegal under EU law and that the couple was entitled to permanent residence as they had been legally resident in Cyprus for over five years. Following this intervention, the competent authority issued the requisite documents to the complainants, and subsequently changed its policy on accepting applications for permanent residence.

**Solved within 10 weeks**

### **SOLVIT eliminates fee for foreigners to acquire a birth number in the Czech Republic**

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<sup>21</sup> Please note that Section 2 (G) of Commission Recommendation of 7 December 2001 on principles for using 'SOLVIT' — the Internal Market Problem Solving Network [Official Journal L 331 of 15.12.2001] also applies to SOLVIT + cases: 'All proposed solutions should be in full conformity with Community law. The Commission reserves the right to take action against Member States whenever it considers that this may not be the case'

A German citizen employed in the Czech Republic asked SOLVIT about the fact that Czech legislation requires employers to identify their employees by ‘birth numbers’, which all Czech citizens get free at birth. The German citizen had no such number, so he applied for one and had to pay CZK 1 000 for it. This constituted discrimination on the basis of nationality. Thanks to the intervention of SOLVIT, the law was changed and it will enter into force on 1 July 2010. The Czech authorities also agreed that, until then, European Union citizens applying for a ‘birth number’ in the Czech Republic will not be required to pay the fee on the basis of article 12 of the *Treaty establishing the European Community*.

### **Solved within 1 month**

#### **SOLVIT brings Lithuanian residence rules into line with EU law**

An Irish national who had been living in Lithuania for five years, failed to get a registration certificate from the Lithuanian authorities and was required to be in possession of a Lithuanian visa and a Lithuanian personal identification number. According to EU law, the Lithuanian authorities should issue him a registration certificate and should not require a visa. The problem evidently stemmed from Lithuanian law that did not comply with the EU rules. Following this complaint, SOLVIT Lithuania contacted the competent Ministry, and the Lithuanian law has now been amended.

### **Solved within 6 months**

#### **SOLVIT removes unjustified obstacles to UK passport holders to enter Latvia**

An Irishman contacted SOLVIT because his wife, born in Ireland but a UK passport holder, was barred entry by the Latvian immigration authorities. They insisted that, as a UK national, she needed either a visa or her marriage certificate to enter Latvia. The couple had to return to Ireland the same day. The SOLVIT intervention led to all Latvian border guards being instructed in future to allow UK passport holders to enter Latvia visa-free.

### **Solved within 7 weeks**

#### **SOLVIT allows footballers living outside Austria to play in Austrian teams**

A young boy with his permanent residence in Hungary was not allowed to play in an Austrian football team. This was because, under Austrian Football Federation rules, he was considered a foreigner, and not more than two foreigners are allowed to play in any Austrian team. Following the intervention of SOLVIT, these specific rules were adapted, and now the quota on foreigners in the Austrian football teams does not apply to EU citizens, regardless of their place of residence.

### **Solved within 17 months**

#### **SOLVIT abolishes discriminatory pension rules for part-time frontier workers**

The Liechtenstein legislation did not fully take into account the insurance periods of an Austrian citizen's part-time employment in Liechtenstein because she had kept her residence in Austria. This way of calculation resulted in a lower amount of her retirement pension and, therefore, discriminated her against persons in the same situation with residence in Liechtenstein, whose insurance periods of part-time employment were fully taken into account. After the intervention of SOLVIT, Liechtenstein adapted its legislation in order to avoid discrimination against frontier workers in future cases.

**Solved within 6 months**