

Internal Market - SOLVIT goes from strength to strength

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The SOLVIT network, set up by the European Commission and EU Member States to help citizens and businesses get misapplications of EU law corrected, dealt with 289 cases in 2004. This is an increase of 72 per cent on 2003 levels. A Commission report states that four out of five cases accepted were solved. The challenge now is to further raise awareness of SOLVIT as a fast and free alternative to going to court.

Internal Market Commissioner Charlie McCreevy said: "I am glad that SOLVIT is being increasingly availed of. It is an important equal opportunity service for citizens and SMEs who cannot afford expensive legal procedures to get their single market rights enforced promptly and without fuss."

SOLVIT was launched in July 2002. When citizens or businesses have a problem in getting their single market rights respected, they can go to the SOLVIT centre in their Member State. This centre takes the case up with its counterpart in the country where the problem occurred. They work together with a view to delivering a solution within ten weeks. The Commission monitors progress through its on-line database, offers advice and assistance and follows up where deadlines are not met.

The report shows that SOLVIT is solving more cases faster - in an average of 59 days, reduced from 65. SOLVIT saves users money as well as time. In the 27 % of solved cases where complainants assessed the cost over the next year if the problem had not been solved, total savings were estimated at EUR 6.5 million.

SOLVIT has helped cure teething problems with the enlarged internal market. Ninety-four of the 289 cases dealt with in 2004 involved citizens or businesses from the new Member States or encountering a problem there. Enlargement accounted for three-quarters of the overall 72% increase in cases.

Two-thirds of cases were submitted by citizens. Their main problems were non-recognition of qualifications and difficulties with social security while business cases focused mainly on obstacles to market access.

The SOLVIT centres asked to solve the most cases of alleged misapplication of EU law in their countries in 2004 were those in France (46), Germany (38) and Spain (35). France (45), the Czech Republic (28), Germany (24), UK (23) and Sweden (20) submitted the most cases to other SOLVIT centres for resolution. More figures and an analysis are in the full report, on SOLVIT's recently improved central web site at <http://www.europa.eu.int/solvit>.

If SOLVIT cannot solve a case, the complainant can go to national courts or make a formal complaint to the Commission, which can launch an infringement procedure culminating before the European Court of Justice.

The future

SOLVIT can do even more to minimise the number of cases that need to be dealt with by the courts. As SOLVIT's profile rises, there is also evidence that, as well as solving individual problems, SOLVIT can help get national laws or generalised practices changed. This "SOLVIT plus" aspect may develop further.

The Commission will step up awareness raising, targeting the European Parliament, the Council of Ministers, other EU institutions and business and consumer organisations. It will improve links with Commission advice services, such as the "Your Europe" portal and its associated Citizens' Signpost Service (IP/05/264), so more potential cases are referred to SOLVIT.

The Commission will urge Member States to support SOLVIT politically. With such support, SOLVIT centres can more easily get cooperation from other parts of government.

Examples of SOLVIT cases in 2004 are annexed.

Annex

SOLVIT SUCCESS STORIES

1. Czech citizen is allowed to set up in Germany as a self-employed construction worker

A Czech citizen wanted to set up in Germany as a self-employed construction worker. The local German authorities insisted that he needed a work permit in order to provide construction services but refused to give him such a permit. SOLVIT Germany clarified that no work permit was needed for self-employed workers and arranged that the Czech worker obtained an establishment licence. Solution within four weeks.

2. France lifts barrier to market access for Austrian cheese

A French importer of Austrian cheese was instructed by the French authorities to send a consignment of cheese back to Austria, even though the same product had already been sold in France. The French authorities objected to the presence of starch in the cheese and to the addition of 'de montagne' to the brand name. The decision was based on French national legislation which was in contradiction to EU law as 'de montagne' is not an 'appellation contrôlée'

nor did the starch in the cheese present a danger to public health. SOLVIT was able to convince the French authorities that they should give the product full market access. Solution within 12 weeks.

3. Lithuanian citizen receives certificate to get married again in Germany

A German citizen and his Lithuanian bride wanted to get married in Germany. As the bride was married before and divorced in Lithuania, the couple needed to submit a form which confirmed the divorce. The competent court refused to provide the couple with the necessary document because the regulation, on which this requirement is based, has not been transposed into Lithuanian law yet. After intervention by SOLVIT, the court issued the certificate and submitted it to the client. Solution within one week.

4. SOLVIT France helps Dutch citizen to claim unemployment benefits

A Dutch citizen was employed by a German company but had been posted to work in France. When his contract ended he became unemployed and applied for unemployment benefits in France, his country of residence. The French authorities rejected his claim on the argument that he had never worked in France. In fact, he had worked in France for 16 months and had paid income tax there. The Dutch citizen was unable to break through the status quo himself. However, with the assistance of SOLVIT, the French authorities reconsidered their position, recognised his status and granted him access to unemployment benefits. Solved within eight weeks.

5. SOLVIT removes trade obstacle on Slovak market for fire extinguishers

Slovakian Regulations on the sale of fire extinguishers state that producers have to provide training on the handling of these products to the client. The Regulations further require that this training can only be carried out by producers or their authorised representatives that are legally established in Slovakia. A Czech manufacturer of fire extinguishers complained to SOLVIT that this is an obstacle to trade and the Czech SOLVIT centre agreed that the restriction was contrary to EU internal market rules.

The Slovak SOLVIT centre managed to ensure that the Czech company obtained permission to provide training in Slovakia without having to register as a company there. Furthermore, to prevent such cases in the future, Slovakia has undertaken to change its law on fire-extinguishers to bring it into line with EU laws. Solution within 13 weeks.

6. German health insurer pays maternity benefits for French citizen

A French citizen has been working in Germany. After her contract had expired she registered as a job seeker, first in Germany and later in France, where she now resides and gave birth to a child. As she took maternity leave, both the German health insurance and the French Sécurité Sociale declared that they were not responsible for maternity benefit payments in this case. After SOLVIT intervened, the German employment benefit authority confirmed that the German health care system was in charge. The health insurance accepted its obligation and is now paying maternity benefits. Solution found within eight weeks.

7. SOLVIT Belgium obtains recognition of qualifications of French toxicologist

A French toxicologist with a French diploma and two years of work experience in Italy, was refused recognition of her qualifications by the Belgian authorities. The justification for the refusal was the fact that the applicant had obtained insufficient marks for certain parts of her curriculum. SOLVIT Belgium convinced the authorities that since the marks had been sufficient for obtaining the diploma and given the fact that the applicant could prove sufficient work experience, it would be contrary to EU law to refuse recognition. Within nine weeks the applicant obtained a positive decision.

8. UK company receives VAT refund from Spain

A company from the United Kingdom had supplied goods to Spain and felt that they were entitled to a VAT refund from the Spanish authorities. They introduced their demand in December 2003, however after 10 months there had still been no refund and not even any explanation for the delay. SOLVIT intervened to clarify the situation and the company received their money not long afterwards. Problem solved within 14 weeks.

9. SOLVIT helps Swedish widow to obtain survivor's pension in Greece

Administrative obstacles in Greece prevented a Swedish citizen for several years from obtaining the survivor's pension to which she was entitled after the death of her Greek husband. The Greek authorities did not accept the marriage certificate as valid proof and required that the marriage should be registered in Athens by the Swedish widow in person. SOLVIT Greece helped her to resolve all formalities so that she could receive her pension. Case solved within 10 weeks.

10. Latvian car importer gets help in registering second hand cars bought in Germany

A Latvian enterprise purchased several second-hand cars from the US Armed Forces in Germany at an auction organized by a German company. The registration papers handed out by the German company were refused by the Latvian Vehicle Registration Department as not valid after 1 May 2004. The Latvian enterprise was referred back to German authorities to obtain different papers but did not succeed in this. SOLVIT Latvia contacted the Latvian Vehicle Registration Department and convinced them that the papers were valid under EU law. Problem solved within a week.