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SOLVIT 2004 REPORT

Development and Performance of the SOLVIT network in 2004

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1. INTRODUCTION

1.1. Background on SOLVIT¹

SOLVIT is an on-line network, created by the Commission and the Member States, with the aim to solve problems that arise for individual citizens and businesses from the misapplication of internal market law. All EU Member States as well as Norway, Iceland and Liechtenstein, have created a SOLVIT Centre, in most cases within their ministry of foreign or economic affairs. These centres cooperate directly via a on-line database to solve problems submitted by citizens and businesses rapidly and pragmatically. The rules for cooperation within SOLVIT are included in a 2001 Commission recommendation² that was endorsed by Council conclusions. SOLVIT has been operational since July 2002.

1.2. Aim of the report

The aim of this report is to assess the functioning of SOLVIT in 2004, and to examine how well the common quality and performance standards that were agreed in December 2003 were met in their first year of application. The conclusions of the report indicate which actions are needed by the Commission and the SOLVIT Centres to ensure that good practices are continued and to improve performance in areas where results have not been optimal.

Facts and figures in the report are based on case handling information from the SOLVIT database and on the replies to a questionnaire that was submitted to all 28 SOLVIT centres (25 of them replied).

1.3. Highlights of 2004

During 2004 SOLVIT has gone from strength to strength and its impact has increased. First highlight was the enlargement of the network with ten new SOLVIT Centres on 1 May 2004. All new SOLVIT Centres were fully operational on the first day of joining the EU and many of them had already undertaken significant promotion activities so that they could start submitting cases almost immediately. Second important development was the increase of case flow by 73 % as compared with 2003. The larger part of this was due to the expansion of the network, but even discounting that effect SOLVIT has seen a 17% growth rate across the board in cases handled. Thirdly, the increased attention given to quality and performance of case handling has paid off with a significant improvement in the quality of case files submitted and in the solutions proposed. More measurably, the case resolution rate has gone up from 73% in 2003 to 80% in 2004. Moreover, the average time taken from acceptance to closure of a case has diminished from 9½ to 8½ weeks, well below the SOLVIT deadline of ten weeks.

¹ See www.europa.eu.int/solvit for more detailed information in all EU languages

² Commission Recommendation of 7 December 2001 on principles for using "SOLVIT" -- the Internal Market Problem Solving Network (Text with EEA relevance) (notified under document number C(2001)3901) OJ L 331 , 15/12/2001 P. 0079 - 0082

2. QUALITY OF CASE HANDLING

2.1. Common quality and performance standards

In December 2003 the SOLVIT Centres and the Commission agreed on a set of common quality and performance standards (see Annex 1). The main objectives of these standards are

- (1) to ensure that citizens and businesses anywhere in the Internal Market can count on a high quality SOLVIT service regardless of the country where they submit their problem, or in which the problem has occurred;
- (2) to guarantee to each SOLVIT centre that its own efforts to provide a high quality service will be matched by an equivalent commitment of all other SOLVIT centres and the Commission;
- (3) to make sure that the quality and performance of SOLVIT case handling will remain high as the network expands and the case load increases;
- (4) to meet the challenge of working with a fully transparent data base that enables others to monitor the overall quality and performance of the network;
- (5) to emphasise that SOLVIT is not just a system, but a new approach towards both complaint handling and administrative cooperation aimed at providing first class treatment to all applicants.

The standards are complementary to the principles set out in the 2001 Commission Recommendation which is at the basis of SOLVIT. The standards cover inter alia communication with the applicant, communication between the SOLVIT Centres, promptness and respect of deadlines, quality of case files submitted, quality of solutions proposed and follow-up. For the Commission the standards include rules on the quality of the services provided to the network such as provision of the working instruments, legal and technical advice, facilitating team building and promotion of SOLVIT.

2.2. Monitoring of quality and performance

Within the Commission SOLVIT support team a network of contact persons has been created who are responsible for particular SOLVIT Centres to which they provide advice and practical assistance. One of the tasks of the contact persons is to monitor the quality of the cases as they are submitted to the system by the Home Centre and the quality of the solutions proposed by the Lead Centre and to offer advice for improvement where needed. Moreover, the contact persons encourage SOLVIT centres to ensure that reporting on cases is accurate (e.g. make sure that solutions are real solutions, that they are implemented in practice, that cases that remain unresolved are not recorded as solved etc.). Finally, the contact persons make enquiries when deadlines are not met. The aim of this is not only to maintain and improve the quality of case handling, but also to ensure that the information in the system is accurate so that reliable statistics can be produced.

2.3. Legal statement on Commission follow-up of SOLVIT cases

Another important step towards more stringent quality control, was the adoption in September 2004 of a working document by the Commission services which sets out in operational terms how they will ensure that solutions proposed by the SOLVIT network are in conformity with

Community law³. This document implements the 2001 Commission Recommendation on SOLVIT according to which SOLVIT Centres have to ensure that all solutions are in conformity with Community law and the Commission reserves the right to take action against Member States whenever it considers that this may not be the case.

For cases which Member States have entered directly into the system the Commission services will examine cases where they receive a complaint that the solution may not be compatible with Community law. For cases which Commission services have referred to SOLVIT they will examine the proposed solution in all cases. The Commission SOLVIT support team will periodically evaluate the performance of the SOLVIT network including solutions implemented in particular to detect structural problems of non-compliance with EU law.

2.4. Role of the database in case handling

With funding from the IDA (Interchange of Data between Administrations) programme an on-line database was created for SOLVIT. The database plays a crucial role in the quality of case handling. Firstly, it provides a structure for the various steps that are part of good case handling practice. It guides the SOLVIT Centres through these steps, reminds them of deadlines, allows them to keep all case related documents together in one electronic file, automates and facilitates communication with counterpart SOLVIT centres, with the applicants and with any bodies associated to the case. Secondly, it provides a transparent instrument for case monitoring and performance statistics so that all stakeholders in the SOLVIT approach, both the SOLVIT centres and the Commission, can verify whether others are playing their part. Thirdly, it creates efficiency gains at the immediate benefit of the complainants since it dramatically reduces response time for problems between two administrations, sometimes even to a few hours, resulting in many cases being solved in less than a week. Finally, the database is an excellent instrument for spreading best administrative practices as it provides an effective forum for peer pressure.

In the course of 2004 the database software has been further improved. New features were included to make good case handling practices even more intuitive. SOLVIT Centres are very positive about the database and the training provided by the Commission (see chapter 7.2). In the first half of 2005 a new software version will be installed on the database. This will enable SOLVIT Centres to identify quickly the official(s) dealing with a particular policy issue by integrating the existing ADMINCO database⁴.

3. PERFORMANCE STATISTICS

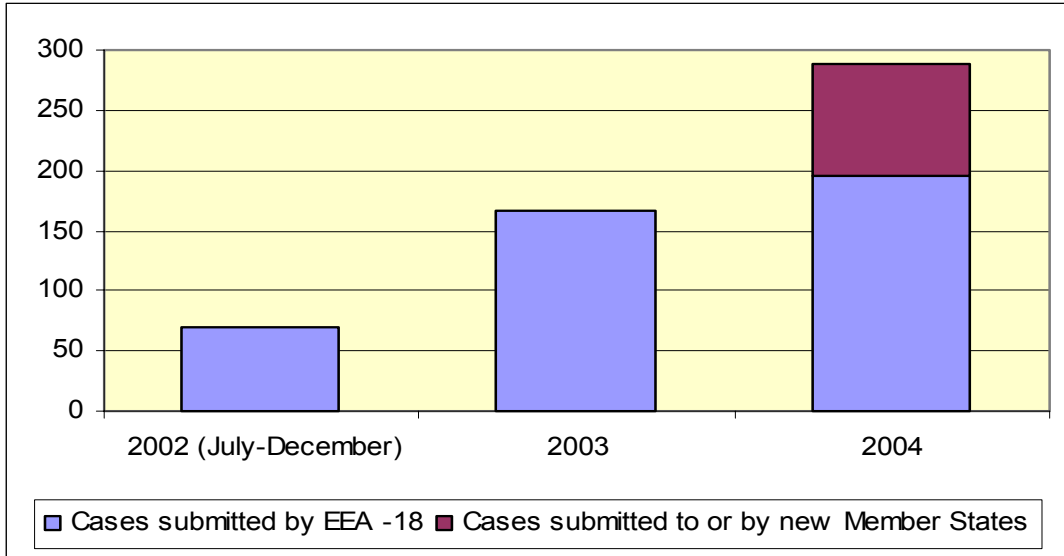
3.1. Overall case flow 2004

Overall case flow of the SOLVIT network has increased by 73% from 167 cases in 2003 to 289 in 2004. 94 out of these 289 were cases submitted or received by one of the ten new SOLVIT centres, indicating that inclusion of the new Member States accounted for a 56% increase in case flow. A further 17% of case increase was unrelated to enlargement.

³ Commission staff working document setting out the approach for assessing the conformity of solutions proposed by the SOLVIT network with Community law, SEC(2004)1159, 17 September 2004

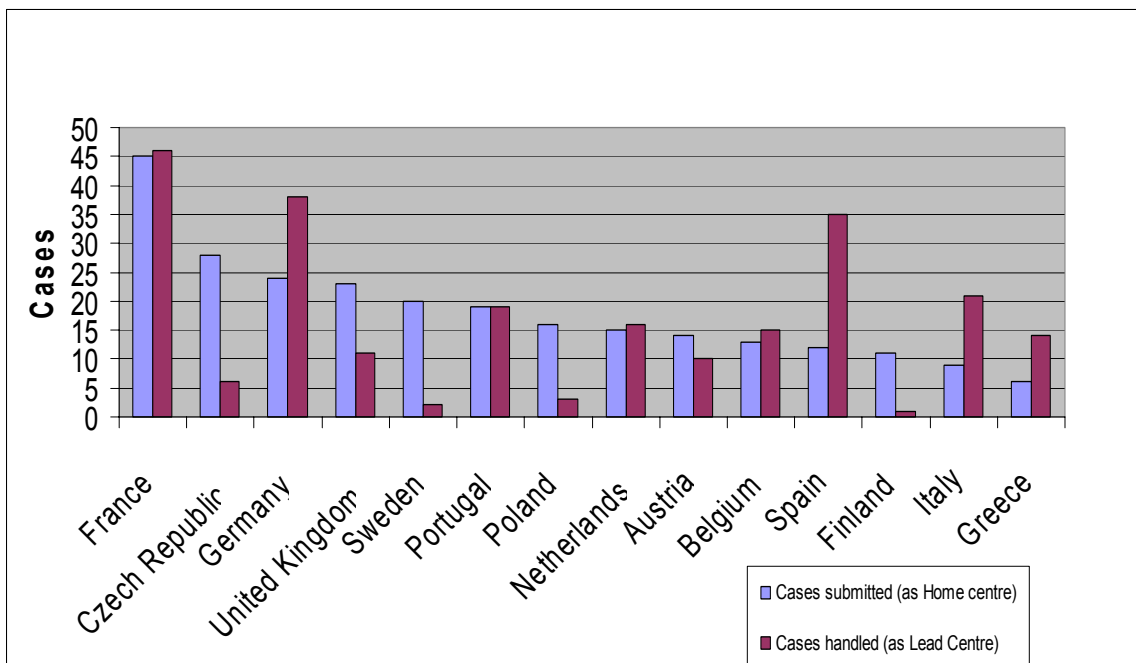
⁴ ADMINCO is managed by DG Internal Market and contains the names of officials in all Member States and within the Commission dealing with particular topics within the area of internal market legislation

Figure 1 – Evolution of SOLVIT case flow 2002-2004



Some SOLVIT Centres, such as France, Portugal, the Netherlands and Belgium receive approximately the same number of cases as they submit to other SOLVIT Centres. Others such as Germany, Spain, Italy, Greece, Luxembourg and Ireland receive considerably more cases than they submit. A third category, including the Czech Republic, the UK, Sweden, Austria, Finland and Denmark are mostly cast in the role of Home Centre by submitting more cases than they are asked to resolve.

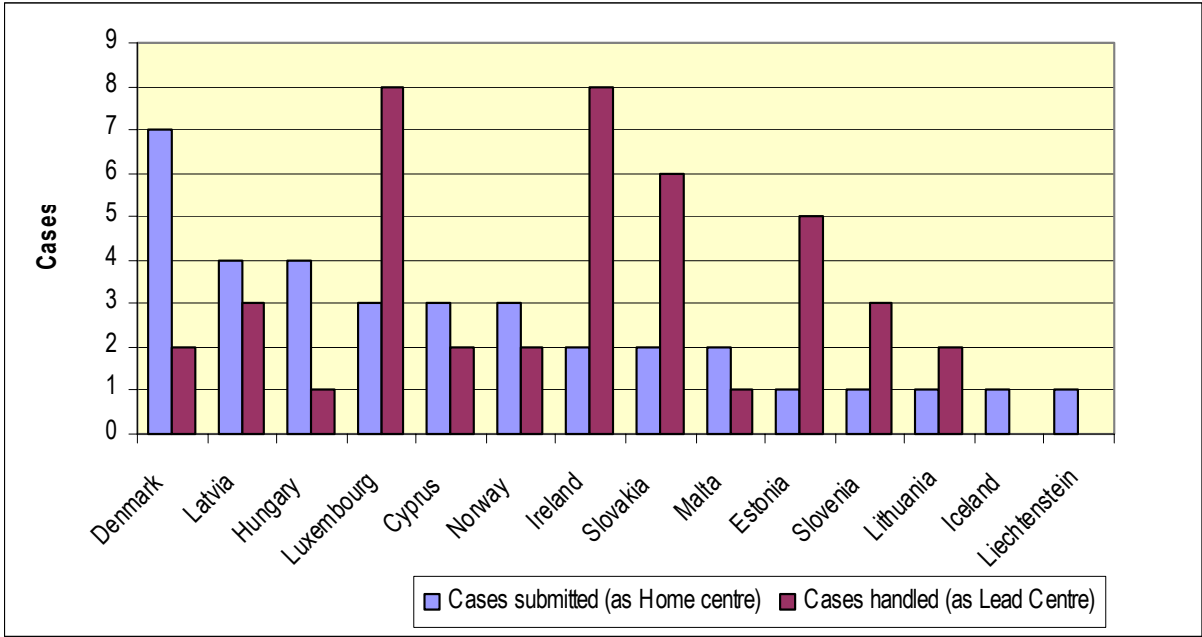
Figure 2a – Cases submitted and received in 2004 – SOLVIT Centres with a total case load of more than 12 cases



It should be noted that in the following chapters statistics on deadlines, resolution rates and evolution in case flow are only included for SOLVIT Centres with around 10 cases or more in

the relevant category. For those with less than a minimum amount of cases the basis is too narrow for a meaningful assessment.

Figure 2b - Cases submitted and received in 2004 – SOLVIT Centres with a total case load of less than 12 cases



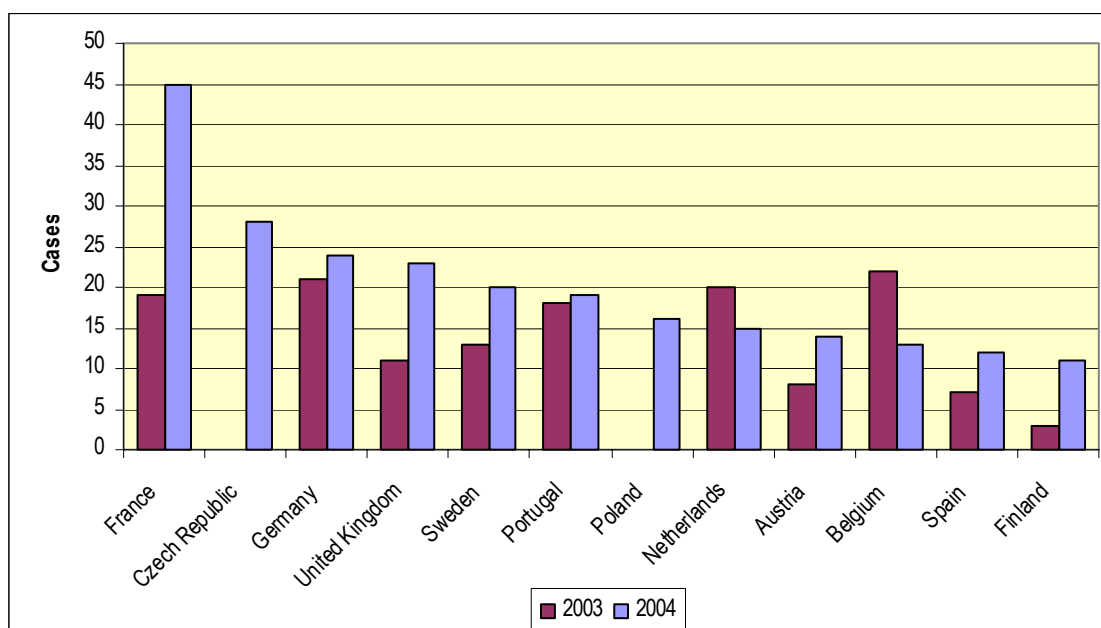
3.2. Case submission by SOLVIT Home Centres

While SOLVIT Centres have relatively little influence on the number of cases they handle as Lead Centre, they have more influence on the volume of cases they submit to the system on behalf of their own citizens and businesses (e.g. by undertaking awareness raising activities).

In absolute terms France and the Czech Republic have submitted the largest number of cases in 2004. SOLVIT France has not only managed to increase the submission of cases by 137% but is now also the only EU Member State of the bigger 6 that has achieved an above average⁵ level of case submissions. The Czech Republic has gone up to second position while only having joined the network in May 2004.

⁵ In 2004 289 cases were handled by SOLVIT. On a population of 450 million, this is an average of around 3 cases per 5 million inhabitants.

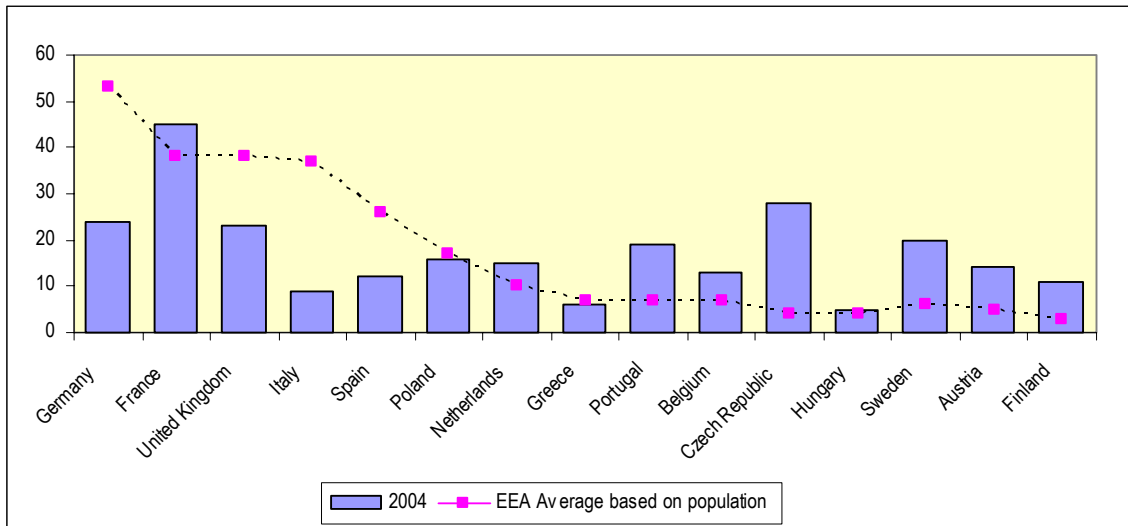
Figure 3 – Evolution of cases submitted as SOLVIT Home Centre 2003-2004



Other good performers as Home Centre were Finland, Austria and the UK, all three substantially increasing the volume of cases submitted. Sweden and Portugal have managed to maintain and even slightly increase their above average case submission volumes.

Against the trend the Netherlands and Belgium have submitted fewer cases in 2004 than in 2003. However, Belgium still submits twice as many cases as could be expected in view of their population number and the Netherlands also remains above the EEA average for case submission. Germany, Italy, the UK and Spain are not submitting a case volume that corresponds to their respective populations. The reasons behind this may be a lack of awareness about SOLVIT in the country concerned or a policy of the SOLVIT Centre not to submit complaints against their own administration to the database (as many other SOLVIT Centres do). Furthermore it may be that the citizens and businesses of the country concerned engage less in cross-border travel, work, study and trade than others (and therefore encounter fewer problems) or that they are more inclined to put up with problems than complain about them.

Figure 4 – Volume of cases submitted as SOLVIT Home Centre compared with EEA average*

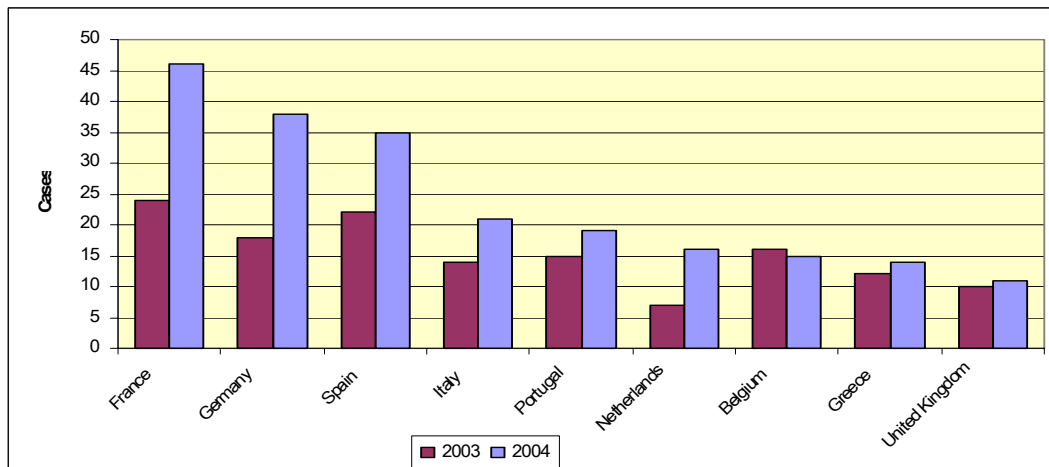


*EEA average: based on a total of 289 cases for 456 million inhabitants, the EEA average is around 3 cases per 5 million inhabitants. For the new Member States the EEA average has been calculated for 1 May-31 December 2004

3.3. Case load and resolution rates of SOLVIT Lead Centres

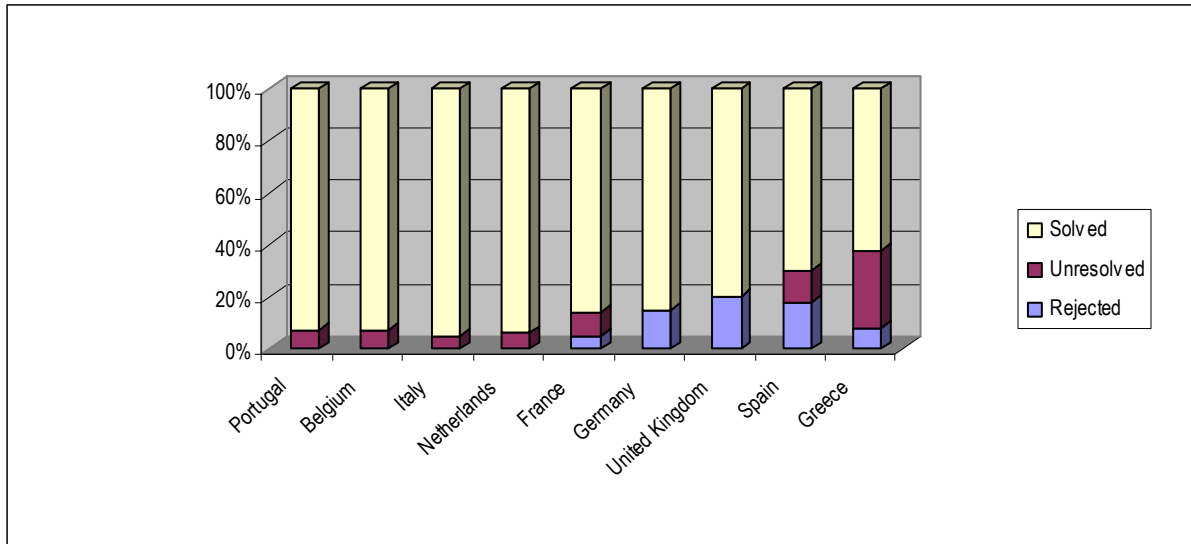
There are very significant differences between the SOLVIT Centres in the number of cases received. The three SOLVIT Centres with the highest number of cases to solve are France, Germany and Spain. France and Germany have handled twice as many cases in 2004 as in 2003.

Figure 5 – Volume of cases received and handled as SOLVIT Lead Centre 2003-2004



When a case is submitted to the SOLVIT database by a SOLVIT Home Centre, the SOLVIT Lead Centre can still reject it, for instance because the case is already before a court, or because the problem is due to incorrect transposition of EU rules in national law which cannot be solved within ten weeks, or because the Lead Centre thinks that the case does not meet SOLVIT criteria for other reasons. There is considerable variation in resolution rates from more than 90% for Portugal, Belgium, Italy and the Netherlands to 62% for Greece.

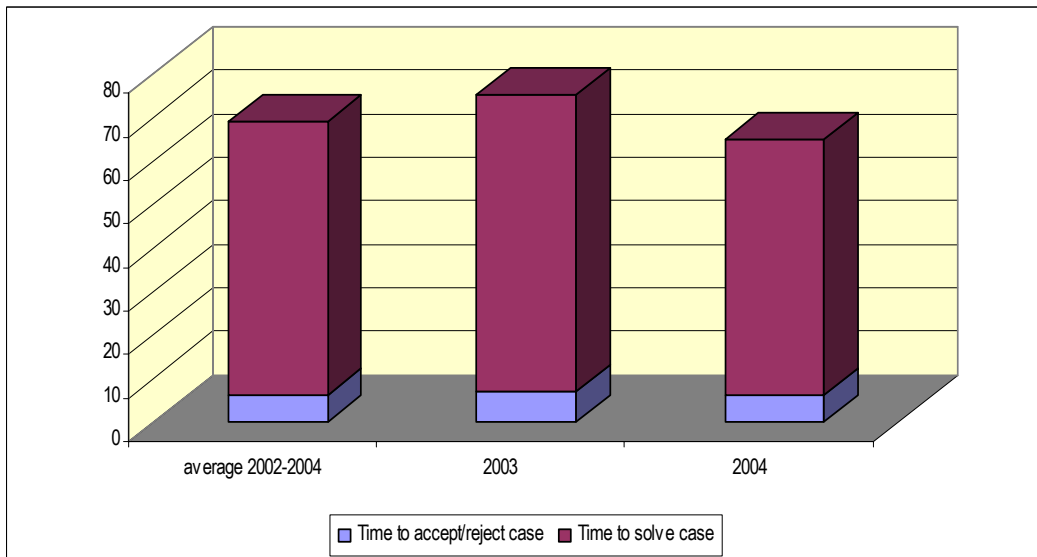
Figure 6 – Case resolution rates of SOLVIT Lead Centres 2004



3.4. Respect of deadlines

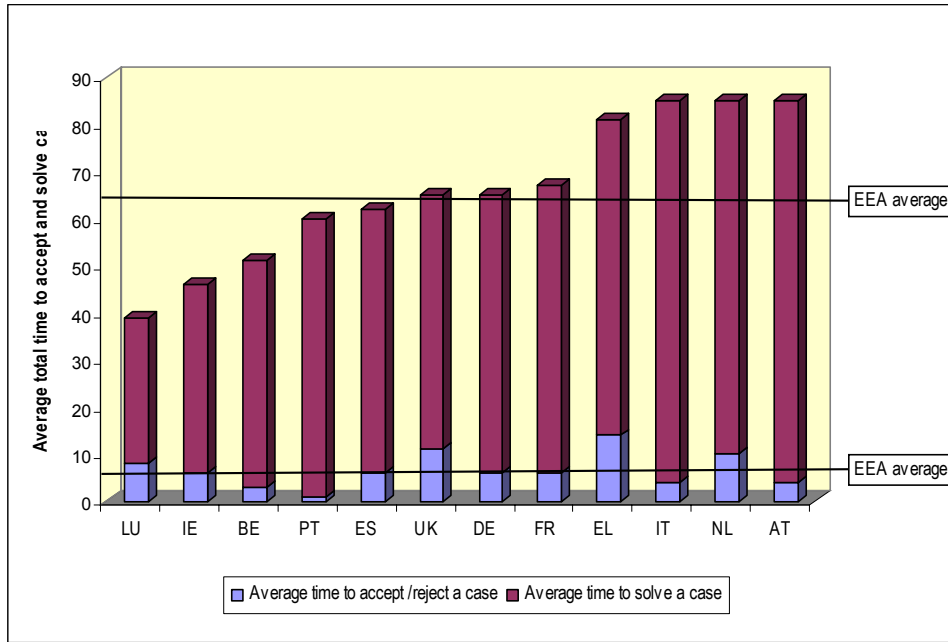
The agreed deadline for accepting or rejecting a case is one week, the deadline for solving cases is ten weeks, counting from the date of acceptance of a case by the SOLVIT lead centre. 70% of all resolved cases are solved within the deadline of ten weeks, in 30% of resolved cases the deadline was not met. These percentages have not changed over the years since SOLVIT was launched in July 2002. However, over the period July 2002 until December 2003 the average case resolution time was 65 days. In 2004 this average was reduced to 59 days.

Figure 7 – Evolution of average case resolution time 2003 - 2004



Average case resolution times vary considerably between the SOLVIT centres from less than 40 days for SOLVIT Luxembourg to more than 80 days for SOLVIT Greece, Italy, Netherlands and Austria.

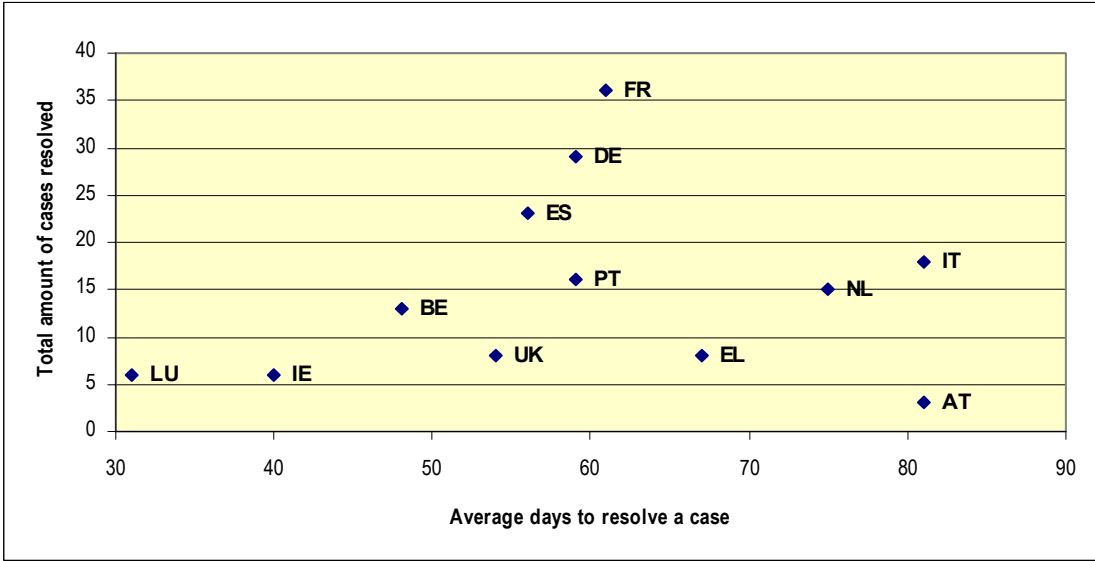
Figure 8 - Average time taken by SOLVIT Lead Centres to accept/reject and solve cases



For individual SOLVIT Centres it is interesting to look at the correlation between case load and time to solve cases as illustrated by the figure below. Lower overall case load generally results in shorter average resolution time, Spain works relatively fast even with a high case load, France and Germany are doing a good job too by working close to average with even higher case loads. Greece, Austria, Italy and the Netherlands though, take significantly longer than average to resolve their cases in spite of lower case loads. This may be due to a relatively high proportion of cases that were difficult to solve or to a generally lower pace of administrative interaction at national level. In some countries the national part of SOLVIT case handling requires a more formal and thus more time consuming approach than the cross-border part.

SOLVIT Centres are generally pleased with the applicable deadlines foreseen by the SOLVIT rules, 84% of SOLVIT Centres think that they are appropriate, 8% think that they could even be shorter and only 8 % feel that they are too tight.

Figure 9 – Correlation between case load and case resolution time – SOLVIT Lead centres



3.5. Other aspects of quality and performance of case handling

Certain important aspects of quality and performance of case handling are less measurable within the database. For instance the quality of cases submitted and the quality of the solutions proposed, communication between the Centres in a given case and the effort (or lack of it) made by the Lead SOLVIT Centre. In 2004 a facility has been added to the database allowing SOLVIT Centres to assess how a counterpart SOLVIT Centre has handled a problem on a case-by-case basis. However, this function has not been used enough to produce meaningful statistics on other aspects of quality and performance of case handling.

Nevertheless, the questionnaire that was submitted to SOLVIT Centres addressed these issues in a more general way, without requiring SOLVIT Centres to identify specific SOLVIT Centres with which problems, if any, had occurred. When asked to comment on the quality of the cases that are submitted to them as Lead Centre, most SOLVIT Centres remarked that the submission files were good enough to work on in the majority of the cases, but that it still happened regularly that supporting documents or essential facts were missing or that the case description was not clear enough.

Regarding the proposed solutions, only one in four SOLVIT Centres report that they always verify with their experts whether solutions that consist of clarifications (arguing that no EU rules have been misapplied) are in line with EU law. The rest say that they verify this sometimes or often but not systematically.

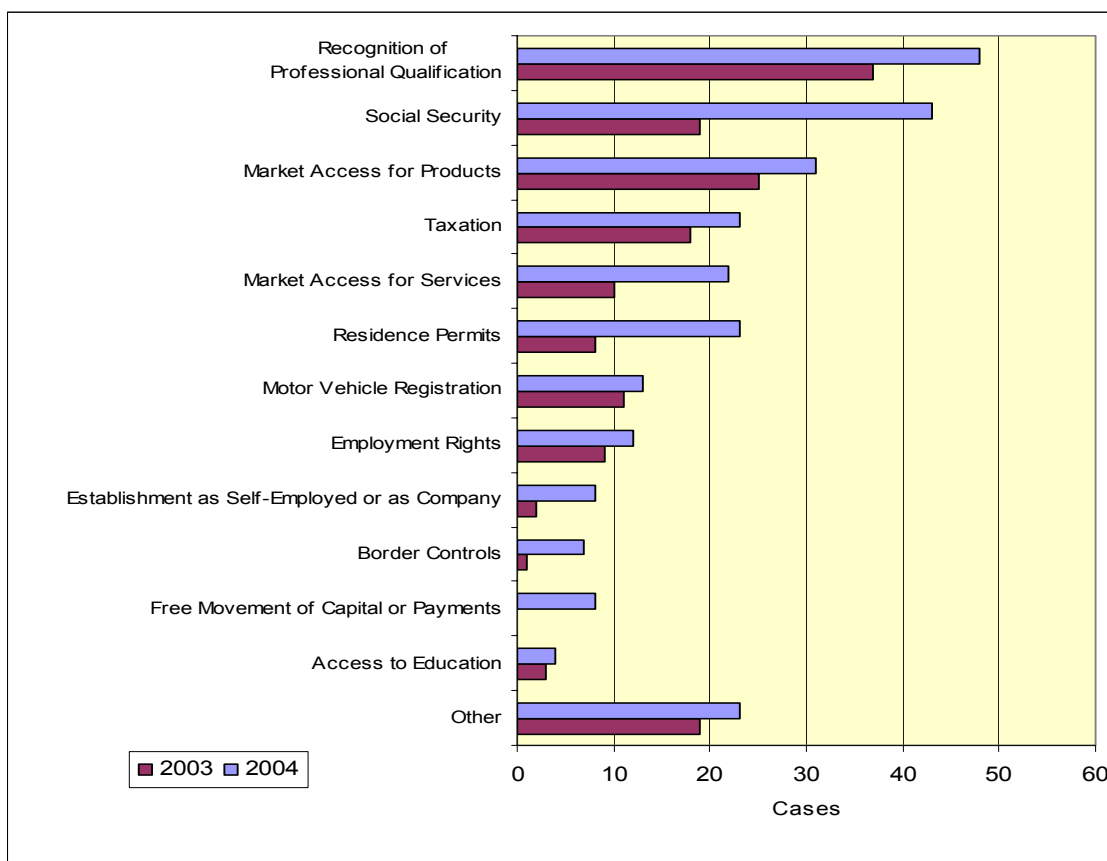
The level of satisfaction about communication between SOLVIT Centres is good. Only few problems are reported in this area. Where difficulties in communication occurred these were mostly due to disagreement about the analysis of a case or to the behaviour of the complainant (e.g. not reporting all the facts immediately). The regular workshops of the SOLVIT network provide good opportunities to discuss and straighten out any difficulties that have occurred.

4. CASE ANALYSIS

4.1. Problem areas

Most problems submitted to SOLVIT concern citizens and the main areas in which problems occur, are professional qualifications and social security. These two domains together accounted for one third of all SOLVIT cases in 2004. Statistics indicate that the largest problem area, professional qualifications, is also the one where problems are more difficult to solve with a below average resolution rate of 69%.

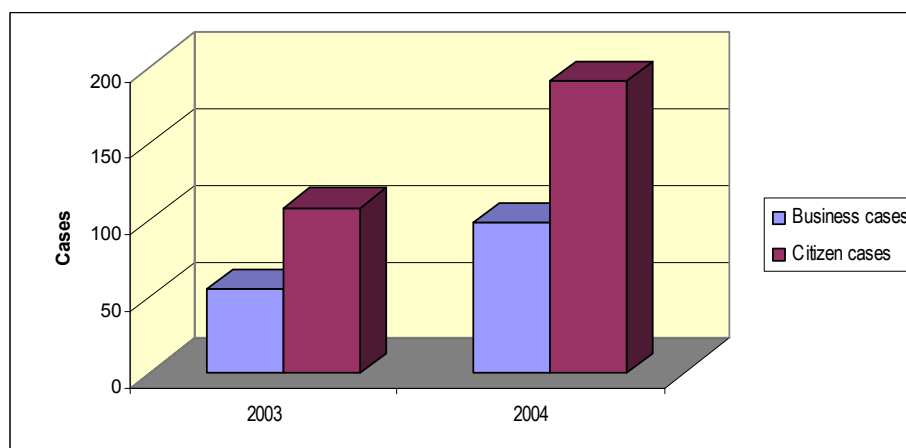
Figure 11 – Cases according to problem areas



4.2. Sources

In 2003 66% of all cases were submitted by citizens and 33% by business. These figures have remained unchanged over 2004. The resolution rate of the two different categories is about the same namely 78% for business cases and 82% for citizens' cases. The balance between input of citizens and business cases depends to some extent on the organisation in which the national SOLVIT Centre is situated. It appears that those within ministries of economic affairs are easier to find for businesses than for citizens and centres within ministries of foreign affairs are better placed for citizens.

Figure 10 – Cases submitted by citizens and businesses



4.3. Cost savings

Addressing problems through SOLVIT is a cost saving approach since it avoids expensive and labour intensive formal procedures. While these effects are difficult to quantify, the SOLVIT database allows SOLVIT Centres to include an estimate of the costs the complainant would incur over the next twelve months if the problem was not solved. The figures are based on assessments by the complainant. For those cases where a cost estimate has been included in the database (around 27% of all cases) and that have been solved in 2004, the total amount of costs saved is 6.5 million €.

4.4. SOLVIT Plus

The agreed rules only require SOLVIT Centres to solve individual problems, but practice shows that SOLVIT Centres regularly go beyond their job description by taking action to try and solve a more structural problem behind the individual case.

For instance, a SOLVIT Centre was faced with a situation where the national rules, contrary to EU law, stipulated that only professional experience acquired in the same Member State should be taken into account for the job opportunities offered to teachers. This resulted in discriminatory treatment of teachers who had worked abroad. Several cases were reported to SOLVIT but could initially not be solved due to the national rules in place. The SOLVIT Centre then initiated action at ministerial level to encourage the ministry responsible to change the rules. Eventually these attempts were successful, not only leading to a solution for the individual cases, but also to prevention of any further problems.

Another example concerned a student who had obtained a driving licence in the country where she studied even though she did not have her formal residence in that country. Returning home she wanted to exchange her driving licence but the local authorities rejected the licence as not valid since EU rules require that driving licences can only be obtained in the country of formal residence. However, in contacts with the Commission the SOLVIT Centre concerned heard about new case law from the ECJ clarifying that even in such cases where the issuing Member State has made a mistake, the driving licence should not be rejected by another Member State. The SOLVIT Centre brought this case law to the attention of the ministry concerned who issued new guidelines for all local authorities explaining how to handle similar cases.

5. SOLVIT CENTRE STAFF AND WORK ENVIRONMENT

5.1. Human resources

Two out of three SOLVIT Centres do not have full time staff. One in three employ between one to three people full time. Three SOLVIT Centres work with an extensive network of part-time SOLVIT case handlers within their department. One in four SOLVIT Centres have indicated that their current staffing level is not sufficient to handle all the work, let alone a significant increase in case load. They would need one or two additional staff with knowledge of EU law.

When asked which tasks cannot be done due to lack of staff, many mention promotion of SOLVIT, others would like to improve speed and professionalism of the service provided but do not have the staff to do this.

With regard to available skills, the wide majority of SOLVIT Centres have sufficient linguistic knowledge to handle cases with their counterparts abroad. All of them can work in English and around half of them in French or German. However, there seems to be a clear problem with access to legal expertise to analyse cases since half of all SOLVIT Centres mention difficulties in that area.

All except two SOLVIT Centres think that the department or ministry within which they are situated is the right place for SOLVIT. Nevertheless, many remark that policy matters often get priority over SOLVIT which can be a strain on resources. More than half of all SOLVIT Centres say that this sometimes causes problems.

5.2. Workload

On average SOLVIT Centres spend 50% of their time on SOLVIT case handling, 10% on promotion of SOLVIT and the remaining 40% on responding to requests for information on EU matters and on solving problems that are not SOLVIT cases.

One in three SOLVIT Centres feels that the current balance of tasks could be improved. They find that they spend too much time on sorting SOLVIT cases from non-SOLVIT cases and would like to change this for instance by creating a front office (to answer queries and filter out the real SOLVIT cases) and a back office (to concentrate on SOLVIT cases). However, around the same number of SOLVIT Centres is happy with the current situation since they see their task in a broader sense, namely to provide any assistance citizens or businesses may require. Some even advertise this advisory role on their websites.

5.3. Cooperation with the administration

The most difficult part of problem solving is the art of convincing an authority that the decision it has taken or the fact it has not taken a decision (yet) is contrary to EU law and that something should be done to solve the problem caused for a business or citizen. All SOLVIT Centres were asked whether the name SOLVIT carries enough weight to persuade other parts of the national administration to cooperate in solving problems pragmatically. Twelve SOLVIT Centres replied that this was quite frequently not the case. When asked how this could be improved a majority suggested that better information about SOLVIT within all parts of public administration and clear signals of high level political support for the system would be important. It was also mentioned that public authorities who were the subject of a complaint were most often responsive to the argument that cooperating under SOLVIT terms

could help to avoid an infringement procedure. However, to maintain the strength of this argument it is important for the Commission to follow up cases that remained unresolved due to lack of cooperation by the authority complained about. Some SOLVIT Centres remarked that the lack of an enforceable legal basis for SOLVIT made it more difficult to convince other public authorities to cooperate.

5.4. Legal basis

In the questionnaire SOLVIT Centres were asked whether they experienced the lack of an enforceable legal basis for SOLVIT as an advantage or a disadvantage. Fifteen Centres replied that the informality of the SOLVIT approach was mostly an advantage due to the flexibility it allowed. Ten SOLVIT Centres felt that not having a formal legal basis was a disadvantage especially in working with other parts of the public administration.

However, following a discussion during the SOLVIT workshop in February 2005, the views on the issue became more convergent. While all recognized that more should be done to increase the authority of the SOLVIT approach, a large majority felt that transformation of the current informal basis into a legally enforceable instrument was not the right answer. It was argued that Member States were already under a legal obligation to implement and apply EU law correctly so no additional instrument was needed. Furthermore, making the SOLVIT deadlines obligatory would not be desirable either. The conclusion of the discussion was that to reinforce SOLVIT's hand in dealing with the bodies complained about, more needs to be done to strengthen high level political support for SOLVIT both at national and EU level.

6. COOPERATION WITHIN THE NETWORK

6.1. Team building

Three annual workshops are the main building block for the excellent team spirit within the SOLVIT network. One of the three yearly meetings is hosted by the Commission in Brussels, the other two are organised by the SOLVIT Centres. In 2003 the workshops held outside Brussels were in Stockholm and Vienna and in 2004 in Copenhagen and London.

The workshops allow all SOLVIT Centre staff to know each other by face, to discuss common problems bilaterally and in plenary sessions. They lower the threshold to contact counter parts in other Member States and to discuss cases. According to replies to the questionnaire, workshops are much appreciated by SOLVIT Centres and considered to be very effective. One of the results of the SOLVIT workshops is a high level of commitment of SOLVIT Centre staff to the common cause of helping citizens and businesses effectively and efficiently.

6.2. Information and communication

An internal website accessible for the Commission SOLVIT support team and SOLVIT Centre staff was created in August 2004. The site serves to inform SOLVIT Centres about news from Brussels, the latest success stories, case handling statistics, It also contains an extensive 'who is who', a library for background documents and information on legal developments in the various policy areas, a reference page with addresses of other networks for signposting of cases that cannot be solved by SOLVIT. The overall assessment of the site by the SOLVIT Centres is very positive.

7. COMMISSION SOLVIT SUPPORT TEAM

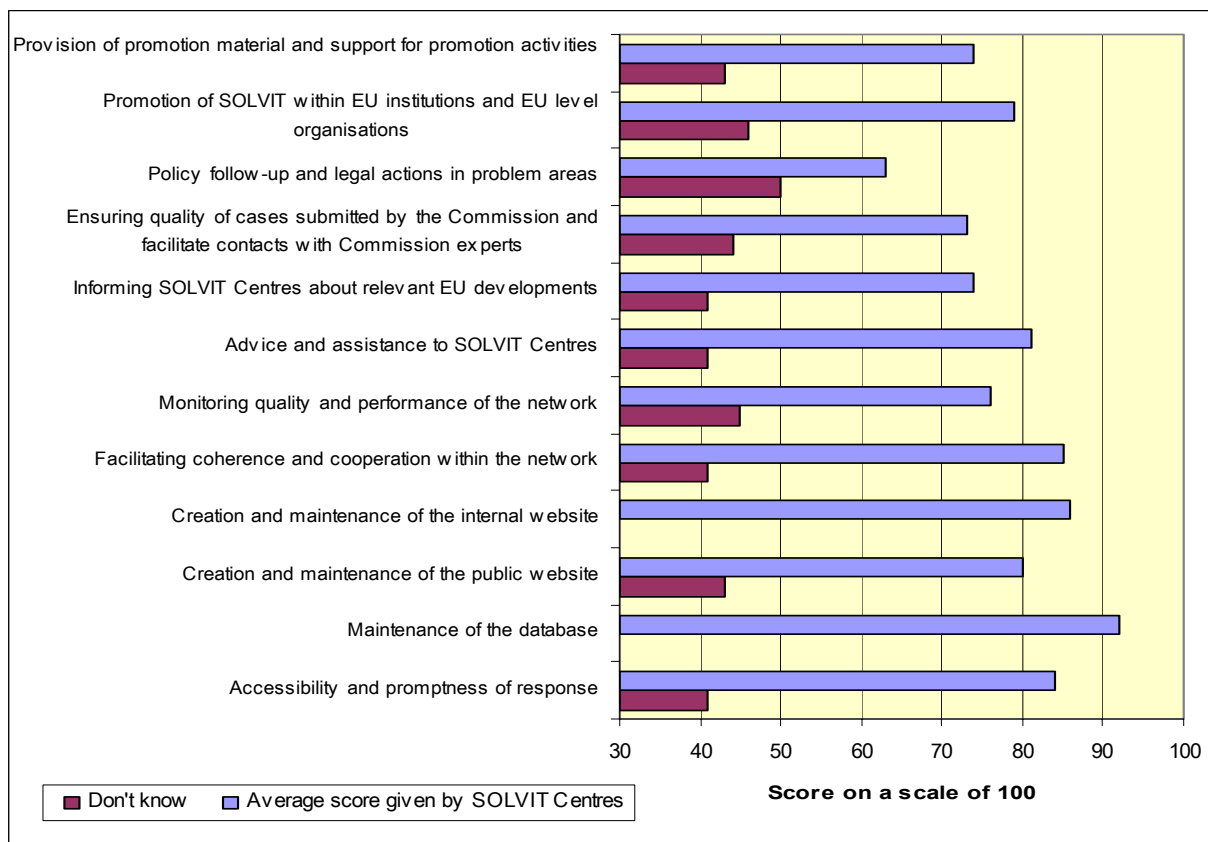
7.1. Human resources

The Commission SOLVIT support team consisted in 2004 of four full time staff, two part time and a trainee. Until end 2004 the SOLVIT team was part of the policy development unit within DG Internal Market. In January 2005, the team has been integrated in the unit dealing with coordination of infringement procedures with a view to develop a more streamlined approach between the formal and informal methods of addressing EU law application problems.

7.2. Performance

As part of the common quality and performance standards the Commission has also taken a commitment to abide by certain standards (see chapter 2.1 and Annex 1). SOLVIT Centres were asked via a questionnaire how well they thought the Commission had fulfilled its commitments in 2004. The overall result of this enquiry is very positive (see figure 12) though there is clearly scope for improvement regarding policy follow-up and legal actions in case of structural problems that appear from the SOLVIT database. Moreover, many SOLVIT Centres pointed out that it would be useful to have legal assessments from the Commission on more cases since these help a great deal to convince reluctant authorities that they should cooperate.

Figure 12 – Rating of performance of Commission SOLVIT support team by the SOLVIT Centres



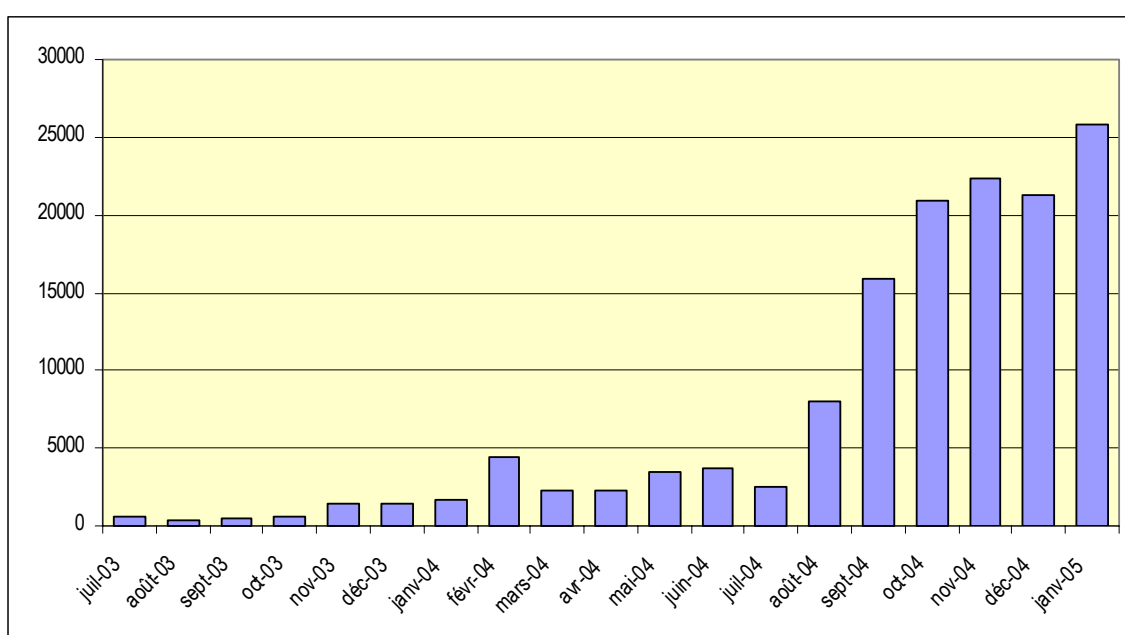
8. PROMOTION OF USAGE OF SOLVIT

8.1. Promotion instruments

In 2004 the Commission produced two important information and promotion instruments for SOLVIT, namely a completely revised and extended website in 19 languages (all except Maltese) and a general information brochure in 20 languages.

The new website⁶ was launched in August 2004 and has resulted in a significant increase of visitors (see figure 13). The brochure has been made available in large quantities to all SOLVIT Centres in their own language(s) and was also distributed to an extensive mailing list including external organisations, members of the European Parliament and all officials working at EU institutions.

Figure 13 - Evolution of visits to SOLVIT website - launch of new multilingual website in August 2004



8.2. Direct submission of cases to SOLVIT database by associated bodies

In November 2003 a new option was created in the SOLVIT database allowing organisations representing citizens or businesses or acting on behalf of them to submit cases directly on-line. All 332 Euro Info Centres within the EEA were registered as associated bodies and a direct link was created between the database they use and the SOLVIT database. In January 2005 around 600 associated bodies were registered in the SOLVIT database.

Nevertheless, only 37 of all cases in 2004 were submitted to the SOLVIT database directly by associated bodies in 2004. Most of them originated with Euro Info Centres, some were submitted directly by European Commission case handlers and a few by members of the European Parliament. These results are disappointing and it has been suggested by SOLVIT Centres that the need to use a login and password may be an obstacle for users who do not

⁶ www.europa.eu.int/solvit

enter the database frequently. To remedy this, a system for on-line submission without password will need to be put in place. Meanwhile, SOLVIT Centres report that they frequently receive cases from intermediary organisations by fax or e-mail. The origin of these cases is not always recorded in the database.

8.3. Marketing campaign

A more sustained effort to put SOLVIT on the map as an effective and efficient problem solving network, will be undertaken in 2005. Guided by a professional marketing strategy, various actions are foreseen especially targeted at organisations that are the first port of call for citizens and businesses with ‘SOLVITable’ problems.

The numerous SOLVIT success stories (see annex 2 for a selection) are the most eloquent advertisement for the effectiveness of the system and these will be used more systematically to create media interest.

The national SOLVIT Centres have also undertaken promotion activities for SOLVIT with varying degrees of intensity and effectiveness. In reply to the questionnaire, a wide majority of SOLVIT Centres said that more should be done to raise awareness about SOLVIT, not only to promote the usage of the system, but also to convince the authorities with whom they need to negotiate pragmatic solutions, that SOLVIT is taken seriously and deserves their full cooperation. While only one third of SOLVIT Centres have a budget for promotion for 2005, almost all have access to the services of a communication department.

It will be important for all SOLVIT Centres to make a promotion and awareness raising plan and to coordinate their efforts with the assistance that can be provided by the Commission.

9. CONCLUSIONS AND RECOMMENDATIONS

- The overall picture of SOLVIT’s performance in 2004 is very encouraging. Compared with the earlier days of the network a step change has been achieved in terms of volume, quality and performance.
- SOLVIT Centres who have done very well in 2004 should be equipped with sufficient resources to be able to maintain the results even as case load increases. Certain weaknesses in the performance of individual SOLVIT Centres need to be addressed by the Member States concerned, particularly by ensuring that sufficient staff with the right skills and commitment is made available for SOLVIT and that there is enough support for SOLVIT in the hierarchy of their organisation.
- Both the Commission SOLVIT support team and the SOLVIT Centres need to make more efforts to raise awareness about SOLVIT with national and EU wide target groups, mostly intermediary organisations. Raising awareness within national and EU administrations is equally important as this will help to obtain their cooperation for solving cases.
- The signposting of citizens and businesses with queries and problems to the right address should be improved, as well as the referral of cases between the various networks, to enable SOLVIT Centre staff to devote more of their time to real SOLVIT cases.
- The demand of SOLVIT Centres for more access to legal expertise and analysis should be addressed both at national level and by the Commission SOLVIT support team.

- The Commission should make better use of SOLVIT by submitting suitable formal complaints it receives to SOLVIT and by looking more systematically at formal follow-up of cases that remain unsolved after SOLVIT intervention.

ANNEXE 1 - COMMON QUALITY AND PERFORMANCE STANDARDS FOR THE SOLVIT NETWORK

The SOLVIT network is based on the Commission Recommendation on principles for using 'SOLVIT' of 7 December 2001⁷. Member States and the Commission are committed to abide by these principles. SOLVIT was set up to ensure that citizens and businesses can count on effectively exercising their Internal Market rights, to avoid lengthy conflictual procedures where problems can be solved fast and pragmatically, to show that Europe can be efficient and responsive to citizens and business needs using the most effective communication technologies and to get more economic and social benefits out of the Internal Market.

An additional commitment is needed on common quality and performance standards, building on the principles of the Recommendation and taking account of experience with SOLVIT until now, for the following reasons:

- To ensure that citizens and businesses anywhere in the Internal Market can count on a high quality SOLVIT service regardless of the country where they submit their problem, or in which the problem has occurred;
- To guarantee to each SOLVIT centre that its own efforts to provide a high quality service will be matched by an equivalent commitment of all other SOLVIT centres and the Commission;
- To make sure that the quality and performance of SOLVIT case handling will remain high as the network expands and the case load increases;
- To meet the challenge of working with a fully transparent data base that enables others, including Members of the European Parliament, to monitor the overall quality and performance of the network;
- To emphasise that SOLVIT is not just a system, but a new approach towards both complaint handling and administrative cooperation aimed at providing first class treatment to all applicants.

I. THE HOME SOLVIT CENTRE

- (1) Has well-trained staff who have an operational knowledge of more than one EU language and a good basic understanding of internal market rules.
- (2) Lets potential applicants and other parts of the administration know about its existence and actively promote its services.
- (3) Can be reached during office hours by e-mail, fax or phone and answers queries promptly.
- (4) Offers first class treatment to citizens, businesses and associated bodies and regularly seeks their feedback.
- (5) Does not submit a case to SOLVIT without prior assessment of its merits and tries to complete this assessment without undue delay.

⁷ Commission Recommendation of 7 December 2001 on principles for using 'SOLVIT' – the Internal Market Problem Solving Network (OJ L 331, 15.12.2001, p.79)

- (6) Ensures that the description of the case is clear, comprehensive and includes a preliminary assessment of the legal merits under EU law. Makes all relevant documents and other information available to enable the Lead SOLVIT Centre to solve the problem.
- (7) Explains deadlines and procedures, including data protection rules, to applicants before submitting a case and provides them with a summary of the case from the database.
- (8) Maintains regular contacts with the Lead SOLVIT Centre, keeps applicants up to date about developments in their case and responds to proposed solutions without unnecessary delay.
- (9) Explains proposed solutions to applicants and helps them to benefit from them, to ensure that problems are not just solved on paper but also in reality. Will, subject to consultation of applicants, reject proposed solutions that essentially deny them their internal market rights.
- (10) If possible, helps applicants to find alternative methods of redress if SOLVIT cannot solve their problem.

II. THE LEAD SOLVIT CENTRE

- (1) Is committed to offer real help in cases where other parts of the national administration have misapplied Community law and is only happy with a real solution for the applicant, compatible with internal market law.
- (2) Has a sound knowledge of EU, EEA and national law and experience with inter-ministerial cooperation to be able to deal with administrative barriers effectively.
- (3) Enjoys strong internal support at political and administrative level which will help it in getting active co-operation from other parts of the administration.
- (4) Checks in the SOLVIT data base whether similar cases have already been solved satisfactorily and, where this is the case, will ensure that the applicant can benefit from the same treatment.
- (5) Does not give up at the first obstacle and takes appropriate measures to maintain pressure on the public authority complained about, for instance through regular, informal contacts.
- (6) Treats other SOLVIT centres as trusted colleagues and keeps them informed about progress (or the lack of it) with a case as it happens.
- (7) As a general rule, consults the Home SOLVIT Centre before proposing solutions or rejections and is aware that an unsolved problem reflects badly on the Home SOLVIT Centre as well.

- (8) Takes the agreed deadlines of one week for acceptance of a case and 10 weeks for solving it very seriously and does not postpone until tomorrow what can be solved today.
- (9) Makes an extra effort to deliver well within deadlines where additional delays can inflict serious economic harm or can result in the effective denial of rights.
- (10) Ensures that the description of the proposed solution is clear and comprehensive, provides sufficient and detailed explanation if a problem cannot be solved and, if possible, suggests alternative ways to help the applicant.

III. THE COMMISSION SOLVIT SUPPORT TEAM

- (1) Maintains the SOLVIT database in good working order and provides training and explanatory material for the use of the database. Keeps the list of SOLVIT contact persons up to date.
- (2) Can be reached during office hours by e-mail, fax or phone and answers queries promptly.
- (3) Facilitates coherence and cooperation within the SOLVIT network, inter alia via regular workshops and newsletters.
- (4) Provides advice and assistance for SOLVIT cases upon request by one of the SOLVIT centres involved and mediates in difficulties that may occur between SOLVIT centres.
- (5) Ensures that cases submitted to SOLVIT by the Commission comply with standards I.5 and I.6 and facilitates contacts between the SOLVIT Centres and the relevant departments within the Commission.
- (6) Analyses trends in problem areas in the SOLVIT database and proposes policy or legal actions at EU level where necessary.
- (7) Monitors quality and performance levels of SOLVIT, including quality of input in the database, and addresses any structural problems that may occur and reports about its findings regularly.
- (8) Promotes the knowledge and use of SOLVIT within European Institutions and with EU level organisations and provides promotion material and support for national awareness raising activities in close cooperation with the Member States.
- (9) Maintains an informative, up-to-date website to explain the precise purpose of SOLVIT to potential applicants and to signpost them to other EU problem solving networks where this is more appropriate.
- (10) Keeps SOLVIT centres informed about SOLVIT related developments at EU level.

ANNEX 2 - SELECTION OF SOLVIT SUCCESS STORIES IN 2004

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 4 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.

**And the company
said**

Thank you for your support in my case, and especially for the very short time in which the problem was solved. Not only did we get confirmation that our product had been marketed correctly in the past, we also obtained a guarantee that we can continue to do business in France with our product. Personally I am very impressed with the performance and dynamism of your organisation and would like to thank you very much for that.

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 8 weeks.

**And the citizen
said**

I am writing you this mail due to a happy result in my particular case, for which I would like to thank SOLVIT in providing this great service. (...). For this particular case SOLVIT France has been very inventive in getting through at the right people and with the right process (...) Therefore my explicit thanks to (...) you and your organisation for which I wish you all good luck in smoothening the unification of Europe.

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 8 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 9 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 Spain intervened to clarify the situation and the company received their money not long afterwards. Problem solved within 14 weeks.

And the company said

We have been immensely impressed with the speed and efficiency with which you have handled this long outstanding claim. Without your help we would still be making numerous phone calls to Spain and literally getting passed from department to department with no action or ownership on anyone's part.

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.