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COMMISSION STAFF WORKING DOCUMENT

SOLVIT's Helping Hand in the Single Market: celebrating 20 years

SOLVIT's helping hand in the single market: celebrating 20 years

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Foreword



Kerstin Jorna, Director-General of DG GROW (Internal Market, Industry, Entrepreneurship and SMEs), European Commission

The single market in 2022 remains the EU's engine room. It allows businesses to grow, trade and compete globally, and it provides possibilities for our citizens to live, work, study, travel and make purchases across the EU. It is the basis for a successful and fair green and digital transition, and for new growth and sustainable job creation in the EU.

The single market is based on commonly agreed rules. Member States and the European Commission work together to ensure their correct implementation and enforcement. Notwithstanding this, national governments, agencies, regional or local authorities, when taking decisions in individual cases, may sometimes misapply these rules. They might refuse permission for a company to sell its products or to do business there. They might require the company to change its labelling. A citizen may face a problem importing a car bought in another EU country. An EU citizen working in another EU country may encounter problems getting an entry visa for their non-EU spouse. Sometimes, professionals wanting to set up in another country have difficulties getting their qualifications recognised.

SOLVIT was created in 2002 as a network of national centres designed to help businesses and citizens to overcome these sorts of cross-border issues. It is an online, free-of-charge service operating in all EU countries, and in Iceland, Liechtenstein and Norway. It provides a way to remove obstacles that still hold our small companies back.

This report celebrates 20 years of SOLVIT providing a helping hand for the single market. It gives examples of SOLVIT's successes and shows how it is developing into a multi-faceted single market tool.

I am delighted to wish SOLVIT a happy 20th birthday. This anniversary report gives us an insight into the work of the network's dedicated staff. They bring a vital human touch to dealing with the cross-border problems that businesses and citizens face. I send my very best wishes to all who have worked in SOLVIT and continue to work there today.

I. SOLVIT as a helping hand for the single market



The four freedoms of the single market: goods; persons; services; and capital

SOLVIT started operating on 22 July 2002. It is a network of national centres, designed to help businesses and citizens get the best out of the EU single market.

The single market is the centrepiece of the European Union, providing the economic basis for the EU's standing and influence in the world. It allows businesses to sell goods and provide services across a market of more than 447 million consumers. It removes restrictions on the movement of capital. And it offers unrivalled benefits for citizens: the right for EU citizens and their families to travel freely and reside anywhere in the single market; study abroad for students; and a right for EU citizens to work as employees, self-employed or to provide services anywhere in the EU.

SOLVIT – staffed by national civil servants - offers a people and business-focused mechanism to ensure this happens.

The EU single market is unique in the way its rules are applied and enforced. While the rules are transnational, Member States have the main responsibility for implementing and applying them nationally. Additional EU-level guidance exists in many, but not all, areas to guide this. In some areas of the single market, pan-EU IT systems help national administrators cooperate and communicate with each other to ensure rules are applied correctly.

Due to the interaction between EU and national law - and given the reality that each country has its own legal and administrative traditions – it is possible that EU rules may be misinterpreted or misapplied in various ways. National guidelines used to apply an EU rule might be unclear or take an erroneous approach. Sometimes, misunderstandings of documents issued in another Member State can cause problems. Different authorities may be interpreting EU legislation differently. There might be a new judgment of the Court of Justice of the EU that has not yet been taken into account. The national IT system used to administer a new EU rule may not have been sufficiently updated. Even if the rule and the national guidance are correct, national decision-makers can still make an individual decision

that does not respect EU rights. Moreover, if the 'computer says no' problem is located in another EU country, this can be a double challenge to deal with.

These are just some of the reasons why SOLVIT was created in 2002, to be an agile and practical, national problem-solving service for the single market. It provides an alternative, informal approach to solving a dispute without the need to consult a lawyer or go to court. SOLVIT centres, based in national administrations, were tasked with acting as channels of communication, between and within Member State authorities, to find swift and pragmatic solutions to problems that citizens and businesses encountered with public authorities and decision-makers when exercising their rights under single market rules¹. The aim was to provide a quick and easy-to-use remedy, accessible in the language of the business or person, which could help at national level with the infinite range of largely unintended obstacles or problems linked to using the single market.

Moreover, in 2002, SOLVIT was a digital front runner. A single IT system connected the new national SOLVIT centres and provided a secure framework for their case-handling work and for storing data. Today, a single IT system still serves as a backbone to support the work of national SOLVIT centres.



Gerard de Graaf (Senior EU Envoy for Digital to the US and Head of the EU Office in San Francisco, and former head of the team that created SOLVIT)

'In 2001, it was clear that citizens and small businesses in particular needed hands-on help to overcome incorrect application of EU rules by national and local authorities. We had contact points in each Member State but few problems ever got resolved and it was disheartening. We had the idea to set up instead problem-solving centres, connected via an internet-based, multilingual network, which got them to work together and let us measure their performance.'

'I still vividly remember the first cases going through the new system in 2002, and, even more so, the positive feedback we received: "I can finally reunite with my husband and children" or "Thanks to SOLVIT, my business is now

¹ Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions - Effective Problem Solving in the Internal Market ("SOLVIT") COM (2001) 0702 final of 27 November 2011.

selling goods to customers across the EU". We were proud: SOLVIT was working and it felt good!'

The practical reasons for creating SOLVIT are still with us today. We have not yet fully eradicated barriers in the single market resulting from administrative practices or restrictive national rules². The Commission's 2020 long-term action plan for better implementation and enforcement of single market rules set out a range of new initiatives to address remaining obstacles³. At the same time, businesses and citizens continue to require SOLVIT's helping hand at national level. National SOLVIT centres are uniquely placed to apply peer pressure from within their national administration to tackle problems and to ensure that EU cross-border rights are respected.

Moreover, as the single market evolves and new areas are regulated, new glitches in application still emerge. SOLVIT, for example, is increasingly called on to help citizens and businesses who are encountering barriers to using e-identification in cross-border situations. The COVID-19 pandemic – especially the border closures, supply chain interruptions and uncoordinated national and regional restrictions that it generated - underlined the importance of practical, people-focused mechanisms to protect the functioning of the single market. The pandemic's impact was particularly harsh in border regions⁴. Although not designed as an online system for crises, SOLVIT continued to work throughout the pandemic to help businesses and citizens facing cross-border difficulties related to COVID-19.

² European Commission, *Identifying and addressing barriers to the Single Market*, COM(2020) 93 final of 10 March 2020.

³ Long-term action plan for better enforcement and implementation of *single market* rules, COM(2020) 94 final of 10 March 2020. See also the Report of the Single Market Enforcement Taskforce of 28 September 2021, [The Single Market Enforcement Taskforce \(europa.eu\)](https://ec.europa.eu/economy_finance/enforcement-taskforce-report).

⁴ Report *EU Border Regions: Living labs of EU integration*, COM(2021) 393 final of 14 July 2021.

II. How SOLVIT works

The SOLVIT approach, founded on cooperation and peer pressure, has remained largely consistent since it was set up in 2002.

National SOLVIT centres receive complaints from citizens and businesses via the online complaint form. They can accept complaints that present:

- a cross-border dimension;
- a potential breach of EU law;
- a decision by a public authority at national, regional or local level; and
- an absence of ongoing judicial proceedings.

A citizen/business is represented by a 'home centre' (usually the SOLVIT centre of the country of nationality/residence of the complainant or where the business is established). This centre first assesses whether or not the problem was due to an incorrect application of EU law. If it considers that the case, it sends the complaint via the SOLVIT IT system to the SOLVIT centre of the country of the authority responsible for the potential misapplication of EU law. This centre then engages with the relevant national authority in its national administration to solve the problem and/or to apply the EU single market rules correctly.

The SOLV IT core:



- Thirty dedicated national SOLVIT centres working within, or in conjunction with, national administrations⁵.
- Always two SOLVIT centres working on a case, ensuring the checks and balances in complaint-handling.
- All complaints arrive in the digital SOLVIT application, where each step of the case is recorded.
- Coordination and support by the European Commission.

⁵ 27 centres from EU Member States, plus Iceland, Liechtenstein and Norway.

National SOLVIT centres are usually staffed by civil servants. Sufficient staffing of SOLVIT centres remains an ongoing challenge in some countries.



Rosarinho Melancia, SOLVIT co-founder and head of SOLVIT Portugal

'I have worked for SOLVIT Portugal for 20 years, based in the Portuguese Ministry of Foreign Affairs (Ministério dos Negócios Estrangeiros). The SOLVIT network is unique as "there is no better way to bring citizens closer to the European ideal". This sentence is not mine but rather from a German citizen whose problem we have resolved. SOLVIT is a remarkable example of EU administrative cooperation. SOLVIT should become known throughout the whole EEA as the instrument that all EEA citizens and businesses should turn to if confronted with obstacles to free movement by a public body.'

In over 20 years of working together, national SOLVIT centres have acquired unparalleled experience in dealing with practical cross-border matters. They are skilled in communicating within their own public service on EU compliance issues and, at the same time, talking and negotiating with other SOLVIT centres to find a solution.

Dealing with complaints relating to all aspects of the single market can be challenging. The European Commission supports the SOLVIT network by providing specialist training so that staff are equipped to apply single market rules. On top of this, SOLVIT centres can seek guidance or advice from:

- their own national experts;
- experts in the European Commission via a request for informal legal advice; and
- other EU networks or services, such as Your Europe Advice⁶.

SOLVIT centres always try to find a solution for the complainant, ensuring EU law is correctly applied.

⁶ [Your Europe Advice](#) is an online service that citizens and business can use to ask questions about their EU rights. A team of advisers provides tailored legal advice; where they find a problem of application of EU law by a public authority, they can transfer the complainant directly to SOLVIT.

III. SOLVIT's achievements

A study of the SOLVIT network (carried out in three stages in 2011, 2018 and 2021) found that SOLVIT is a particularly stable and resilient EU network that, over the years, has increased its effectiveness in problem resolution⁷.

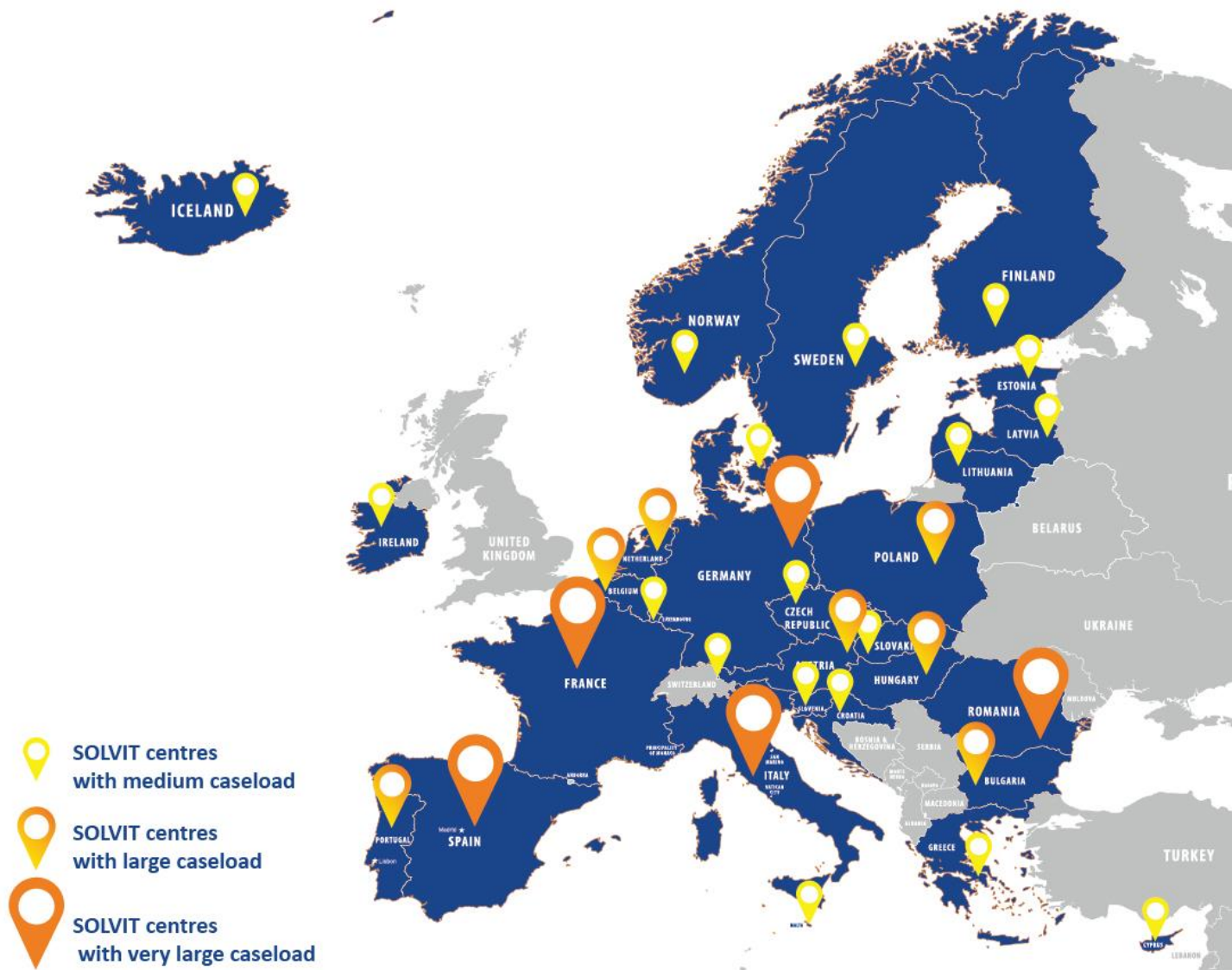


Image: map of SOLVIT Centres with indication of caseload

⁷ Sindbjerg Martinsen, D., Schrama, R. & Mastenbroek, E., *Change or Stability in network governance*, unpublished paper presented to the SOLVIT Workshop, Brussels 2021. For an earlier published paper, see Hobolth, M., & Sindbjerg Martinsen, D., (2013): Transgovernmental networks in the European Union: improving compliance effectively? *Journal of European Public Policy*, DOI:10.1080/13501763.2013.800791.

In the 20 years of SOLVIT:

- 85% of 28 600 cases for EU citizens and businesses were **solved**;
- the aim is to solve cases within 16 weeks.

SOLVIT deals with:



SOLVIT's caseload has increased exponentially over time. In 2021, SOLVIT received 5 231 complaints, of which 2 455 were accepted. This compares with 155 cases received in the first full year of SOLVIT's operation. Even taking into account the expansion of the network, this means that SOLVIT's overall caseload has increased by more than 1 550%.

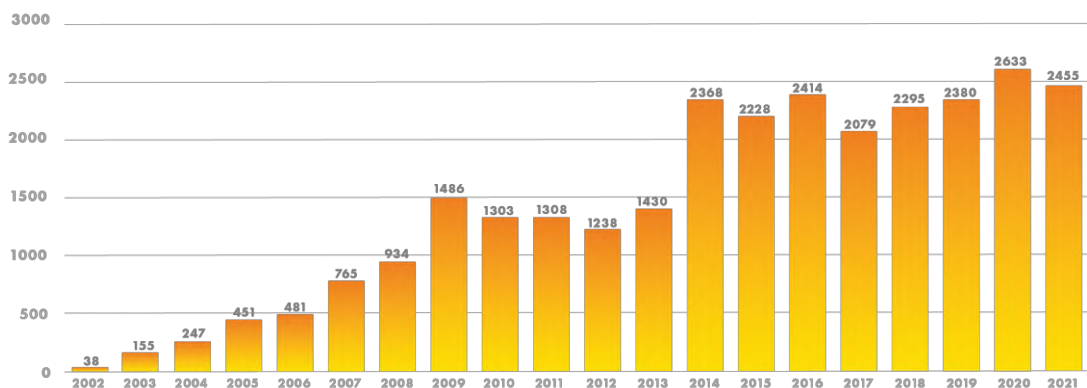


Image: Evolution of SOLVIT caseload 2002-2021

SOLVIT's assistance to business



SOLVIT regularly receives business requests (including many requests from the self-employed) for assistance with problems linked to cross-border provision of services, recognition of professional qualifications, cross-border road transport, posting issues, VAT reimbursement, conformity assessments, CE marking for product conformity, national product labelling and marketing requirements. This underlines the role that SOLVIT centres can play in providing support and speedy redress to businesses, particularly small and medium-sized enterprises (SMEs). While the number of cases coming from businesses is low compared with cases submitted by citizens, the percentage of business cases handled and the types of sector where SOLVIT is involved continue to grow. In recent years, for example, SOLVIT has handled business cases linked to market access for construction products (construction ecosystem), medical devices (health ecosystem) and certification for use of wood pellets (renewable energy ecosystem).



SOLVIT and the tourism ecosystem

SOLVIT has always provided support to the EU's tourism ecosystem. It has helped businesses provide tourism services, and at the same time helped tourists with various aspects of their EU free movement rights.

Since April 2020, SOLVIT offers an enhanced service to businesses facing difficulties in selling their products in another Member State. A new problem-solving procedure allows businesses to seek assistance from SOLVIT, if the authorities of another EU country impose

unlawful restrictions on their products entering its market⁸. If there is persistent disagreement between two national administrations, SOLVIT centres may request a formal Commission opinion. SOLVIT centres use this opinion as part of their usual dialogue in solving the problem; the opinion is communicated to the national authority, the business concerned⁹ and all other Member States. The aim is to solve the immediate problem and provide transparency on the application of EU law in this area.



Business Support on Your Doorstep

Some national SOLVIT centres cooperate closely with the Enterprise Europe Network (EEN)¹⁰. EEN advisers can refer the case to SOLVIT when SMEs face cross-border problems related to decisions or actions of public authorities. Similarly, where SOLVIT cannot help an SME — if there is no cross-border dimension or no action by a public authority — they are encouraged to signpost the business to EEN. Increasingly, EEN and SOLVIT are working together nationally to share knowledge on the barriers that businesses face, and are working on practical guidelines for specific legal areas.

SOLVIT success story

Five Belgian and four Dutch companies were facing problems trying to sell used agricultural vehicles in France. The tractors did not have an EU type-approval (recognised in all EU countries) but had been subject to single type-approval by their national authorities. The French authorities treated the used vehicles as new vehicles for the purpose of EU environmental and emissions-related requirements. This made the export of used tractors from the countries in question to France impossible. At the same time, older and more polluting vehicles already registered in France were not targeted or phased out.

SOLVIT explained to the French authorities that their 2016 decree relating to the approval of agricultural and forestry vehicles represented an obstacle to the free movement of goods and a violation of the applicable EU legislation. The French authorities agreed with SOLVIT's assessment and decided to amend the decree to allow registration in France of used agricultural vehicles from other EU countries.

⁸ Regulation (EU) 2019/515 on the mutual recognition of goods lawfully marketed in another Member State, OJ L91, 29.3. 2019, p.1.

⁹ Commission Notice *Guidance document for the application of Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State* and repealing Regulation (EC) No 764/2008, 2021/C 100/02 (OJ C, C/100, 23.03.2021, p. 16.

¹⁰ EEN is a network of experts helping SMEs to innovate and grow on an international scale: [Enterprise Europe Network \(europa.eu\)](https://www.enterprise-europe-network.eu).

SOLVIT and citizens



SOLVIT is well known for providing help to citizens to ensure their EU rights are respected by national administrators and decision-makers. SOLVIT centres regularly handle cases involving cross-border rights to social security and healthcare in another Member State. They also see many cases linked to the recognition of professional qualifications and professional experience obtained in other EU countries. They deal regularly with residence and entry rights for EU citizens and their families.

Two SOLVIT success stories

Two Irish nationals living in Italy were refused a COVID-19 vaccination because they were not covered by Italian health insurance. SOLVIT Italy asked the Italian Ministry of Health to intercede, which instructed the local authority to include these two Irish nationals in the local vaccination programme. Thanks to SOLVIT's help, the applicants received their jabs. The problem was solved in less than 15 days.

A biomedical laboratory technician in France sought the recognition of her professional qualifications in Italy. More than 8 months had elapsed since the applicant submitted all the required documents but the Italian authority had not yet issued a decision. When SOLVIT reminded the authority that, under EU law, decisions on recognition of professional qualifications should be issued within a maximum of 4 months, the authority issued the decision.

IV. How SOLVIT has developed over the last 20 years

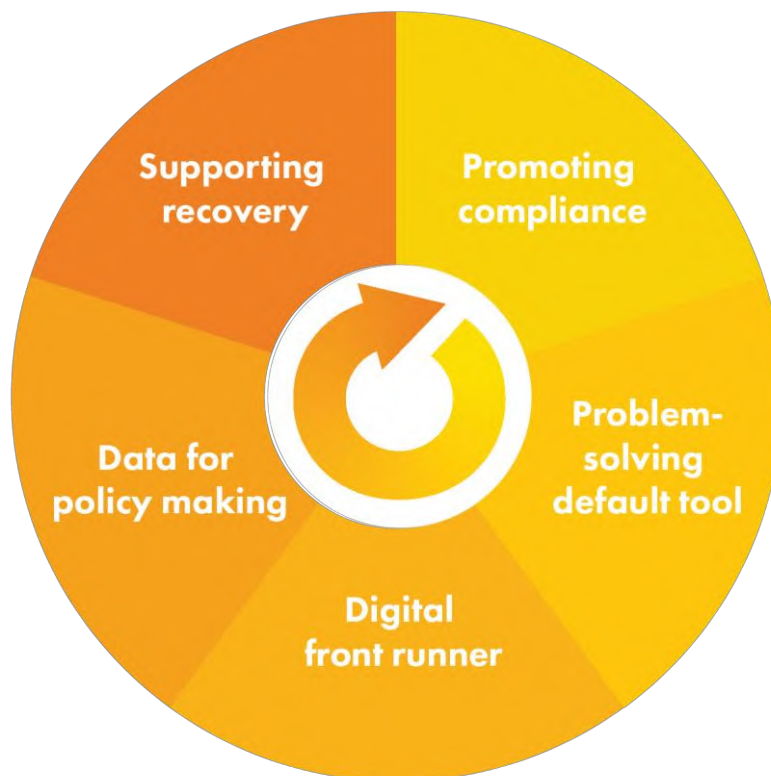


Image: How SOLVIT's role developed from solving individual misapplications of EU law for citizens and businesses to the additional roles as described in the following sections

SOLVIT's role in promoting compliance with EU rules

SOLVIT's role in promoting compliance with EU single market rules has evolved over the years¹¹. When it was set up in 2002, SOLVIT was designed to deal with 'individual misapplication' of EU law. Over time, it became clear that SOLVIT centres, in their daily work, detected non-compliance with EU rules of national legislation, guidelines or practices. The 2013 SOLVIT Recommendation formally recognised this and put in place a system for these so-called structural cases¹² to be notified by national centres in the SOLVIT database. The 2017 SOLVIT action plan, which followed on from the Commission's 2016 Communication on

¹¹ An overview of this evolving role can be found in Lottini, M. The SOLVIT Network: State of the Art and Possible Future Developments (2020) *Review of European Administrative Law* Vol.13, Nr.1, 109-123.

¹² SOLVIT structural cases are cases where a national written rule (legislation or guidance) does not comply with EU law. See Commission Recommendation on the principles governing SOLVIT, C(2013) 5869 final of 17 September 2013.

enforcement¹³, gave (among other actions) fresh impetus to strengthening this aspect of SOLVIT's work¹⁴.

SOLVIT, as an informal and pragmatic network, is not designed to address hotly contested infringements of EU law, nor to replace infringement proceedings. Nonetheless, the position of SOLVIT centres within national administrations allows them to address compliance issues arising from a lack of knowledge of EU norms, entrenched administrative practices, and some aspects of domestic reluctance to adapt to EU rules¹⁵. This means that a single complaint lodged with SOLVIT has the potential – via the national SOLVIT centre acting as a national enforcer – both to uncover non-compliant national rules/guidelines/practices and to rectify the compliance deficit.

Linking SOLVIT to enforcement action by the Commission

In 2017-2018, SOLVIT received complaints from gas installers and electricians, qualified in EU countries, about difficulties in having their professional qualifications recognised. These complaints fed into formal enforcement procedures by the European Commission.

The Commission's SOLVIT coordination team collects SOLVIT database notifications of structural and recurrent problems (made by national SOLVIT centres) and communicates these on a quarterly basis to the Commission's relevant policy and legal teams. Knowledge of these national compliance problems is fed into the Commission's work on both enforcement and policy.



¹³ Communication from the Commission, *EU law: Better results through better application*, C/2016/8600, OJ C 18, 19.1.2017, p. 10.

¹⁴ *Action Plan on the Reinforcement of SOLVIT: Bringing the Benefits of the Single Market to citizens and businesses*, COM(2017) 255 final.

¹⁵ See analysis by Hobolth, M., & Sindbjerg Martinsen, D., see footnote 8 above, p.8.

SOLVIT as the default alternative problem-resolution tool

The SOLVIT method – peer pressure between national administrations (instead of court proceedings), expert input, and dialogue at national level – to solve problems in applying EU law is growing in popularity. SOLVIT is a front runner on this and the Commission and Member States have committed to ensure that SOLVIT remains the default problem-solving tool in all single market policy areas¹⁶. The aim is to avoid duplication and reinventing the wheel.

(The SOLVIT IT system has been adapted to create a new problem-solving procedure for the mutual recognition of goods (see above) and to enable it to adapt to more policy areas where national administrations play a role.

In the field of VAT double taxation, for example, SOLVIT already does a lot to help businesses with the specific problems they face, in particular delays in VAT refunds. While the Commission is preparing a possible legislative initiative in this area, the aim remains to capitalise on what SOLVIT already does.

A key development in recent years has been to link SOLVIT with the European Labour Authority (ELA)¹⁷. One of ELA's important tasks is mediation in disputes between two or more Member States in individual cases of application of EU law involving labour mobility¹⁸. ELA and SOLVIT have put in place a new working arrangement allowing SOLVIT centres, under certain conditions and with the agreement of Member States concerned, to refer unresolved SOLVIT cases (where Member States do not agree on the application of EU law) to ELA for further mediation¹⁹.

Work is also underway to see how the SOLVIT model can be used for inspiration to solve disputes that may arise between cross-border investors and public authorities in an informal manner to complement national justice systems.

¹⁶ *Long-term action plan for better implementation and enforcement of single market rules*, COM(2020) 94 final.

¹⁷ ELA aims to ensure fair and effective labour mobility across the EU and assists Member States and the Commission in the coordination of social security systems, Regulation (EU) 2019/1149 establishing a European Labour Authority, OJ L186, 11.7.2019, p.21.

¹⁸ See Articles 4(g) and 13 of Regulation (EU) 2019/1149.

¹⁹ This is envisaged by Recital 23 of Regulation (EU) 2019/1149.

SOLVIT as a digital front runner

Since 2002, SOLVIT has been at the forefront of the provision of online services to citizens and businesses regarding their EU rights. SOLVIT is part of the Internal Market Information System, which connects EU/EEA national administrators in a secure digital environment. It was a front runner in creating a digital network among public administrations with regard to EU tasks²⁰.

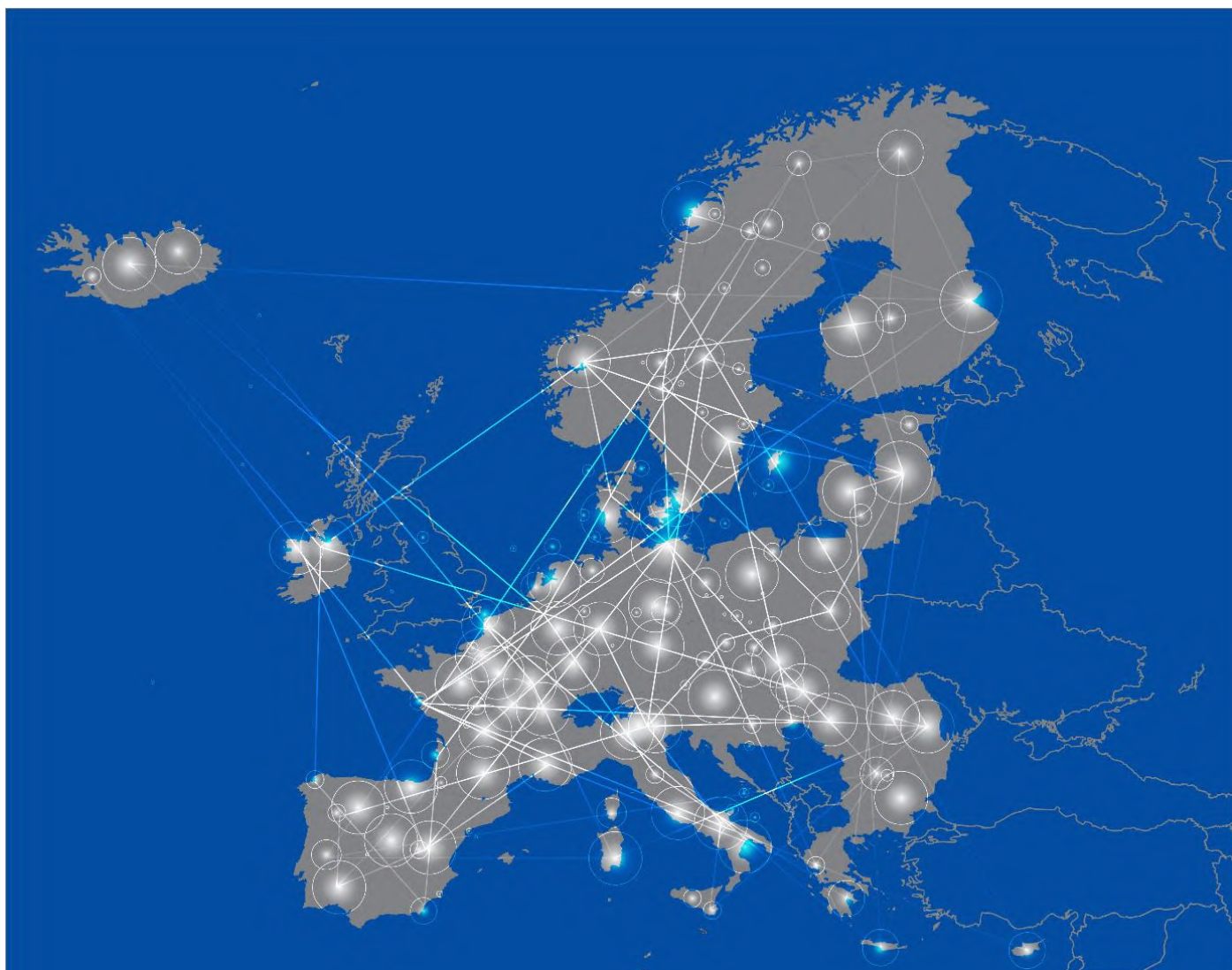


Image: connected public administrations

²⁰ SOLVIT was originally funded in part by IDA, a programme aimed at helping to digitise the public sector and create interoperability between public administrations with regard to EU tasks. IDA was superseded by ISA², which is now itself replaced by Interoperable Europe. See *Results of the Final Evaluation of the ISA² Programme*, COM(2021) 965 final; and [Shaping Europe's digital future](#), COM(2020) 67 final.

In late 2020, the Your Europe website became the backbone of the EU's Single Digital Gateway²¹. This links to a network of national websites, providing information for citizens and businesses on how EU rules apply for cross-border users at national level. By the end of 2023, Your Europe will offer access to 21 online procedures in all EU countries. Your Europe also links to relevant assistance services; SOLVIT is one of these designated assistance services.

SOLVIT is also a front runner in implementing the once-only digital principle, establishing the necessary connections between different back office systems, such as Europe Direct, Your Europe Advice or the European Commission complaints system. This ensures that enquiries or complaints from businesses or citizens about their EU rights can be directed to the most appropriate Commission service.

There is no doubt that this digital framework has contributed to SOLVIT's resilience over the last 20 years.

SOLVIT data for EU policymaking

A recent development in relation to SOLVIT is the increased value given to SOLVIT data. One of the by-products of SOLVIT's problem-solving is the accumulation in the SOLVIT system of data on how legislation is working in practice and on where particular problems may exist.

The Commission's Better Regulation Toolbox acknowledges the role of SOLVIT data for EU policymakers in evaluating how EU legislation is working. The Toolbox also refers to the SOLVIT database generally as a source of relevant data on the single market²². SOLVIT data, for example, has been used in the revision of EU rules applying to the recognition of professional qualifications.

SOLVIT and recovery

The COVID-19 pandemic exposed the EU's economy to an unprecedented and sustained shock. The EU – both the Commission and Member States – acted swiftly to put in place, through NextGenerationEU, including the Recovery and Resilience Facility, investments and reforms to kick-start the process of recovery. Improving administrative capacity of national authorities, including at regional and local level, to apply single market rules correctly is part

²¹ Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services, OJ L 295, 21.11.2018, p. 1.

²² European Commission, [Better Regulation Toolbox](#), November 2021, p.382 and p.398.

of these reforms. To this end, the European Commission assesses the performance and staffing levels of SOLVIT centres within the European Semester process²³.

²³ See, for example, the European Commission's Recommendation for a [Country Specific Recommendation 2020 for Austria](#), Recital 20 and the Single Market Scoreboard: https://single-market-scoreboard.ec.europa.eu/home_en.

Conclusion

An open and fully functioning single market is the basis to enable businesses to grow and compete globally. It is also the basis to enable citizens to live, work, study, travel and make purchases all over the EU.

After 20 years of existence, the SOLVIT network has shown its resilience and its ability to provide a helping hand for businesses, citizens and public authorities with the correct application of single market rules. In 2022, SOLVIT has evolved beyond its original problem-solving role. It stands out as a front runner in the digital provision of EU services and as a promoter of an alternative approach to ensuring compliance with EU rules. SOLVIT is a true demonstration of partnership between Member States and the European Commission to ensure that the single market works in practice.



Mary Veronica Tovsak Pleterski, Director, DG GROW

'As the Director for Single Market Enforcement in DG GROW (Internal Market, Industry, Entrepreneurship and SMEs), I am conscious that SOLVIT still has untapped potential to achieve even more in the future. Its unique method - based on transparency, digitalisation, proximity to users and efficient communication processes - gives it a reliable foundation to build upon. This uniqueness fits particularly well with today's changing society. I would like to take the opportunity to thank all members of the SOLVIT network, past and present, at national and EU level, for their dedication in building the network into what it is today.'

SOLVIT's aspiration is to continue helping citizens and businesses find swift solutions to the problems they face when exercising their rights. SOLVIT also wishes to contribute to a better functioning of the single market by letting other alternative problem-resolution initiatives build upon its expertise and infrastructure. Finally, SOLVIT aspires to develop its capacities as a problem prevention tool by investing more efforts in addressing and finding more innovative ways of solving systemic problems.

