

Internal Market Scoreboard/SOLVIT and CSS annual reports: Member States maintain high rate of implementation but more action required on practical application of rules

Member States continue to perform well in implementing agreed Internal Market rules into national law on time, according to the European Commission's latest Internal Market Scoreboard. On average only 1.0% of Internal Market Directives for which the implementation deadline has passed are not currently written into national law. This means that most Member States remain in line with the new 1.0% target agreed by Heads of State. Seventeen Member States are on target, with Denmark and Malta jointly achieving the best result. In total 14 Member States achieved or equalled their best result so far. However this is not the end of the story. This current Scoreboard both presents the degree of economic integration achieved - illustrating that there is considerable scope for further integration if and when existing barriers are eliminated - and analyses how well Member States apply Internal Market rules in practice. Here, things are less satisfactory: figures show that the average number of cases of misapplication has risen to 49 per Member State and that these cases take too long to resolve. To solve their problems in the Internal Market, citizens and businesses are increasingly turning to the EU's problem-solving and advice services rather than formal complaint procedures, as shown by the SOLVIT and Citizens Signpost Service (CSS) annual reports.

The three reports – Scoreboard, SOLVIT and CSS – are now being issued as a package highlighting the close links between implementation of legislation and practical problem-solving in the Internal Market.

Implementation of Internal Market Directives

- At **1.0%**, the average transposition deficit – the percentage of Internal Market Directives that have not been implemented into national law in time – of the 27 Member States again matches the new target deficit to be achieved by 2009. However, this still means that **92** Internal Market directives have not been transposed on time into national law. Among those 92 directives there are **22** where the transposition deadline **expired already more than 2 years ago**.
- 14 Member States have achieved or equalled their best score so far: **Denmark, Malta, Slovenia, the Netherlands, Romania, Slovakia, Latvia, Hungary, Finland, France, Austria, Ireland, Czech Republic and Portugal**
- **Denmark and Malta** (0.3%) share the first place, being only 5 directives away from a zero deficit.

- The **Czech Republic** has made the most spectacular progress reducing the deficit by 1.1%, bringing it down to 1.4%.
- On the other hand– **Cyprus, Greece, Portugal, Poland and Luxembourg** – have failed to reach the 1.5% target.
- **Luxembourg's and Poland's deficit is double the EU average transposition deficit.**

Infringements

- **Italy** and **Spain** account for most of the open infringement cases. Nevertheless, Italy managed the highest reduction in open infringement procedures (15), followed by **France** (9), **Spain** and **Malta** (5). On the other hand, **Belgium** and **Slovakia** have increased further their stock of cases with respectively 14 and 11 new proceedings opened.
- Out of the 5 worst performing Member States in terms of timely transposition (Cyprus, Greece, Portugal, Poland and Luxembourg), 3 (**Greece, Portugal, Poland**) have also increased their number of infringement proceedings.

The Scoreboard's new chapter on the state of economic integration of the Internal Market demonstrates that **enlargement** can be seen as the major driver for further integration within the Internal Market, with most of the EU-10 Member States being very open to imports and direct investment from other Member States. Across all Member States, intra-EU trade in goods is much more developed (accounting for 16.9% of GDP in 2007) than intra-EU trade in services (5% of GDP), which indicates considerable potential for further integration.

SOLVIT and CSS continue to help thousands of Europeans

In 2008, SOLVIT case flow grew by a further 22% to 1,000 cases, while resolution rates remained high at 83%. Cases took on average just two months to resolve. The cost savings as a result of solving problems for citizens and businesses through SOLVIT were estimated at EUR 32.6 million in 2008 (applicable to 25% of all resolved cases and based on the cost of not solving the problem).

The Citizens Signpost Service (CSS), which offers citizens free personalised legal advice and 'signposting' to where further assistance is available, answered about 11,000 enquiries during 2008 and well over 90% of cases received replies within three working days.

The analysis of CSS enquiries and SOLVIT cases provide a direct link to the difficulties citizens and businesses are experiencing and help to identify issues which may still need to be resolved in order to improve the operation of the Internal Market.

In 2008 both services received a high number of requests in the areas of social security, professional qualifications and free movement of persons. Also, it is noticeable that late transposition or ineffective application of certain Internal Market rules tends to lead to an increase in the number of cases submitted to these services, for example in the areas of residence rights and professional qualifications.

For more information, see:

Internal Market Scoreboard:

http://ec.europa.eu/internal_market/score/index_en.htm

"How is Internal Market integration performing? Trade and Foreign Direct Investment Indicators for monitoring the state of the economic integration":

http://ec.europa.eu/internal_market/score/relateddocs/index_en.htm

SOLVIT report 2008:

<http://ec.europa.eu/solvit>

Citizens Signpost Service report 2008:

http://ec.europa.eu/citizensrights/front_end/index_en.htm

Internal Market Scoreboard 18: Transposition and application of Internal Market rules (details)

Transposition

EU-27 Member State transposition deficit, as at 10/11/2008 – 1611 directives

Ranking	1	1	3	4	4	4	4	8	9	10	10	10	13	13	15	15	17	18	18	20	21	21	23	24	25	26	27	
Member State	DK	MT	SI	BG	NL	RO	SK	LV	HU	DE	LT	FI	FR	AT	IE	SE	ES	EE	UK	IT	BE	CZ	CY	EL	PT	PL	LU	EU
Transposition deficit (%)	0.3	0.3	0.4	0.4	0.4	0.4	0.4	0.5	0.6	0.6	0.6	0.6	0.9	0.9	0.9	0.9	1.0	1.1	1.1	1.3	1.4	1.4	1.7	1.7	1.9	2.0	2.2	1.0
Number of directives not transposed	5	5	6	7	7	7	7	8	9	10	10	10	14	14	15	15	16	18	18	21	22	22	27	28	30	33	36	
Missing notifications to reach the 1.5% objective																							3	4	6	9	12	

EU-27 Member State performance in meeting 0% target for Directives whose transposition is over 2 years late, as at 10/11/2008

Member State	BG	DK	DE	EE	IE	IT	CY	LV	HU	MT	NL	AT	SK	FI	ES	FR	LT	SI	RO	EL	PT	SE	UK	PL	BE	CZ	LU
Number of directives not transposed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1	2	2	2	2	3	4	4	10

Infringement cases

EU-27 Member State number of open infringement proceedings, as at 1/11/2008

Member State	RO	CY	BG	SI	LT	EE	HU	LV	DK	LU	SK	FI	CZ	SE	MT	NL	AT	IE	UK	PL	PT	BE	FR	DE	EL	ES	IT
Number of open infringement cases	13	14	20	21	22	25	25	27	29	30	33	34	36	39	40	54	55	56	59	65	70	78	85	90	91	103	112

Citizens Signpost Service – success stories

Consumer rights

Question: A British citizen residing in another EU country is overcharged by the national telecom operator who failed to inform him that they had changed the supplier, and asks about redress.

Reply: He is informed of the relevant EU legislation, namely of Council Directive 93/13 on unfair terms in contracts and his rights under this legislation, and advised to consult the local European Consumer Centre and other private consumer organisations in case the telecom operator does not consider his complaint.

The citizen later wrote to express his satisfaction with the answer provided by CSS: “Through your help we have been able to recover 429€ from our telecom operator”.

Travel rights for non-EU spouses

Question: A British citizen wants to travel to another EU country, where she has a family house, with her non-EU husband but is encountering difficulties in obtaining a visa for him. The authorities of the host country charge an administration fee and insist that the husband provides proof of his employment together with an invitation from both the citizen and her mother (who is co-owner of the family house) to stay there. They are requested to fill in forms even though it is clearly stated that particular questions need not be answered by the spouses of EU citizens. The British citizen seeks for advice.

Reply: She is informed that her husband should be granted a visa free of charge and without undue formality by the national authorities. It should not be necessary for him to provide proof of employment or an invitation, nor should he have to pay an administration fee. The requirements of the national authorities seem to go beyond the requirements of EU law. The citizen is advised to contact the relevant authorities.

The citizen wrote back to thank CSS for its advice, which allowed the spouse of the British citizen to travel without undue formalities.

Social security

Question: A Polish citizen working in Austria for 12 years asks if he can get Austrian family benefits even if his wife and four children live in Poland, where she is registered with the unemployment office.

Reply: He is informed that the European rules provide that, as a resident in the territory of another Member State, he is subject to the same obligations and enjoys the same benefits under the legislation of that State as its nationals, and that he could claim the right to certain social security benefits granted by Austrian social security scheme, even if his family members lived in another Member State.

The citizen wrote back saying that the CSS advice eventually enabled him to get family benefits in Austria.

More information on Citizens Signpost Service:

http://ec.europa.eu/citizensrights/front_end/index_en.htm

SELECTION OF SOLVIT SUCCESS STORIES IN 2008

FREE MOVEMENT OF PERSONS

Procuring a permanent work permit in Germany for a Czech citizen

A Czech citizen who had been working in Germany for more than one year applied for a permanent work permit. However, the German authorities were reluctant to issue a work permit that would be valid for more than one year. SOLVIT pointed out that, under the Accession Treaty, the person was entitled to a permanent work permit and convinced the authorities to issue the document.

Solved within 2 weeks.

SOCIAL SECURITY



Italian citizen gets unjustified fee cancelled in France

An Italian citizen worked for two months in France in Euro Disney. She needed urgent medical assistance and was operated on in a public hospital. Afterwards she was asked to pay EUR 12 494.46 for the assistance received, despite the fact that this cost should have been covered by the insurance. Thanks to SOLVIT's intervention, the error was corrected and the invoice was sent to the insurance company. **Solved within 5 weeks.**

British citizen receives his pension from Portugal

A British citizen worked in Portugal as a teacher for a couple of years and each month contributed about 10% of his salary to the Portuguese Pension Scheme. When he retired, he returned to the United Kingdom and applied for payment of his pension. Having tried unsuccessfully for over four years to receive his pension, he turned to a Member of the European Parliament for assistance. The MEP contacted SOLVIT and, very quickly, the applicant not only received his backdated pension but was also assured that his monthly pension would be paid on a regular basis.

Solved within 14 weeks.

Problems with birth allowance clarified in Belgium

A Belgian citizen living in Belgium had a husband who was living in Luxembourg. Their child was born in Belgium and she received a birth allowance from the Belgian authorities. After the birth, she went to live with her husband in Luxembourg. As a result, the Belgian authorities claimed repayment of the birth allowance, arguing that family benefits should be paid by Luxembourg. However, Luxembourg did not want to pay either. SOLVIT made it clear that it was up to the Belgian authorities to pay this birth allowance, since the baby had been born in Belgium, and it convinced the Belgian authorities that they were not entitled to claim the money back.

Solved within 6 weeks.

Ensures unemployment benefits for Czech citizen returning from Ireland

A Czech citizen, who worked in Ireland for more than one year, decided to return to the Czech Republic. Before she left Ireland, she applied there for a document setting out her entitlements to unemployment benefit. Five months after her application, she turned to SOLVIT for help. The form was issued immediately after SOLVIT's intervention.

Solved within one week.

SOLVIT solves cross-border pension problem

A Hungarian citizen applied for a widow's pension from the German authorities since her late husband had worked in Germany for most of his working life. However, seven months after her application, she had still heard nothing from the German authorities. SOLVIT discovered that the delay was due to the provisions of an old German law that recognised pension rights to foreigners only if they were living in Germany. SOLVIT intervened to point out that this practice was not in line with EU law and with the principle of free movement of workers. Following this intervention, the German competent authority recognised the widow's pension rights.

Solved within one week.

Greek citizen does not have to pay double social security contributions

A Greek engineer, working as a self-employed person in Greece, expanded his activities into Belgium. Since in Belgium he was also working as a self-employed person, he presented the appropriate E101 forms to the Belgian authorities, explaining that he was covered by the Greek social security scheme. However, as he had registered himself and his family in a Belgian commune and had a Belgian VAT number, the Belgian authorities considered him to be permanently resident in Belgium and asked him to pay social security contributions for his past 4 years of activity in Belgium, which amounted to EUR 22.000. Following the intervention of SOLVIT Belgium, the Belgian authorities agreed to reconsider the case and recognised Greece as the client's main place of residence.

Solved within 13 weeks.

Swedish student registered with an Italian municipality

A Swedish citizen, currently studying in Italy, experienced some difficulties in trying to register with the Italian municipality where she resided because it did not accept her European Health Insurance Card as proof of her health insurance cover in Sweden. The student was informed that she might be prevented from completing her studies unless she obtained an Italian insurance. SOLVIT contacted the municipality and cleared up the misunderstanding. The student had been registered and did not have to take out complementary insurance as initially demanded by the Italian authorities.

Solved within 9 weeks.

SOLVIT helps Czech citizen obtain an E 104 form from Denmark

A Czech citizen worked in Denmark for six months. When he returned to the Czech Republic, the Health Insurance Company informed him that he had to pay health insurance contributions for the period of six months during which he had been abroad, unless he could produce an E 104 form completed by the Danish Authority. Although the Danish Authority provided the client with a document showing the detailed tax records, this was not acceptable to the Czech Health Insurance Company, which insisted on receiving the E 104 form. Thanks to SOLVIT DK, the E 104 form was issued within a few days.

Solved within 3 weeks.

SOLVIT helps an Estonian bus driver to get a good night's sleep

An Estonian bus driver, who had worked and lived in Finland for 5 years, needed medical help for sleeping disorders related to his occupation. However, although he was covered by Finnish health insurance, he was refused treatment in the Finnish hospital on the argument that he was no longer under the Finnish social security system. With the help of the Finnish SOLVIT centre, the problem was cleared up and the client was able to receive the treatment to which he was entitled.

Solved within 11 weeks.

SOLVIT arranges payment of medical invoices sent to holidaymakers

In two separate instances, an Italian and an Austrian citizen were on holiday in the Netherlands when they had to have urgent medical treatment. They showed their European Health Insurance Cards and were treated. After returning home, they received invoices from the Netherlands, and were expected to pay for the medical service. Solvit contacted the hospitals and the invoices were redirected to the national contact points, which ensured that payment was duly processed.

Solved within 5 weeks.

REGULATED PROFESSIONS



Hungarian diploma recognised in France

A French citizen with a Hungarian nursing diploma applied for recognition of her professional qualifications in France so that she could take up employment. However, the competent authority did not react within the six-month deadline laid down by EU law. This delay was jeopardising her chances of accepting the job she had been offered. Thanks to SOLVIT's intervention, the committee responsible for the decision assessed her file and proceeded swiftly to fully recognise her qualifications.

Solved within 9 weeks.

Qualifications of the Belgian teacher recognized in Portugal

A Belgian teacher with a diploma in Physical Education, Sports and Leisure Activities, residing in Portugal, wanted the Portuguese authorities to recognize his professional diploma. He had been trying to get an answer to his application since 2001, but it was not until recently (7 years after his initial request!) that the competent authority informed him that his application had been rejected. SOLVIT Portugal persuaded the Portuguese competent authority to reconsider his file and grant the professional recognition of his Belgian diploma in accordance with EU law.

Solved within 7 weeks.

SOLVIT helps Polish doctor in Spain

A Polish citizen applied for recognition of her medical qualifications in Spain. Even though according to EU law the procedure for examining an application must be completed as quickly as possible, and in any event within 3 months of the submission of a complete file, the citizen had been waiting over four months for the recognition. Thanks to the intervention of SOLVIT, the Spanish authorities eventually assessed the applicant's qualifications.

Solved within 9 weeks.

British nurse obtains recognition of her qualifications in France

A fully qualified British nurse moved to France but was unable to obtain recognition of her professional qualifications because her documentation referred to a recently adopted EU law, which had not yet been implemented in France. She was thus unable to support herself or to begin her new life in France. Following SOLVIT's intervention, the French regional authority acknowledged its obligation to accept applications under the new EU legislation and the nurse's application was accepted immediately.

Solved within 4 weeks.



SOLVIT makes sure Romanian physiotherapists can sit exam in Italy

Five Romanian citizens wanted to have their physiotherapist qualifications recognised in Italy. The Italian competent authority assessed their files and asked them to choose a compensation measure, i.e. either a training period or an exam. Although the citizens informed the authority of their choice, the Ministry failed to organise the exam, thereby obliging the citizens to wait. Thanks to SOLVIT's intervention, the Ministry agreed to organise the exam. All five physiotherapists passed and had their qualifications recognised.

Solved within 4 weeks.

SOLVIT helps Portuguese entrepreneurs to start a business in Luxembourg

Three Portuguese citizens working in Luxembourg as employees of a company dealing with construction and public works wanted to establish their own company in Luxembourg. The Luxembourg authorities required them to present an official document certifying their professional experience. After several unsuccessful attempts to obtain the requisite document from the Portuguese authorities, they decided to contact SOLVIT Portugal, who persuaded the relevant authority to provide the papers.

Solved within 2 weeks.

ACCESS TO EDUCATION

British 7-year-old able to access Bulgarian public school free of charge

A British national migrated with her family to Bulgaria to start a business. She applied for a place in a publicly funded school for her seven-year-old son and was told that she had to pay a fee of EUR 800. Bulgarian children do not pay school fees, and therefore the school's actions were discriminatory under EU rules. As a result of SOLVIT's intervention, the Bulgarian authorities changed their rules, and now all eligible children of EU nationals have free access to compulsory education. **Solved within 13 weeks.**

VISAS

Romanian citizen can travel with her Indian husband to France

A Romanian citizen, married to an Indian citizen, both residing in Malta, applied for a visa for the husband to travel to France, where he was to attend a university MBA course. The French embassy informed them that the normal Schengen visa procedure was applicable in this case and that it would take some time. As the start of the academic year approached, and the need became urgent, they decided to seek the help of SOLVIT. According to Community law, in such a case the visa should be issued free of charge and by means of an accelerated procedure. Following SOLVIT's intervention, the visa was issued the following day. **Solved within one week.**

NON- DISCRIMINATION



The rights of a Swede in Austria to participate in championship sports

A Swede living in Austria was prevented from playing his favourite sport of curling. The Austrian Curling Federation rules stipulated that non-Austrian players could only participate in the Austrian championships if they had been living in Austria for the previous 18 months. Moreover, only one non-Austrian player was allowed in each team. SOLVIT pointed out that these rules were discriminatory and persuaded the federation to remove the quota for foreigners from their regulations. **Solved within 18 weeks.**

RESIDENCE RIGHTS

Brazilian spouse of a French citizen receives a residence card in Ireland

A Brazilian citizen moved to Ireland with his French-Brazilian wife. He applied for a residence card as the spouse of an EU citizen. When he had received no answer after more than six months, he turned to SOLVIT for help. SOLVIT quickly cleared up the problem - apparently the favourable decision has already been issued, but had not reached the applicant. The authority concerned was given the applicant's new address and sent him the decision again.

Solved within 3 weeks.

Dutch citizen's husband obtains residence card in France

A Dutch citizen, who lived in France with her non-EU husband and their children, was experiencing many problems in obtaining a residence card for the husband. The file was lost several times and the prefecture in their town of residence refused to apply EU law. SOLVIT contacted the prefecture and clarified the situation; as a result, the prefecture recognized the complainant's right to receive a residence card.

Solved within 2 weeks.

Greek worker receives a residence card in Belgium

A Greek cross-border worker employed in Luxembourg, and living in Belgium, tried to register in a Belgian municipality to obtain a 5-year residence card. The Belgian authorities refused his request because he did not have a contract with an employer based in Belgium. SOLVIT clarified the situation and explained to the client which procedure he should follow. As a result, the client obtained his residence card without any further problems.

Solved within 9 weeks.

Norwegian citizen's husband can work in the United Kingdom

A Norwegian doctor and her American husband settled in the United Kingdom. The husband, who was also a doctor, experienced delays in obtaining his residence card in the United Kingdom and was not allowed to start working without the document. SOLVIT Norway contacted SOLVIT United Kingdom, who managed to persuade the competent authority to speed up the processing of the case. After just a few days, the doctor obtained the necessary documents, and was able to start work at the hospital.

Solved within one week.

Finnish citizen obtains permanent residence rights in Luxembourg

A Finnish citizen who has legally resided in Luxembourg for more than ten years encountered problems when he applied for permanent residence, to which he was entitled under EU law. The Luxembourg authorities still required him to prove sufficient financial resources by producing a contract of employment. After SOLVIT's intervention, the competent authority acknowledged the applicant's right to permanent residence without any further requirements.

Solved within one week.

CAR REGISTRATION

SOLVIT helps British citizen to register a German car in Portugal

A British citizen with a car licensed under German plates had been waiting to have her car registered in Portugal for almost a year and a half. This caused her very serious inconvenience as she lived in a remote area and her car was her only means of transport. The car was overdue for its yearly inspection and the applicant was afraid that the situation would cause her even more problems with the Portuguese authorities. SOLVIT helped her obtain the registration document quickly.

Solved within 2 weeks.

Solvit ensures refund of VAT on an imported vehicle

A citizen moving from France to the Netherlands took his car with him. The Dutch authorities considered the move of his car as an inter-community purchase, and therefore required him to pay VAT, even though he had already, correctly, paid the tax in France. Solvit managed to obtain a refund of the amount of EUR 2 343 of VAT that the applicant had paid in the Netherlands. The tax services had argued that the car was newly imported to the Netherlands, but in fact it had been purchased and registered in France when the complainant was still living there.

Solved within 10 weeks.

FREEDOM TO PROVIDE SERVICES

SOLVIT helps Portuguese company in France

A temporary work agency in Portugal assigned its workers to provide temporary services in the construction sector in France. One of the workers was an Angolan citizen, who had been resident in Portugal for 16 years, had a contract with the Portuguese company and held a Portuguese resident's permit valid for 5 years. The French labour inspectorate obliged the Angolan national to stop working because of doubts concerning the Portuguese residence permit. This caused a serious problem for the company which was losing a large amount of money every day, because the Angolan employee was prevented from carrying out his duties. After several clarifications, SOLVIT managed to convince the French authorities that the Angolan employee of the Portuguese company should be allowed to continue his temporary work in France.

Solved within 2 weeks.

MARKET ACCESS FOR PRODUCTS



SOLVIT helps to give Polish houses a coat of Austrian paint

An Austrian producer of varnish and paints was having difficulties marketing his products in Poland. The Polish authorities insisted that the name of the Polish distributor must appear on the label, as well as that of the manufacturer. SOLVIT pointed out that, under EU rules, only one name was required on the label: i.e. that of the manufacturer, importer or distributor. The Polish authorities duly confirmed that the producer was not obliged to indicate the contact details of the Polish distributor on the package.

Solved within 17 weeks.

SOLVIT clears the way for Czech products on the Slovak market

A Czech company importing goods from other EU Member States onto the Slovak market was required to obtain additional certificates from Slovak laboratories, even though the products had certificates from other appropriate EU testing laboratories. SOLVIT managed to clarify the problem with the competent authority, which gave an assurance that the current certificates are sufficient.

Solved within 4 weeks.