

Tuesday 9 March 2010

SOLVIT

P7_TA(2010)0047

European Parliament resolution of 9 March 2010 on SOLVIT (2009/2138(INI))

(2010/C 349 E/02)

The European Parliament,

- having regard to the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on Effective Problem Solving in the Internal Market ('SOLVIT') ⁽¹⁾,
- having regard to the Commission Recommendation of 7 December 2001 on principles for using 'SOLVIT' – the Internal Market Problem Solving Network ⁽²⁾,
- having regard to the Council Conclusions of 1 March 2002, whereby the Council confirmed the commitment of Member States to the effective operation of the SOLVIT system and to its principles,
- having regard to the Commission Recommendation of 12 July 2004 on the transposition into national law of Directives affecting the internal market ⁽³⁾,
- having regard to the Commission staff working paper of 20 July 2005 on an Action plan to improve communicating Europe by the Commission ⁽⁴⁾, *inter alia* by streamlining information and assistance networks supported by the Commission,
- having regard to the Commission staff working paper of 8 May 2008 on an Action plan on an integrated approach for providing Single Market Assistance Services to citizens and business ⁽⁵⁾,
- having regard to the Commission staff working paper on Internal Market Scoreboard No 19 ⁽⁶⁾,
- having regard to its resolution of 4 September 2007 on the Single Market Review: tackling barriers and inefficiencies through better implementation and enforcement ⁽⁷⁾,
- having regard to its resolution of 23 September 2008 on the Internal Market Scoreboard ⁽⁸⁾,
- having regard to the SOLVIT 2008 Report entitled 'Development and performance of the SOLVIT network in 2008' ⁽⁹⁾,
- having regard to the Commission Recommendation of 29 June 2009 on measures to improve the functioning of the single market ⁽¹⁰⁾,

⁽¹⁾ COM(2001)0702.

⁽²⁾ OJ L 331, 15.12.2001, p. 79.

⁽³⁾ OJ L 98, 16.4.2005, p. 47.

⁽⁴⁾ SEC(2005)0985.

⁽⁵⁾ SEC(2008)1882.

⁽⁶⁾ SEC(2009)1007.

⁽⁷⁾ OJ C 187 E, 24.7.2008, p. 80.

⁽⁸⁾ Texts adopted, P6_TA(2008)0421.

⁽⁹⁾ SEC(2009)0142.

⁽¹⁰⁾ OJ L 176, 7.7.2009, p. 17.

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- having regard to the Council conclusions (Competitiveness - Internal Market, Industry and Research) of 24 September 2009 on 'How to make the Internal Market work better' ⁽¹⁾,
 - having regard to the Commission staff working document on Commission activities to improve the functioning of the single market ⁽²⁾,
 - having regard to the Commission staff working document on administrative cooperation in the single market ⁽³⁾,
 - having regard to Rule 119(2) of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Petitions (A7-0027/2010),
- A. whereas the Commission, Parliament, the European Ombudsman and the Member States need to do more to define and provide information on citizens' rights and to help citizens enjoy those rights; whereas this would also enable the internal market to work better,
- B. whereas increasing transparency is key to overcoming obstacles to movement across borders and to enforcing free-movement rights,
- C. whereas there needs to be a marked improvement on the part of the Commission and the Member States in raising awareness of the opportunities that the internal market offers for citizens and businesses,
- D. whereas the internal market has made major progress but obstacles to its full and proper functioning still exist,
- E. whereas, when internal market rules are misapplied, speedy redress not necessarily involving legal action needs to be available,
- F. whereas the SOLVIT network, when it is fully operational, will be able to prevent excessive recourse being had to the judicial system, where procedures are often complex, and mechanisms for guaranteeing the defence of individuals frequently hamper access to justice,
- G. whereas training and cross-border exchanges, *inter alia* via the electronic networks set up by the Commission, are essential for better application of the Community's internal market *acquis*,
- H. whereas citizens and businesses rely on effective enforcement of internal market rules to help them to benefit fully from the internal market's potential,
- I. whereas Member States should, with the support of the Commission, improve problem-solving mechanisms' ability to help citizens assert their rights,

⁽¹⁾ Council document 13024/09.

⁽²⁾ SEC(2009)0881.

⁽³⁾ SEC(2009)0882.

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- J. whereas the SOLVIT network was created by the Commission and the Member States in 2002 with the aim of solving problems that arise for citizens and businesses due to the misapplication of internal market law,
- K. whereas SOLVIT is an online problem-solving network in which EU Member States (as well as Norway, Iceland and Liechtenstein) work together to solve – without legal proceedings – problems encountered by citizens and businesses as a result of the misapplication of internal market law by public authorities,
- L. whereas SOLVIT is considered a relatively successful system providing redress, without formal procedures, within an average of 10 weeks, and whereas the solving of internal market problems by SOLVIT could be a model of good practice for other Single Market Assistance Services,
- M. whereas, where deemed necessary by an individual Member State, especially with a view to *any* forthcoming publicity campaigns, SOLVIT's capacity should be increased to avoid problems of understaffing,
- N. whereas SOLVIT should, however, be neither a substitute for the Commission's legal work on infringements, nor an excuse to work less ambitiously in the Member States in order to transpose EU directives in a timely and proper fashion,
- O. whereas many citizens who have a problem relating to the internal market that comes within the scope of SOLVIT are not aware of SOLVIT and therefore turn to the European Ombudsman with their problem;

Introduction

1. Welcomes the Commission's initiative of July 2002 to establish the SOLVIT network of national administrations using an online inter-active database, which has been a successful tool which has enhanced transparency and created peer pressure to speed up problem resolution;
2. Calls on the Commission to use all its powers to ensure effective application of internal market rules in order to reduce the administrative burden on citizens and businesses;

Effective problem solving in the internal market

3. Highlights the fact that problems relating to the implementation of internal market rules are often detected through the SOLVIT network;
4. Emphasises that SOLVIT experience should be fed into national and EU policy-making, resulting in structural or regulatory changes where necessary;
5. Calls on the Commission systematically to include in the Internal Market and Consumer Market Scoreboards more detailed information on the application and enforcement of internal market legislation, both with a view to increasing transparency and as a useful tool for SOLVIT staff;
6. Calls for the Internal Market Scoreboard, the SOLVIT Report, the Citizens Signpost Service and the Consumer Market Scoreboard to be published at the same time once a year (not changing the frequency of their publication) in order to provide a global picture of the development of the internal market and to better coordinate the work that has been done in those areas while maintaining the particular nature of those instruments; calls on the Commission to consider including in the Consumer Market Scoreboard a detailed account of the progress, achievements and shortcomings of SOLVIT; calls on the Commission to take immediate action to resolve recurrent problems detected through the SOLVIT network;

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Horizontal problems identified at national level

7. Notes that some SOLVIT centres are understaffed, and that in 2008 the number of cases resolved decreased, while the average number of days needed for their resolution increased; calls on all SOLVIT centres to recruit staff who are appropriately qualified and experienced for the positions they will hold; takes the view that there should be more training for staff employed by SOLVIT; commends the work done by SOLVIT, in particular its case resolution rate, which has remained high (83 %) even though its workload increased in 2008 (rising by 22 % to 1 000 cases) and despite the fact that some SOLVIT centres are faced with staffing problems;

8. Notes that many citizens and small businesses are not sufficiently aware of the work of SOLVIT and that businesses either use commercial legal services in cases where SOLVIT could be used to their benefit or even accept requests to such effect from Member States, although those requests are not in accordance with the Community's internal market *acquis*; welcomes the fact that SOLVIT's activities have resulted in cost savings for European citizens and businesses, which are estimated to have amounted to EUR 32.6 million in 2008;

9. Notes that the portfolio of the ministry hosting the national SOLVIT centre in a given country may affect public perception of the type of work carried out by SOLVIT in that country and that the level of successful resolution and expedition of cases depends on the willingness and ability of Member States to cooperate closely with SOLVIT centres;

10. Calls on the Member States to ensure that their SOLVIT centre has strong political support so that it can persuade the authorities about whom complaints are made to cooperate actively within the SOLVIT procedure and within the relevant deadlines;

11. Considers that Member States should enhance the efficiency of cooperation among national, regional and local authorities and SOLVIT; considers, in addition, that Member States should initiate a more intensive and broader exchange of best practices;

12. Stresses the importance of the exchange of information between SOLVIT centres, and therefore recommends that Member States' SOLVIT centres meet regularly to allow for the exchange of information and to share examples of best practice and systems;

Measures to be envisaged

13. Calls on the Member States to promote SOLVIT, using all forms of media to ensure a wide outreach to citizens and businesses, especially about how to assert their rights, and to allocate sufficient resources to make this promotion more effective; calls, furthermore, on the Commission and the Member States to promote online alternative dispute settlement systems within the SOLVIT network; calls also on its Members to promote SOLVIT in their constituencies;

14. Calls on each Member State to promote SOLVIT as an alternative dispute resolution mechanism, by means of national information campaigns;

15. Calls on the Member States and the Commission to promote SOLVIT on the Internet; urges the Commission to make available one single internet address for all national SOLVIT centres - www.solvit.eu - to facilitate access by citizens pending the re-launch of the Your Europe Portal, which will eventually group all Single Market Assistant Services, including SOLVIT, together;

16. Calls on the Member States to set up web pages linked to the European SOLVIT portal, featuring a compilation of successful cases and of best practice with regard to settling disputes by means of this mechanism;

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17. Calls on the Member States to increase the efficiency of SOLVIT centres by providing civil servants from within the relevant departments in order to facilitate the resolution of cases which are outside the remit of SOLVIT (SOLVIT+), as well as by ensuring proper access to legal expertise for SOLVIT centres within their administration; urges the Commission to speed up the provision of informal legal assessments to SOLVIT centres;
18. Calls on the Member States to appoint a SOLVIT liaison officer in public services involved in implementing internal market rules, with a view to ensuring better cooperation;
19. Calls on the Member States to organise information campaigns on SOLVIT at local, regional or national level, targeting specific groups, such as SMEs, which currently lag behind in terms of awareness of SOLVIT, and encourages Member States to cooperate and exchange best practices so that SOLVIT is promoted as efficiently as possible; points out that, in parallel with its own procedure, Parliament's Committee on Petitions refers petitioners to SOLVIT in cases where it considers that a solution may be achieved more rapidly through SOLVIT;
20. Acknowledges the effectiveness of SOLVIT as a cooperation network which endeavours to solve, on an informal basis, problems that arise for EU citizens and businesses as a result of the misapplication of internal market law by public authorities;
21. Notes that SOLVIT's 2008 annual report states that SOLVIT attracts a large volume of non-SOLVIT cases, and that this is slowing down the handling of SOLVIT complaints in SOLVIT centres;
22. Notes that there are various entities to which EU citizens may submit their problems, including Parliament's Committee on Petitions, SOLVIT, the Commission and the European Ombudsman;
23. Requests SOLVIT to refer cases of misapplication of EU legislation which are too complex for it to resolve not only to the Commission but also, where appropriate, to Parliament's Committee on Petitions;
24. Recalls that petitions are dealt with in an open and transparent manner in close cooperation with the competent legislative committees, the Commission and the relevant authorities in the Member States;
25. Considers that the petitions process can make a positive contribution to better law-making; recalls that, following the entry into force of the Lisbon Treaty, Parliament's power actively and directly to shape, review and improve EU legislation will greatly increase; points out, furthermore, that an enhanced role for the national parliaments should also be taken into consideration;
26. Notes that there is no single entity responsible for following up citizens' complaints from start to finish, as these are submitted through various channels; calls for greater coordination among the various entities involved in receiving and dealing with citizens' complaints;
27. Requests SOLVIT to include on its website a link to Parliament's Committee on Petitions as well as to the relevant committees of the national parliaments, so that citizens may be made aware of their right to petition Parliament as a means of obtaining non-judicial remedies and solutions through the political and legislative process;
28. Supports, furthermore, the development of a common website of the European institutions intended to assist EU citizens and refer them directly to the institution or body competent to handle their complaint;
29. Calls on its Members to take initiatives to promote SOLVIT and to make efforts to raise awareness about SOLVIT among members of national parliaments for instance by presenting SOLVIT achievements at COSAC meetings; stresses, furthermore, the need for national governments and parliaments to become more involved in the promotion of SOLVIT at national level; calls on the Commission and the Member States to coordinate a hearing of the SOLVIT centres to determine good practice in and existing obstacles to the proper functioning of the centres, with the aim of making administration and work routines more efficient;

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30. Calls on the Member States to increase the staffing of SOLVIT centres, using all available means, including alternative financing arrangements, in order to build up the administrative capacity in the relevant government ministries in proportion to the country's population and the number of cases dealt with previously;

31. Calls on the Member States and the Commission jointly to examine and analyse the causes of the low success rates of certain SOLVIT centres, as well as the causes of their relatively long case-handling times, in order to provide useful information for the design of a better problem-solving strategy, to the benefit of citizens and businesses in the internal market;

32. Calls on the Commission to submit SOLVIT annual reports containing much more detailed information and statistical data, which would also allow the effectiveness of each national centre to be assessed, since it is otherwise difficult to make long-term assessments of trends and propose specific targeted measures to improve the situation in individual Member States;

33. Calls on the Commission to create a single web portal for all SOLVIT centres at an address that is as easy to find as possible (www.solvit.eu); is of the opinion, at the same time, that a marked improvement in the visibility of the SOLVIT network on the Internet is essential and that for this purpose use must be made of both social networking sites and search engines;

34. Considers that, in view of the large number of cases involving individuals and the recognition of qualifications or social and residence entitlements, the SOLVIT network must cooperate much more intensively and must broaden its information campaigns to include expatriate associations and consulates of Member States;

35. Considers that, in view of the large number of cases involving entrepreneurs, the SOLVIT network must cooperate much more intensively and must broaden its information campaigns to include European and national business associations, with particular emphasis on small and medium-sized enterprises;

36. Calls on the Commission to finalise as a matter of priority the Single Market Assistance Services project for streamlining information, advice and problem-solving assistance services to make them more accessible and more effective;

37. Calls on the European Ombudsman to cooperate more closely with the SOLVIT centres and to forward all incoming complaints for which he is not competent, without delay and without red tape, to the SOLVIT centre presumed to be competent where those complaints relate to the internal market and could come within the scope of SOLVIT; calls on the Commission to initiate an accelerated Treaty infringement procedure if an unresolved SOLVIT complaint reveals a *prima facie* breach of Community law;

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38. Instructs its President to forward this resolution to the Council and the Commission.
