



# REFERRING CASES FROM EEN → SOLVIT → EEN COOPERATION MANUAL FOR EEN PARTNERS AND SOLVIT CENTRES

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## 1. Introduction

On 29/03/2017 several EEN contact points and SOLVIT centres gathered together in order to discuss possible ways to reinforce mutual co-operation. As part of this exercise, EEN and SOLVIT centres identified their needs and suggested a list of possible actions.

On EEN partner's side the expressed needs were:

- Ability to re-assure companies that they will not face disadvantage due to SOLVIT's intervention requesting the possibility to anonymise complaints
- Rapid response or action in urgent cases
- Receiving feedback on the outcome of the cases submitted to SOLVIT –possibility to become an associated partner in the SOLVIT application
- Clear guidelines on how to transfer cases to SOLVIT
- Adaptation of EEN reporting rules to recognise the work involving cases transferred to SOLVIT
- Certainty that cases transferred by EEN to SOLVIT will be treated (no wrong door policy).

SOLVIT centres in their turn stressed that:

- There should be a clear understanding on the EEN's side of the nature of SOLVIT. In particular it should be clarified that SOLVIT is not an information centre but a problem resolution service. Other services such as the PSCs, YEA, etc can provide the information needed
- To avoid wrong door policy, communication channels between SOLVIT centres and EEN should be reinforced
- While it is recognised that cases can evolve over time, a sound basis for a treatment of a case in SOLVIT requires that there is a clear description of the problem, supporting documents and possibly a mention of the rules that are being misapplied
- SOLVIT centres recognised that they could benefit from the legal expertise and knowledge in business-related cases.

Both, EEN contact points and SOLVIT centres agreed that joining forces is the most effective way of solving problems affecting companies. By sharing expertise and reaching out to their 'natural' communities –business for EEN and authorities for SOLVIT centres the EEN-SOLVIT partnership can become a very powerful tool in helping companies solve problems in the single market.

These guidelines aim at clarifying the applicable rules for transferring cases from EEN to SOLVIT or from SOLVIT to EEN and to establish clear communication channels between SOLVIT centres and EEN.

## 2. Objectives

The main objectives of these guidelines are:

- Provide a better service to businesses. The underlying principle should be of 'no wrong door policy'. SOLVIT centres should know which type of cases qualify for a referral to EEN and EEN can identify the type of problems in which SOLVIT can help.
- Set out the methodology governing the relations between EEN partners and SOLVIT
- Clarify which cases qualify for a direct input of the case by EEN in the SOLVIT database
- Ensure transparency on cases submitted by EEN to SOLVIT.

The guidelines will be regularly revised so that they can reflect new developments or lessons learnt from experience. Changes to these guidelines can be made on request of EEN partners, SOLVIT centres or any of the two responsible services at the Commission (GROW.H.2 for EEN and GROW.R.4 for SOLVIT).

### 3. Guidelines

#### 3.1 Step 1 – checking whether or not the query qualifies for SOLVIT

##### 3.1.1. The SOLVIT mandate

EEN partners can enter cases to SOLVIT when:

- there seems to be a **concrete**, real problem for an EU business –a business established in an EEA country (EU countries + Iceland, Liechtenstein and Norway);

 A real denial of rights must have happened and the problem must still exist. If the authority has caused problems but has not denied any rights, the case should not be sent to SOLVIT – e.g. the authorities have denied rights but the company has decided to comply with the illegal requirements. SOLVIT intervenes to try to solve a problem but is not a reporting tool on obstacles faced by companies. However, the EC SOLVIT team reports regularly to the EC responsible services on cases that could not be solved by SOLVIT.

- there is a **cross-border element** (business having a problem either in another country or with their own country if this is related to being able to perform their activity abroad, e.g. issuing a document requested by the authorities in the country where they wish to operate;
- the problem is related to **a breach of EU law governing the internal market**–related to the SOLVIT policy areas stated in 3.1.2;

 It is advisable that EEN always mentions the legal basis for the problem submitted to SOLVIT in the problem description. This will accelerate the treatment of the case by SOLVIT.

### References to ECJ rulings

If EEN partners have also information on relevant ECJ rulings, they can also present them as part of the problem description as it can help and speed the preparation of the case.

- the problem has been caused by a foreign **public administration** (national, regional or local). Sometimes also private bodies – if they act on behalf of a public administration;

 If there is no public administration involved but rather a private body, the case should not be entered in SOLVIT nor should the company be referred to SOLVIT.

 SOLVIT cannot deal with regulations on recognition and enforcement of judgements. This is applied by national courts and SOLVIT cannot intervene in judicial matters.

- there **are no legal proceedings under way on the matter** (at national or EU level). "Legal proceedings at EU level" covers all steps of an Infringement procedure). Cases can be referred to SOLVIT where the enquirer has made an administrative appeal which is being handled by the same authority which took the original decision.

 When EEN partners don't have this information at hand, they can send the cases to SOLVIT. SOLVIT can find out later.

### 3.1.2. Policy areas where SOLVIT can intervene

EEN partners can refer problems to SOLVIT in relation to:

- **Provision of services**
- **Posting of workers**
- **Market access for products**
- **VAT delayed reimbursements**
- **Recognition of professional qualifications**
- Social security related problems (old-age and invalidity pensions, family benefits, transfer of unemployment benefits)
- Residence certificates, residence cards
- Entry visas for non-EU relatives of EU nationals
- Discriminatory fees at schools and universities
- Discrimination on the basis of nationality

- Vehicle registration

 Cases regarding the recognition of **academic qualifications and diplomas** cannot be transferred to SOLVIT because this is not regulated by EU law.

 Many problems related to tax are not covered by EU law. **Taxation** is a non-harmonised area and double taxation agreements are a national matter. Please do not transfer tax-related queries – unless you are absolutely sure that the issue at stake concerns EU law, e.g. VAT reimbursements.

### 3.1.3. SOLVIT – geographical coverage

You can refer problems to SOLVIT in all the EU countries and in Iceland, Liechtenstein and Norway.

 There is no SOLVIT centre in **Switzerland**. As the SOLVIT system always requires that two SOLVIT centres communicate with each other SOLVIT cannot help in cases linked to Switzerland (either regarding the problem or the residence or nationality of the citizen). It is irrelevant whether the problem is caused by a Swiss authority or by an EU country authority. Hence no cases involving Switzerland can be managed by SOLVIT.

## 3.2 Step 2 – Inserting a case in SOLVIT

If as an EEN partner you are confident that the case meets the SOLVIT criteria as stated above, you will need to insert the case in SOLVIT via the following link:

<http://ec.europa.eu/eu-rights/enquiry-complaint-form/home?languageCode=en&origin=solvit-web>

The above link goes to the English version but you can easily select your preferred language by clicking on the 'language' drop-down menu at the top right of the page –see image:

[Legal notice](#) | [Cookies](#) | [Search](#)

English (en) ▼

 The EC is working on the simplification of the online complaint form. There are also plans to facilitate the encoding of the cases by EEN partners but these can only be implemented in 2018. For the time being, it is necessary to follow the instructions below.

### 3.2.1. First screen – checking SOLVIT criteria

You'll need to provide the following replies to the questions asked in this section –see image below:

Which service are you looking for?

- Personal advice regarding my EU rights
- Help to get my EU rights recognised

Have you taken your problem to court?

- Yes
- No

Does your problem involve a public authority?

- Yes
- No

Did the problem occur in an EU country other than your own?

- Yes
- No

Do you believe the authority is breaching your EU rights?

- Yes
- No

### 3.2.2 Contact details of the EEN partner and the complainant

You'll need to indicate that you're submitting the case on behalf of someone else and provide your contact details and those of the complainant.

Are you submitting this complaint on behalf of someone else?

- Yes
- No

**Your details**

Organisation type:	<input type="text" value="Enterprise Europe Net..."/>	Language:	<input type="text" value="Please select..."/>
Organisation name:	<input type="text"/>	Country:	<input type="text" value="Please select..."/>
First name:	<input type="text"/>	Telephone:	<input type="text"/>
Last name:	<input type="text"/>		
E-mail:	<input type="text"/>		
Confirm e-mail:	<input type="text"/>		

**Details of the complainant**

Citizen  Business

Name of the business:	<input type="text"/>	Contact person:	<input type="text"/>
Street and number:	<input type="text"/>	E-mail:	<input type="text"/>
Postcode:	<input type="text"/>	Confirm e-mail:	<input type="text"/>
Town:	<input type="text"/>	Telephone:	<input type="text"/>
Country:	<input type="text" value="Please select..."/>	Business sector:	<input type="text" value="Please select..."/>
Language:	<input type="text" value="Please select..."/>	Business size:	<input type="text" value="Please select..."/>

Then you can continue filling in all the required fields.

As regards the **problem description**, it is important to clearly state the problem and to provide –if indeed known- the rules and legal basis that seem to be misapplied.

If you don't know the legal basis, you can send a question to Your Europe Advice .

### 3.2.3 Privacy statement

Before you start filling in the form on behalf of a client, you should make sure that s/he agrees to have the complaint handled by SOLVIT.

Please use the consent form model in Annex 1. The consent form guarantees that the client is aware that the case is going to be handled by SOLVIT and agrees with its privacy policy.

Once signed, scan it and get it ready to be uploaded as an attachment when you submit the case.

You will need it to fill in the final section of the form –see image below:

**Personal data processing and complaint transfer**

I have read and accept the [SOLVIT privacy statement](#)

If SOLVIT cannot handle your complaint, do you accept its transfer to another service? **i**

Yes  No

Do you agree to the disclosure of your personal data to the SOLVIT centre in the country where your problem occurred and to the public authority concerned? **i**

Yes  No

If after handling your complaint, SOLVIT is unable to find a solution, do you agree that the data of your complaint is disclosed to the European Commission for further assessment? **i**

Yes  No

### 3.2.4 Contact the EC SOLVIT team in case of doubts

At the start, you may be in doubt as regards eligibility of the cases or other technicalities. If this is the case, please do not hesitate to contact the EC SOLVIT team.

You can do so by sending an e-mail to:

[solvit@ec.europa.eu](mailto:solvit@ec.europa.eu).

Or contact the responsible person for your country at the EC SOLVIT team:

Anoushka Janssens	+32.2.298 46 73	Austria, Belgium, France, Iceland, Netherlands, Poland and Romania
Alexander von Campenhausen	+32.2.2996975	Croatia, Finland, Germany, Hungary, Liechtenstein, Luxembourg, Slovakia and

		Slovenia
Cristina Giménez Estol	+ 32 296 07 04	Bulgaria, Ireland, Italy, Malta, Norway, Portugal, Spain and UK
Evgenia Kokolia	+32 229-85633	Cyprus, Czech Republic, Denmark, Estonia, Greece, Latvia, Lithuania and Sweden

## 4. SOLVIT process

When using the online complaint form, the home SOLVIT centre is automatically attributed by the application on the basis of the country where the business is established. If this is the wrong 'home' centre SOLVIT centres will transfer the case to the correct one.

Once the case has been received in the SOLVIT application you, as EEN representative will receive an automatic e-mail containing the SOLVIT reference number and the contact details of the SOLVIT centre which will be your contact point –see model acknowledge of receipt in Annex II.

That SOLVIT centre will contact you within 7 days and will ask you any additional details that may be needed for the handling of the case.

Once the case is completed –well prepared and with all the documents that are needed for handling the complaint- your SOLVIT centre will be sending it to the SOLVIT centre of the country where the problem occurred.

Upon acceptance of the case by the SOLVIT centre of the authority causing the problem (lead centre), your SOLVIT centre will inform you. It is at this time that the SOLVIT 10-week deadline starts running.

Your SOLVIT centre will keep you informed of any relevant developments.

If you haven't received any updates from your SOLVIT centre for 10-weeks, you can also contact them to ask for an update.

## 5. SOLVIT-EEN communication in a nutshell

### Concrete cases submitted by EEN

When submitting a case to SOLVIT on behalf of a company, you will:

- receive an automatic e-mail with the case reference number (see example of an acknowledge of receipt in Annex II.)
- be contacted by your SOLVIT centre to confirm admissibility of the case and gather all the necessary information

- be notified when the SOLVIT centre of the country of authority accepts the case. It is from that moment that the 60-day deadline starts to run
- be informed when the SOLVIT country of authority proposes a solution.

### **General feedback**

The EC SOLVIT team will report periodically on the cases submitted by EEN by country and their outcome.

The reporting will serve to have a general overview of trends, assess the results and adapt the general strategy.

## **6. EEN rules on reporting**

Referrals of cases to SOLVIT by EEN partners will be credited as follows:

Each case referred by an EEN partner ***on behalf of a client company that has been accepted by SOLVIT*** will be counted as a case to be reported under the indicator: "DI08 # Clients in feed-back related actions"

In case the EEN follows up the case with SOLVIT until the closing of the case and the obtained result has a positive impact on the client's business in terms of market improvement, cost savings, job creation or maintenance, quality improvement and innovation, the case might be reported as an Achievement (ASO). The requirements set in the Guidelines on Advisory Services Outcomes should be observed

Conditions for crediting this work to the EEN are:

- the case has been correctly prepared by EEN and has been accepted by SOLVIT
- EEN has submitted the case on behalf of the company and remains the main point of contact
- EEN actively follows-up on the case and makes the link between SOLVIT and the company.

## Annex I – Consent form to be signed by complainants for treatment of the case by SOLVIT (example)

*Dear Sir or Madam,*

*I hereby authorise the Enterprise Europe Network partner [name of the EEN partner organisation] represented by Mr [name of the person introducing the case in the SOLVIT application] to submit my problem to SOLVIT.*

I've been informed that SOLVIT is a free of charge service.

I've read and accept the [SOLVIT privacy statement](#).

I agree also that my personal data are disclosed to the responsible authority in the country where the problem occurred.

*Kind regards,*

[signature]

## Annex II - automatic e-mail of acknowledge of receipt

**Subject: SOLVIT case reference no.: XXXX/YY/CC**

Dear Sir or Madam,

Your complaint has been registered in SOLVIT with reference no.: **XXXX/YY/CC**

**Your home SOLVIT centre is: SOLVIT Country, e-mail address: [xx@namic.eu](mailto:xx@namic.eu).** Please use this e-mail address for all enquiries and exchanges related to your complaint.

*You are kindly asked to inform your home SOLVIT centre about any relevant developments concerning your complaint.*

SOLVIT helps EU citizens and businesses find solutions to problems when their EU rights are not respected by a public authority in another EU country. This informal problem solving service is provided by **national administrations** in each EU country, Iceland, Liechtenstein and Norway. SOLVIT is supported by the European Commission and is free of charge.

Please note that:

- SOLVIT cannot bring any personal redress, only national courts can do this.
- Submitting a complaint to SOLVIT does not suspend any formal or administrative deadlines under national law.

You may want to make use of all available means of redress in the country where the problem occurred, e.g. administrative appeals to ensure that your EU rights are respected.

### What happens now?

Your home SOLVIT centre will assess your complaint and decide whether or not it can be handled by SOLVIT. If it cannot be handled by SOLVIT e.g. if there is no misapplication of EU law, you will be informed and your case will be closed. Otherwise, the home SOLVIT centre will:

- prepare your case on the basis of the information provided and a legal analysis
- contact you to seek clarification or supporting evidence
- transfer your case, **once complete**, to the SOLVIT centre in the country where your problem occurred
- inform you of the final outcome when your case has been concluded.

The SOLVIT centre in the country where the problem occurred (the lead SOLVIT centre) will:

- accept the case or ask for additional information
- contact the public authority believed to have denied your EU rights
- try to find a solution or conclude that EU law was correctly applied by the authority.

**SOLVIT aims to find solutions** within 10 weeks from the date on which a case is accepted by the lead centre.

For more information about SOLVIT, please [visit the SOLVIT website](#).

This is an automatic e-mail. Please do not reply.