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European Union

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**NOTE**

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From: Presidency  
To: Council

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Subject: Competitiveness Council on 28 May 2018: AOB item: "One year after the SOLVIT Action Plan: evaluation and recommendations"  
- Information by the Bulgarian Presidency

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In view of the Competitiveness Council on 28 May 2018, delegations will find in Annex information from the Bulgarian Presidency concerning the above-mentioned AOB item.

**Outcome of the Meeting of the SOLVIT network<sup>1</sup>**  
**“One year after the SOLVIT Action Plan: evaluation and recommendations”**  
**Sofia, Republic of Bulgaria**  
**19-20 April 2018**

The SOLVIT centres welcome the positive steps undertaken by the European Commission through the adoption of the SOLVIT Action Plan, in particular the increased visibility of SOLVIT among the Commission services, the designation of SOLVIT as an enforcement tool in new draft Regulations and the initiative of the European Commission to report to the SOLVIT network at the workshops on the development of the unresolved and repetitive cases.

In the light of the Lisbon Paper and the Council Conclusions of 29 February 2016, focus should be now given to the implementation of the actions included in the SOLVIT Action Plan that aim at reinforcing SOLVIT's role as an important element in the enforcement and application of the acquis and ensuring consistent follow-up of structural and repetitive SOLVIT cases by the Commission.

The SOLVIT centres suggest to put emphasis on an immediate implementation, both at the European Commission and at the national level, of the following core actions of the SOLVIT Action Plan (Pillar III upgrading SOLVIT's role in the EU law enforcement):

1. Structured, transparent procedure for follow-up of structural and repetitive SOLVIT cases by the European Commission<sup>2</sup>;
2. Clear reporting mechanism providing information from the European Commission to the Member States and SOLVIT centres on the follow-up of the structural cases<sup>3</sup>;

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<sup>1</sup> The SOLVIT centres present at the meeting were Belgium, Bulgaria, Croatia, the Czech Republic, France, Germany, Hungary, Ireland, Latvia, Lithuania, the Netherlands, Poland, Romania, Spain and the United Kingdom. Written contributions have been received from Portugal, Slovenia, Luxembourg and Sweden.

<sup>2</sup> Action no. 7 Commission measures of SOLVIT Action Plan page 12: *'make more structured and systematic use, through an improved facility, of the data and evidence available in the SOLVIT database for targeted EU law enforcement'*

<sup>3</sup> Page 10 of the SOLVIT Action Plan: *'Using means such as the Single Market Scoreboard, the Commission will regularly inform Member States and relevant stakeholders about such breaches of EU law and other obstacles to the Single Market detected through SOLVIT'*

3. Mechanism for taking into consideration the evidence gathered in the SOLVIT database, ensuring a follow-up, among others when drafting new EU legislation<sup>4</sup>;
4. Transparency on the handling of individual cases of incorrect application of EU law that are addressed by the complainants to the European Commission after remaining unresolved by SOLVIT, including the possibility for SOLVIT centres to refer unresolved cases to CHAP automatically<sup>5</sup>;
5. Close monitoring of the implementation of the Communication “Better results through better application” and the place given to SOLVIT within this Communication, including raising awareness and training of EC case handlers on how to make use of SOLVIT<sup>6</sup>.

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<sup>4</sup> Page 8 of the SOLVIT Action Plan: ‘...will enhance SOLVIT's role in providing useful feedback and evidence on how the Single Market is functioning in practice: with a larger ‘critical mass’ of cases, involving more businesses, there will be more relevant and significant input in terms of Single Market governance. This can be done for instance by using its evidence base in evaluations of possible changes in Single Market policies and adoption of EU legislation to address gaps of EU law, as was the case in the revision of the 2005/36/EC Directive on professional qualifications’

<sup>5</sup> Action no. 8 of Commission measures of the SOLVIT Action Plan page 12: ‘explore the feasibility of the ‘once only’ principle in cases where applicants wish to file a formal complaint with the Commission following an unresolved SOLVIT case and page 11 of SOLVIT Action Plan ‘In the context of the EU e-Government Action Plan, the Commission will explore the feasibility of the ‘once only principle’. This would obviate citizens and businesses wishing to complain to the Commission for the first time following an unresolved SOLVIT case from having to re-submit information already held in SOLVIT. This will allow the Commission, in assessing the case, to make full use of the legal analysis and evidence already collected through SOLVIT, in a more effective and efficient process’

<sup>6</sup> Page 10 of the SOLVIT Action Plan: ‘In line with the strategic approach to the Commission’s enforcement actions, citizens and businesses should be advised and encouraged to use the most appropriate problem-solving mechanism available. Subject to the complainant’s agreement, SOLVIT’s fast and informal redress mechanism could deal with individual complaints submitted to the Commission when appropriate and within SOLVIT’s mandate’

In practice, the implementation of these actions will be closely supported through:

- Close monitoring by SOLVIT centres on the above mentioned reporting mechanisms set up by the European Commission through the SOLVIT Action plan;
- Frequent communication among SOLVIT centres on actions taken on national level to solve structural cases, as well as sharing of best practices<sup>7</sup>;
- Forum to discuss among the Member States the structural cases identified through SOLVIT and their further development<sup>8</sup>;
- Creation of small “SOLVIT Action Plan implementation groups” (composed of representatives of the European Commission and SOLVIT centres) on the five above mentioned actions of the SOLVIT Action plan, identified as priority by the SOLVIT centres<sup>9</sup>. Such groups shall aim at mutual understanding and close follow-up on Commission’s and Member States’ side on the actions needed to implement Pillar III of the SOLVIT Action Plan. The set-up of such groups can be decided at the next SOLVIT workshop.

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<sup>7</sup> Action no. 2 Member States measures of SOLVIT Action Plan: *‘Ensure seamless cooperation between the SOLVIT centres and the national complaint and infringement coordinators; through their national SOLVIT centres, report systematically on progress made to address structural and recurrent cases and page 10 SOLVIT Action Plan: The SOLVIT database should be improved to record structural and recurrent problems and allow Member States to report on the action taken to remedy them’*

<sup>8</sup> Idem action no. 2 Member States measures

<sup>9</sup> Page 11 of SOLVIT Action Plan: *‘The Commission, in cooperation with the EEA/EU Member States, will coordinate activities and regularly report on progress on implementation of this Action Plan through the bi-annual SOLVIT workshops’*

The SOLVIT centres acknowledge that these actions are necessary in order to prepare the “future of SOLVIT”. This effort should continue and develop until SOLVIT lives up to its full potential of effective mechanism for not only identifying but also precluding the administrative and legislative imperfections creating obstacles for the functioning of the Internal Market. The changes to the way SOLVIT operates must continue until SOLVIT’s important role in the enforcement and application of the acquis is recognized by all parties involved. To this end, the SOLVIT centres sustain the necessity for implementation of the actions outlined above and foresee, besides the set-up of the above mentioned implementation groups, to continue a close monitoring of the SOLVIT Action Plan by a regular annual review of the actions undertaken.

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