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## **Mercado Interno: SOLVIT e Serviço de Orientação ajudam um número crescente de europeus a viver, trabalhar e fazer negócios além-fronteiras**

*Está a crescer o número de europeus que recorrem aos serviços de aconselhamento e assistência da UE para obter respostas concretas e soluções expeditas a questões e problemas com que se deparam no Mercado Interno. É esta a conclusão comum dos relatórios anuais divulgados hoje pela Comissão Europeia sobre o SOLVIT e o Serviço de Orientação, dois serviços de assistência disponibilizados gratuitamente aos cidadãos e empresas europeus para os ajudar a usufruir ao máximo os seus direitos no âmbito do Mercado Interno. O SOLVIT tornou-se uma alternativa complementar e prática aos procedimentos formais de infracção, ajudando cidadãos e empresas a assegurarem o lugar que lhes pertence no seio do Mercado Interno.*

Palavras de Michel Barnier, Comissário do Mercado Interno e dos Serviços: «O Mercado Interno não é uma construção burocrática. Destina-se a facilitar o quotidiano dos cidadãos e a ajudar as empresas nas suas actividades em toda a Europa. Todavia, para verdadeiramente aproveitarem o Mercado Interno, os cidadãos e as empresas devem conseguir exercer os seus direitos na prática. O SOLVIT e o Serviço de Orientação são dois instrumentos indispensáveis para que os Europeus possam compreender, usufruir e defender mais eficazmente os seus direitos na UE.»

### **SOLVIT**

Assumindo um número crescente de processos, o SOLVIT tem contribuído claramente para um melhor funcionamento do Mercado Interno. Em 2009, ajudou um número recorde de 1500 cidadãos e empresas com dificuldades no reconhecimento dos seus direitos no Mercado Interno por parte das administrações públicas nacionais, o que representa um acréscimo de 54% em relação ao ano anterior. Os domínios em que ocorreram problemas mais frequentes foram os direitos de residência, a segurança social e o reconhecimento de qualificações profissionais. Resolveram-se com êxito 86% dos casos, com um tempo médio de resolução de 59 dias, bem aquém do prazo de dez semanas que o SOLVIT se impõe a si próprio.

Desde 2007, o número de casos SOLVIT tem sido superior ao de queixas formais e processos de infracção no Mercado Interno. Os curtos prazos com que o SOLVIT trabalha e a sua elevada taxa de sucesso tornam este serviço um eficaz instrumento alternativo aos procedimentos de infracção, uma boa notícia para cidadãos e empresas que necessitem de uma resolução rápida dos seus problemas.

**Sobre o SOLVIT:** A Comissão e os Estados-Membros criaram a rede SOLVIT em 2002, para ajudar os cidadãos e as empresas a ultrapassarem problemas de ordem prática resultantes da aplicação incorrecta da legislação da UE pelas administrações nacionais. O SOLVIT oferece soluções pragmáticas aos reclamantes no prazo de dez semanas. Trata-se de um serviço gratuito e de fácil utilização. Os reclamantes podem apresentar as suas queixas através de um formulário em linha, na sua própria língua, ou contactar o seu centro nacional SOLVIT.

### **Serviço de Orientação**

Em 2009, o Serviço de Orientação prestou aconselhamento jurídico gratuito e prático no prazo de três dias úteis a aproximadamente 12.000 cidadãos, o que representa um acréscimo de 8,5% em relação ao ano anterior. Na sua maioria, as questões tinham a ver com segurança social, direito de residência, trabalho, procedimentos de entrada, automóveis e fiscalidade. Em 2009, os serviços foram ampliados, passando a incluir aconselhamento pessoal e directo em três capitais (Dublim, Berlim e Madrid), com reforço da gama de serviços de assistência destinados a ajudar os cidadãos da UE a aproveitarem as oportunidades do Mercado Interno.

**Sobre o Serviço de Orientação:** Este serviço presta aconselhamento gratuito e personalizado aos cidadãos da UE sobre questões e problemas que enfrentem aquando do exercício dos seus direitos do Mercado Interno noutros Estados-Membros – como a obtenção de autorizações de residência, a inscrição nos regimes de segurança social ou o reconhecimento de qualificações. O cidadão pode fazer as perguntas na sua própria língua. No prazo de três dias úteis, recebe de um perito em questões jurídicas uma resposta nessa língua e uma «orientação» para ajuda suplementar.

### **Próximas etapas**

Aproveitando os êxitos do SOLVIT e do Serviço de Orientação, a Comissão está decidida a continuar a investir no melhoramento da informação, da orientação e da resolução de problemas a favor dos cidadãos e das empresas. Em 2009, o SOLVIT e o Serviço de Orientação aproximaram-se, para oferecer aos cidadãos um pacote de serviços mais integrado. Está em curso uma cooperação estreita com outros serviços, com o objectivo final de proporcionar um pacote de serviços de alta qualidade e em regime de «balcão único», permitindo aos cidadãos e às empresas conhecerem, compreenderem e defenderem melhor os seus direitos na UE.

### **Para mais informações**

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

Serviço de Orientação: <http://ec.europa.eu/citizensrights/>

## **Annex 1      EXAMPLES OF CASES FROM CITIZEN SIGNPOST SERVICE**

### **Cars and driving**

*Question:* If I (Bulgarian) move to the Netherlands, do I need to exchange my Bulgarian driving licence for a Dutch one? Do I need to register my car there if my stay is only temporary and all my documents are Bulgarian?

*Reply:* You can use your Bulgarian driver's licence in the Netherlands, even if you decide to stay there. According to Directive 91/439/EEC, driving licences issued by one Member State must be recognised by others. So the Dutch authorities have to recognise your Bulgarian driver's licence. You can exchange that driver's licence for a Dutch one, but are not obliged to do so.

Further, if you stay in the Netherlands for less than 6 months, you do not need to register your car. If you intend to stay for a longer period however, you have to register it there within the first 6 months of your arrival.

### **Social security and welfare benefits**

*Question:* I am French and I worked for 5 years in Luxembourg during my career. What will happen when I retire, who should I contact and where should I submit my request to receive pension benefits? Is there an automatic coordination between the French and Luxembourg pension authorities?

*Reply:* when you retire, you should submit your request to receive pension benefits with the French authorities. These authorities will then contact the pension authorities of the countries where you have worked (in your case, Luxembourg), to calculate your pension rights. In doing so, they must take account of all rights you acquired abroad. This follows from Regulation No. 1408/71 of June 14, 1971.

### **Residence rights for non-EU family members of EU citizens**

*Question:* I am a British Citizen living in Brazil since I was 4 years old. I am planning to move back to Europe (France). Will my wife, a non-European citizen, obtain automatic residence right? Will she be covered by the local health system?

*Reply:* Your wife will be entitled to reside in France. This follows from Directive 2004/38 (the Citizenship Directive). Your wife will need a visa to enter the EU and must apply for a residence card within three months after her arrival in France.

Further, if you will be working in France, your wife will be entitled to local healthcare, under the same conditions as apply to spouses of French citizens

## RESIDENCE RIGHTS AND FREE MOVEMENT OF PERSONS



### EU citizens enjoy Cyprus sun

A British couple legally resident in Cyprus applied for permanent residence status. Almost a year later, the authorities informed the couple that they must first get a 3-month residence permit, to prove the continuity of their stay. SOLVIT notified the authorities that this was illegal under EU law and that the couple was entitled to permanent residence as they had been legally resident in Cyprus for over five years. Following this intervention, the competent authority issued the requisite documents to the complainants, and subsequently changed its policy on accepting applications for permanent residence.

**Solved within 10 weeks**

### Kenyan wife of Liechtenstein citizen obtains residence papers in the UK

The Kenyan wife of a Liechtenstein national living in the United Kingdom had to wait more than ten months for a residence permit. It was finally issued within a few weeks following SOLVIT intervention.

**Solved within 6 weeks**

### SOLVIT enables Brazilian wife of Belgian citizen to travel in Europe

A Brazilian woman living in the United Kingdom (married to a Belgian citizen) was prevented from travelling to France for urgent medical reasons because the UK authorities exceeded the 6-month limit under EU law for renewing her UK residence permit. SOLVIT contacted the UK Home Office, and the documents were issued rapidly.

**Solved within 4 weeks**



### SOLVIT helps Austrian artist register as resident in Luxembourg

An Austrian artist wished to register as a resident in Luxembourg. He provided all the necessary papers to the local authorities, who refused to register him unless he provided a statement of support by a person resident in Luxembourg. SOLVIT pointed out that this additional requirement could not be imposed on an EU citizen. The local authority revised its position and took all necessary steps to swiftly register the Austrian citizen.

**Solved within one week**

<sup>1</sup> Success stories for all Member States and Norway, Liechtenstein and Iceland are available in the annex of the SOLVIT 2009 annual report

## SOCIAL SECURITY



### **SOLVIT assists Hungarian jobseeker in Belgium**

After giving birth to two children in Belgium while on unemployment benefit (having previously worked in Belgium), a Hungarian woman found she was no longer eligible for benefits as her work permit had expired and she could not therefore meet the requirement of actively seeking employment. SOLVIT resolved this with the Belgian authorities, and the woman was quickly recognised as an active jobseeker.

**Solved within 9 weeks**

### **Bulgarian citizen granted full pension rights by Greece**

A Bulgarian citizen who had worked in both Bulgaria and Greece was denied part of his pension rights by the Greek authorities. SOLVIT clarified the issue with the pension authorities in both countries and enabled the claimant to receive his pension from the Greek institution with full benefits.

**Solved within 6 weeks**



### **German citizen has medical check-ups in Spain**

A German living in Spain was refused reimbursement for medical check-ups as her German health insurance papers were rejected by the Spanish authorities. After action by SOLVIT, the woman was told which documents she needed, and succeeded in having her health insurance recognised.

**Solved with 4 weeks**



### **SOLVIT helps family to receive child benefits in Lithuania**

The Lithuanian authorities refused to pay child benefits for a boy living with his mother in Lithuania while his father lived in Germany. The German administration paid half. Thanks to the intervention of SOLVIT, the Lithuanian authorities revised its decision retroactively.

**Solved within 11 weeks**

## PROFESSIONAL QUALIFICATIONS

### **SOLVIT enables Estonian doctor to work in Spain**

An Estonian doctor was prevented from working in Spain for ten months due to a delay in recognising her qualifications. Under EU law, the maximum time for this procedure is three months. With the help of SOLVIT, the proceedings were speeded up, and the Estonian doctor is now able to work in Spain.

**Solved within 4 weeks**

### **SOLVIT promotes Finnish smiles in Spain**

A Finnish citizen wished to have his professional qualification as a dentist recognised in Spain. Having waited some considerable time for a decision from the Spanish Ministry of Education (more than the 3-month deadline provided for in EU legislation), he contacted SOLVIT for help. As a result of SOLVIT intervention, the Spanish Ministry sent the applicant the credentials with his professional recognition.

**Solved within 10 weeks**

### **SOLVIT abolishes language test for EU carpenters in Sweden**

A Polish carpenter working in Sweden was told that, to get full pay as a skilled carpenter, he had to obtain a Swedish proficiency certificate by proving he had 10000 hours work experience as a carpenter in Sweden and by taking a written test in Swedish. SOLVIT helped the carpenter get his certificate, and also convinced the authorities to abolish the written language test.

**Solved within 12 weeks**



### **Irish engineer's qualifications recognised in Poland**

A Polish national who acquired his engineering qualifications in Ireland was finding it hard to get these qualifications recognised by the Polish authority, which insisted that he should meet additional requirements, due to the two countries having different systems. Following SOLVIT intervention, the Polish authorities agreed to recognise the engineer's qualifications without any further requirements.

**Solved within 4 weeks**

### **Cypriot with a Greek qualification can register as a doctor back home**

A Cypriot who acquired a medical degree in Greece had his application to be registered at the Cypriot Medical Registry refused, although he had all the qualifications he needed for this under EU law. After action by SOLVIT, the Cypriot authorities swiftly registered the man as a doctor.

**Solved within 12 weeks**

## FREE MOVEMENT OF GOODS, SERVICES, PAYMENTS AND TAXATION

### Hungarian wood gets a coat of Austrian wood preservative

An Austrian company was prevented from marketing wood preservative in Hungary because it had no representative in that country and because the local authorities insisted that this was a requirement. SOLVIT told the Hungarian authorities that all that was needed was an office in the European Union, and the imports were allowed through.

**Solved within 2 days**



### SOLVIT enables sale of portable pool cleaners in France

A Swedish manufacturer of mobile cleaning pumps for public swimming pools was denied access to the French market. Although their machines complied with a European standard - max. 12V AC when people are in the pool - the French rules said the maximum voltage applied whether swimmers were in the pool or not. SOLVIT found that the French rules only covered immovable products. Since the company's machines are portable and not to be used while people are in the pool, the manufacturer was given the go-ahead to sell them in France.

**Solved within 15 weeks**



### Portuguese company gets VAT refund on deliveries to Polish supermarkets

A Portuguese company supplying retail goods to shops in Poland had to wait several months for a VAT refund. Once SOLVIT had contacted the Polish authorities, the refund was paid in two weeks.

**Solved within 2 weeks**



## DRIVING LICENCES AND VEHICLE REGISTRATION

### Cyprus issues new driving licence to German citizen

A German who used to live in Liechtenstein before moving to Cyprus had his driving licence stolen. The Cypriot authorities refused to issue a new one because the categories listed in the old licence were not recognised in Cyprus and because Liechtenstein was not a member of the EU. Thanks to action by SOLVIT, the authorities reconsidered the case and issued a new licence after all.

**Solved within 4 weeks**



### Belgian trucker receives unlimited driving licence in Spain

When a Belgian trucker living in Spain had his Belgian driving licence converted into a Spanish one, he was surprised to see that the new one barred him for a year from driving more than 50 km from his point of departure. Thanks to SOLVIT's intervention, the Spanish authorities soon found there was an error in the man's file and removed the restriction from his licence.

**Solved within 8 weeks**

### Italian driving licence renewed thanks to SOLVIT

An Italian working in Cyprus applied for a new driving licence. The Cypriot authorities asked their Italian counterparts to confirm the data on his licence, as required by EU law. There was no response. SOLVIT stepped in, and soon after the Italian authorities provided the requested confirmation and the man received his new licence.

**Solved within 6 weeks**

### SOLVIT facilitates trailer import to Bulgaria

A Dutch national was prevented from importing a trailer into Bulgaria. As trailers lighter than 750 kg do not have to be registered in the Netherlands, the importer had no registration document — so the Bulgarian authorities refused to register the trailer in their country. SOLVIT helped the importer pass the Bulgarian roadworthiness test he needed to get the trailer registered there.

**Solved within 13 weeks**





## NON-DISCRIMINATION



### **SOLVIT stops discrimination against Bulgarian nationals working abroad**

A Bulgarian couple who were living and working abroad were barred from registering their daughter in a Bulgarian kindergarten because they were not covered by Bulgarian social security. After SOLVIT explained to the Bulgarian authorities that, under EU law, they were not allowed to penalise their own citizens for exercising their right to work in other EU countries, the family was able to enrol their daughter after all.

**Solved within 6 weeks**

### **SOLVIT gets British child to school in Bulgaria**

A UK citizen residing in Bulgaria applied for a place at a local school for her daughter and was asked to pay a school fee of €900, which Bulgarian nationals are not subject to. Following SOLVIT intervention, the school reconsidered its decision and recognised the child's right to free schooling.

**Solved within 10 weeks**

### **SOLVIT lifts excess charges for Norwegian vessel in UK harbour**

A Norwegian ship carrying fertiliser from Norway to Northern Ireland was charged a higher fee than ships from EU countries. As Norway belongs to the European Economic Area (EEA), its vessels should be treated the same as those from any EU country. SOLVIT managed to persuade the harbour authorities to change their tariffs accordingly.

**Solved within 14 weeks**

