

EUROPEAN ECONOMIC AREA

STANDING COMMITTEE OF THE EFTA STATES

Ref. 1121400

4 March 2013

SUBCOMMITTEE II ON FREE MOVEMENT OF SERVICES AND CAPITAL

EEA EFTA Comment on the elements for a new SOLVIT recommendation

1. The EEA EFTA States, Iceland, Liechtenstein and Norway, are satisfied with their participation in SOLVIT, and look forward to continuing the good cooperation with the Commission. As expressed during the IMAC governance sub-group on 20 February 2013, we endorse the draft recommendation and welcome the Commission's invitation to comment upon it. The EEA EFTA States agree with the purpose of the Recommendation, which is to *'clarify the SOLVIT mandate, set out clear service targets and a minimum of procedural rules, define the role of the Commission in SOLVIT and regulate data protection issues in line with the IMI Regulation'*.
 2. **Concerning the types of cases to be handled by SOLVIT**, the EEA EFTA States believe that the SOLVIT centres should be obliged to take on structural cases. To keep this optional is in our view not satisfactory and might also create unnecessary disagreements between the SOLVIT centres. We are aware of the fact that such cases might be difficult to solve and in most cases demand a lot of work from the SOLVIT centres, but we find that this must be viewed in light of the effect of solving such cases. A solution which results in a repeal or amendment of (a) national rule(s) will not only benefit the one client in question, but also any potential client that sooner or later could meet the same obstacle.
 3. However, the EEA EFTA States find that **the emphasis in such cases should be on the result and not how long it takes to arrive at a solution**. It is clear that ten weeks are not enough when it comes to amending national rules. Ten weeks are barely enough time to deliberate with the relevant authority on how the case could be solved and possibly come to an understanding that the rule in question should be amended. It is probably not possible to find a more appropriate deadline than ten weeks, so the solution could be to let the SOLVIT centres take the time needed to work on such cases without setting a specific deadline. Separate reporting of these cases, as proposed by the Commission, would be a way of highlighting that these cases are of a different nature and more demanding than others. But we assume that if the SOLVIT centres were able to work on such cases at their own pace without a deadline in mind, this could result in a higher number of solved structural cases.
-