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COMMISSION STAFF WORKING DOCUMENT

**MAKING THE SINGLE MARKET DELIVER
ANNUAL GOVERNANCE CHECK-UP 2011**

This document is a working document of the services of the European Commission for information purposes. It does not purport to represent or prejudge any formal position of the Commission on the issues discussed.

FOREWORD

Dear reader,

On the 20th anniversary of the Single Market, I invite you to take a closer look at how it is performing in the every-day lives of those for whom it was created: individuals and businesses who want to work, shop, travel, invest or do business across borders.

Traditionally, a great deal of information has been published on the individual aspects and subjects that together make up the Single Market. However, with the Single Market Act, the Commission has put forward an action plan that addresses issues in a truly cross-cutting manner.

In this spirit, this document presents an integrated view of the results achieved and input received at all stages of the Single Market governance cycle. It covers the work carried out by Member States and within Member States to implement the Single Market. It is the first of its kind and is rather like a fitness check: it examines the state of all important functions of the organism, it follows up on known weaknesses, it gives early warning of possibly harmful tendencies and it provides an opportunity to recommend how overall fitness can be improved.

And what is the diagnosis?

You will see that in many areas, great progress has been achieved. However, the Single Market is still not performing to its full potential and there is work to do.

Let's work together to make the Single Market fit for purpose!



Michel Barnier
Member of the European Commission
responsible for the Internal Market and Services

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1. INTRODUCTION

1.1. The Single Market governance cycle

2012 marks the 20th anniversary of the Single Market. In two decades, it has brought down barriers, simplified rules and become a part of people's lives. However, too often there are still gaps between the Single Market as it stands in the statute book and the experiences of those for whom it has been created. In October 2010, the Commission issued the 2010 EU Citizenship Report¹ and in March 2011 the Single Market Act,² both setting out actions for the removal of obstacles faced by people who act as economic operators in the Single Market or who exercise their rights under EU law. The "Snapshot of citizens' and businesses' 20 main concerns",³ which was published in September 2011 and discussed at the Single Market Forum in Krakow on 2-4 October 2011,⁴ illustrates the most important difficulties that citizens and businesses encounter, based on their practical experiences. For example: professionals still have difficulties having their qualifications recognised; it is costly and cumbersome to register a car in another Member State; and burdensome rules prevent entrepreneurs and investors from doing business in another country.

In many cases, the obstacles are caused by information gaps (individuals do not have sufficient information about their rights) and by implementation or application gaps (national rules are not in line with EU law or are incorrectly applied). To bridge these gaps, a variety of tools have been developed, at both EU and Member State level. These tools are put to use at all stages of the governance cycle and aim to:

- **monitor** the correct and timely implementation of EU Internal Market law by Member States (the "Internal Market Scoreboard");
- **inform** people about their rights under EU law (the "Your Europe" website) and give them advice for the specific situation they find themselves in ("Your Europe Advice");
- **enable** them to make use of their rights by simplifying and speeding up administrative procedures, both at home and across borders, through online eGovernment portals (the "Points of Single Contact");
- **connect** competent authorities across borders in order to improve cooperation between them (the "Internal Market Information (IMI) system");
- **solve** the problem when EU rights have been breached, through informal or formal procedures (the "SOLVIT" network, the pre-infringement tool "EU Pilot" and infringement proceedings recorded in the "Internal Market Scoreboard"); and
- **evaluate** the situation based on real-life feedback from all preceding stages of the cycle.

The evaluation in turn feeds into the decision-making process that determines which measures need to be taken and whether it is necessary to

¹ EU Citizenship Report 2010: Dismantling the obstacles to EU citizens' rights (COM(2010) 603 final).

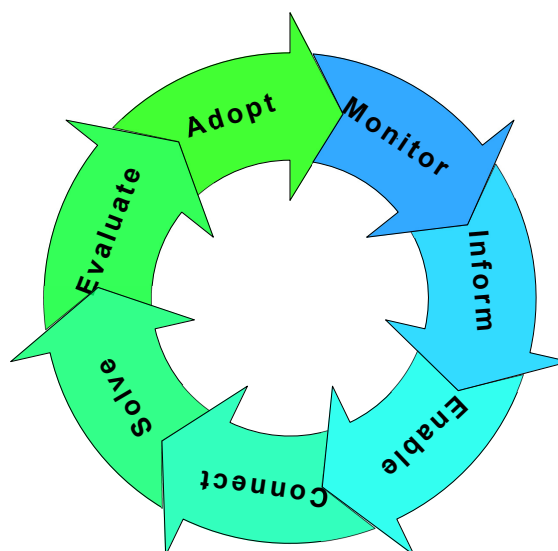
² Communication from the Commission: Single Market Act - Twelve levers to boost growth and strengthen confidence "Working together to create new growth" (COM(2011)206 final).

³ http://ec.europa.eu/internal_market/strategy/docs/20concerns/publication_en.pdf.

⁴ http://ec.europa.eu/internal_market/top_layer/single_market_forum_en.htm.

- **adopt** new rules to govern the Single Market or whether existing rules need to be adapted, simplified or deleted.

Figure 1: The governance cycle

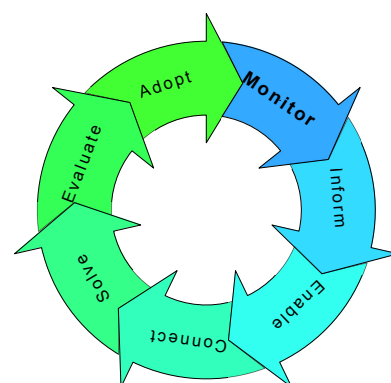


1.2. About this document

This is the first publication that presents, in an integrated form, the results obtained in the application of all the above-mentioned tools in 2011.⁵ It is intended to inform decision-makers and stakeholders at EU and Member State level of the progress achieved and areas where efforts need to be stepped up.

The document describes the main developments and key challenges for each stage of the governance cycle. Special emphasis is put on the interplay between the different tools, with a separate chapter devoted to existing and potential further synergies between them.

2. MONITOR – STATE OF IMPLEMENTATION OF SINGLE MARKET LAW



⁵ Unless otherwise indicated, statistics cover the period from 1 January to 31 December 2011.

2.1. Internal Market Scoreboard – Benchmarking Member States' transposition records

Internal Market rules can only have their intended effects if they are correctly transposed into Member States' national law by the agreed deadline. For this reason, the EU Heads of State and Government have repeatedly called for transposition records to be improved.⁶ At a European Council summit in Brussels in March 2007, they agreed to set a target of 1% for the transposition deficit.

The Internal Market Scoreboard was created in 1997 to encourage Member States to ensure effective implementation of Internal Market law.⁷ It does so by benchmarking Member States' efforts and by providing an overview of Member States' enforcement performance, in particular but not only the transposition deficit (the gap between the number of Internal Market laws adopted at EU level and those in force in the Member States).

After the introduction of the Internal Market Scoreboard, the average transposition deficit across the EU improved continuously and dropped below the 1% mark, until Member States missed this target again in 2011.

In these challenging times a well functioning Internal Market is more important than ever as it provides opportunities for both citizens⁸ and businesses. With that in mind, on 13 April 2011 the European Commission presented its Communication on the Single Market Act⁹ which identifies twelve key actions to boost growth and strengthen confidence in the Single Market. One of the key conditions identified for its success is the need for closer monitoring of the implementation of the Internal Market legislation, in particular by strengthening efforts through new numerical benchmarks, such as a 0.5% transposition deficit target.

2.2. Developments in 2011

The development in the second half of 2011 shows that the transposition deficit remains at 1.2%. At first glance, this is disappointing news as this deficit remains the same as six months previously and represents a fallback to Member States' transposition performance in 2007. Nevertheless, there are reasons to be optimistic about the future, as Member States have reduced the number of directives remaining to be transposed. The fact that the EU average transposition deficit remains at 1.2% despite improvements in most Member States is due to the higher number of directives that had to be

⁶ Conclusions of the European Council Summits of Stockholm (23-24 March 2001), Barcelona (15-16 March 2002), Brussels (20-21 March 2003, 25-26 March 2004 and 8-9 March 2007). The targets were agreed at the following summits: Stockholm (1.5%), Barcelona (0% for long-overdue directives), and Brussels 2007 (1%).

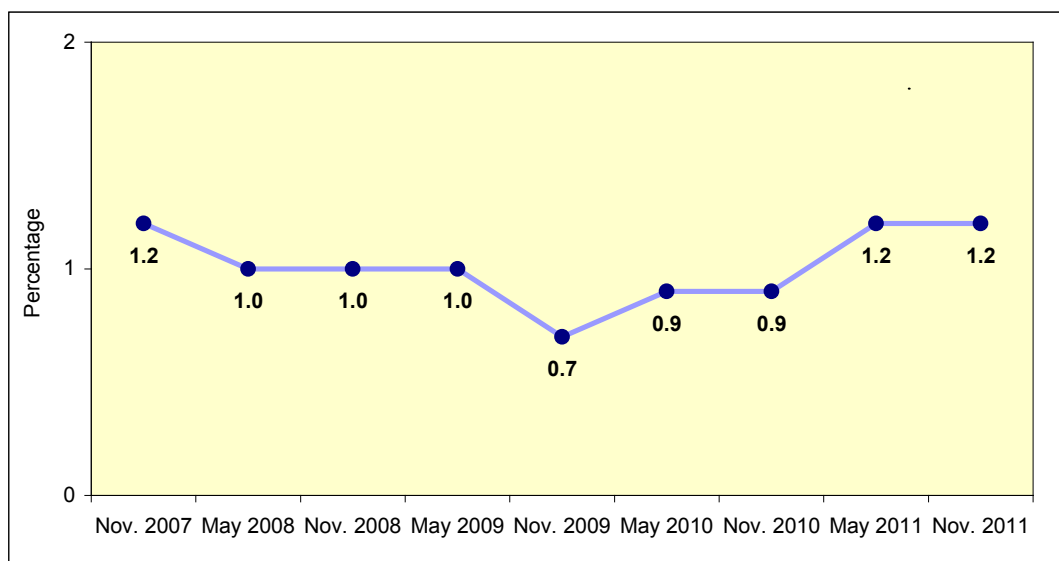
⁷ Internal Market legislation includes measures considered to have an impact on the functioning of the Internal Market as defined in Articles 26 and 114(1) of the Treaty on the Functioning of the European Union. This includes the four freedoms and the supporting policies having a direct impact on the functioning of the Internal Market (such as: taxation, employment and social policy, education and culture, public health and consumer protection, energy, transport and environment except nature protection, information society and media). Reports covering the implementation of the entire EU legislation can be found at: http://ec.europa.eu/eu_law/infringements/infringements_annual_report_en.htm.

⁸ In this document, the term "citizen" is to be understood as referring to all individuals who have certain rights under EU law, be they EU citizens or third country nationals.

⁹ COM(2011) 206 final.

transposed to reach the 1% target.¹⁰ In addition, Member States managed to further improve their enforcement performance with respect to long-overdue directives ("zero tolerance target").

Figure 2: EU average transposition deficit remains at 1.2%

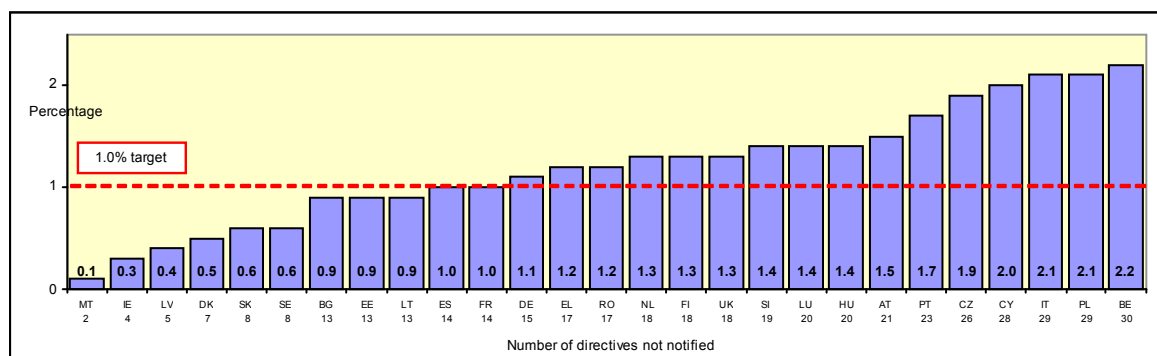


The transposition deficit shows the percentage of Internal Market directives not yet notified (via national transposition measures) to the Commission, in relation to the total number of directives that should have been notified by the deadline. The current Scoreboard takes into account all notifications of directives with a transposition deadline of 31 October 2011 which were notified by 10 November 2011. As of 31 October 2011, 1388 directives and 1439 regulations were in force to ensure the functioning of the Internal Market.

First challenge – All Member States should meet the 1% target

In total, eleven Member States are in line with the European Council's 1% transposition deficit target, whereas 16 Member States are not. Malta is as before in first place, with only two directives away from a 0% deficit. In second position, Ireland achieved its best ever result with 0.3%. Latvia remains in third position, equalling its best ever result of 0.4%. Sweden and Lithuania have managed to rejoin the group of Member States reaching the 1% target.

Figure 3: Eleven Member States have reached the 1% target, 16 have not

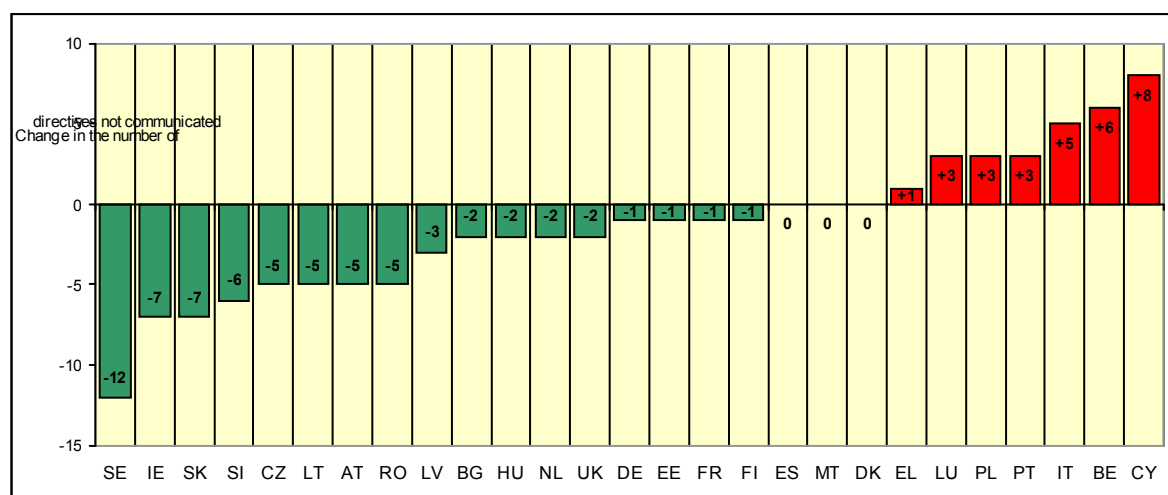


Transposition deficit by Member State as of 10 November 2011.

¹⁰ In May 2011, in order to reach the 1% transposition deficit target, a maximum of 16 outstanding directives were allowed. In November 2011 a maximum of 14 outstanding directives were allowed.

Six months ago, only two Member States (Italy and Estonia) had managed to reduce their transposition backlog. Fortunately, the vast majority of Member States have now managed to reduce the number of outstanding directives, as illustrated in figure 4. Sweden accounts for the biggest improvement, reducing its number by twelve. Due to this significant reduction, it has improved its transposition deficit by more than half from 1.6% to 0.6% within the last six months. Remarkable improvements have also been achieved by Ireland, Slovakia and Slovenia. Only seven compared to 22 Member States have further added to their existing backlog within the last six months. Cyprus and Belgium have seen the highest increases in their transposition backlog. The increase in Belgium's already high transposition backlog now leaves it trailing in the transposition league.

Figure 4: The vast majority of Member States have reduced their transposition backlogs



Change in the number of outstanding directives since May 2011 (in Scoreboard No 23).

Second challenge – All Member States should meet the "zero tolerance" target

Long transposition delays seriously impair the proper functioning of the Internal Market. In particular, they preclude a level playing field, prevent citizens and businesses from exercising their rights under the law and create legal uncertainty. For this reason, the Heads of State and Government set a "zero tolerance target" for directives whose transposition is overdue by two years or more.¹¹

The positive, decreasing trend in the number of long-overdue directives continues. One year ago, ten Member States had not transposed directives for which the transposition deadline had expired two or more years before. Today, there remain only two Member States, Sweden and the Netherlands, with one long-overdue directive. Sweden's long-overdue directive concerns the publicly available electronic communications services, which had to be transposed by September 2007. The Netherlands should have transposed a directive about the development of EU railways by June 2009. Both Member States are encouraged to transpose these directives without further delay.¹²

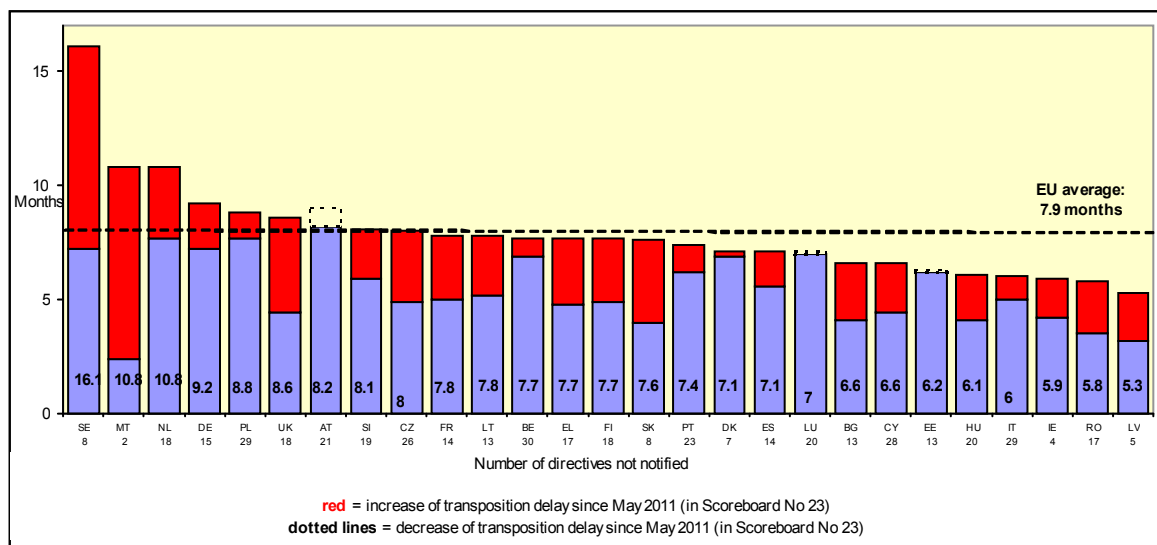
¹¹ Conclusion of the European Council summit of Barcelona on 15-16 March 2002.

¹² Infringement proceedings were launched against Sweden on 27 November 2007 (case 2007/1181) and against the Netherlands on 31 July 2009 (case 2009/0394).

Third challenge – Reducing transposition delays

In May 2011, Member States took an extra 5.5 months on average to transpose EU directives after the transposition deadline had expired. Today, Member States take almost an extra 8 months. This increase might appear to contradict the improved performance of the Member States in reducing their transposition backlogs. However, it results from the fact that most Member States have focused their transposition efforts on more recent directives, while for a significant number of directives (34%) still to be transposed the transposition deadline already expired one year ago. This explains the increase in the delay to almost 8 months, even though the Member States have transposed a lot of directives in the meantime. What is needed now is for Member States to give particular attention to the directives that date back more than a year in order to reduce the transposition delay.

Figure 5: Transposition delays have increased



Average transposition delay in months for overdue directives – Situation as of 10 November 2011 compared to corresponding figures for 10 May 2011.

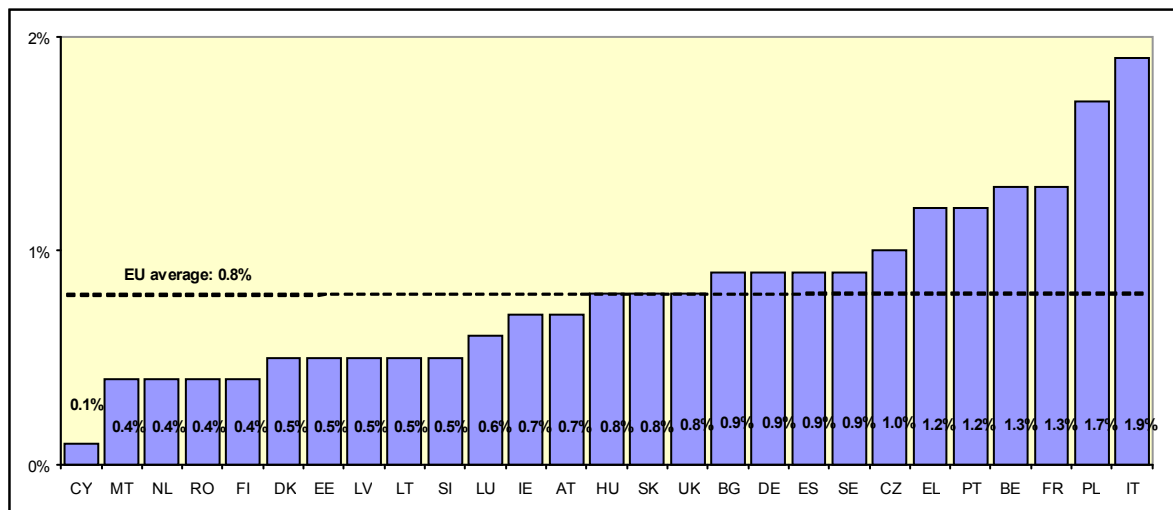
Sweden is a good illustration of this correlation, as it is now the Member State with the longest transposition delays even though it significantly reduced its transposition backlog. This result is particularly influenced by the fact that Sweden has made most progress on directives for which the transposition deadline expired recently, whereas the directive on publicly available electronic communications services is still not transposed more than four years after the transposition deadline.

Fourth challenge – Improving the conformity of national legislation

Timely transposition of EU legislation represents only the first step towards the proper functioning of the Internal Market. In order to ensure that citizens and businesses can benefit from the Internal Market's full potential, Member States need to transpose EU directives into national law correctly. Otherwise, Internal Market rules will not be applied correctly on the ground.

The Single Market Act pointed to the need for a more determined policy, not only on the transposition deficit but also on the compliance deficit.¹³

Figure 6: The number of incorrectly transposed directives remains at 0.8%



Number of transposed directives for which infringement proceedings for non-conformity have been initiated by the Commission as a percentage of the number of Internal Market directives communicated to the Commission as having been transposed (as of 1 November 2011).

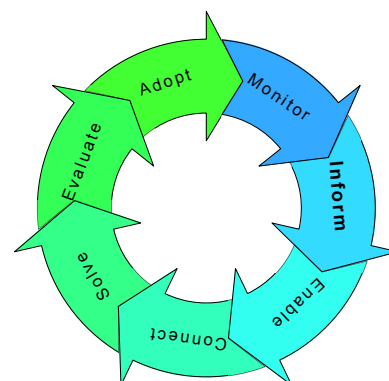
As was the case six months ago, the EU average compliance deficit stands at 0.8%. Once more, Cyprus and Malta are the Member States with the best compliance deficit. In total, more than one third of Member States are already in line with the proposed 0.5% deficit. This shows that 0.5% is an achievable target, and Member States are encouraged to redouble their efforts to improve their compliance deficit further.

2.3. Outlook for 2012

Member States need to continue to further reduce their transposition backlog to bring it back into line with the 1% target. Priority should be given in particular to directives for which the transposition deadline expired more than one year ago in order to significantly improve their transposition delays. In February 2012, the Commission services will meet with the Member States in the framework of the Internal Market Advisory Committee in order to discuss how to share Member States' best practices and how to improve cooperation between the Member States and the Commission services.

¹³ "The Commission will therefore initiate a more determined policy in this field and will call on the Member States to improve the transposition of – and compliance with – their national legislation, using numerical targets....limiting the transposition and compliance deficit for national legislation to 0.5% for the transposition deficit, and 0.5% for the compliance deficit" (Single Market Act) see also footnote 2.

3. INFORM – INFORMATION AND ADVICE TO CITIZENS AND BUSINESSES



3.1. Your Europe – Jargon-free information for everyone

3.1.1. *About Your Europe*

The Your Europe website (europa.eu/youreurope) provides practical information and advice to individuals and businesses who want to exercise their EU rights.¹⁴ It acts as a single gateway to all further sources of information and help, at both EU and national level (national consumer centres, Points of Single Contact and other eGovernment services, SOLVIT, the Enterprise Europe Network, etc.). Information is presented from the user's perspective: in clear and simple terms, without jargon and in a cross-cutting manner (reflecting people's situations, not the Commission's organisational structure). Information on Your Europe is transparent as regards the situation on the ground, particularly where EU legislation is implemented poorly at national level.

Your Europe also collects feedback from its users, which helps to improve content and to feed responses into the policy-making process.

Yes, it was helpful, but even more useful if I could download the necessary document here. Thanks.

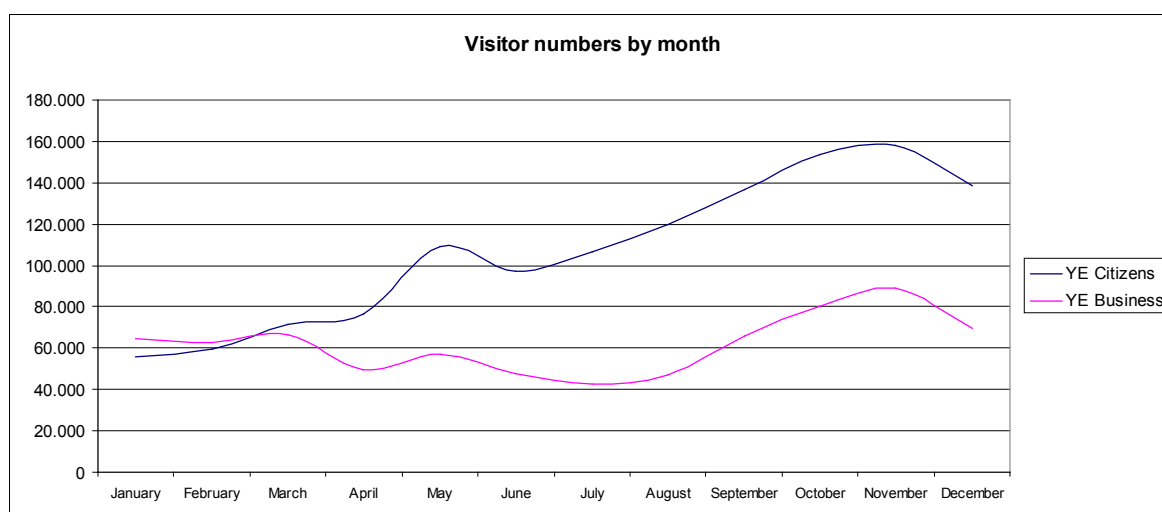
A user from Austria

3.1.2. *Developments in 2011*

Since December 2010, Your Europe has been fully multi-lingual, covering all official EU languages. It started in 2011 with around 100 000 visitors per month. As of September, it receives more than 200 000 visitors per month. However, its aim is to reach a much larger audience than that, by providing more information in all languages and by further improving the quality of content.

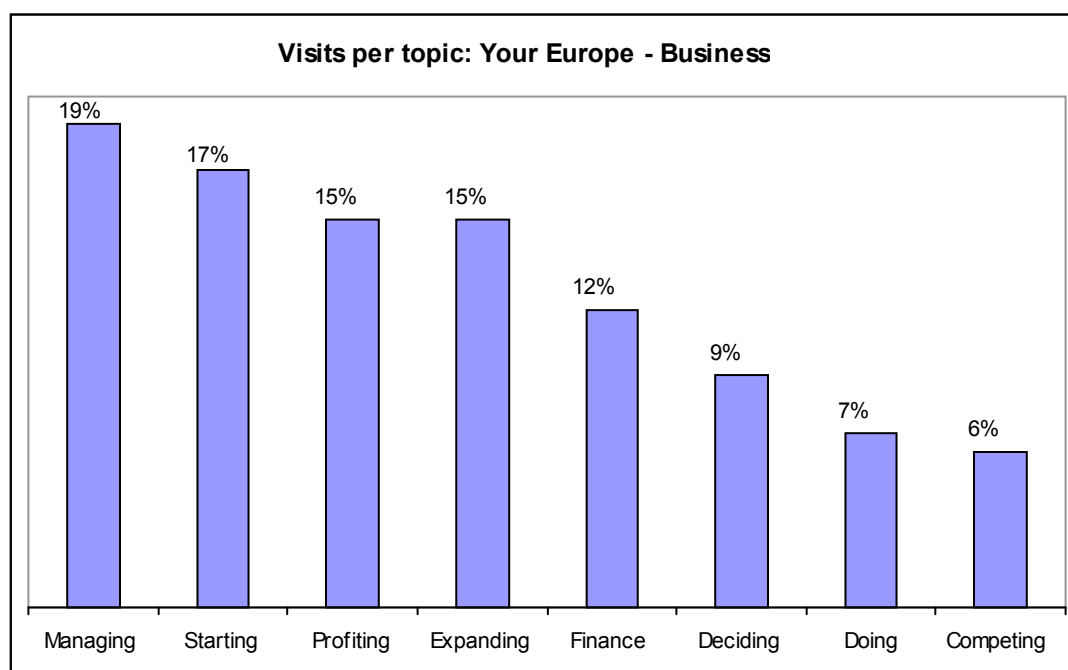
¹⁴ The Your Europe website is composed of two sections: a "Business" section which presents EU rights and opportunities according to an enterprise's life cycle, and a "Citizens" section that presents EU rights according to an individual's life events.

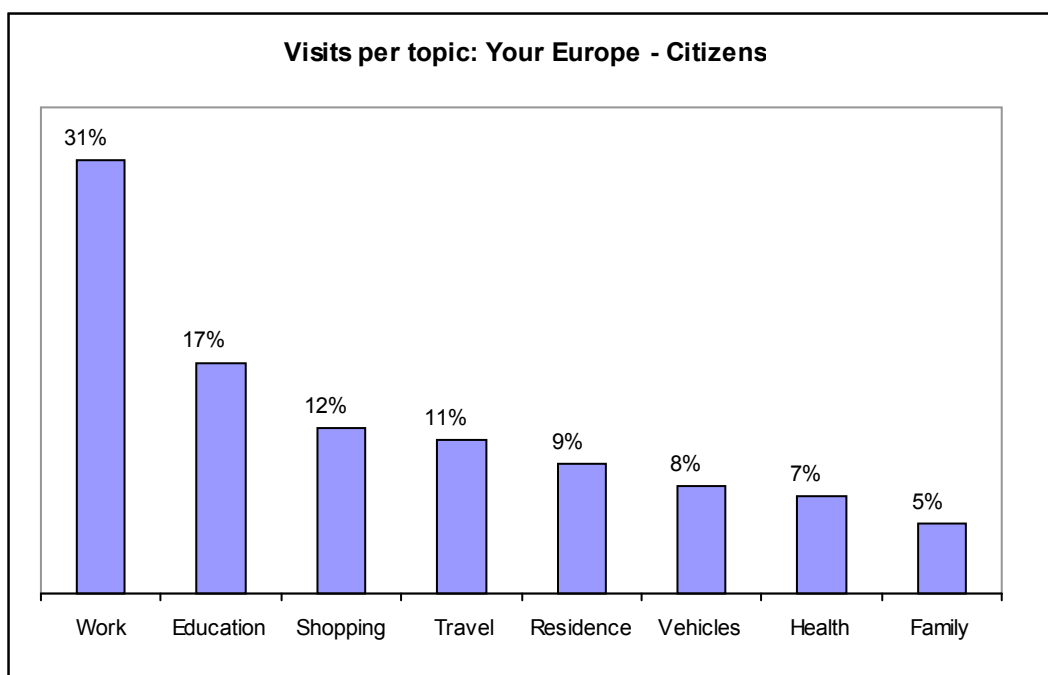
Figure 7: The number of visits to both the "Citizens" and "Business" sections of Your Europe are on the increase



The fact that more and more people make use of Your Europe is probably linked to improved quality in terms of content and design of the pages. The visitor peak in May 2011 may be attributable to the addition of four language versions to the "Citizens" section.

Figure 8: Businesses are most interested in advice on managing; individuals are interested in their rights as workers





The Commission services have also been working on increasing the breadth and depth of information presented on the site, adding for instance information on family benefits or tax rules in cross-border situations by country. Following extensive user-testing, they have fine-tuned the layout of Your Europe to make it accessible from the inter-institutional pages of the Europa portal. This is expected to increase the visibility and status of Your Europe as single gateway to all information and help on EU rights.

Together with Member States, the Commission services provide national content on Your Europe, offering Member States the opportunity to rationalise their efforts in providing information on EU rights across Europe. By publishing information on Your Europe, they can inform individuals and businesses in different languages at low cost, and at the same time create transparency about national implementation of EU rules. If they want to take up opportunities abroad, individuals and businesses can make use of a single gateway to all relevant information, presented in a similar and easy-to-understand manner across Europe. For instance, Your Europe now offers user-friendly information about rules and procedures that physiotherapists must comply with to have their professional qualifications recognised in another country, as a pilot project that can be extended to other professions.¹⁵

To facilitate cooperation on national content and to develop synergies between national and EU-level websites, an Editorial Board with one Board member per country was established. The role of the Editorial Board is to co-operate with the Commission services with a view to developing national-level content on EU rights and making it available through Your Europe, promoting Your Europe within national administrations, and establishing links and synergies between Your Europe and national websites.

For the "Business" section of the website, Board members are requested to update information on national implementation of EU rules every year. For the "Citizens" section, Board members have so

¹⁵ This new information has been developed on the basis of information made available through the contact points set up under Directive 2005/36/EC, and in co-operation with them.

far been requested to provide information on their national rules for vehicle registration, residence periods for tax purposes, income tax, residence rights, recognition of professional qualifications for physiotherapists, and taxation of work. While some Member States cooperate actively, progress in making this information available online has been seriously hampered because much of the requested information is still missing.

Figure 9: A lot of national information is still missing

	Work - taxes	Work - physiotherapists	Residence	Vehicles	
Austria	✗	✓	✗	✗	1
Belgium	✓	✓	✗	✗	2
Bulgaria	✓	✗	✓	✓	3
Cyprus	✓	✓	✓	✓	4
Czech Republic	✓	✓	✓	✓	4
Germany	✓	✗	✓	✓	3
Denmark	✓	✓	✗	✓	3
Estonia	✓	✓	✓	✓	4
Finland	✗	✓	✗	✓	2
France	✓	✗	✓	✓	3
Greece	✗	✓	✗	✗	1
Hungary	✓	✓	✓	✓	4
Iceland	✗	✓	✗	✗	1
Ireland	✓	✓	✓	✗	3
Italy	✓	✓	✓	✓	4
Latvia	✓	✓	✓	✓	4
Liechtenstein	✗	✓	✗	✗	1
Lithuania	✓	✓	✓	✓	4
Luxembourg	✗	✓	✗	✓	2
Malta	✓	✗	✓	✓	3
Netherlands	✓	✗	✗	✓	2
Norway	✗	✓	✗	✗	1
Poland	✓	✓	✓	✓	4
Portugal	✓	✓	✓	✓	4
Romania	✗	✗	✗	✗	0
Sweden	✓	✓	✓	✓	4
Slovenia	✗	✓	✗	✗	1
Slovakia	✗	✗	✗	✗	0
Spain	✓	✓	✓	✗	3
Switzerland	✗	✗	✗	✗	0

United Kingdom					3
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State of play in inclusion of national information for Your Europe - Citizens

Better linking between web portals at EU and national level also helps mobile individuals and businesses make better use of their rights in the Single Market. Positive examples of links from a national information portal to Your Europe are offered by the UK, Spain, France and Finland, who consistently provide links from pages that are part of their national government portals and are devoted to a certain topic, for example car registration, directly to the corresponding page on Your Europe.

3.1.3. Outlook for 2012

In 2012, the Commission services will proceed with their regular updates of EU content and will add new national content, on the basis of contributions by Editorial Board members and by linking to information found elsewhere. In addition, the Commission services will launch a pilot project on "content syndication", exploring the possibility to share and automatically exchange content between EU and national websites. This will mean that content made available through Your Europe, on the basis of national contributions, can be made available on national websites and vice versa. The pilot project will focus on syndication between Your Europe and French and Austrian national websites.

The Commission will also further improve the interactive feedback function, which can currently be found on every content page in the "Citizens" section of the website and will be rolled out in the "Business" section in the third quarter of 2012. In addition, the Commission services will make available a series of targeted surveys through Your Europe, which will offer visitors the opportunity to give their views on how specific rights work in practice. The new surveys will feed into the policy-making process.

By the autumn of 2012, Your Europe will be better accessible via mobile devices such as smartphones and tablet computers.

Further, an ambitious promotion campaign will be launched to ensure that even more people find their way to the information and help provided online on Your Europe. This campaign builds on a close partnership between the Your Europe portal and the Europe Direct services (the Contact Centre operating the free phone number 00800 67 89 10 11, and the Network of Information Centres in the Member States) to provide a "one-stop shop" for information and advice on EU rights.

Feedback from Your Europe users on the site itself shows that there are still too many practical or regulatory obstacles preventing individuals and businesses from fully enjoying their rights. Online information on these rights needs to be clear, realistic and free of jargon, and must point the user to ways and means of completing administrative formalities. Visitors of Your Europe have asked for more transparency and for more direct links to national eGovernment services. This shows that people would like to make more use of their EU rights. To respond to this demand, more cooperation from national governments is needed, as well as better synergies between Your Europe and the Points of Single Contact (chapter 4). The role of the Your Europe Editorial Board needs to be strengthened. Board members need to receive more recognition of and support for their work within their ministries.

3.2. Your Europe Advice – Free advice on EU rights

3.2.1. About Your Europe Advice

Your Europe Advice is an advice service on EU rights for everyone, provided by a network of legal experts in all Member States who work on the basis of a contract with the Commission. These lawyers cover all EU languages and are familiar with both EU law and national legislation. Your Europe Advice provides personalised advice on the exercise of EU rights, and particularly on how to overcome practical difficulties. Where appropriate, it signposts users to national or European bodies for further help.

Your Europe Advice responds to questions within one week, free of charge and in the language chosen by the user. Enquiries can be submitted either via an online form or by phone.¹⁶

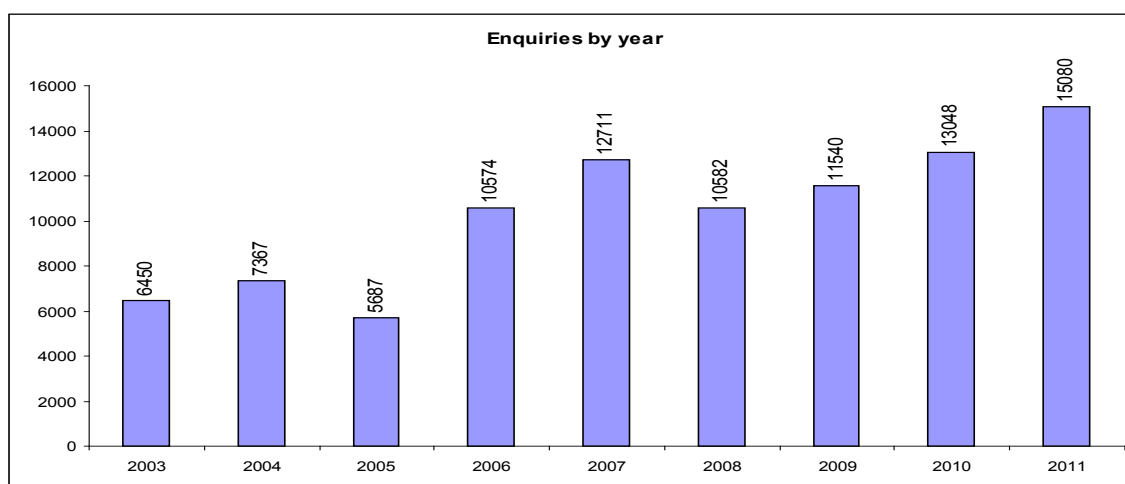
Many thanks for explaining my rights connected with the European Health Insurance Card, after I had medical treatment in Spain. This really helped me in my contact with my French health insurance.

A French citizen

3.2.2. Developments in 2011

In 2011, more than 15 000 enquiries were answered by the Your Europe Advice lawyers, which marks an all-time high. Whereas the number of enquiries received via the Europe Direct Contact Centre remained stable, the number of enquiries received via the online form doubled over the past two years. This shows that Your Europe's single gateway approach works.

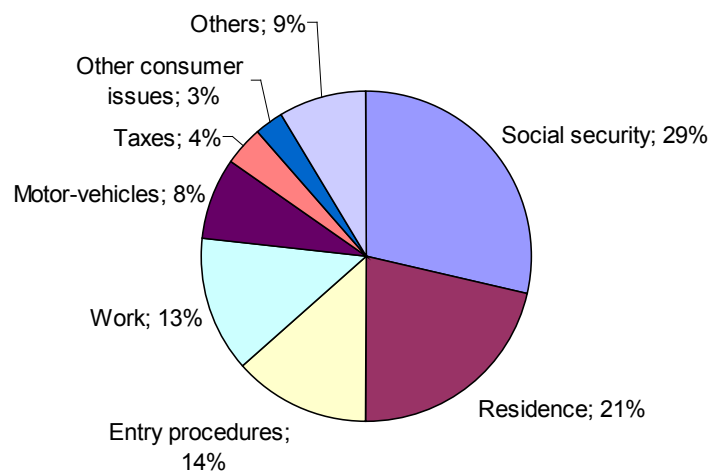
Figure 10: Your Europe Advice is dealing with more enquiries than ever



The main topics of enquiries have remained the same over the last few years. Nearly half concerned social security and residence rights.

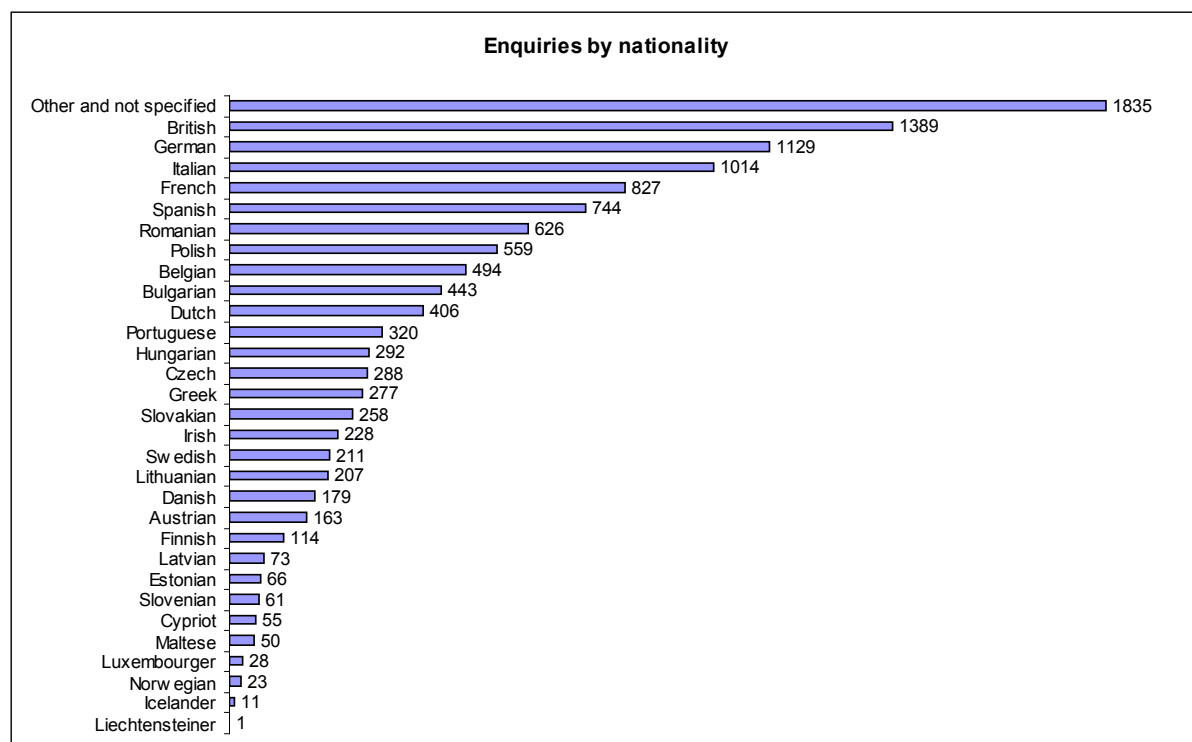
¹⁶ http://ec.europa.eu/youreurope/citizens/help/index_en.htm; telephone: 00800 6 7 8 9 10 11 (free of charge).

Figure 11: Most enquiries concern social security and residence rights



Most questions in absolute terms were asked by British, German, Italian and French nationals. Relative to the size of their countries, by far the most questions were asked by Maltese nationals, followed by Cypriots and Bulgarians.

Figure 12: Most enquiries come from British and German citizens¹⁷



The increasing number of enquiries is a positive trend, showing that Your Europe Advice is firmly establishing itself. The increase in the number of enquiries also coincides with the launch of the Your Europe website, which shows that Your Europe effectively offers a single gateway to further help where it is needed.

¹⁷ The category "Other and not specified" in this graph mainly covers enquiries from individuals who did not indicate their nationality, as well as enquiries from non-EU nationals.

The speed of response continues to be very high, with 97% of enquiries being answered within four working days. In many cases, however, the user-friendliness of replies could be further improved, by making them less legalistic and more easily understood.

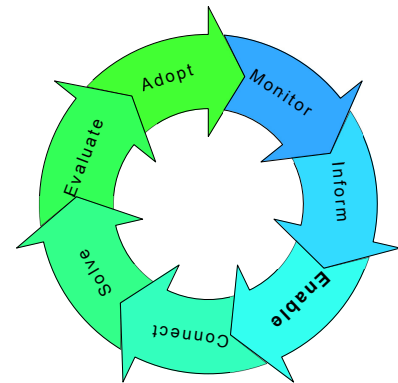
3.2.3. Outlook for 2012

The high number of questions submitted to Your Europe Advice shows that people still suffer from a lack of harmonisation or proper application in several areas of EU law, which affects their daily lives. As highlighted in the 2010 EU Citizenship Report¹⁸ and in the report on the 20 main concerns for citizens and businesses in the single market (see chapter 7.1), there is a clear need for easily understandable advice on people's EU rights. Your Europe Advice will continue to provide this advice, focusing in particular on further improving the user-friendliness of its replies. Moreover, efforts will be made to better promote Your Europe Advice to the general public as well as within the EU institutions. Its database of cases will be used more systematically as a valuable source of information for further policy development.

The Your Europe Advice experts will participate in more outreach activities. For example, they will act as speakers at conferences on citizens' rights, promote the advice service and hold consultation days.

¹⁸ COM (2010) 603 final.

4. ENABLE – SPEEDING UP ADMINISTRATIVE PROCEDURES



4.1. About the Points of Single Contact


As part of its endeavour to cut red tape for service providers and to modernise national administrations, the Services Directive¹⁹ provides for "Points of Single Contact" (PSC) to be set up in each Member State. A PSC allows service providers to:

- obtain all information about the procedures they need to complete to provide their service at home or in another EU country (e.g. company registration, business licences, recognition of professional qualifications);
- deal with all formalities via one single contact point; and
- complete the necessary steps remotely by electronic means.

PSCs have to make it possible for users to complete administrative procedures both for national situations (e.g. a travel agency in Rome that wants to open a branch in Palermo) and for cross-border situations (e.g. an architect in Warsaw who wants to take on a building project in Berlin). They are encouraged to provide their services in several languages and to offer personalised advice to users.

In order to help release their full potential, the Commission has set up the "EUGO network", bringing together PSC experts from all Member States. The network aims to coordinate activities at EU level and to stimulate cross-border use and usability of PSCs.

¹⁹ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L376 of 27.12.2006, p. 36).



As the owner of a small business I have very limited resources, financially and also time-wise. A web portal is open 24 hours a day, 7 days a week, so that even the busiest company owner can go online during weekends, find the applicable formalities and complete them online. PSCs are a fantastic tool to encourage more companies to provide services abroad.

A business woman from the UK

4.2. Developments in 2011

It was clear from the outset that setting up PSCs would be a challenging task for Member States, both in terms of organisation (for example how to involve a large number of competent authorities) and in technical terms (for example how to make it possible and safe for service providers from other Member States to submit their applications online). Many countries had to build the PSC portal structure from scratch. Therefore, it came as no surprise that, by 2011, the PSCs did not yet fully meet the needs of businesses.

The key priority for 2011 was to take stock of their practical functioning, to identify gaps and to work on common solutions to identified problems, mainly via:

- a large-scale benchmarking study that ran until December 2011;
- active cooperation within the EUGO network, including a mutual PSC testing exercise in order to exchange good practice and identify transferrable solutions;
- cooperation with Member States and other Commission services²⁰ to put in place legal and practical measures to improve the cross-border use of PSCs, notably by facilitating the mutual recognition of electronic signatures, electronic IDs and electronic documents across borders, including through the large-scale pilot project SPOCS (Simple Procedures Online for Cross-border Services);²¹ and
- cooperation with Member States to improve the visibility of PSCs.

4.2.1. Overall readiness of Points of Single Contact

Unlike for other governance tools discussed in this document, there is no centralised electronic system for PSCs at EU level. The setting up, management and funding of the PSCs is the sole responsibility of Member States, who are free to choose the most appropriate structure to reflect

²⁰ Close cooperation is in place between different Commission departments to enhance the cross-border availability and usability of e-signatures. Measures taken include the adoption of legal instruments (Decision 2009/767/EC, as amended by Decision 2010/425/EU, and Decision 2011/130/EU), practical support through open source software for e-signature creation/verification, and work in the domain of standardisation (Mandate 460).

²¹ See <http://www.eu-spocs.eu>, in particular the information on the pilot project to enhance the functioning of the PSCs with regard to content syndication, e-documents and e-delivery.

their legal and administrative realities. This means that there is a diverse landscape of PSCs in the EU. A number of PSCs are embedded in mature, well-developed eGovernment structures, while others have been set up from scratch to comply with the Services Directive. This often impacts on the scope of services available online through the PSCs: some Member States offer the possibility to deal with all key administrative formalities online while others limit themselves at this stage to what is legally required by the Directive.

A "first generation PSC" exists in almost all Member States, with the exception of Romania, Slovenia and Slovakia (although Slovenia and Slovakia have a concrete timeline for implementation by 2012). The main difference between them is the availability of electronic procedures. Only in one third of Member States can a significant number of procedures be completed online through the PSCs.

In Bulgaria, Ireland and Malta, PSCs do not yet offer any online completion of procedures, while in nine Member States only a small number of procedures can be handled online. In most Member States, it continues to be very difficult for users from abroad to use the PSC, partly for linguistic reasons (in Austria, France, Hungary and Italy for example PSCs are only available in the national language), but also for technical reasons: most Member States continue to accept only national means of signing an application form or identifying oneself electronically.

In sum, the PSCs do not always respond to the needs of the business community. This concerns in particular the lack of translations, the limited scope of electronic procedures available (in particular across borders) and the complex organisation of information, which makes it difficult to identify the relevant procedures. Most Member States are aware of this and are in the process of implementing improvements to their PSCs. Malta, Finland, Lithuania and Latvia in particular are carrying out a fundamental overhaul of their PSCs throughout 2011 and 2012.

4.2.2. Usage trends in 2011

The diversity of PSCs in the EU makes it difficult to monitor and compare their usage. Firstly, due to different models of back-office organisation, usage statistics do not always capture the full picture of how many procedures are actually completed online. Secondly, as the scope of PSCs differs significantly, Member States do not measure the same figures, making a reliable comparison impossible. Therefore, it is only possible to draw some general conclusions at this stage:

- There are clear differences between Member States in terms of PSC usage: generally, where PSCs are part of a mature eGovernment portal (for businesses and/or individuals), usage figures are significantly higher (for example in Hungary and Estonia).
- It is positive to note that, in all Member States, there is a clear upward trend in usage compared to figures from 2010. This holds true as regards web visits, individual queries and actual completion of procedures online. However, on the whole, the use of PSCs for completion of procedures online is still relatively limited, which may certainly be due in part to the limited availability of cross-border e-procedures.
- Awareness among the business community is low. This is largely explained by a lack of promotion, which in turn is explained in many cases by budgetary restrictions and/or lack of availability of key PSC services.
- The use of PSCs is primarily national in most Member States. This is not surprising as the PSCs have both a national and a cross-border remit and as, particularly in big and peripheral countries, cross-border activities make up only a small part of economic activity.

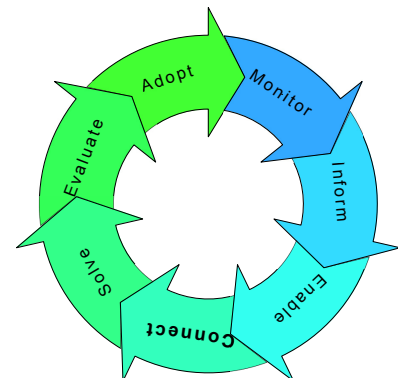
4.3. Outlook for 2012

Member States have so far focused on meeting basic requirements for their PSCs. Continuous efforts need to be made in the coming years by Member States and, under the coordination of the Commission services, in the EUGO network in order to ensure that the PSCs deliver truly integrated, user-friendly and effective online services to entrepreneurs and professionals. The Commission services will follow up with Member States at operational level to ensure that gaps identified in 2011 will be closed as soon as possible. In particular, emphasis will be placed on expanding the number of procedures that can be completed online through the PSC (including across borders). In addition, Member States are encouraged to offer other vital procedures online, such as registration for VAT, income tax and social security.

Moreover, the Commission services will encourage Member States to provide information through the PSCs in a complete and user-friendly manner, ensuring that synergies with European-level information sources such as Your Europe are fully exploited.

Finally, the Commission will put forward by mid-2012 a proposal for a new legal framework for the mutual recognition of electronic identification, authentication and signatures, which should give an additional boost to enabling PSCs to handle applications submitted electronically across borders.

5. CONNECT – BETTER COOPERATION BETWEEN COMPETENT AUTHORITIES



5.1. About the Internal Market Information (IMI) system

The Internal Market Information (IMI) system is an IT-based information network that links up national, regional and local authorities across borders. It enables them to communicate quickly and easily with their counterparts abroad. IMI was developed by the Commission services in close cooperation with Member States.

IMI contains, most importantly:

- a multilingual search function that helps competent authorities to identify their counterparts in another country;
- pre-translated questions and answers for all cases where they are likely to need information from abroad; and
- a tracking mechanism that allows users to follow the progress of their information requests and that allows IMI coordinators at national or regional level to intervene if there are problems.

IMI went live in 2008 and is currently being used for administrative cooperation under the Directive on the Recognition of Professional Qualifications,²² the Services Directive²³ and, on a pilot basis, the Posting of Workers Directive.²⁴

It is important to note that, as it stands and in contrast to the other tools covered in this document, IMI cannot be used by consumers or businesses. It is a tool only for authorities with responsibilities in the specific policy areas which it supports.

A Slovenian tourist guide wanted to work in Italy. The Italian department for the development of tourism asked through IMI if he was licensed and if his documents were authentic. The scanned documents were attached to the request. We were able to confirm both facts on the same day.

Tourism and Hospitality Chamber, Slovenia

5.2. Developments in 2011

5.2.1. Operation of IMI²⁵

Continuous efforts have been made in 2011 to maintain and improve the performance of the IMI network, which by the end of 2011 comprised a total of 6802 authorities (over 1000 authorities more than in December 2010).

The system is still most widely used in the area of professional qualifications, where a total of 2166 requests were made in 2011, a 25% increase compared to 2010. The countries that sent most requests were the UK, Germany and the Netherlands. The top countries receiving requests were Romania, Poland and Greece. In the area of services, for which more than 6000 authorities are registered in IMI, the number of requests is still low (352 in 2011). User surveys and feedback from Member State experts suggest that possible reasons are (1) the lack of awareness within competent authorities of their obligations under the Services Directive and a tendency to continue to apply familiar procedures, (2) the decentralised nature of procedures covered by the Services Directive, for which until then there had been no established practices for cooperation, and (3) possibly also the fact that the Services Directive abolished a large number of procedures, making checks with other countries unnecessary.

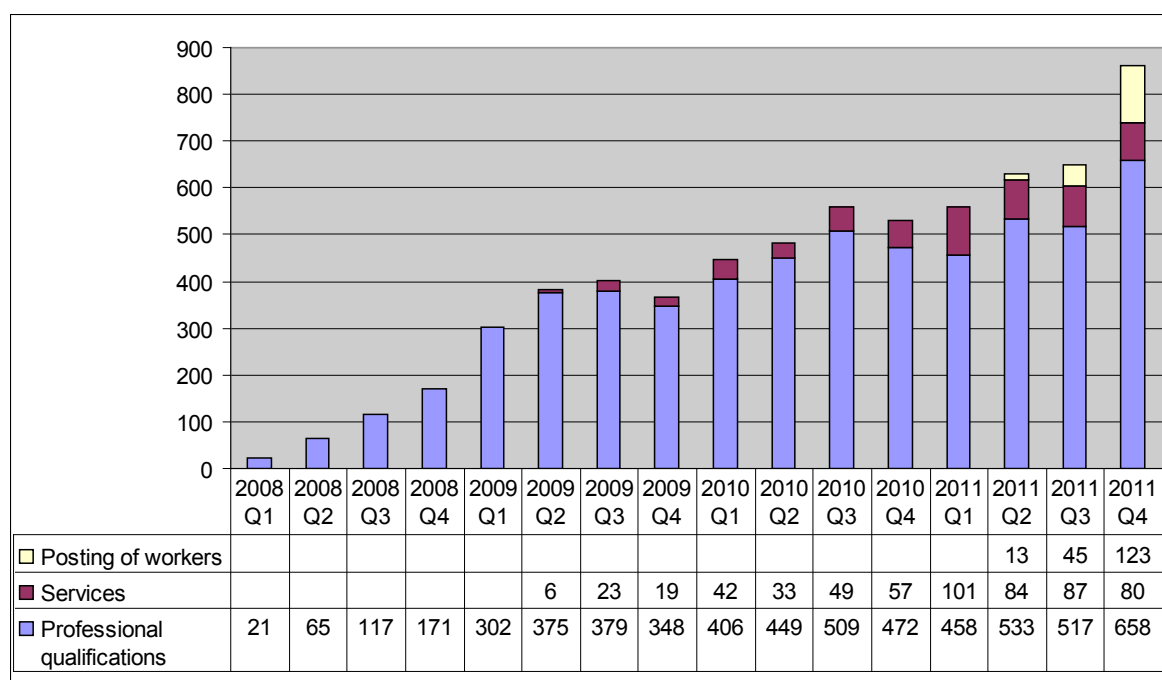
²² Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L255 of 30.9.2005, p. 22).

²³ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L376 of 27.12.2006, p. 36).

²⁴ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L18 of 21.1.1997, p. 1).

²⁵ For more detailed information on the operation of IMI in 2011, please see the document "Internal Market Information System – Operation and Development in 2011", available at <http://ec.europa.eu/imi-net>.

Figure 13: The total number of IMI requests increased by 34% from 2010 to 2011

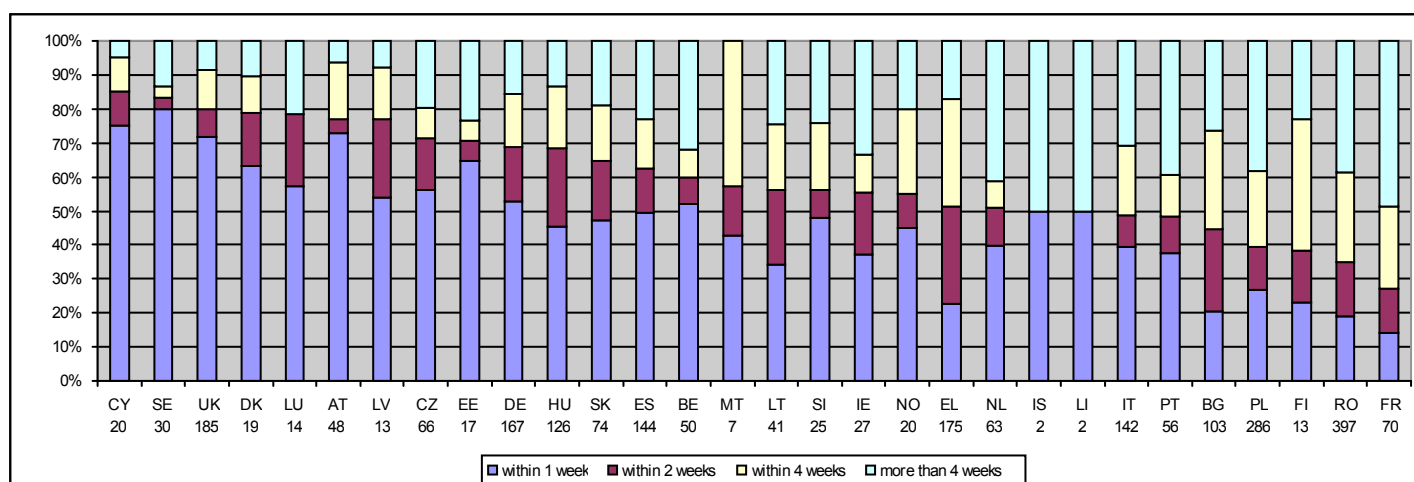


Although there is no fixed deadline for responding to requests in IMI, information exchanges are normally treated very quickly. 54% of all requests in the areas of professional qualifications and services were replied to within two weeks. Authorities in some Member States are consistently very fast in answering requests, including Cyprus, Sweden and the UK, the latter in spite of a considerable workload of 185 requests. On the other hand, some of the main recipients of requests including Poland and Romania need to improve their request-handling times.

The Commission services and national IMI coordinators have cooperated closely in following up on requests for information that remained unanswered for a long time. In most Member States, these efforts have had a positive effect, although there are still countries where the number of requests that stay unanswered for more than a month remains an issue: this is true in particular for Greece, France, Italy, the Netherlands, Portugal, Slovakia, the UK and Iceland. Therefore, the Commission services strongly encourage coordinators particularly in these countries to take decisive action in order to clear the backlog and prevent new delays. On the other hand, it is encouraging to note that, on 31 December 2011, 16 Member States did not have any requests pending for more than a month.²⁶

²⁶ All statements about pending requests relate only to the legislative areas of services and professional qualifications, excluding information exchanges in the area of posting of workers, which is still in a pilot phase.

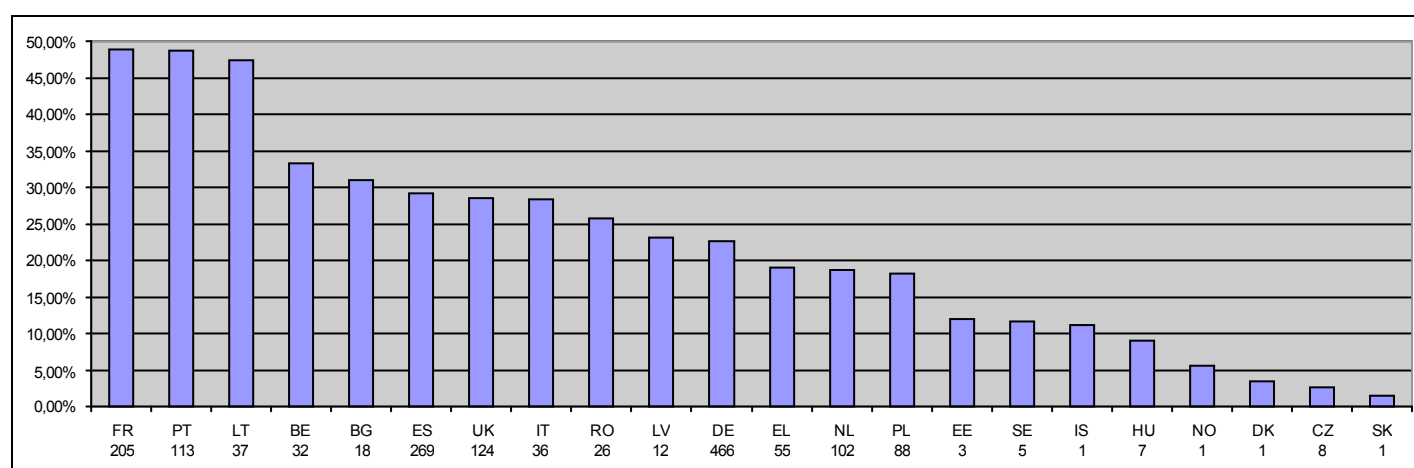
Figure 14: Cyprus, Sweden and the UK are fastest to reply²⁷



Moreover, the proportion of authorities that have been registered in IMI but where no-one has ever logged in to the system is still too high in some countries, in particular in France, Portugal and Lithuania. Austria, Cyprus, Finland, Ireland, Liechtenstein, Luxembourg, Malta and Slovenia on the other hand do not have any authorities without active users.

Authorities without active users will have trouble handling any incoming requests speedily (as users will first need to be provided with a password) and are unlikely to send any requests themselves, as they are probably unaware of how IMI functions. Therefore, national coordinators need to make contact with these authorities, explain their obligations in using IMI and, if necessary, provide training.

Figure 15: The proportion of authorities without active users is still too high in some countries



²⁷ Based on requests in the areas of professional qualifications and services, sorted by the percentage of requests answered within two weeks.

5.2.2. *Extension and technical development*

2011 marked the start of a phase of deepening and widening the IMI network. A Commission communication published in February 2011²⁸ concluded that IMI was ready for expansion and mapped out the way forward, in particular for:

- improving its usability;
- expanding it to new policy areas;
- adding new functionality to meet user needs in existing or new areas of administrative cooperation; and
- making use of IMI features to complement the functionality of existing IT systems and vice versa.

In May 2011, a pilot project for IMI and the Posting of Workers Directive was launched, which has already produced promising results, with 243 authorities registered for this area at the end of 2011 and with 181 information exchanges on posted workers successfully completed.

In addition, IMI is going to be used for information exchanges about the right of health professionals to practise. A reference to this effect was included in the Directive on Patients' Rights in Cross-Border Healthcare,²⁹ which entered into force on 24 April 2011.

The first new functionality was the directory of national, regional and local registers, which went live in March 2011 and already lists more than 1000 registers. If a register is available online, the directory provides a direct link to it.

A pilot project exploring content sharing between IMI and Your Europe was started in the second half of 2011. Synergies can be achieved here by using public information stored in IMI, in particular the contact details of competent authorities, to feed into the Your Europe website. This will allow Your Europe to provide, alongside information for job seekers on country-specific requirements (e.g. documents to be submitted, procedures), the up-to-date contact details of the authority responsible for assessing recognition applications. The first version of such information is being introduced in Your Europe in January 2012, for authorities dealing with physiotherapists.

Following a court ruling in December 2010, the machine translation tool ECMT, which was used for free-text translation in IMI, was suspended. Consequently and regrettably, no machine translation was available in IMI throughout 2011. The Commission's translation department is now developing a new machine translation tool called MT@EC, which is planned to be operational in mid-2013. IMI is the first application involved in testing an early version of the new software, which will be made available to IMI users in early 2012.

²⁸ COM(2011) 75 final.

²⁹ Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L88 of 4.4.2011, p. 45).

At legislative level, the Commission has proposed a comprehensive legal basis for IMI, in the form of a regulation,³⁰ which is intended to enable it to manage the network effectively and to facilitate expansion, in particular taking into account data protection and security concerns. On 22 November 2011, the European Data Protection Supervisor issued an opinion on the Commission's proposal.³¹

5.3. Outlook for 2012

In 2012, the IMI regulation needs to be adopted quickly in order to ensure the smooth progression of the development plans for IMI.

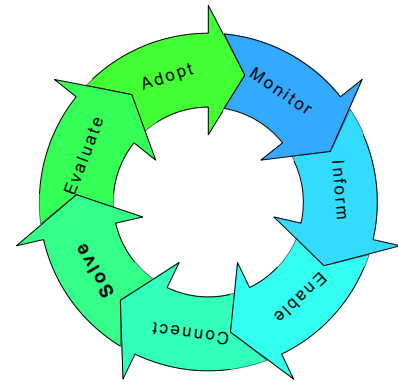
More synergies will be achieved by integrating the SOLVIT software in the IMI environment. This integration will not affect the established informal working methods of SOLVIT, but only its technical operation. It will allow users of SOLVIT, who also have responsibilities in other areas for which IMI is used, to log in to a single system for their work. It will also add certain functionality to SOLVIT that was not available previously, and will reduce maintenance and hosting costs.

The pilot project for IMI and the Posting of Workers Directive will be evaluated, and the use of IMI in the area of professional qualifications will be expanded to cover all regulated professions by the end of 2012.

³⁰ COM(2011) 522 final.

³¹ http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2011/11-11-22_IMI_Opinion_EN.pdf

6. SOLVE – PROBLEM RESOLUTION



6.1. SOLVIT – An alternative way to solve problems in the Single Market

SOLVIT was created in 2002 by the European Commission and the EU Member States (plus Iceland, Liechtenstein and Norway)³² to provide citizens and businesses who go abroad or who wish to do business across borders with fast and pragmatic solutions to problems caused by the misapplication of EU rules. SOLVIT is meant as an informal alternative to other problem-solving mechanisms, such as national court procedures, formal complaints to the European Commission and petitions.

There is a SOLVIT centre in each Member State as part of the national administration. The Commission services facilitate the operation of the system by providing assistance, guidance, training, network meetings and the necessary IT tools. To resolve problems, SOLVIT centres cooperate directly with each other via an online database. This keeps the network transparent and makes sure that the interests of the client come first.

In one month and three weeks, SOLVIT helped me to obtain the necessary documents to work as a doctor in Spain.

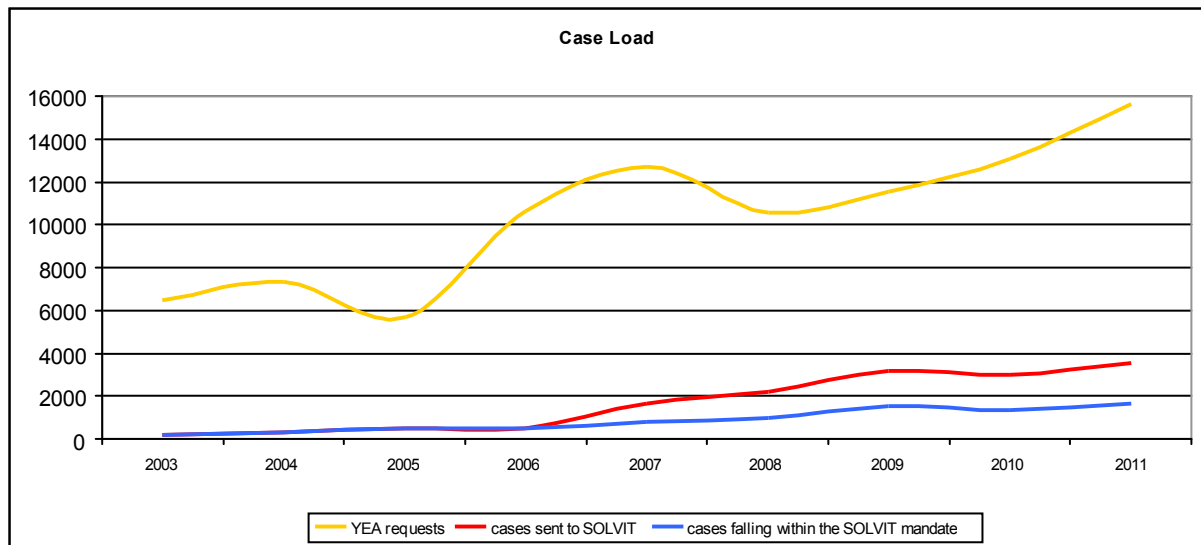
A Romanian citizen

6.1.1. Developments in 2011

In 2011, SOLVIT handled a total of 3154 cases, of which 1306 fell within its mandate. The total number of cases submitted to SOLVIT was slightly lower than in the 2010 reference period, but a greater proportion of cases submitted were within its remit. The drop in cases can be attributed to the tailing off of a certain type of residence cases in the UK, which had produced a large number of similar complaints in the last two reference periods.

³² See the Commission Recommendation of 7 December 2001 on principles for using SOLVIT — the Internal Market Problem Solving Network, C(2001) 3901, 15.12.2001.

Figure 16: The total number of cases submitted to SOLVIT remains stable whilst more cases reached Your Europe Advice



In response to submissions outside its remit, SOLVIT centres either helped to solve the problem informally, explored other problem-solving possibilities or pointed individuals and businesses in the right direction.

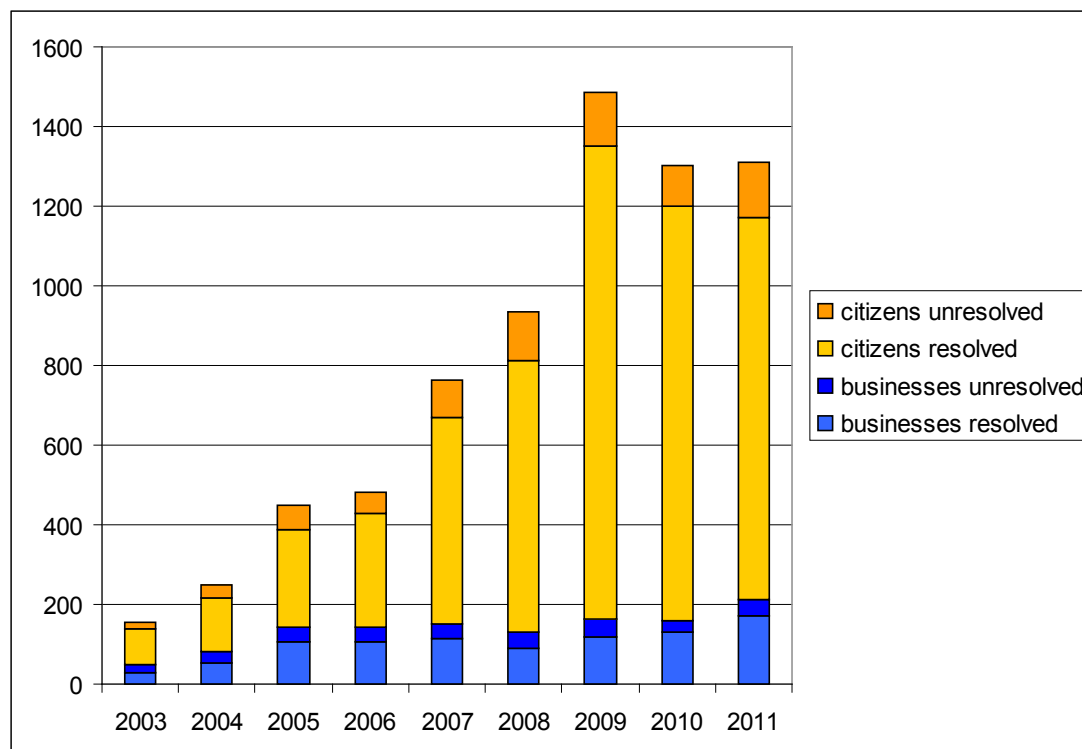
There is a huge potential for more cases, as 12.3 million citizens and businesses are moving around Europe (according to Eurostat data³³). More awareness-raising efforts are needed in order to ensure that those who encounter problems with their Single Market rights are directed to SOLVIT.

A positive development in 2011 was the reduced percentage of cases referred to SOLVIT that fell outside its remit (figure 16). This development is probably linked to the rise in requests dealt with by Your Europe Advice, as a consequence of a common online form that directs questions either to Your Europe Advice or to SOLVIT.

In addition, there was an increase in business cases in 2011, thanks to the efforts of a number of SOLVIT centres to promote SOLVIT more actively among businesses. In particular the number of business cases submitted by SOLVIT Germany increased from 15 to 57. The main problem area of these business cases is taxation (41%), followed by problems in the area of free movement of goods (21%) and services (11%).

³³ EUROSTAT 34/2011 — *Statistics in focus*.

Figure 17: SOLVIT resolution rates remain very high



Overview of cases within SOLVIT's mandate

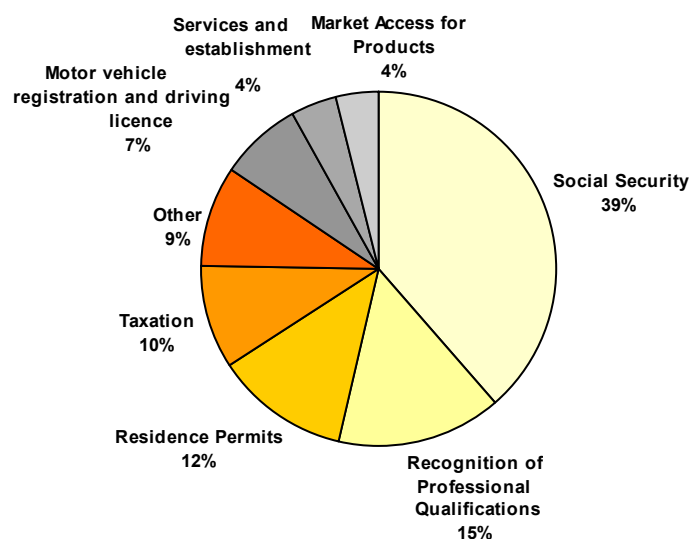
Resolution rates³⁴ remained stable at 89% (compared to 90% last year). Resolved cases generally not only solve the problem encountered by an individual citizen or business, but also generate a change in attitude, work practice or legal rules, which benefits a wider number of people who would otherwise have encountered the same problem. This can be illustrated by a large number of cases dealt with by SOLVIT Ireland in the social security area. As a result of its involvement, the Irish competent authorities have put in place procedures to allow for a more efficient handling of social security complaints and thus removed the backlog that existed previously. As a consequence, the number of complaints in this area dropped significantly. SOLVIT intervention thus resulted in a better service for individuals.

It should also be noted that unresolved cases are useful as well, as they point to particular problems that need to be addressed to improve the functioning of the Single Market. For example, there were a large number of cases concerning VAT reimbursement in Luxembourg because of the introduction of an electronic reimbursement system. The unresolved cases were brought to the Ministers' attention and were subsequently addressed. Likewise, there were unresolved cases concerning the recognition of the professional qualifications of Romanian nurses in Spain, as the Spanish authorities did not organise the required aptitude tests for them. The tests were subsequently introduced when the Commission took up the case.

³⁴ Cases are considered as "resolved" where the incorrect implementation or application of EU law is redressed and the problem is solved for the client, but also where SOLVIT established that EU law was correctly implemented or applied.

In 2011, like in 2010, social security issues generated the largest number of cases (39% in 2011, 34% in 2010). The proportion of cases concerning the recognition of professional qualifications remained at around 15%. The number of residence cases went down to 12% (from 23% in 2010). This corresponds exactly to the main problem areas identified by Your Europe Advice. Cases involving the free movement of services and goods remained at 8%, while the number of taxation cases grew from 5 to 9%. In relation to the aforementioned drop in residence cases, resolving a particular underlying problem saw cases received by the UK SOLVIT centre fall from 419 in 2009 to 185 in 2010 and 37 in 2011.

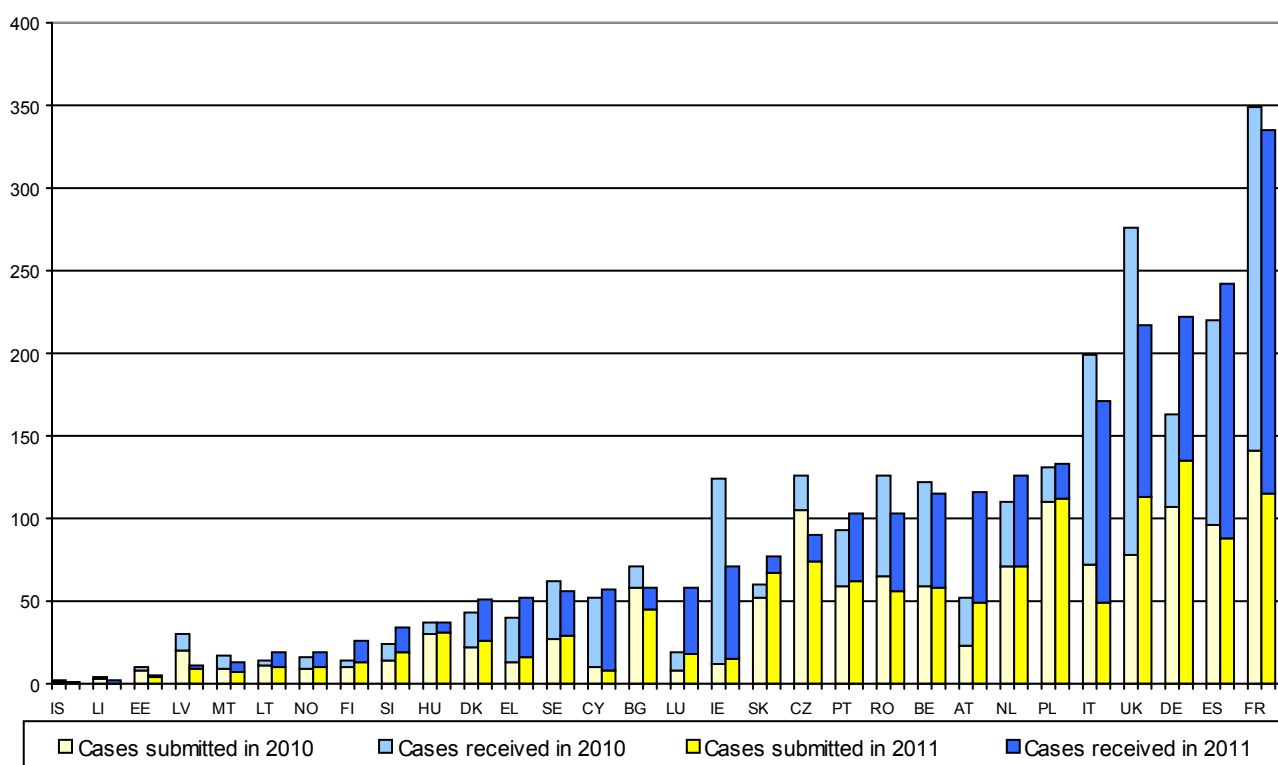
Figure 18: Most SOLVIT cases in 2011 concerned social security issues



Examples of cases handled by SOLVIT in the area of social security include problems with the payment of family allowances to workers who are away from their families, recognition of pension rights acquired in other countries, coverage of medical treatment and late payment of other social benefits. Examples in the area of professional qualifications include the unjustified refusal to recognise certain qualifications, the failure to offer the possibility to compensate for differences in qualifications and the passing of legal deadlines for processing requests for recognition.

The sharpest increase in the number of cases submitted and received was seen in Germany, Austria, France, Denmark and Luxembourg. The sharp decrease in Ireland is due to the reduction of social security cases, given that the underlying problem was resolved by the Irish authorities.

Figure 19: Germany, France, Spain and the UK deal with the largest number of SOLVIT cases



In 2011, 67% of cases were handled within the SOLVIT deadline of ten weeks. However, the average case handling time was 70 days, four days more than in 2010. The UK and Poland improved their performance in 2011. Austria took significantly longer to handle cases. This is mainly attributable to the closure of some very old cases and to cases regarding social security issues, especially concerning cross-border workers from Slovakia in Austria. Due to the complexity of those cases, more time had to be invested in handling them satisfactorily. In addition, it should be noted that SOLVIT Austria received and submitted twice as many cases in 2011 as in 2010 and managed to resolve most of them.³⁵

Although staffing in some SOLVIT centres improved, the overall staffing levels of the centres remain problematic. Staff numbers are low, and almost all SOLVIT centre staff have other responsibilities, which in some cases are prioritised over SOLVIT tasks. It therefore seems that SOLVIT in its present form and with its present staffing levels has reached its limit for further growth.

Staffing levels did improve in France. However, in the light of the high caseload and the large number of other tasks the centre has, it still needs attention. The availability of sufficient and experienced staff also remains a point for attention in the other centres with a high caseload, in particular Germany and the UK.

³⁵ For an overview of the performance of each SOLVIT centre in 2011, see Annex I.

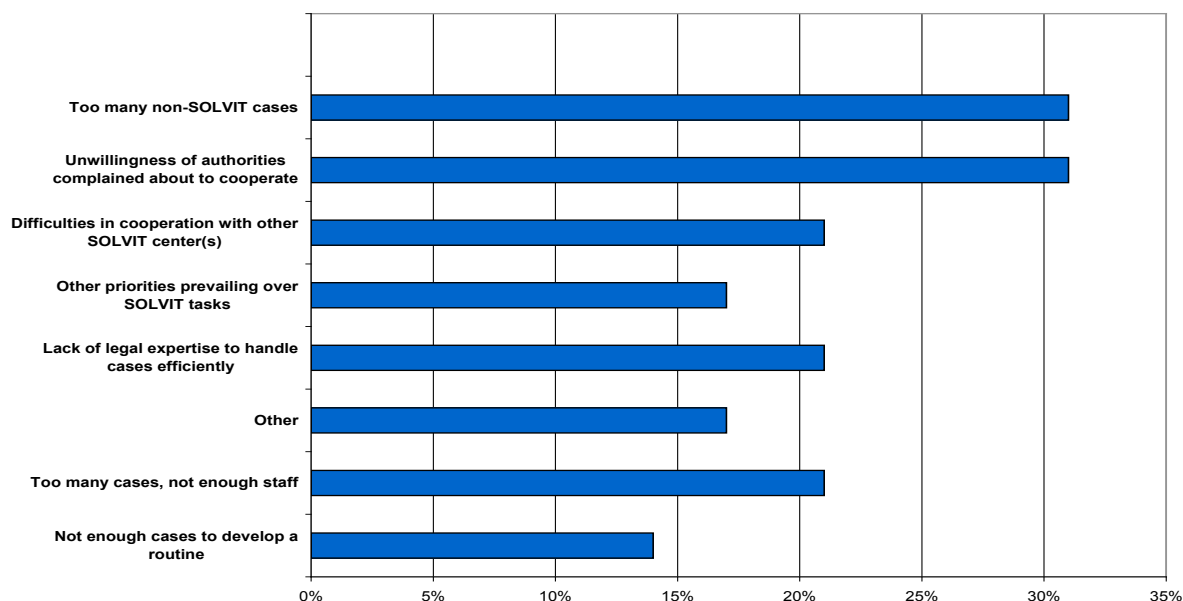
Figure 20: Staffing levels

	Adequate	Low
SOLVIT centres	Austria Bulgaria Estonia Italy Latvia Liechtenstein Malta Poland Portugal Romania Slovakia Slovenia Spain Sweden	Belgium Cyprus Czech Republic Denmark Finland France Germany Greece Hungary Iceland Ireland Lithuania Luxembourg Netherlands Norway United Kingdom

Cooperation within the network has remained active. Two workshops were held in 2011, one hosted by SOLVIT Malta in May and one hosted by SOLVIT Slovakia in September. Two training sessions for newcomers were organised in February and November 2011. A large number of SOLVIT centres also participated in the Single Market Forum in Krakow in October 2011.

Cooperation between the centres remains good. However, there are complaints about the lack of experience or legal expertise of some staff members, who sometimes fail to prevail against an administration in breach of EU law due to a lack of knowledge of EU rules.

Figure 21: Out-of-scope cases and lack of cooperation from national authorities are the main bottlenecks for SOLVIT centres



Sufficient in-house legal expertise is important for SOLVIT centres in order for them to work independently. However, in some cases, external help is needed. Consequently, in 2009, the Commission gave SOLVIT centres the possibility to request advice from independent lawyers working for Your Europe Advice, in order to obtain a preliminary assessment of a case. After a slow start, an increasing number of SOLVIT centres consulted the experts of Your Europe Advice in 2011 on issues requiring specialist legal expertise. As almost all their questions were replied to within a week, they reported that they found this service very helpful.

6.1.2. Outlook for 2012

To evaluate the functioning of SOLVIT over recent years, the Commission services engaged an external contractor. The main conclusions of the resulting evaluation report are that SOLVIT is a unique and cost-effective tool for dealing with problems with the application of EU law, but that it is not yet fulfilling its very large potential. Millions of individuals and businesses move around the Single Market, but few people manage to find SOLVIT when they need it. Furthermore, there is scope for making SOLVIT even more effective, and for making more use of synergies between SOLVIT and other information and help tools. Finally, SOLVIT's current establishing act³⁶ needs to be updated. On the basis of this evaluation, as well as discussions with stakeholders and reports from the European Parliament, the Commission will put forward a Strategy Communication for SOLVIT, announcing concrete actions to further reinforce it.

The Commission services have also started a thorough revision of the SOLVIT database. The current database, devised in 2001, is unable to cope with the increasing number of cases and there is a need to enhance its functionalities, in particular to facilitate feedback and quality control. This can partly be achieved through technical integration with the IMI system (see chapter 5).

The new interface to access the database should be operational in the second half of 2012.

6.2. EU Pilot – A pre-infringement procedure

The "EU Pilot" project was introduced by the Commission with 15 volunteer Member States in April 2008 with the aim of improving the cooperation between Member State authorities and the Commission services on issues concerning the conformity of national law with EU law or the correct application of EU law.

As a general rule, EU Pilot is used as a first step to try to clarify or resolve problems, so that, if possible, formal infringement proceedings under Article 258 of the Treaty on the Functioning of the European Union (TFEU) can be avoided. According to the second Evaluation Report on EU Pilot³⁷, 80% of the responses provided by the Member States had been assessed by the Commission services as acceptable (in line with EU law), allowing a number of files to be closed without the need to launch an infringement procedure.

³⁶ Commission Recommendation of 7 December 2001 on principles for using 'SOLVIT' – The Internal Market Problem Solving Network, OJ L 331, 15.12.2001, p.79.

³⁷ For more detailed information on the operation of EU Pilot and Evaluation Reports on EU Pilot, see: http://ec.europa.eu/eu_law/infringements/application_monitoring_en.htm

Since 2010, the Commission observes a reduction in the volume of new infringement proceedings³⁸ for the first 15 volunteer EU Pilot Member States. For the Member States which joined EU Pilot after March 2010, there is also a decrease, although to a lesser extent. This shows that EU Pilot helps to clarify and solve satisfactorily some issues regarding the application of EU law raised by the Commission, thus putting an end to problems without the need for recourse to infringement proceedings. In the case of complaints from citizens and businesses, EU Pilot provides faster results than infringement proceedings.

Today, 25 Member States are participating in EU Pilot. Malta is making necessary internal arrangements and should start using the system soon; negotiations are still ongoing with Luxembourg.

6.3. Internal Market Scoreboard – Infringement proceedings for incorrect transposition or application of Single Market rules

As guardian of the Treaties, it is the Commission's task to ensure that both Treaty provisions and acts adopted by the institutions of the European Union are correctly implemented and applied by the Member States. If after preliminary consultations in EU Pilot, the Commission considers that EU rules are not being properly applied, it may open infringement proceedings against the Member States in question. This reflects the Commission's view that the Member State has failed to fulfil its obligations under the Treaty. However, only the Court of Justice can rule definitively that a breach of EU law has occurred. This should be kept in mind when interpreting statistics on infringement proceedings.

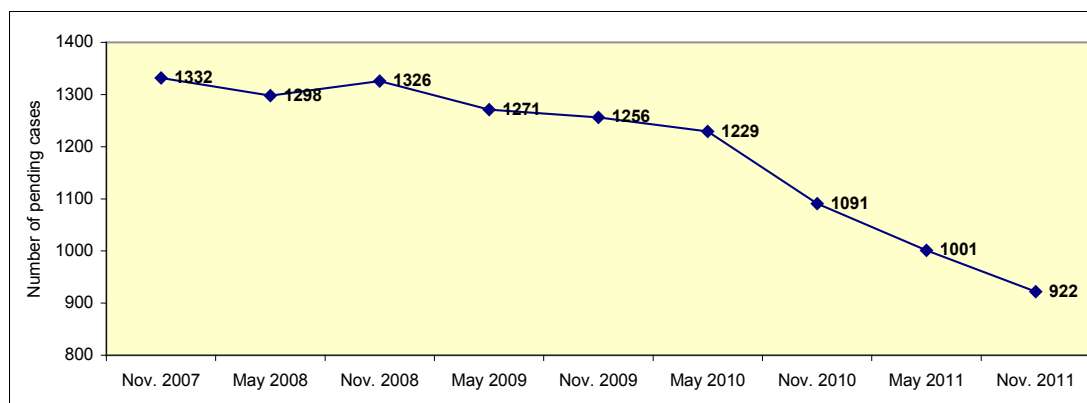
6.3.1. Number of Internal Market infringement proceedings³⁹

The number of infringement proceedings continues to fall. Today, there are 922 pending Internal Market infringement proceedings in the EU-27, which represents a decrease of 31% compared to November 2007 and a decrease of 8% compared to six months ago.

³⁸ Non-communication cases are excluded from this statistic as they are outside the scope of EU Pilot.

³⁹ 'Infringement proceedings' are to be understood as covering all cases where a directive is considered to be incorrectly transposed or cases where Internal Market rules (contained in both the Treaty on the Functioning of the European Union and the Internal Market directives) are presumed to be incorrectly applied and where a letter of formal notice has been sent to the Member State concerned. Cases of non-communication, i.e. concerning directives included in the transposition deficit, are excluded from this chapter in order to avoid double-counting.

Figure 22: Pending cases have fallen by 31% since November 2007



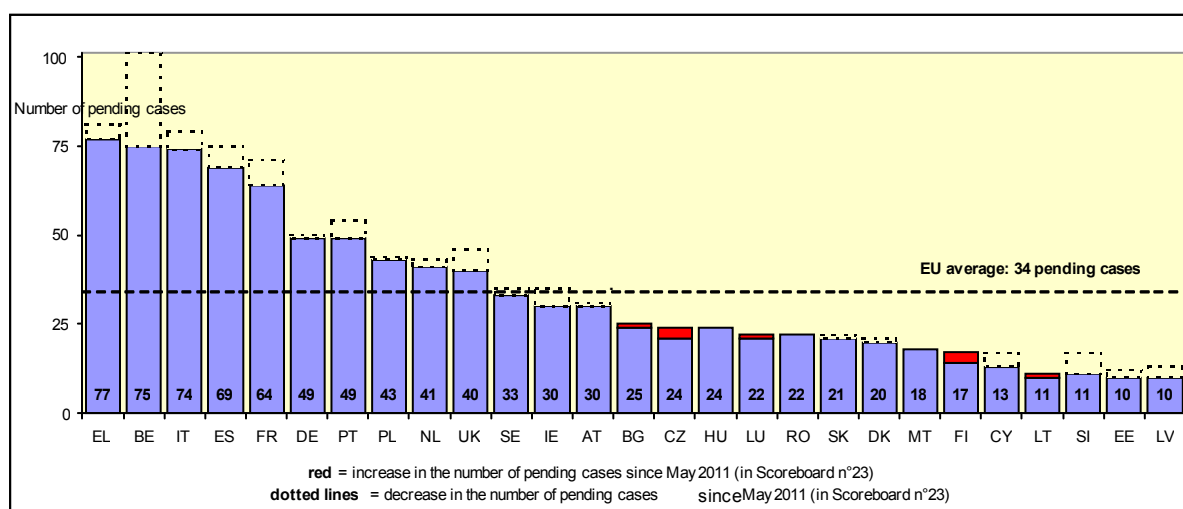
Trend in pending infringement cases since 1 November 2007 (situation as of 10 November 2011).

A breakdown of infringement proceedings by sectors shows that almost 50% of the 922 cases relate to the areas of taxation and environment. If Member States were to focus their attention on correctly applying the rules in these two sectors they could further reduce the number of infringement proceedings by a very significant amount.

As shown in figure 23, the average number of open infringement proceedings in the Member States has fallen to 34 pending cases, representing its lowest level ever. The vast majority of Member States (22 out of 27) managed to improve or equal their performance compared to six months ago. Belgium accounts for the biggest improvement, reducing its number of open Internal Market infringement proceedings from 101 to 75. Due to this significant improvement, Belgium is no longer the Member State with the highest number of infringement cases. Today, Greece accounts for most infringement cases. Nevertheless, Greece and the other four Member States with the highest number of infringement cases still managed to reduce their number of cases by the highest combined share.

Five Member States saw an increase in their number of infringement proceedings. However, these five Member States perform better than the EU average: they have to be vigilant and avoid further increase in the future.

Figure 23: An EU average of 34 infringement proceedings are pending in Member States



Open infringement cases as of 1 November 2011.

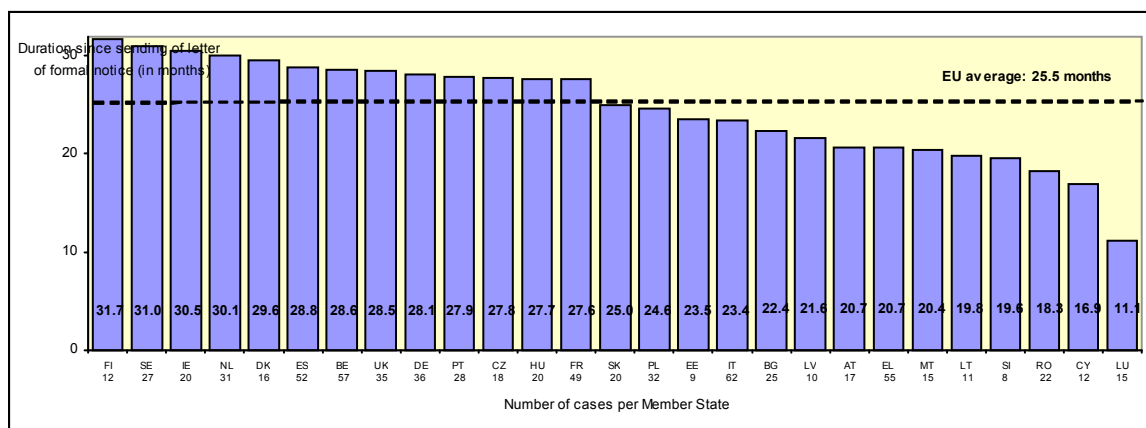
If directives are not correctly transposed or properly applied by Member States, citizens and businesses are deprived of their rights. This self-inflicted damage causes harm to the European economy and undermines the confidence of citizens and businesses in the Internal Market. Therefore, action is needed at an early stage in order to avoid infringement proceedings. However, once infringement proceedings have been opened, the Member States concerned should address them as a priority.

6.3.2. Duration of infringement proceedings

Despite this need for rapid action, the average duration of pending infringement cases in the EU has increased further from 24.7 months to 25.5 months within the last six months. This can be explained in part by the fact that a number of cases are now resolved at the pre-infringement stage, formal proceedings under Article 258 TFEU being opened for more complex or contentious issues.

The average duration varies significantly between Member States. The Member State with the shortest duration is Luxembourg, whereas the Member State with the longest duration is Finland. Finnish cases take three times longer to be resolved than cases in Luxembourg.

Figure 24: The average duration of infringement proceedings is increasing

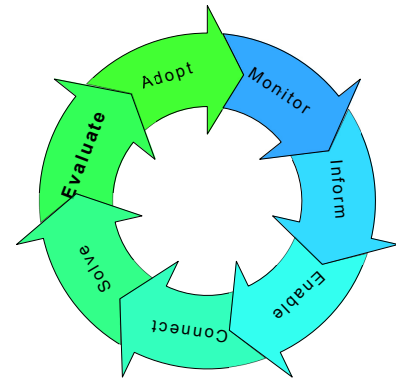


Pending infringement cases not yet sent to the Court as of 1 November 2011 (714 such cases): average duration in months from the sending of the letter of formal notice.

6.3.3. Outlook for 2012

The developments in 2011 confirmed the decrease in the number of ongoing infringement proceedings. As the setting up of EU Pilot, which reduces the need for recourse to infringement proceedings, is a reason for this tendency, Member States are encouraged to further enhance their participation in EU Pilot. However, once formal infringement proceedings have been launched by the Commission, they should be treated with the highest priority in order to find prompt solutions.

7. EVALUATE – EVALUATION BASED ON FEEDBACK



Feedback received on the operation of all tools covered in this document has been used on numerous occasions in 2011 to inform the Commission's decision making. The two most visible instances were the "Snapshot of citizens' and businesses' 20 main concerns",⁴⁰ published in September 2011, and the Single Market Forum in Krakow on 2-4 October 2011.⁴¹

7.1. Citizens' and businesses' 20 main concerns

In the Single Market Act and the 2010 EU Citizenship Report, the Commission identified a series of actions to remove obstacles encountered by people when attempting to exercise their EU rights. In order to promote dialogue and learn from experiences on the ground, the Commission also published a list of people's main concerns about the Single Market – areas where progress is needed to close the gap between what they expect from the Single Market and what they experience in practice.

The 20 concerns include, for example, cumbersome social security procedures that discourage mobility, tax barriers for cross-border workers and administrative difficulties for companies who want to participate in foreign calls for tender.

Amongst the main providers of input for this publication were SOLVIT and Your Europe Advice. Both services have over time accumulated rich databases of cases that have proved a valuable source in identifying and describing the real difficulties that people face in their daily lives or when acting as economic operators in the Single Market.

7.2. The Single Market Forum

The Single Market Forum is a conference gathering participants representing businesses, citizens, public authorities, non-governmental organisations and social partners. It forms part of the Single Market Act, its purpose being to examine the state of the Single Market, to look into the transposition and application of directives and to exchange best practice.

The first Single Market Forum was organised jointly by the European Parliament, the Polish government (holding the presidency of the EU Council of Ministers in the second half of 2011) and the European Commission on 2-4 October 2011 in Krakow.

⁴⁰ http://ec.europa.eu/internal_market/strategy/docs/20concerns/publication_en.pdf.

⁴¹ http://ec.europa.eu/internal_market/top_layer/single_market_forum_en.htm.

The topics discussed in a series of workshops included:

- the added value of a European Professional Card (which could be implemented using IMI);
- the role of the Points of Single Contact in making the life of businesses easier; and
- bridging the information and communication gap between citizens and the Single Market.

The Krakow Declaration⁴² adopted at the end of the conference called for "better two-way communication and effective tools" for people to make use of their rights.

7.3. Policy evaluation

Data from the SOLVIT and Your Europe Advice databases, as well as from the operation of the IMI network, was also used in the preparation of an impact assessment on the proposal for a directive to modernise the Professional Qualifications Directive, which was adopted by the Commission on 19 December 2011.⁴³ The data proved very useful, particularly in analysing the efficiency and length of recognition procedures in the Member States.

In the context of the Services Directive, two new approaches to using feedback from Member States to inform policy choices were successfully explored. The "mutual evaluation" exercise used peer review as an effective means of assessment: at the end of the implementation period, Member States formed small groups in which they evaluated each other's progress in implementing certain provisions of the Services Directive, with a view to identifying good practices and remaining barriers. Building on the results of the "mutual evaluation" exercise, the Commission services are currently carrying out so-called "performance checks" in close cooperation with national ministries, in order to assess the extent to which national implementing arrangements cater for the practical needs of businesses and citizens.

In future, similar actions and tools could be used for in-depth analyses of the functioning of the Single Market as well as in other policy areas, in order to make sure that obstacles that relate not only to information and implementation gaps, but also to the practical application of legal texts are being addressed.

7.4. Other forms of feedback-gathering and evaluation

The Your Europe Advice database contains nearly 100,000 cases which constitute a wealth of information on legal and practical problems with the Single Market. This database has already been used to put together 340 Frequently Asked Questions (and answers), which users can consult on the corresponding thematic pages of the Your Europe website.

In addition, information from the Your Europe Advice and SOLVIT databases has also fed into smaller projects.

⁴² http://ec.europa.eu/internal_market/top_layer/docs/simfo-declaration-op-conclusions_en.pdf

⁴³ COM(2011) 883 final.

8. SYNERGIES

The tools presented in this document complement each other in ensuring effective governance at all stages of the governance cycle. Although there are significant differences between them, they share the overall objective of improving the functioning of the Single Market. It is therefore important that all available synergies are explored. Some such synergies have already been implemented to a high degree, others are in the course of being developed or are only starting to be explored:

8.1. Technical integration and content sharing

- The IT tool for SOLVIT will be integrated within IMI, simplifying the work of users of both systems and reducing maintenance costs (see chapter 5).
- Content sharing between IMI and Your Europe is being tested in a pilot project for the profession of physiotherapist (see chapter 5).

8.2. Practical cooperation

- SOLVIT centres are making use of the legal expertise of the Your Europe Advice service for more than 10% of their cases and have found it very helpful (see chapter 3).
- The common online form for SOLVIT and Your Europe Advice and the promotion of Your Europe seem to be bearing fruit as fewer out-of-scope complaints are arriving in SOLVIT centres and the number of requests to Your Europe Advice has increased sharply.
- To avoid duplication and ensure better use of the information available, EU Pilot and SOLVIT coordinators are strengthening their cooperation.
- Competent authorities dealing with administrative procedures initiated by a service provider or professional through the PSCs are increasingly aware of their obligation to use IMI to contact their counterparts abroad, should they have any doubt about a specific application or supporting document submitted through the PSCs.

8.3. Signposting and promotion

- Visitors to the Your Europe website are directed to Your Europe Advice or to SOLVIT, based on a common online form.
- Your Europe is intended as the single gateway to other Single Market services. Signposting to the Points of Single Contact is now done more consistently throughout the Your Europe portal.
- Your Europe, Your Europe Advice and SOLVIT are often presented together in promotional activities directed at citizens and businesses.
- A joint promotion campaign of Your Europe and the Europe Direct services as the first points of contact ("one-stop shop") for information and advice will run in 2012.

9. SUMMARY AND CONCLUSIONS

9.1. Annual governance check-up – Overview of Member State performance

The check-up overview table summarises the performance of the EU Member States and EEA states and Switzerland (where applicable) in all of the areas covered in this document, on the basis of the most relevant indicators in each area. It highlights where performance is above average (green), average (amber) and below average (red) – showing at a glance where each Member State needs to invest more effort and resources.

Estonia is the only country that performed better than average in all areas. However, it is positive to note that no country has a uniformly bad record. Weaknesses relate rather to individual issues that seem to cause specific problems at national level.

Figure 25: Single Market Fitness Check – Overview: Estonia reaches the highest overall score

	BE	BG	CZ	DK	DE	EE	IE	EL	ES	FR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	IS	LI	NO	CH
Transposition of Single Market law ⁴⁴	Red	Green	Red	Green	Yellow	Green	Green	Yellow	Green	Green	Red	Red	Green	Green	Red	Red	Green	Red	Red	Red	Red	Yellow	Red	Green	Red	Green	Red	Green	Green	Green	-
Your Europe - Citizens ⁴⁵	Yellow	Yellow	Green	Yellow	Yellow	Green	Yellow	Red	Yellow	Yellow	Green	Green	Green	Green	Yellow	Green	Yellow	Yellow	Red	Green	Green	Red	Red	Red	Yellow	Green	Yellow	Red	Red	Red	Red
Points of Single Contact ⁴⁶	Yellow	Red	Yellow	Green	Yellow	Green	Red	Yellow	Green	Yellow	Yellow	Yellow	Yellow	Yellow	Green	Yellow	Red	Green	Yellow	Yellow	Yellow	Red	Red	Red	Yellow	Green	Green	Yellow	Green	Yellow	-
IMI ⁴⁷	Yellow	Red	Green	Green	Green	Green	Green	Yellow	Yellow	Red	Red	Green	Green	Yellow	Green	Green	Green	Yellow	Green	Yellow	Red	Yellow	Green	Yellow	Yellow	Green	Yellow	Yellow	Green	Green	-
SOLVIT ⁴⁸	Red	Green	Red	Red	Red	Green	Red	Red	Green	Red	Green	Red	Green	Red	Red	Red	Green	Red	Green	Green	Green	Green	Green	Green	Red	Green	Red	Red	Green	Green	-
	Green	Yellow	Green	Green	Yellow	-	Green	Red	Green	Yellow	Yellow	Yellow	-	-	Green	-	-	Green	Green	Yellow	Green	Green	Green	Green	Green	Green	Green	-	-	-	-
Infringement proceedings ⁴⁹	Red	Green	Green	Green	Red	Green	Green	Red	Red	Red	Red	Green	Green	Green	Green	Green	Green	Red	Green	Red	Red	Green	Green	Green	Green	Yellow	Red	Yellow	Green	Red	-

⁴⁴ Transposition deficit of 1% and less (green), more than 1% up to the EU average of 1.2% (amber) and more than 1.2% (red).

⁴⁵ Responsiveness of national administrations in providing information on the application of EU rules on their territory in four areas: income tax, residence rights, vehicle registration and insurance, and recognition of professional qualifications for physiotherapists.

⁴⁶ Availability of electronic procedures through the PSC, without taking into account the quality and user-friendliness of the PSCs or their degree of cross-border functioning. Green = a significant number of procedures can be completed online through the PSC; amber = some procedures can be completed; and red = no procedures can as yet be completed online through the PSC or no PSC is available (RO, SI, SK).

⁴⁷ Average IMI performance based on: (1) percentage of requests replied to within 2 weeks, (2) percentage of requests that remained unanswered for more than 30 days and (3) percentage of authorities without active users.

⁴⁸ Upper row: staffing of SOLVIT centres in relation to caseload; centres are classified as 'low' (red) or 'adequate' (green) on the basis of the time spent on SOLVIT tasks in 2011 (as reported by each SOLVIT centre) and the overall caseload.

Lower row: performance as SOLVIT home and lead centre, consisting of (1) the number of cases submitted compared to country size, (2) case handling speed as home centre, (3) resolution rate as lead centre and (4) case handling speed as lead centre, each counting for 25%; countries with fewer than 10 cases are not included.

⁴⁹ Number of infringement cases more than 10% below average (green), average +/- 10% (amber) and more than 10% above average cases

9.2. Conclusions

As an overall result of this check-up, it is fair to say that significant progress has been made in 2011 in increasing the "fitness level" of the Single Market and the interaction between its different governance tools. Often, this progress manifests itself in small practical improvements that can nonetheless make a big difference for citizens and businesses who want to make use of the opportunities of the Single Market. Positive highlights include:

- big improvements in the transposition of long-overdue directives and the cooperation of the Member States with the Commission at the pre-infringement stage leading to a reduction of the number of infringement proceedings (chapters 2 and 6);
- the availability of the Your Europe website in all EU languages and its increasing number of visitors (chapter 3);
- the growth in use of Your Europe Advice (chapter 3) and the Points of Single Contact (chapter 4);
- the successful launch of a pilot project for IMI and the Posting of Workers Directive (chapter 5);
- the reduction in the proportion of cases received by SOLVIT that are outside its remit and a modest increase in business cases (chapter 6);
- synergies achieved by closer cooperation between services, including the use of Your Europe Advice by SOLVIT centres (chapter 6) and content sharing between IMI and Your Europe (chapter 5).

Less positive trends that need attention and appropriate action include:

- the fact that the transposition deficit target of 1% was missed and the increasing average duration of infringement proceedings (chapter 2 and 6);
- the delays in the communication of national information by members of the Your Europe Editorial Board (chapter 3);
- slow progress in the establishment and improvement of Points of Single Contact in some countries (chapter 4);
- the fact that IMI is still little used for information exchanges in the area of services (chapter 5); and
- an increase in the average SOLVIT case handling time (chapter 6).

Most challenges relate to organisational issues and to communication or promotion matters. This shows that, for the operation of the tools intended to improve the practical functioning of the Single Market, legal and technical issues have mostly been settled. However, the challenges to be faced in the "second phase" of practical implementation and awareness-raising are often no less demanding than those in the first phase: active cooperation is key to making the most of the available tools, and clear and well-targeted communication is needed for successful promotion.

The Commission services will continue to monitor progress in all areas throughout 2012. In cooperation with Member States, they will report on the progress achieved in the next annual governance check-up, to be published in spring 2013.

ANNEX 1 – OVERALL PERFORMANCE OF SOLVIT CENTRES IN 2011

For an explanation of the indicators used in this table, please see the explanatory notes below.

	Work load and staffing of SOLVIT centre		Performance at the service of citizens and businesses of <u>own country</u>		Performance at the service of citizens and businesses of <u>other countries</u>	
	(1) Overall case load (submitted and received) ⁵⁰	(2) Staffing level	(3) Cases submitted to the system compared with country size	(4) Case handling speed Home	(5) Resolution rates	(6) Case handling speed Lead
Austria	↑ very large	↔adequate	↔ high	↓ good	↔ high	↓↓ low
Belgium	↔ very large	↔ low	↔ high	↔ good	↓ good	↔ high
Bulgaria	↓ medium	↔adequate	↔ high	↔ good	↓ low	↓ low
Cyprus	↔ large	↔ low	↓ medium	↑↑ high	↓ good	↓ low
Czech Republic	↔ large	↓ low	↔ high	↔ good	↔ good	↔ high
Denmark	↑ large	↔ low	↔ high	↑ high	↔ good	↔ high
Estonia	↔ small	↔adequate	↓ medium	-- (see note 4)	--	--
Finland	↑ medium	↔ low	↑ medium	↑ high	↑ high	↑ good
France	↔above 300	↔ low	↔ medium	↑ good	↑ high	↓ low
Germany	↑ above 300	↔ low	↔ low	↔ low	↔ high	↓ good
Greece	↑ large	↔ low	↔ low	↓ low	↔ low	↔ low
Hungary	↔ medium	↔ low	↔ medium	↓ low	--	--
Iceland	↔ small	↔ low	↔ medium	--	--	--
Ireland	↓ large	↔ low	↔ high	↑ high	↔ high	↔ high
Italy	↓ very large	↔adequate	↔ low	↑ high	↔ good	↓ low
Latvia	↓ small	↑ adequate	↓ medium	--	--	--
Liechtenstein	↔ small	↔adequate	↓ low	--	--	--
Lithuania	↑ medium	↔ low	↔ high	↔ low	--	--
Luxembourg	↑ large	↔ low	↔ high	↔ high	↑ good	↔ high
Malta	↔ small	↓ adequate	↔ high	--	--	--
Netherlands	↑ very large	↔ low	↑ high	↓ low	↑ high	↔ high
Norway	↑ medium	↓ low	↑ medium	good	--	--
Poland	↔ large	↔adequate	↔ medium	↓ low	↔ good	↑↑ high
Portugal	↔ large	↔adequate	↔ high	↔ high	↑ high	↔ high
Romania	↓ large	↔adequate	↔ medium	↔ high	↔ good	↓ good
Slovakia	↑ large	↔adequate	↔ high	↑ high	high	good

⁵⁰ The arrows indicate whether this year's performance of the SOLVIT centre is much better (↑↑), better (↑), the same (↔) or worse (↓) in comparison with the previous year's performance.

Slovenia	↔ medium	↑ adequate	↔ high	↔ high	↔ good	↔ good
Spain	↔ above 300	↑ adequate	↔ medium	↑ good	↓ good	↔ good
Sweden	↓ medium	↔ adequate	↔ high	↓ good	↓ low	↓ good
United Kingdom	↔ above 300	↔ low	↑ medium	↑ good	↓ good	↑↑ high

Explanatory notes

- (1) The size categories are: small (0-25 cases), medium (26-75 cases), large (76-175 cases), very large (176-300 cases) and 'above 300'. On average, handling of a case by the lead centre takes twice as long as submission of a case by the home centre to another centre. Cases received as the lead centre have therefore been double-counted in the overall case-load of each SOLVIT centre.
- (2) Centres are classified as 'low' or 'adequate' on the basis of the time spent on SOLVIT tasks in 2011 (as reported by each SOLVIT centre) and of their overall case-load. Experience shows that each SOLVIT centre should have at least 6 person-months available per year. Medium-sized SOLVIT centres need at least 18 person-months at current case-load levels. The large centres require at least 24 person-months and the very large and 'above 300 cases' centres 36.
- (3) The average number of cases submitted to SOLVIT during the reference period (13 December 2010-12 December 2011) was 2.62 per million inhabitants. 'Low' means more than 25% below the average and 'high' more than 25% above.
- (4) An average case-handling speed of 30 days or less as home centre is considered 'high'; an average speed of 45 days or more is considered 'low'. In-between is considered 'good'. Centres that submitted fewer than 10 cases in 2011 (Estonia, Iceland, Latvia, Liechtenstein and Malta) are not mentioned.
- (5) A resolution rate of less than 70% is considered 'low'; more than 90% is considered 'high'. In-between is considered 'good'. For centres which received fewer than 10 cases as lead centre in 2011 (Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta and Norway), no resolution rate is given in the table.
- (6) An average case-handling speed of 65 days or less is considered 'high'; an average speed of 85 days or more is considered 'low'. In-between is rated 'good'. Centres that received fewer than 10 cases in 2011 (Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta and Norway) are not included.