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The SOLVIT Network after two decades: successes, shortcomings, and the way forward

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SOLVIT è un servizio on-line gratuito che opera in tutti i paesi dell'UE (e in Islanda, Liechtenstein e Norvegia), che ha ufficialmente iniziato la sua attività nel luglio 2002. Nasce come rete di centri SOLVIT nazionali, collegati tramite una rete multilingue basata su Internet, con il compito di far collaborare i centri nazionali per raggiungere l'obiettivo di aiutare le imprese e i cittadini a superare le questioni transfrontaliere. Nel corso del tempo, e non senza possibili criticità in termini sia pratici che giuridici, si è evoluto in uno strumento di supporto del mercato unico multi-sfaccettato e che serve anche allo scopo di identificare e cercare di superare i casi di non corretta applicazione delle norme UE da parte delle autorità nazionali e locali.

SOLVIT is an on-line, free-of-charge service operating in all EU countries (and in Iceland, Liechtenstein, and Norway), which officially started its activity in July 2002. It was born as a network of national SOLVIT Centres, connected via an internet-based, multilingual network, with the aim of getting the national Centres to work together to reach the goal of helping businesses and citizens to overcome cross-border issues. Over time, and not without possible weaknesses in both practical and legal terms, it has developed to a multi-faceted single market tool, which also serves the purpose of identifying and try to overcome incorrect application of EU rules by national and local authorities.

1. Preliminary remarks

SOLVIT is an on-line, free-of-charge service operating in all EU countries (and in the European Economic Area i.e., Iceland, Liechtenstein, and Norway), which officially started its activity in July 2002. It was born as a network of national SOLVIT Centres, connected via an internet-based, multilingual network, which gets the national Centres to work together.

From the very beginning, the national SOLVIT Centres were meant as “problem-solving Centres”, based in national administrations, and staffed by national civil servants, with the task of serving as communication channels, between and within Member State authorities, and with the aim of helping to find swift and pragmatic solutions to problems that citizens and businesses encountered with public authorities and decision-makers when exercising their rights under single market rules^[1].

Although not originally designed as an on-line system for crises, SOLVIT worked also throughout the pandemic to help businesses and citizens facing cross-border difficulties related to COVID-19^[2].

The system was originally designed to reach the goal of helping businesses and citizens to overcome cross-border issues but has developed over the years from the so called «*helping hand for the single market*» to a «*multi-faceted single market tool*»^[3], which serves the purpose of identifying and trying to overcome incorrect application of EU law by Member States’ authorities, at national, subnational, and local level. This has relevant consequences, as we will see, on the most recent evolutions of the system. After two decades from the first policy documents and the setting up of the SOLVIT network^[4], SOLVIT has in fact evolved beyond its original problem-solving role.

In 2020, the Commission renewed its commitment towards improving and enhancing the use of SOLVIT as a governance tool of the internal market, with its Communication *Long term action plan for better implementation and enforcement of single market rules*^[5], where Action 18) is interestingly titled: «*Making SOLVIT the default tool for single market dispute resolution*»^[6]. and indicates a series of initiatives aimed at improving its performance. To this regard, that Communication also recalled how «*The Communication on barriers shows the many barriers that still exist – and in too many cases they derive from incorrect*

or incomplete application at national level of already agreed EU legislation»^[7].

This new document is perfectly in line with the Commission's Communication *Action Plan on the reinforcement of SOLVIT: bringing the benefits of the single market to citizens and businesses*^[8], adopted in 2017 as part of a package of measures aimed at enhancing compliance with EU law and at improving the practical functioning of the European market (the "compliance package")^[9], where the Commission reaffirmed the importance of the SOLVIT network in the process of the integration of the internal market by helping citizens and undertakings to avail themselves of their European rights and freedoms, but also (and probably mostly, in a future-oriented perspective) by fostering the effective application of EU law by Member States' public administrations and, if necessary, the amendment of Member States' regulatory frameworks.

This paper aims at analysing the present state of the functioning of SOLVIT (autumn 2022), its successes and shortcomings as a tool for better functioning of the internal market; the co-operation with ELA according to the 2020 Action plan will then be analysed, before stressing three main issues that have to be addressed in order to overcome the experimental nature of the network which, after twenty years is now an adult.

2. Strengthening Member States' administrative capacity and administrative co-operation: a key part of the internal market governance

Strengthening Member States' administrative capacity has long been considered as a key part of the internal market governance^[10]. The role played by Member States' public administrations called upon to apply EU law has been acknowledged as crucial, becoming a matter of increased interest to both European institutions^[11] and Member States.

As a matter of fact, in the first decades after the entry into force of the EEC treaty on 1 January 1958, the Commission's attention remained mainly focused on adopting the legislation necessary to implement the Treaty provisions. However, after the end of the transitional period i.e., 1 January 1970, the awareness of the Commission Services as regards the importance of good understanding and application of EU law by Member States' authorities was developed due to the

increase of references for a preliminary ruling from Member States' Courts regarding possible breaches of treaty principles and rules, and of secondary law relating to the common market, as well as the increase of complaints directly sent to its services.

A fundamental step in this perspective was the Commission's Communication of 3 October 1980 on the consequences of *Cassis de Dijon*^[12], which was followed by the White paper of 14 June 1985^[13] and a by new strategy of the Legal Service under the direction of Claus-Dieter Ehlermann i.e., to systematically prosecute the cases that had not been resolved in the first phase of infringement proceedings, and to try and "deconcentrate" the control of correct application of EU law foster consciousness of the potentials of references for preliminary rulings by practicing lawyers and judges^[14].

A further step was achieved with the Sutherland Report *The Internal Market after 1992: Meeting the Challenge*, published on 31 October 1992^[15], where the importance of the Member States' authorities in the correct implementation of EU law was particularly stressed.

The correct application of EU law by national authorities in individual cases is nowadays commonly acknowledged as a key issue in the European integration process^[16]; in order to face the emerging challenges posed to their activity in this respect^[17], European institutions and Member States have increasingly stressed the need to foster "administrative co-operation"^[18], to the point that it is now considered «*the backbone of the EU's unique system of government and governance*»^[19].

Co-operation obligations have been made compulsory for national administrations by and increasing number of secondary Acts^[20] and by the case law of the Court of Justice of the European Union (CJEU)^[21]. In EU primary law the duty of sincere co-operation set out in Article 4(3) TEU^[22], and the provision of Article 197 TFEU^[23] are both fostering administrative co-operation.

Furthermore, a number of initiatives have been taken to facilitate the correct application of EU law from an "administrative point of view"^[24] and to support national administrations in fulfilling their co-operation obligations.

This explains very well why in the 2021 Commission's Communication on *Updating the 2020 new industrial strategy: building a stronger single market for Europe's recovery*^[25], the strengthening of Member States' administrative capacity

is highlighted as a key part of the internal market governance. This also explains why large parts of the NextGenerationEU funds^[26] are aimed at fostering investments and reforms to improve administrative capacity of national authorities, including at regional and local level, so as to apply single market rules correctly.

All in all, in their more recent documents on European integration^[27], the Commission and two other main European institutions^[28] have been making it clear that fostering the “effective compliance” by Member States with EU law is essential to deliver the opportunities and benefits of the single market^[29]. To this end, for example, since 2007 the Internal Market Information System (IMI)^[30] connects national, regional, and local authorities across borders and enables them to communicate quickly and easily with their counterparts abroad, in specific sectors of the internal market. Moreover, the European professional card (EPC)^[31], an electronic document issued through IMI to professionals interested in working in another Member State, facilitates the mutual recognition of professional qualifications.

All these mechanisms are aimed at preventing unlawful decisions made by national administrations applying EU law; that being said in case a problem occurs, the affected citizen (or business) must be guaranteed an effective and adequate redress mechanism.

In this specific context, the EU Commission has reaffirmed the importance of the SOLVIT network; and to this end the Commission also assesses the performance and staffing levels of SOLVIT Centres within the European Semester process^[32].

Needless to say, the misapplication of internal market rules and principles by Member States’ public administrations raises particular issues regarding legal protection, as usually individuals have to deal the administration of a Member State other than their own. In addition, the often long and costly Court proceedings might not be effective, especially within specific areas of the internal market or in situations where an immediate decision is needed.

The setting up of SOLVIT reflected precisely this perspective. Taking the above-described situation into account, the Commission, in 2001, adopted the Communication *effective problem solving in the internal market: “SOLVIT”*^[33], and proposed the establishment of the SOLVIT network. The purpose of the

network was to provide a mechanism for the informal^[34] resolution of disputes between citizens (or businesses) and those Member States' public administrations which allegedly acted in breach of EU law.

In other words, SOLVIT is aimed at fostering the correct application of EU law by Member States' public administrations, as well as at allowing citizens and undertakings to take up their free movement opportunities^[35].

3. SOLVIT and the better functioning of the internal market: successes and shortcomings

SOLVIT was set up as an informal, free of charge, and non-binding mechanism to handle complaints from citizens (or businesses) of one Member State concerning the material application of EU law by a public authority of another Member State. It works to resolve the problem in co-operation with the national public authority by proposing a possible solution and, ultimately, a change of the original administrative decision.

The SOLVIT system is made up of a network^[36] of national Centres, an on-line database connecting the Centres, and a dispute-settlement procedure, outlined in the *Recommendation on principles for using SOLVIT*^[37], adopted in December 2001 (and amended in 2013)^[38]. The network makes use of on-line techniques, and its activity relies on informal procedural arrangements^[39]. It is based on the principle of mutual co-operation, which in this case works at three different levels: at a cross-border level, the two Centres of the concerned Member States (the Home and Lead Centre) co-operate to assess the case; at a national level, the Lead Centre and the national authority which allegedly acted in breach of EU law co-operate to find a possible solution; lastly, at a supranational level, the Centres co-operate with the European Commission and other institutions and networks. Individuals or businesses which encounter difficulties in cross-border activities can submit an enquiry or complaint to SOLVIT on the dedicated Website of the Commission^[40] in any of the 24 official languages of the EU or in Norwegian; the system forwards the submission to the competent SOLVIT Centres who then interact with the submitting person.

Over the years, SOLVIT's evaluation documents^[41] have been indicating that the mechanism has proved itself rather effective in offering individuals and small

businesses an alternative to Courts and in ensuring the correct application of EU law and in bringing about changes in administrative practices at a national level. As a matter of fact, the percentage of cases that are handled and resolved has been constantly increasing. National authorities tend to follow the solutions proposed by SOLVIT – despite their non-binding nature – and have improved their capacity to interpret and correctly apply EU law. A closer look at the statistics shows that SOLVIT cases are mainly submitted by individuals and sometimes by small businesses and that they are essentially about co-ordination of social security systems (health insurance and pensions); this is particularly important in order to understand the motto “default alternative dispute resolution tool”, as we will see later.

It has to be stressed that the success stories of SOLVIT are mainly due to the dedication of the staff members of SOLVIT Centres who are extremely proactive with submissionists^[42].

This being said, different shortcomings are still in evidence and still need to be dealt with.

As a matter of fact, the Commission adopted a new Recommendation, in 2013, *on the principles for using SOLVIT*^[43], in order to revise the previous Recommendation taking into consideration the fact that, notwithstanding the positive conclusions of the abovementioned documents on SOLVIT, they showed also that the effectiveness of the network was still negatively impacted by different factors, and that SOLVIT suffered from several weaknesses. Also, the mandate of SOLVIT had given rise to different interpretations amongst the Centres, combined with a high degree of ambiguity and uncertainty as to whether a given case fell within or outside the remit of the network.

Hence, the Commission undertook to address these issues and tried to boost SOLVIT’s full potential, with a series of provisions aimed at improving the operation of the network.

The Recommendation of 2013 tries to clarify the level of service that individuals and businesses can expect from SOLVIT, the various procedural steps and deadlines that the Centres must respect when handling a case; it sets out minimum standards that SOLVIT Centres should comply with as for organization structures, legal expertise, and relations with other networks, in order to deliver services of equal quality consistently and seamlessly across the

network. Furthermore, it gives a clearer indication of SOLVIT's mandate.

Interestingly, it specifies that SOLVIT can decide cases where the internal market problem is caused by national rules incompatible with EU law; these cases, indicated as “structural cases” – i.e., cases of a repetitive nature rather than single incidents – were in principle excluded from SOLVIT's remit because solving them needed a change in Member States' legal provisions and not only contrasting the incorrect application of EU law to a single case.

SOLVIT's mandate was also extended to cover cases which are not *stricto sensu* cross-border: the Recommendation extends SOLVIT's mandate to include problems where applicants confront their own national administration instead of a foreign one, after having exercised their free movement rights or when trying to do so. As a matter of fact, any student of EU internal market law knows that internal market freedoms apply not only to persons, goods, or activities in a cross-border situation, but also to any person who has made use or intends to make use to its right to free movement after or before crossing borders.

It is also worth mentioning that the Commission reshaped the SOLVIT on-line database as a stand-alone module in the Internal Market Information system (IMI)^[44], hence technically connecting the two instruments.

As already pointed out, again in 2017, the Commission adopted an Action Plan *on the Reinforcement of SOLVIT*^[45], setting out measures to strengthen the mechanism and to work alongside the other Commission's initiatives included in the “compliance package”, such as the Single Digital Gateway^[46], which is aimed at connecting EU and national mechanisms providing information and problem-solving services, all sharing a common and single-entry point^[47].

With the Action plan the Commission committed itself and encouraged the Member States to take action, by using all available EU funding opportunities and the latest technologies, in order to improve the overall quality of SOLVIT, in terms of administrative capacity, handling of complex and sensitive cases, legal expertise, lawfulness of decisions.

Furthermore, in order to make it easier for citizens and businesses to identify and make use of the most appropriate redress mechanism available, the Commission deemed necessary to step up co-operation with other European and national information and help networks (such as Your Europe, Europe Direct, Your Europe Advice, the Enterprise Europe Network, European Consumer Centres,

EURES, Fin-net and European Network of Ombudsmen). The strengthened forms of co-operation should favour the constant exchange of information and advice, the mutual signposting of cases, as well as the direct transferral of a case from one network to another competent to decide on the specific issue.

As to the effectiveness of the co-operation within SOLVIT, according to the latest Reports^[48] SOLVIT still suffers from several weaknesses: national Centres are constantly understaffed in relation to their ever-increasing caseload: more permanent and professional staff is needed. SOLVIT Centres need to have adequate resources and sufficient authority and co-operation also within the national administration. Almost all Centres take too long to inform complainants that their submission is not accepted. The time taken by the lead Centre to accept a case and start solving the problem in a concrete manner is also too long. There is not enough follow-up on more general difficulties in the single market detected through SOLVIT.

With the *Long term action plan for better implementation and enforcement of single market rules*, adopted in March 2020^[49], the Commission has expressed the intention of reinforcing SOLVIT as the “default alternative dispute resolution tool” in all policy areas of the internal market, when a decision by an administration is involved. As a matter of fact, the wording is typical of trendy formulae that are not immediately clear. What seems to be meant by “default” is that SOLVIT is available for the cases where there are no sector specific procedures provided by EU secondary legislation; for lawyers “alternative dispute resolution tool” is a tautology in that context, as SOLVIT is not a system of dispute resolution by Courts or Tribunals.

In order to avoid that the formula remains a mere slogan, further steps will need to be taken; some of them will most probably need the adoption of an EU Act that goes beyond Recommendations and soft law, as we will see later.

4. SOLVIT in the 2020 Action Plan: co-operation with the ELA

As above mentioned, in 2020 the Commission expresses the intention of reinforcing SOLVIT as the default alternative dispute resolution tool in all policy areas of the internal market, when a decision by an administration is involved. In

this respect, once again, it is considered crucial to strengthen its relationship with the different bodies and networks at national and EU level and, in particular, this time, with the European Labour Authority (ELA).

The European Labour Authority was formally established in June 2019, with the adoption of Regulation (EU) n. 2019/1149^[50] (“establishing Regulation”), as a Union body with legal personality, whose scope^[51] is to assist Member States and the Commission in their application and enforcement of EU law related to labour mobility across the Union and the co-ordination of social security systems, specifically, by fostering administrative co-operation and the exchange of the relevant information.

The Authority is aimed at enhancing effective compliance with EU law by facilitating access to information and improving the effectiveness of the administrative intervention especially at a national level.

Interestingly, the Authority is also called upon to mediate disputes between national authorities of different Member States on the correct application of the rules regarding labour mobility and social security co-ordination, with the scope to provide an alternative to a Court action^[52] and try to reconcile the divergent positions of the Member States^[53], following a procedure^[54] outlined by Article 13 of the “establishing Regulation”.

Taking into consideration the relations between ELA and SOLVIT, it is worth mentioning that Recital n. 16) of Regulation n. 2019/1149 underlines the need for ELA to co-operate with other relevant Union initiatives and networks, including SOLVIT; moreover, Recital n. 23) outlines a framework for the relationship between ELA and SOLVIT, in particular, regarding the mediation activity carried out by the Authority.

In this respect, it has to be pointed out that mediation should only concern disputes between Member States, whereas cases involving individuals and employers facing difficulties with exercising their Union rights should be dealt with by the SOLVIT network, to which the Authority should refer such cases. SOLVIT, on its part, should refer to the Authority for its consideration cases in which the problem cannot be solved due to differences between national administrations (“unresolved cases”).

On January 22/2022 SOLVIT and the ELA signed a “co-operation agreement” to allow better co-ordination when it comes to case referral, exchange of

information and follow-up.

For example, the document outlines the co-operation procedure that should be followed when cases are transferred by SOLVIT to ELA for consideration. In particular, prior to referring a case to ELA, national SOLVIT Centres should mutually agree that the ELA mediation procedure is an appropriate step forward to find a solution where the SOLVIT procedure and its mechanisms failed to find a practical solution. The SOLVIT Centres should check carefully that the legal questions raised in the unresolved case fall within the remit of the “establishing Regulation”. Their agreement for referral should be reached within fifteen working days from the date of closing the case as unresolved in the SOLVIT database.

The national SOLVIT Centres should agree which national SOLVIT Centre is responsible for making the referral (the “referring Centre”).

Upon receiving the referral from the concerned national SOLVIT Centre, ELA should assess, within 15 working days, the case summary and any other documents submitted and verify whether the dispute falls within the scope of mediation. ELA may request additional information and/or clarifications from any of the involved national SOLVIT Centres in order to assess the case in detail before reaching its decision on whether to launch its mediation procedure.

5. SOLVIT and data protection

As already mentioned, SOLVIT is a network of national SOLVIT Centres, connected via an internet-based network, which gets the national Centres to work together.

The EU Commission plays a central role in the managing of the whole system, though. It is for the Commission to provide technical support to the network, in particular in the form of an on-line data management system^[55]. Concretely, the SOLVIT database, mailbox and mailing lists are operated and managed by the European Commission. Further on, the financing of the data base and technical support comes all from the EU budget. Last but not least, for all questions or requests regarding the processing of personal data, the controller is indicated in the EU Commission^[56].

The Commission has in fact full access to the information contained in the

database^[57]: A data base which, in principle, allows SOLVIT Centres to record information on individual cases and to exchange it quickly among themselves^[58].

In fact, it has been clearly pointed out, in the 2011 SOLVIT evaluation Report, how The DG internal market supports national SOLVIT Centres also by providing «*a database of cases, informal legal advice and broader support to ensure the successful operation of the network*»^[59].

Moreover, data collected through SOLVIT is used not only for solving the concrete problem, but also as supporting evidence to address structural problems in the functioning of the internal market^[60].

Personal data and documentation relating to the case are in fact accessible to the relevant public Authorities in the Member State concerned; to the SOLVIT Centre in the other Member State concerned^[61], via the European Commission SOLVIT database; may be third parties: for translation purposes, for the purpose of obtaining informal advice. As and if required by national law^[62]. Furthermore, to the European Commission staff in charge of SOLVIT wherever necessary^[63].

This is particularly important to be kept in mind now that the use of SOLVIT has been progressively extended and if the ultimate goal is that of making it a default tool for single market dispute resolution^[64].

According to the Privacy statement to be found on the SOLVIT Website, the legal framework to this regard is now made up of: the “IMI Regulation”^[65] (as SOLVIT uses the IMI system); the so called GDPR, Regulation (EU) n. 2016/679^[66] (and the relevant implementing acts in each country), which governs the processing of personal data by national SOLVIT Centres; Regulation (EU) n. 2018/1725^[67], which governs the processing of personal data by the European Commission; national data-protection-laws, which also govern the processing of personal data by the national SOLVIT Centres one is getting in contact with.

Luckily enough the GDPR does apply, whereas the 2001 Regulation on data protection did not apply to National SOLVIT Centres processing the data, which are not EU institutions or bodies, but form part of the Member States’ public administrations^[68].

This is one of the main reasons why, in the 2012 IMI Regulation, it was specified that «*The processing of personal data and of confidential information as part of SOLVIT procedures should benefit from all guarantees set out in this Regulation, without prejudice to the non-binding character of the SOLVIT*

Recommendation»^[69].

The main purpose of this provision was to (already) offer all necessary guarantees for the rights of data subjects with regard to the processing of their personal data throughout the SOLVIT network.

So, at least, now all guarantees for the rights of data subjects stemming from the GDPR and the whole framework of already mentioned binding legal instruments on data protection apply. Nonetheless, the exchange of information, in itself, does not have (as it has on the contrary in the IMI system) an appropriate legal basis^[70] in a specific act of internal market legislation.

It is in fact clearly stated in the IMI Regulation that «*The use of IMI for the technical support of the SOLVIT network should be without prejudice to the informal character of the SOLVIT procedure which is based on a voluntary commitment of the Member States, in accordance with the Commission Recommendation of 7 December 2001 on principles for using ‘SOLVIT’*»^[71].

6. SOLVIT and access to justice

According to the Commission Recommendation of 2001 on principles for using ‘SOLVIT’, «*Article 3 of the Treaty sets out the aim of abolishing all obstacles to free movement of goods, persons, services and capital between the Member States to create what is known as an Internal Market. Citizens and businesses, particularly small businesses, alike would benefit if there were a way of resolving informally the problems which arise when rules intended to achieve that aim are not applied correctly*»^[72]. To that end, SOLVIT national Centres are committed to providing real solutions to problems within ten weeks. Further on, since SOLVIT is a network for informal problem resolution, it should only deal with cases which are not the subject of legal proceedings at national or Community level. An applicant remains therefore free to launch such proceedings at any time, in which case the problem will be registered as closed in the database^[73].

While seeming positive – although for anybody who understands EU law to some extent, it is quite obvious that an applicant remains free to launch legal proceedings, as SOLVIT is of an informal nature – the latter statement hides a problem which, to our view, is largely underestimated by the Commission services. As a matter of fact, the dedicated Internet page^[74] of the Commission

indicates that «*SOLVIT can help you when: your EU rights as a citizen or as a business are breached by public authorities in another EU country and you have not (yet) taken your case to court (although we can help if you've just made an administrative appeal)*», highlighting the statement «*Submitting a case to SOLVIT doesn't suspend any formal or administrative deadlines under national law*».

There is no guarantee that a SOLVIT complaint will be treated in due time to allow for undertaking a judicial proceeding if the outcome is negative for the complainant. The Website indicates that «*SOLVIT aims to find solutions within 10 weeks – starting on the day your case is taken on by the SOLVIT centre in the country where the problem occurred*».

To take just one example, in France the formal deadline for lodging a judicial appeal against the decision of a public administration (*recours pour excès de pouvoir*) is two months (8 weeks), and it is reduced to one month (4 weeks) for the bodies dealing with social security or pensions' issues (*caisses de sécurité sociale, caisses de retraite*), albeit those judicial appeals are free of charge and do not need the presence of a practicing lawyer (*avocat*).

Therefore, if there is indeed a breach of EU law, French Courts cannot do anything but very hypothetically allow for compensation of the damage involved, which usually does not solve the issue.

The case cannot be brought to the European Court of justice by a reference for preliminary ruling, which is particularly important if there is an issue of interpretation of EU law at hand, which explains the negative decision of the Member States' authority.

If the issue is brought to the Court by the Commission in an infringement procedure, which only happens with “structural cases”, this will in most cases not easily lead to a new decision of the relevant Member State's authority in the relevant specific litigation.

Furthermore, the Website indicates «*SOLVIT cannot help: (...) if you take your case to court; due to its informal nature, SOLVIT cannot run in parallel with formal or legal proceedings*». This latter statement is not based on legal considerations, but probably inspired by Article 228 TFEU which provides that «*(...) the Ombudsman shall conduct inquiries for which he finds grounds, (...) except where the alleged facts are or have been the subject of legal proceedings*».

On the contrary, the fact that the SOLVIT procedure has an informal nature does not impede it to run in parallel with formal or legal proceedings: if SOLVIT brings a satisfactory answer, the appellant may withdraw his appeal, at least in the legal systems we know.

Clearly the scope of the above-mentioned statement is to avoid overburdening SOLVIT with cases that it cannot solve, and maybe also with cases involving actors who have the necessary economic and educational resources to understand that it is in their interest to go directly to Court. It often happens that the introduction of a judicial appeal is perceived by public administrations as a sword of Damocles, which prompts a timely examination. For ordinary citizens and small businesses on the contrary, the Website's statements could lead to wrong expectations or to some expenses for the consultation of legal experts.

Even though there is no published evidence about cases where preferring a SOLVIT procedure has at the end of the day impeded complainants from obtaining satisfaction through judicial review, there is an urgent need to improve the system. In our view it is first indispensable to give a more precise explanation of the wording on the Website: «*you have not (yet) taken your case to court (although we can help if you've just made an administrative appeal)*» and to reformulate those indications.

A second step would be to have on the Website a clear indication of the deadlines in different Member States, at least tentatively for the most common deadlines. This is technically very easy with the appropriate links and a map of EU Member States, as the Commission site does in many cases.

A third step would be to undertake or commission a study of the cases (numbers and typologies) where a SOLVIT complaint has impeded a judicial appeal because the decision was negative and too late. The Ombudsman Network could be mobilised for such a study.

A fourth step, *de lege ferenda*, would be a Regulation or a Directive that would impose a suspension of the Member States' deadlines for judicial appeals, with all due respect to the need to avoid delaying tactics due to bad faith. A binding act of EU law would be indispensable, because otherwise many governments would call on procedural autonomy and say that they cannot make an exception for a procedure involving the EU that is anyway of an informal nature.

7. Conclusive remarks

With its policy documents, over the years, the Commission, has been consistent in its commitment to improving the quality of SOLVIT's services and reaffirming its crucial role for the integration of the internal market.

All in all, the activity of the network has been considered effective in providing remedy to internal market problems; it offers individuals and small businesses an alternative to starting legal proceedings before national judges; is fostering the correct and uniform interpretation and application^[75] of EU law by national administrations in a way which is uniform throughout Europe and is facilitating the amendment of the national regulations which run counter to EU law^[76].

As a matter of fact, having regard to its objective, SOLVIT has been gradually shifting from being a mechanism aimed at resolving individual problems caused by the misapplication of internal market rules by national administrations, to becoming a tool aimed at fostering the enforcement of EU law and effective compliance^[77], in constant co-operation with other authorities and networks.

Evidently, after 20 years, it can be concluded that the system has lived up to expectations, the percentage of cases that are handled and resolved has been constantly increasing, national authorities tend to follow the solutions proposed by SOLVIT – despite their non-binding nature – and have improved their capacity to interpret and correctly apply EU law.

In this context, the European institutions are committed to identify its weaknesses and work to improve its services, in order to strengthen its role as the default alternative dispute resolution mechanism when they involve the correct application of EU law by national administrations.

Nonetheless, if the final goal is really to try and make SOLVIT the default tool for single market dispute resolution, there is at least one preliminary matter still to be dealt with, which is a crucial problem.

SOLVIT was born in 2001 as an informal problem-solving-network, lacking any formal legal-binding act as its basis. Today, after more than 20 years from its creation, there still is no EU binding legal act referring to it. The only official documents specifically referring to SOLVIT are, in fact a Communication from the Commission of November 2001^[78]; a Recommendation on principles for using SOLVIT, adopted in December 2001 and amended in 2013^[79] and, more

recently, a Communication of May 2017 on an Action plan on the reinforcement of SOLVIT^[80].

It is true that the Council has given its endorsement to the Commission's Communication already in its March 2002 conclusions^[81]. The mere fact of being mentioned in a binding text has not even a declaratory value: just to take the most obvious example, the United Kingdom is still mentioned 124 times in the consolidated version of the EU Treaties because they have not been "updated" (which would need a formal revision) since Brexit, but it does clearly not mean that the UK is still a Member State.

At any rate, the fact that SOLVIT is mentioned in EU legislation does not in any way guarantees its persistence, and even less the fact that it will have the necessary resources, especially in terms of staffing at Member States' and EU institutions' level.

To conclude, it is clear to us that, after 20 years of activity, SOLVIT can certainly no longer be considered as just a "pilot project". In order to make it work properly, "informal character and voluntary commitment"^[82] are really not enough anymore.

As to the procedural requirements, the fact that all the activities of the network still rely on informal procedural arrangements is also really suboptimal: procedural requirements should also be set out in a binding act. They are totally indispensable, in our view: if SOLVIT is really to become the default alternative dispute resolution tool in all policy areas of the internal market the EU Commission wishes it to become.

We think it is high time now for the Commission to propose the adoption of a binding act for SOLVIT in order to give it a legal basis. There is without any doubt an appropriate legal basis in Articles 114 or 115 TFEU or in order to overcome the issue of unanimity deriving from Article 114(2) TFEU, in the relevant legal bases about free movement of goods, of labourers, freedom of establishment, free movement of services, and also free movement of capitals, which all refer to the ordinary legislative procedure.

The pros and cons of using a legally binding act establishing SOLVIT are well known. True, a legally binding act might lead to a stiffening of the quite flexible procedure and might in some cases have a negative impact on the willingness to co-operate between Member States' administrations; but there is no real evidence

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about such an effect, and a well drafted directive, or even better, regulation, would overcome this inconvenient.

On the other hand, it is only with a legally binding act that an obligation can be imposed upon Member States, which eventually leads them to comply with their commitments to staffing and financial resources: when choices have to be made in that matter, the existence of a legal obligation is a determining factor for setting priorities.

Above all, as already indicated, overcoming the problems that may arise for plaintiffs from losing the possibility to use judicial review because of procedural deadlines can only be overcome through a legally binding Act. At the end of the day flexibility, as much as it can be desirable as a ‘policy tool’, must and shall not go to the detriment of legality and effectiveness of protection of individual’s rights.

1. See, Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, *Effective problem solving in the Internal Market ("SOLVIT")*, COM (2001) 702 final.
2. See, Commission Staff Working Document, *SOLVIT's helping hand in the Single Market: celebrating 20 years*, Brussels, 26 September 2022, SWD (2022) 325 final, *passim*.
3. *Ibid.*, *passim*
4. Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, *Effective Problem Solving in the Internal Market ("SOLVIT")*, COM (2001) 702 final.
5. Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, *Long term action plan for better implementation and enforcement of single market rules*, of 10 March 2020, COM(2020) 94 final.
6. *Ibid.*, p. 13.
7. *Ibid.*, p. 1.
8. Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, *Action plan on the Reinforcement of SOLVIT: Bringing the benefits of the Single Market to citizens and businesses*, of 2 May 2017, COM (2017) 255 final.
9. Commission, *Proposal for a Regulation of the European Parliament and of the Council, setting out the conditions and procedure by which the Commission may request undertakings and associations of undertakings to provide information in relation to the internal market and related areas*, COM (2017) 257 final; Commission, *Proposal for a Regulation of the European Parliament and of the Council, on establishing a single digital gateway to provide*

information, procedures, assistance and problem-solving services and amending Regulation (EU) 1024/201234, COM (2017) 256 final. See, in this respect, Regulation (EU) n. 2018/1724 of the European Parliament and of the Council, of 2 October 2018, *establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012*, 2018 OJ L 295/1.

10. Commission Recommendation, of 29 June 2009, *on measures to improve the functioning of the single market*, 2009/524 /EC, of 7 July 2009, OJ L 176, *passim*. Commission, *White Paper on European governance*, of 25 July 2001, COM(2001) 42 8 final, p. 25.
11. N. Diamandouros, *The European Ombudsman and the application of EU law by the member States*, in *Review of European administrative law*, 2008, 2, p. 5.
12. Communication from the Commission, *concerning the consequences of the judgment given by the Court of Justice on 20 February 1979 in case 120/78 ('Cassis de Dijon')*, of 3 October 1980, OJ C 256, p. 2.
13. White Paper from the Commission to the European Council, *Completing the Internal Market*, of 28-29 June 1985, COM(1985) 310 final.
14. See e.g., A. Vauchez, *Brokering Europe: Euro-Lawyers and the Making of a Transnational Polity*, CUP, 2015, p. 189.
15. Commission Working Document, *The internal market after 1992: meeting the challenge*. Report presented to the Commission by the High Level Group on the functioning of the Internal Market, available at: <http://aei.pitt.edu/1025/>.
16. A. Rosas, *Ensuring uniform application of EU law in a Union of 27: the role of national courts and authorities*, speech at the Sixth Seminar of the National Ombudsmen of EU Member States and Candidate Countries – *Rethinking good administration in the European Union*, Strasbourg, 14 -16 October 2007, at: <https://infoeuropa.eu/ocid.pt/>. See, also on this topic, P. Nicolaides, *Enlargement of the EU and effective implementation of community rules: an integration-based approach*, EIPA (1999), Working Paper 99/W/04, at: <http://www.eipa.nl/index.asp>.
17. On the implementation of EU law by the Member States, see, H. Hofmann, *General principles of EU law and EU administrative law*, in S. Peers, C. Barnard (edited by), *European Union law*, OUP, 2020, p. 212.
18. Commission White Paper, *European governance*, COM (2001) 428 final, p.25; F. Lafarge, *Administrative cooperation between member States and the implementation of EU law*, in *European public law*, 4, 2010, p. 597.
19. A.H. Türk and H.C.H. Hofmann, *An introduction to EU administrative governance*, in H.C.H. Hofmann and A.H. Türk (edited by), *EU administrative governance*, Edward Elgar, Cheltenham, 2006, p. 1.
20. Just as examples: Directive 2006/123/EC of the European Parliament and of the Council, of 12 December 2006, *on services in the internal market*, 2006 OJ L376/06; Directive 2005/36/EC of the European Parliament and of the Council, of 7 September 2005, *on the recognition of professional qualifications*, 2005 OJ L255/22; Directive 2013/55/EU of the

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European Parliament and of the Council, of 20 November 2013, *amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) 1024/2012 on administrative cooperation through the Internal Market Information System (‘the IMI Regulation’)*, 2013 OJ L354/132.

21. See, Court of Justice, judgment 10 February 2000, C-202/97, *FTS*, EU:C:2000:75: the CJEU, called upon to rule on the application of Article 10 TEC, made it clear that the principle of sincere co-operation imposes mutual obligations on the “Home” and the “Host” State authorities. The former has to carry out a proper assessment of the facts relevant for the application of the rules in question, and they have to guarantee the correctness of the information on which they base their decision (e.g., the issuance of an authorisation). The “Host” State authorities, on the other hand, have to “recognize” this decision, and they have to consider themselves bound by it.
22. Pursuant to the principle of sincere co-operation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties.
23. «1. *Effective implementation of Union law by the Member States, which is essential for the proper functioning of the Union, shall be regarded as a matter of common interest. 2. The Union may support the efforts of Member States to improve their administrative capacity to implement Union law. Such action may include facilitating the exchange of information and of civil servants as well as supporting training schemes. No Member State shall be obliged to avail itself of such support. The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall establish the necessary measures to this end, excluding any harmonisation of the laws and regulations of the Member States. (...)».*
24. «*Co-operation assumes importance as a legal tool that might ensure effectiveness of European Union law and of its national implementation, thus favouring integration between public administrations and their legal systems (...)*». R. Cavallo Perin and G.M. Racca, *Administrative cooperation in the public contracts and service sectors for the progress of European integration*, in F. Merloni and A. Pioggia (edited by), *European democratic institutions and administrations*, Springer, 2018, 265, at 267.
25. Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, on *Updating the 2020 New industrial strategy: building a stronger single market for Europe’s recovery*, of 5 May 2021, COM(2021) 350 final.
26. See, at https://ec.europa.eu/info/strategy/recovery-plan-europe_en.
27. Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, *Upgrading the Single Market: more opportunities for people and business*, of 28 October 2015, COM (2015)550 final, p.16; See, also, Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, *Commission Work Programme 2017. Delivering a Europe that protects, empowers and defends*, of 25 October 2016, COM (2016) 710 final.

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28. European Parliament, Council and European Commission, *Joint Declaration on the EU's legislative priorities for 2017*, of 13 December 2016, at, <https://ec.europa.eu/>.
29. See, also, Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, *Updating the 2020 New Industrial Strategy: Building a stronger Single Market for Europe's recovery*, of 5 May 2021, COM(2021) 350 final.
30. See, in this respect, Regulation (EU) 1024/2012 of the European Parliament and of the Council of 25 October 2012 *on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation')*, 2012 OJ L316/1.
31. In this respect, see M. Lottini, *The European Professional Card: a new single market governance tool*, in *Rivista italiana di diritto pubblico comunitario*, 5, 2017, p. 1254.
32. See, for example, the Commission Recommendation, *for a Council Recommendation on the 2020 National Reform Programme of Austria and delivering a Council opinion on the 2020 Stability Programme of Austria*, COM(2020) 520 final, Recital n. 20.
33. Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, of 27 November 2001, *Effective Problem Solving in the Internal Market ('SOLVIT')*, COM(2001) 702 final.
34. See D.U. Galetta, *Informal information processing in dispute resolution networks: Informality versus the protection of individual's rights?*, in *European public law*, 1, 2014, p. 71.
35. M. Lottini, *Correct application of EU law by national public administrations and effective individual protection: the SOLVIT network*, in *Review of European administrative law*, 3, 2, 2010, p. 5.
36. Some legal scholars refer to SOLVIT as a trans-governmental network. D. Sindbjerg Martinsen and M. Hobolth, *The effectiveness of transgovernmental networks: managing the practical application of European integration in the case of SOLVIT*, in S. Drake and M. Smith (edited by), *New directions in the effective enforcement of EU law and policy*, Edward Elgar, Cheltenham, 2016, p. 158.
37. Recommendation of the Commission, of 7 December 2001, *on principles for using 'SOLVIT' – the Internal Market Problem Solving Network*, OJ L331/79.
38. Recommendation of the Commission, of 17 September 2013, *on the principles governing 'SOLVIT'*, C(2013) 5869 final.
39. See, in this respect, D.U. Galetta, *Informal information processing in dispute resolution networks: informality versus the protection of individual's rights?*, in *European public law*, 1, 2014, p. 71.
40. https://ec.europa.eu/solvit/index_en.htm.
41. All the Reports can be found on the SOLVIT Website: <http://ec.europa.eu/solvit/>.
42. An important number of cases have been explained during the workshop, *SOLVIT: Towards a default tool for dispute settlement in the Single Market?*, held at the University

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- of Luxembourg on 14 October 2022, www.fr.uni.lu/fdef/actualites/.
43. Recommendation of the Commission, of 17 September 2013, *on the principles governing "SOLVIT"*, C(2013) 5869 final.
 44. On this issue, see, L Musselli, *Administrative cooperation between Member States: the SOLVIT network*, in L Ammannati (edited by), *Networks. In search of a model for European and global regulation*, Giappichelli, Torino, 2012, p. 91.
 45. Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Region, *Action plan on the Reinforcement of SOLVIT: bringing the benefits of the Single Market to citizens and businesses*, of 2 May 2017, COM(2017) 255 final.
 46. Regulation (EU) 2018/1724 of the European Parliament and of the Council, of 2 October 2018, *establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012*, 2018 OJ L295/1.
 47. Access to the gateway is via a search function in the Your Europe portal.
 48. See the annual Reports and evaluation reports available at: https://ec.europa.eu/solvit/documents/index_en.htm
 49. Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, *Long term action plan for better implementation and enforcement of single market rules*, of 10 March 2020, COM(2020) 94 final.
 50. Regulation (EU) n. 2019/1149 of the European Parliament and of the Council, of 20 June 2019, *establishing a European Labour Authority*, 2019 OJ L 186.
 51. Its scope of activities covers several Union Acts dealing with the free movement of workers, the integration of labour markets, the posting of workers, undeclared work, the co-ordination of social security systems for all economic sectors including road transport. With regard to: Regulation (EU) n. 492/2011, of the European Parliament and of the Council, of 5 April 2011, *on freedom of movement for workers within the Union*, 2011 OJ L 141; Directive 2014/54/EU, of the European Parliament and of the Council, of 16 April 2014, *on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers*, OJ 2014 L 128; 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*, 1997 OJ L 18. And, Directive 2014/67/EU, of the European Parliament and of the Council, of 15 May 2014, *on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System*, 2014 OJ L 159; Regulation (EC) n. 883/2004, of the European Parliament and of the Council, of 29 April 2004, *on the coordination of social security systems*, 2004 OJ L 166; Regulation (EC) n. 987/2009, of the European Parliament and of the Council, of 16 September 2009, *laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social*

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security systems, 2009 OJ L 284, etc.

52. As a matter of fact, cases already the object of ongoing Court proceedings at national or Union level are not admissible for mediation, also, if Court proceedings are initiated during the mediation the latter must be suspended.
53. A typical example being that of contested information in A1 portable documents for posted workers. This certificate issued by the home Country concerns the social security legislation which applies to an individual and confirms that the individual in question has no obligation to pay contributions in the host Member State. It establishes a presumption that the holder is properly affiliated to the social security system of the Member State which has issued the certificate.
54. The mediation procedure can be launched by the Authority upon request of one or more of the Member States concerned, but also on its own initiative; however, it can be conducted only with the agreement of all Member States that are party to the dispute. The first stage of the mediation is conducted between the Member States that are party to the dispute and a mediator; if no solution is found, the Authority can launch a second stage before its Mediation Board (composed of experts from Member States other than those that are party), seeking to reconcile the points of view of the Member States that are party to the dispute and ultimately agreeing on a non-binding opinion. Within three months of the adoption of the non-binding opinion, the Member States that are party to the dispute must report to the Authority with regard to the measures that they have taken for the purpose of following up on the opinion or, where they have not taken measures, with regard to the reasons why they have not done so.
55. Commission staff working document, of 17 September 2004, *Setting out the approach for assessing the conformity of solutions proposed by the SOLVIT network with Community law*, SEC (2004) 1159.
56. See: https://ec.europa.eu/solvit/privacy-statement/index_en.htm.
57. Though it is specified in the privacy statement that «*The Commission department running SOLVIT will process your data only to the extent necessary for responding to you*», at: https://ec.europa.eu/solvit/privacy-statement/index_en.htm.
58. See, A.C. Vifell and E. Sjögren, *Governing by supervision: The EU Commission's SOLVIT-centres as juridified internal market watchdogs. The Case of Sweden*, SSE/EFI Working Papers Series in business administration, 1, 12, 2010, 7.
59. Evaluation of SOLVIT. Final Report, November 2011, at: <https://ec.europa.eu/solvit>, para 1.2.
60. See, *supra*, para 1.
61. It is specified in the privacy statement that «*You can request that the home Centre receiving your case does not disclose your data to the lead Centre responsible for finding a solution (including the competent authority/ies). But in many cases, this will prevent the lead Centre from investigating the case and they may refuse to handle it*». See, at https://ec.europa.eu/solvit/privacy-statement/index_en.htm#maincontentSec2.
62. National data protection laws also apply as to the processing of personal data by the

- national SOLVIT Centre one gets in contact with.
63. See, at: https://ec.europa.eu/solvit/privacy-statement/index_en.htm#maincontentSec2, under «*Who can access your data and for what purposes?*».
 64. See, in this respect, L. López de Castro García-Morato, *Reinforcing the Governance of the European Internal Market: The SOLVIT network*, in *European review of public law*, 33, 2, 2021, p. 453.
 65. Regulation (EU) n. 1024/2012 of the European Parliament and of the Council, of 25 October 2012, *On administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation')*, 2012 L 316/1. On this Regulation, see, M. Lottini, *Instruments of intensified informal mutual assistance: the internal market information system (IMI) and the protection of personal data*, in *European public law*, 2014, 1, p. 107.
 66. Regulation (EU) n. 2016/679 of the European Parliament and of the Council, of 27 April 2016, *on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)*, 2016 OJ L 119.
 67. Regulation (EU) n. 2018/1725 of the European Parliament and of the Council, of 23 October 2018, *on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC*, 2018 OJ L 295.
 68. See to this regard the Decision of the European Ombudsman, of 24 March 2006, *on complaint 1781/2004/OV*, where he recalls that «*Although the SOLVIT network has been created by the Commission and the Member States in order to solve problems facing EU citizens and businesses due to the misapplication of internal market law the SOLVIT centres themselves are not Community institutions or bodies, but form part of the national Ministries*» and concludes, therefore, that his office is lacking the competence to inquire in the case matter since «*The EC Treaty empowers the Ombudsman to inquire into possible instances of maladministration only in the activities of Community institutions and bodies*». For a discussion on this issue, see, M. Lottini, *Correct application of EU law by national public administrations and effective individual protection: the SOLVIT network*, in *Review of European administrative law*, 3, 2, 2010, p. 5.
 69. Recital n. 18 of Regulation (EU) n. 1024/2012, *on administrative cooperation through the Internal Market Information System ('the IMI Regulation')*, 2013 OJ L354/132.
 70. See, in this respect, C.E. Koops, *Compliance mechanisms compared. An analysis of the EU infringement procedures, SOLVIT, Pilot and IMS?*, in J.M. Beneito and J. Maillou (directed by) and J. Corti and P. Milla (coordinated by), *Fostering growth in Europe: reinforcing the internal market*, CUE, Madrid, 2014, p. 431.
 71. Recital n. 18 of Regulation (EU) n. 1024/2012 cit. supra n. 68.
 72. Commission Recommendation, *on principles for using SOLVIT – the Internal Market Problem Solving Network*, C(2001)3901, of 7 December 2001, OJ L 331, p. 2.

73. See, Recommendation of the Commission, of 7 December 2001, *on principles for using "SOLVIT" – the Internal Market Problem Solving Network*, cit.
74. https://ec.europa.eu/solvit/what-is-solvit/index_en.htm.
75. D. Sindbjerg Martinsen and M. Hobolth, *The effectiveness of transgovernmental networks: managing the practical application of European integration in the case of SOLVIT*, in S Drake and M Smith (edited by), *New Directions in the Effective Enforcement of EU Law and Policy*, Elgar, Cheltenham, 2016, p. 158.
76. A. Correia de Brito, *Modern enforcement in the single European market*, in J.M. Beneito and J. Maillou (directors) and J. Corti and P. Milla (coordinators), *Fostering growth in Europe: reinforcing the internal market*, CEU, Madrid, 2014, p. 396.
77. C.E. Koops, *Compliance mechanisms compared. An analysis of the EU infringement procedures, SOLVIT, Pilot and IMS?*, in J.M. Beneito and J. Maillou (directors) and J. Corti and P. Milla (coordinators), *Fostering growth in Europe: reinforcing the internal market*, cit. p. 431, at 456.
78. Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, of 27 November 2001, *Effective Problem Solving in the Internal Market ('SOLVIT')*, COM (2001) 702 final.
79. Recommendation of the Commission, of 17 September 2013, *on the principles governing "SOLVIT"*, C(2013) 5869 final.
80. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, of 2 May 2017, *Action plan on the Reinforcement of SOLVIT: Bringing the benefits of the Single Market to citizens and businesses*, COM(2017) 255 final.
81. «*The Internal Market/Consumer Affairs/Tourism Council (...) 1. WELCOMES (...) the Commission's Communication on Effective Problem Solving in the Internal Market ("SOLVIT") and endorses the Commission's Recommendation of 7 December 2001 on the principles for using the SOLVIT Network*». Internal Market/Consumer Affairs/Tourism - Brussels, *Internal Market Problem-Solving - Council conclusions on the "SOLVIT" network*, 1 March 2002, p. 16.
82. They have been discussed during the workshop, *SOLVIT: Towards a default tool for dispute settlement in the Single Market?* held at the University of Luxembourg, on 14 October 2022, see https://wwwfr.uni.lu/fdef/actualites/solvit_towards_a_default_tool_for_dispute_settlement_in_the_single_market.⁸¹ D.U. Galetta, *Informal information processing in dispute resolution networks: Informality versus the protection of individual's rights?*, in *European Public Law*, 2014, p. 71.