ReSPA
Regional School of Public Administration

ONE-STOP SHOP

TOOL FOR IMPROVING PUBLIC ADMINISTRATION SERVICES

Example of Austria and Lessons for the Western Balkan Countries

Vienna, 26-27 March, 2015

Discussion Paper and Study Visit Programme

Background

The domain of general administrative procedure and administrative justice is of special importance for ReSPA members, for the EU, SIGMA and other institutions, for it represents an overarching tool for achieving the standards of good administration. In particular, for the Western Balkan area, an additional impetus should be dedicated to modernisation of the general administrative procedure legal framework, innovative institutes and their implementation in everyday administrative practice. E-government with its various components (e-communication, e-administration, etc.), one-stop shop principle and administrative simplification are among such new, powerful, principles and tools of administrative modernization.

The General Administrative Procedure Act (GAPA) Working Group has been initiated by ReSPA in order to develop holistic and more tangible reform results and enhance regional cooperation in the Western Balkan area (region) in order to introduce European standards of good administration.

Following consultations and expressed interest of the ReSPA members and earlier experiences in networking in this field, it has been decided that ReSPA should organize further regional events and expand GAPA networking activities in the region. Activities are devoted to exchange of good practices by bringing together the participants from the Western Balkans region (Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Serbia and Kosovo[*]).

This Study Visit is organized as a follow up of the GAPA Working Group meetings held in Belgrade in June 2013, in Zagreb in January 2014, and in Danilovgrad in June 2014. The first GAPA Working Group meeting was held in Belgrade in June 2013, and was titled "Europeanization of the Western Balkan Laws on General Administrative Procedure". The networking workshop in Zagreb in January 2014 titled "Efficiency and Simplifications of Administrative Procedure and Administrative Justice" was devoted to identification of ongoing trends in fostering efficiency and simplifications in administrative procedures and administrative justice in the Western Balkans. The third meeting took place on 23-24 June 2014 in Danilovgrad, and coincided with the UN Civil Services Day in Montenegro.

The following event will take place in Vienna on March 26-27, 2015, and is designed as the enhanced Study Visit and devoted to introduction to the Austrian legal framework, organization, and practice of e-government, one-stop shop (Digital Austria, HELP.gv.at) and administrative simplification. It especially follows the GAPA Working Group meeting held in Zagreb in January 2014, when the participants expressed the wish to learn more about the best practices of improving efficiency of administrative procedures and simplification of administrative services.

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[*]*This designation is without prejudice to positions on status, and it is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence*

In addition to the abovementioned, and due to the importance of the one-stop shop principle, the Working Group on e-Government from the Western Balkan region will also participate in the Study Visit. The e-Government Working Group consists of civil servants responsible for the process of establishment of the e-Government system in the context of the public administration reform process in the countries of the Western Balkans. This Working Group involves representatives of central government i.e., ministries of justice, ministries responsible for public administration and other relevant ministries and government agencies.

This initiative has several goals: to learn about best practices in implementation of one-stop shop principle, and map the progress in that respect in the region, connect it with Austrian experiences and best practices, and develop a set of recommendations for future cooperation and activities between ReSPA's GAPA and e-Government working groups in the Western Balkan region.

Objectives

The joint activity of ReSPA's GAPA and e-Government working groups is envisaged as a Study Visit to the Austrian Federal Chancellery, with the purpose to collect abundant information about one of the best examples of electronic administration and administrative one-stop shop in the part of Europe that is of special importance for the Western Balkan countries. It is expected that this Study Visit will motivate participants to consider how to implement some elements of the good practice seen in Austria in the Western Balkans' public administrations.

The key topics to be discussed during this Study Visit are:

- The Austrian General Administrative Procedures Act (AVG) and its modernization with an emphasis on the issues of e-communication and delivery improvements;
- Contextualizing electronic one-stop shop in administrative organization of the Austrian Federal Government – Digital Austria;
- Legal and organizational aspects of electronic identity document (ID or Citizen card) as an important prerequisite for successful functioning of the one-stop shop;
- Legal aspects and functioning of the Austrian one-stop shop – www.help.gv.at
- ELAK – Federal Electronic File Management - the electronic filing system;
- Registers and Mobile ID – core register components, and practical usage of registers.

The purpose of this paper is to provide a basis for discussion between the representatives of the Austrian Federal Chancellery and the representatives of interested Western Balkan countries on legal framework, organizational, technical (IT hardware and software), administrative and other challenges and solutions regarding e-administration, implementation of one-stop shop principle, and administrative efficiency and simplification in general.

The objective of the Study Visit from the aspect of participants and ReSPA is threefold. The first objective is to learn about the Austrian example. It is of special importance for the

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Western Balkan region, because the majority of countries in the region share similar tradition of legal regulation of general administrative procedures.

Secondly, the objective of the Study Visit is to analyse the strengths, possible weaknesses and challenges of the Austrian model of electronic one-stop shop. That includes discussion about practical usage and possible abuse of its various components (registers, e-communication, delivery of documents, ID and personal data, etc.).

Finally, this Study Visit may serve to evaluate the experiences of the ReSPA members in the fields of e-communication, e-administration, e-registers, etc., to summarise the lessons learned, and to assess the applicability of Austrian experiences in their home countries.

The Study Visit will be followed up by a written summary of the visit and recommendations that will be prepared by the two ReSPA experts who will accompany the group of the ReSPA members' representatives. These documents will be prepared after the Study Visit, the latest by April 25, 2015, and circulated among the ReSPA members' representatives – members of both GAPA and e-Government working groups. In such a way, we aim to create knowledge base and recommendations for reforms of national public administrations with special emphasis on one-stop shop model.

The attached Study Visit Programme is to provide additional guidance on the subject matters for the visit. However, it is not intended that the Programme and the discussion paper limit, but rather open up the discussion on all relevant and related topics. Thus, the participants are expected to discuss e-administration, one-stop shop practice, and administrative simplifications in a wider perspective.

Discussion Paper

Administrative procedures are frequently blamed to be time-consuming, non-transparent, and bureaucratic. Many technological, structural and legal innovations are to be applied for simplifying administrative procedures. E-communication and other instruments of e-government, points of single contact (one-stop shops), reducing formalities and burdens to citizens and businesses, result orientation, one instance decision making and other measures can heal situation with complex legal regulation of administrative procedures and improve citizens' and businesses' position in their relations with public administration.

Heavy, detailed, casuistic regulation of a general administrative procedure does not have the same impact as the more modern regulation focused on wide principles and the most important issues of citizens' rights protection. While the former can cause red tape and non-transparent situation in the public sector, the later can streamline both procedures and administrative control to impacts of administrative procedures.

However, for achieving good administration standards and standards of contemporary, modern administration which is fast, efficient, result-oriented, law-abiding, and citizen-friendly, it is necessary to ensure many other prerequisites, especially those of organizational, technological, and personnel nature. Improvements in technology and structure of public administration, as well as in legal framework of the GAPA that ensure

better results with smaller input are indispensable. New knowledge, competencies, and skills of public servants are of utmost importance.

E-government is a system of technological and structural solutions for administering relations of citizens, businesses and other social subjects to the governments and among governmental institutions in electronic way. It comprises several components: G2C (government to citizens); G2B (government to businesses); G2G (government to government); IEE (internal efficiency and effectiveness). There are four main levels of e-government development:

- Information about public services is provided online

- One-way interaction with possibility of downloading printed forms

- Two-way interaction when forms are processed electronically

- Transaction: cases are handled electronically, including issuing decisions, their delivery, payments, etc.

One-stop-shop offers various services in one place, and is saving time, effort, money, and other resources of businesses, citizens, civil sector organizations, other public and private subjects that are in contact with public administrations. It was originally developed in the US business practice. Besides "general" one-stop shop, there may function "specific" one-stop shops for certain groups of people (youth) or services (rail, tax, custom, etc.). This structural and technological innovation is now widely used in the public sector worldwide, from many local authorities in the UK to the Australian Centrelink, from national one-stop shops to the network of the European SPOCS (Simple Procedures Online for Cross-Border Services)[1]. The purposes of one-stop shops are informational, intermediary, security, savings, speeding up, user-friendly, etc.

There is a huge effort of the European Union to foster e-services. Apart from the Directive 1999/93/EC on a Community framework for electronic signatures that was aimed at removing barriers to the use of electronic signatures and electronic communication in e-commerce and e-government, the Services Directive is of special importance. The Directive 2006/123/EC on Services in the Internal Market aims at reducing barriers to development of services between the Member States, especially administrative burdens (authorisations, procedures, etc.) established by national governments that can strike particularly small and medium-size businesses (focus on business-to-government, not on citizens-to-government relations). It identifies "red tape" that includes "unnecessary or excessively complex and burdensome procedures", "duplication of procedures", "excessively long periods before a response is given", etc. The Services Directive stresses a need to ensure the business-friendly solutions within public administration for service providers, and asks for administrative simplification, meaning (among other measures):

- Principle of tacit authorisation after the lapse of a certain period of time

- Points of single contact

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[1] http://www.eu-spocs.eu/

- Publishing all information about the competent authorities and administrative procedures

- Electronic ways of completing procedures and formalities (communications and transactions).

Three main groups of services need to be offered by the Points of Single Contact (PSCs) under the Service Directive:

- Providing information and assistance necessary to access and to exercise service activities

- Receiving and forwarding applications, requests, and documents to the competent bodies

- Notifying and delivering information, documents, and administrative acts to the applicants.

The Regulation (EU) No 910/2014 on Electronic Identification and Trust Services for Electronic Transactions in the Internal Market[2] repeals the Signature Directive, which has not found effective implementation. European Commission considers trust as a critical issue of electronic means usage and a key to economic development, and wishes to enable cross-border interoperability and recognition of identification means that are notified to the EC. Regulation equals electronic document with paper document, and may have a much stronger effect on administrative and other proceedings in which the Member States would need to accept electronic documents, signatures, and communication as equally valid to the paper ones.

The Points of Single Contact (PSCs) have been established in all Member States and some others, such as Iceland, Liechtenstein, and Norway[3]. They are e-government portals for entrepreneurs active in the service sector. It is a legal obligation to have a PSC in each EU Member State as of December 2009. Tax and social security procedures have not been legally requested to be components of PSCs. Many of them are available in English and national languages. Certain countries have enabled more than one PSC. National PSCs are part of the EUGO network.

SPOCS - Simple Procedures Online for Cross-Border Services - was the project of building the next generation of PSCs. The project encompassed 7 Member States (13 partners in total) in the first phase (after May 2009). Additional 9 countries with total of 16 new partners accessed later.

There are, however, some problems with PSCs:

- Some of them do not offer a possibility to complete formalities electronically and from distance

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[2] http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1425379779354&uri=CELEX:32014R0910
[3] http://ec.europa.eu/internal_market/eu-go/index_en.htm

- User-friendliness is not very high (complicated, not easy to find precise information, weak back-offices, etc.)

- Foreign languages: only some of them allow completion of procedures in a foreign language

- Weak transposition at the sub-national and local levels

- Weak or no awareness-raising campaigns, etc.

However, many countries are trying to establish one-stop shops not only for businesses, but also for citizens, and trying to improve public administration functioning. Some of them are almost completely designed as the digital (electronic) gates, while others are a combination of physical and electronic points. Austrian Federal one-stop shop is one of the best examples of digital one-stop shops in Europe, showing many advantages and serving as a powerful tool for administrative modernization. It offers many services to citizens, businesses, and public authorities.

Target audience / Participants

Participation is expected from senior public servants working in national level governmental institutions in Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Serbia and Kosovo*. Participants are expected to have significant practical experience in public administration, knowledge of English language at the working level, and proven interest in GAPA modernization and in related e-government area. In addition, participants should have some theoretical and practical knowledge about administrative simplification.

ReSPA Experts

Professor Dr. Ivan Koprić has almost 30 years of professional experience in law, public administration, science, and consultancy. He graduated from the Faculty of Law in Zagreb and has M.Sc. degree in public administration and politics. His PhD thesis was in administrative law, public administration and organization theory. He serves as the President of the Institute of Public Administration in Croatia. He is the head (Vice-dean) of the Study Centre for Public Administration and Public Finances at the Faculty of Law, University of Zagreb, Croatia, and President of the Scientific Committee of the Academy of Legal Sciences of Croatia. Furthermore, he is a member of the Scientific Council for the State Administration, Judiciary and the Rule of Law within the Croatian Academy of Sciences and Arts. He is a member of several parliamentary and governmental committees, councils and working groups (on constitutional issues, decentralisation, restitution, state administration, local elections, open government, etc.). He is the Editor-in-chief of the international scientific journal Croatian and Comparative Public Administration, as well as the Editor-in-chief of the book collection Contemporary Public Administration with 27 books published so far. He

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teaches at the studies of law, public administration, and social work, including doctoral degrees. He has been engaged in many international scientific and consultancy projects. He is the author or co-author of a dozen of books (Europeanization of the Croatian Public Administration, 2015; European Administrative Space, 2012; Administrative Science, 2014; Modernization of General Administrative Procedure and Public Administration in Croatia, 2009; The New Law on General Administrative Procedure: Practical Issues and Application Problems, 2009; etc.). He is the author or co-author of some 250 scientific and other papers in Croatia and abroad. Professor Koprić has extensive consultancy and expert experience in public administration, administrative procedural law, and related areas, in Croatia and abroad. He was a member of several working groups in Croatia, and an expert for preparation of the new Croatian GAPA during 2000s. Recently, he has been an OECD-Sigma expert for administrative law and public administration reform engaged with modernization of administrative procedure law in Montenegro and Macedonia. He has been an UN, UNDP, USAID, LGI, and WB expert, and has acted as one in all Western Balkan countries.

Professor Dr. Predrag Dimitrijević has over 20 years of experience in the field of public administration reforms as high level expert. He is working at the University of Nis, Serbia since 1984. He completed his graduate studies at the Law Faculty of the University in Belgrade. In 1991, he defended his master thesis "Administrative Act and Contemporary Technology", which represents a complex research in the field of legal theory, administrative law and legal informatics. In 1996, he defended his doctoral dissertation on „Administration Non-performance Liability with an emphasis on 'Silence of Administration'". During his proffesional career, in addition to teaching and research, he is involved in various managerial tasks at the Faculty of Law in Nis as well as in other institutions.

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ReSPA, March 4, 2015

STUDY VISIT PROGRAMME

Location: Austrian Federal Chancellery, Minoritenplatz 1, Vienna

Day 1: Thursday, March 26, 2015

10:00	**-**	**16:00**	***E-government and E-administration in Austria***
10:00		11:00	Welcome to the Austrian Federal Chancellery Introduction of participants
11:00	-	12:00	General Administrative Procedures Act and e-government – *intro.* Electronic ID (Citizen card) - Legal and organizational aspects
12:00	-	*13:00*	E-government in Austria www.help.gv.at The Austrian one-stop shop; Discussion
13:00	-	14:00	*Lunch at "Alter Hofkeller"*
14:00	-	*15:00*	ELAK – the electronic filing system Registers and Mobile ID – core register components Discussion
15:00		*15:15*	*Coffee break*
15:15		*16:00*	*Q&A* *End of Day 1*

Day 2: Friday, March 27, 2015

10:00	**-**	**14.00**	***Austrian General Administrative Procedures Act (AVG)***
10:00	-	12:00	General Administrative Procedures Act and e-government - *cont.*
12:00	-	13:00	Q&A *Final remarks and evaluation of the Study Visit*
13:00	-	14:00	*Lunch at "Alter Hofkeller"*