ePartication in Administrative Procedures

Alexander Prosser

This presentation is based on research commissioned by the Austrian Federal Chancellery

Why eParticipation in Administrative Procedures ?

The Story of “Stuttgart 21”

Source: wikipedia.org

Conversion of ground-level terminus to sub-terrestrial pass-through station

1994/5 Feasibility study

1995 Framework contract

1996/7 Environmental Impact Assessment, 13,700 complaints

2009 All legal requirements and financing ready

The Story of “Stuttgart 21” (cont.)

Source: wikipedia.org, schwaebische.de

- 2011 Building phase started
- Massive / violent protests
- Grass roots movement via facebook, twitter etc.
- New government voted in (Green PM for Baden-Württembg.)
- Mediation by Heiner Geißler

The Story of “Stuttgart 21” (cont.)

Mediation mainly fact finding

Before mediation:
- 26% pro
- 51% against

After mediation:
- 54% pro
- 38% against

Source: wikipedia.org

Transparency essential in communicating large-scale projects

=> Referendum to be held

EU Legislation

Classical Administrative Law in many European Countries defines parties to the procedures and ...

... limits rights to parties to the procedures (hearing, appeals, access to files, ...)

All other participants with limited legal position

EU legislation blurs this distinction

Environmental Impact Assessment Directive 2009/31/EG:

Participation of the Public in
- Procedures
- Appeals procedures in court

“at an early stage”

incl. NGO

Relevant decisions by European Court of Justice in AT, DE, UK and others

25.7.2008 C-237/07 “Janecek”

Submission by German Administrative Court:

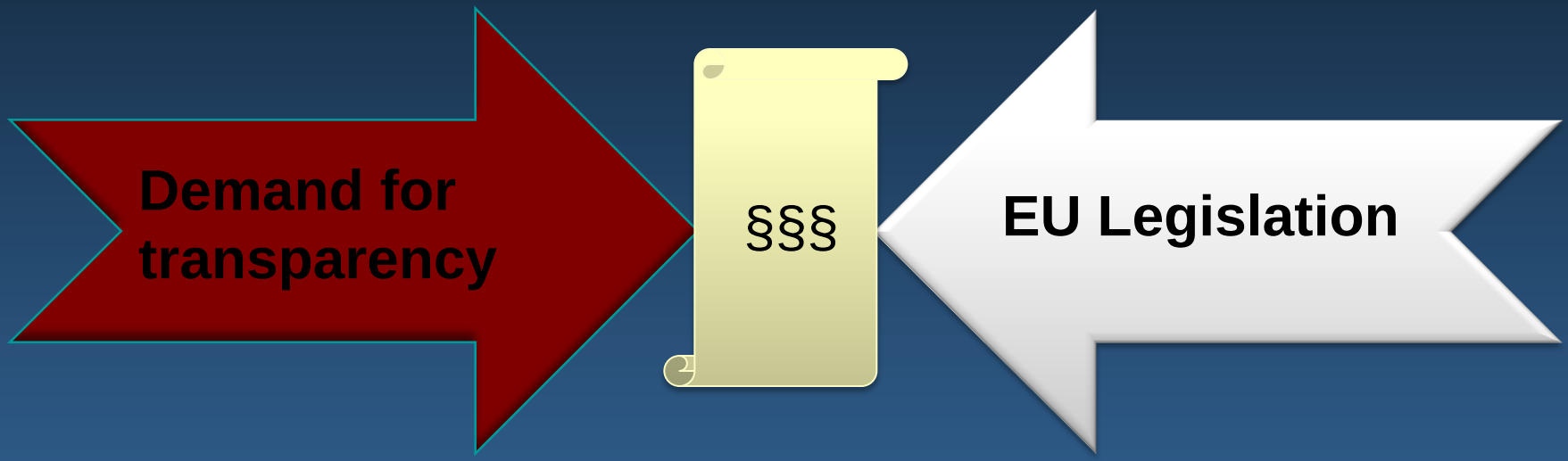
“where there is a risk that the emission limit values […] may be exceeded, persons directly concerned must be in a position to require the competent national authorities to draw up an action plan.
[...]
“Member States are obliged, subject to judicial review by the national courts, to take such measures …”

25.7.2008 C-237/07 “Janecek”

Submission by German Administrative

Does that include me visiting City X once a year ?

“where there is a risk that the emission limit values […] may be exceeded, persons directly concerned must be in a position to require the competent national authorities to draw up an action plan.
[...]
“Member States are obliged, subject to judicial review by the national courts, to take such measures …”


Demand for transparency
§§§
EU Legislation

"Large Scale Procedures" in Austrian Law

- Edicts instead of individual notices possible
- Parties may inspect application and experts' opinions
- Parties may lodge appeal
- Public hearing
- Oral procedures announced by edict, public

How may the Internet be used for

- Edicts
- Project presentation, review by the public
- Appeals
- Public hearing

Edicts:

- Authentic
- Central address, alert services
- Offered by the authority, advertising-free, free of external links
- Accessible
- Open (and durable) format

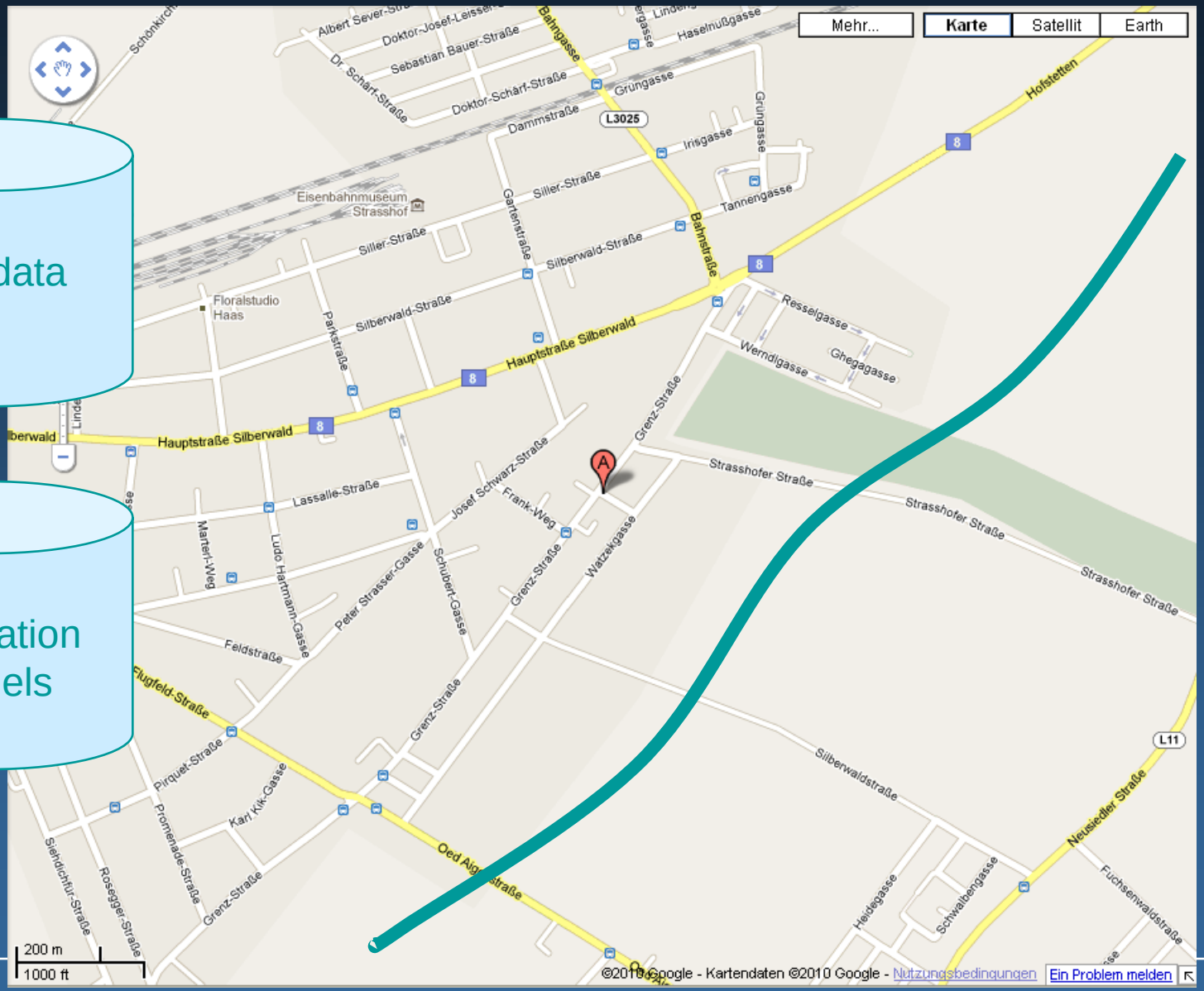
Project Simulation:

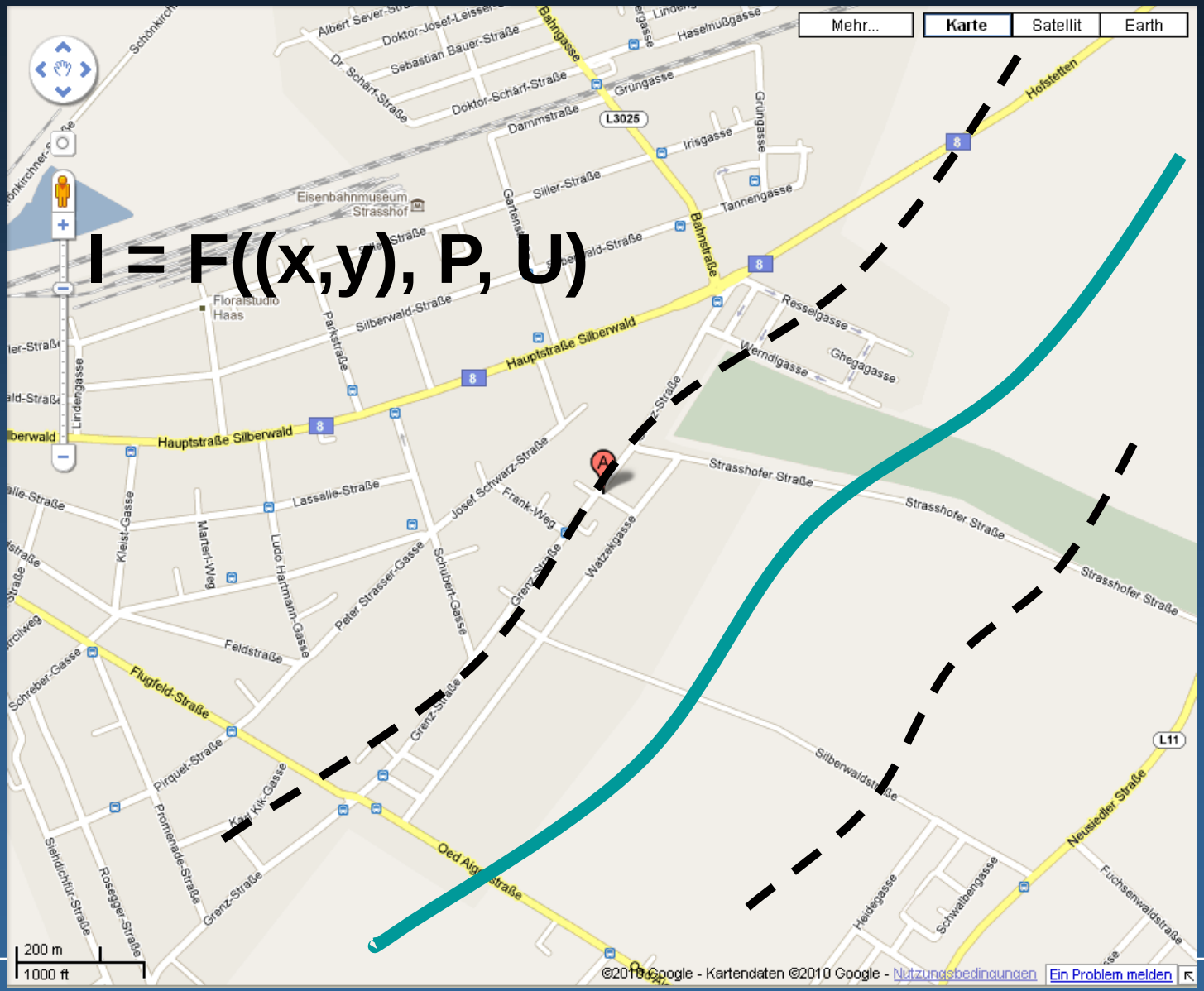
- Who is concerned?
- How? To what extent?
- Objectification of the discussion
- Fewer attendees in physical hearing(?)

http://e-voting.at

Plot data

Simulation models




I = F((x,y), P, U)
Mehr...
Karte
Satellit
Earth
Hauptstraße Silberwald
Strasshofer Straße
Flugfeld-Straße
Bahnstraße
Bahngasse
Dammstraße
Grüngasse
Irisgasse
Tannengasse
Siller-Straße
Silberwald-Straße
Parkstraße
Lindengasse
Lassalle-Straße
Josef Schwarz-Straße
Frank-Weg
Watzekgasse
Peter Strasser-Gasse
Schubert-Gasse
Ludo Hartmann-Gasse
Marterl-Weg
Kleist-Gasse
Feldstraße
Schreber-Gasse
Pirquet-Straße
Promenade-Straße
Grenz-Straße
Siehdichfür-Straße
Rosegger-Straße
Oed Aigen Straße
Silberwaldstraße
Neusiedler Straße
Fuchsenwaldstraße
Heidegasse
Schwalbengasse
Ressegasse
Wierndlgasse
Ghegagasse
Hofstetten
Eisenbahnmuseum Strasshof
Floralstudio Haas
L3025
L11
200 m
1000 ft
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Ein Problem melden

Appeals / referenda:

- Authentic
  - Digital Signature / eID
  - Identity provider Government
    - Web Services / SAML
  - Identity Provider Private
  - Trusted eMail Provider

Voting:

- Unlike political decision making, administrative procedures not typical voting case
- Very large scale projects in public sphere may end in referendum
- Identification crucial

Public Hearing:

- Transmission of video live feed
  - Privacy?
  - Self-conscious reaction of participants not used to public speech?
- Enabling questions from outside the hearing
  - Strike a fair balance between external and physical attendees
  - Avoid spam

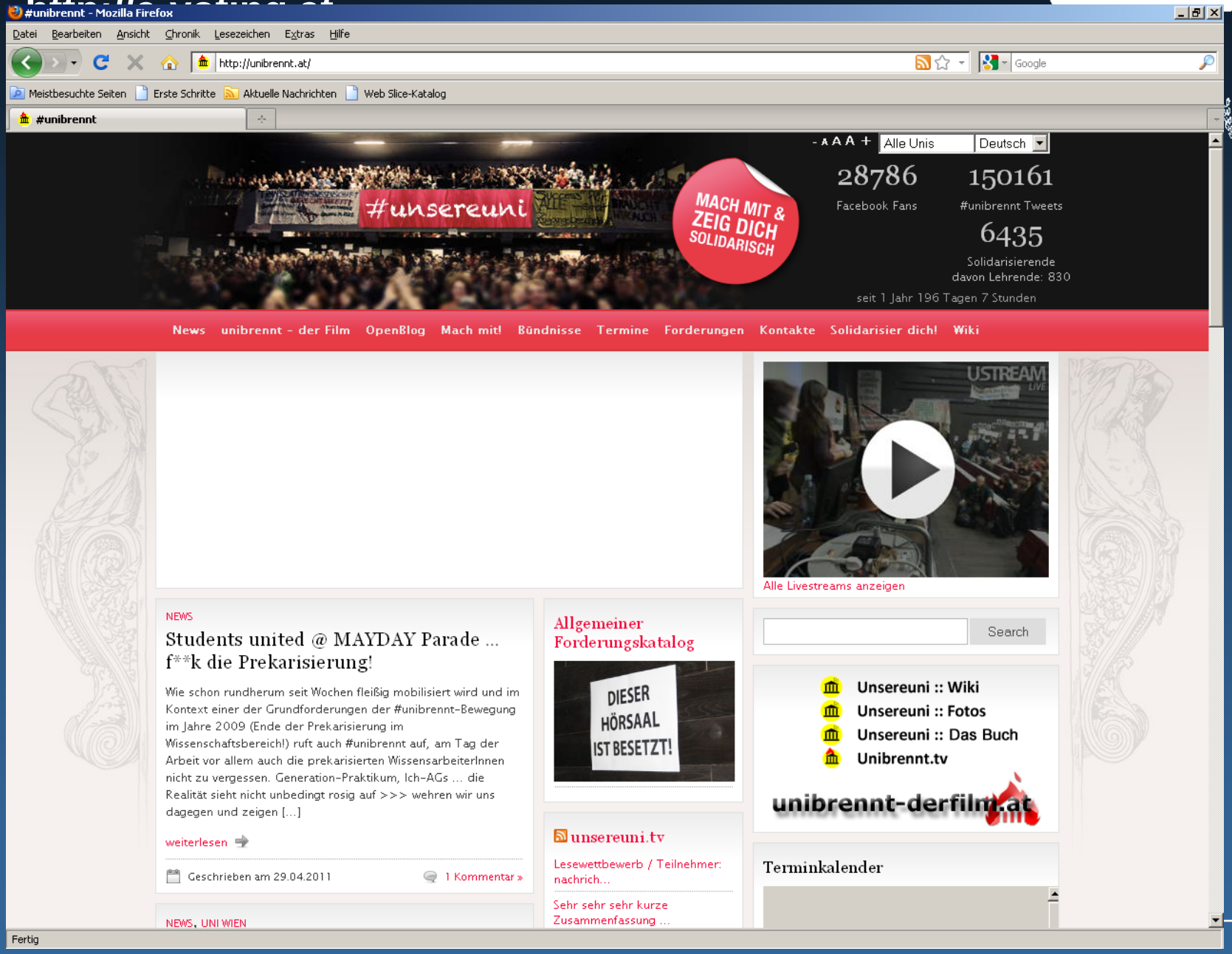
Benefits:

- Better involvement of public in procedures
- Timely involvement – not after the fact
- Faster project realization

- If people are concerned about a project, they will organise, the question is ...

.. via a system offered by the authorities conducting the procedures

or ...


#unibrennt - Mozilla Firefox
Datei Bearbeiten Ansicht Chronik Lesezeichen Extras Hilfe
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Google
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- A A A +
Alle Unis
Deutsch
28786
Facebook Fans
150161
#unibrennt Tweets
6435
Solidarisierende
davon Lehrende: 830
seit 1 Jahr 196 Tagen 7 Stunden
News unibrennt - der Film OpenBlog Mach mit! Bündnisse Termine Forderungen Kontakte Solidarisier dich! Wiki
USTREAM LIVE
Alle Livestreams anzeigen
NEWS
Students united @ MAYDAY Parade ... f**k die Prekarisierung!
Wie schon rundherum seit Wochen fleißig mobilisiert wird und im Kontext einer der Grundforderungen der #unibrennt-Bewegung im Jahre 2009 (Ende der Prekarisierung im Wissenschaftsbereich!) ruft auch #unibrennt auf, am Tag der Arbeit vor allem auch die prekarisierten WissensarbeiterInnen nicht zu vergessen. Generation-Praktikum, Ich-AGs ... die Realität sieht nicht unbedingt rosig auf >>> wehren wir uns dagegen und zeigen [...]
weiterlesen
Geschrieben am 29.04.2011
1 Kommentar »
NEWS, UNI WIEN
Allgemeiner Forderungskatalog
DIESER HÖRSAAL IST BESETZT!
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Lesewettbewerb / Teilnehmer: nachrich...
Sehr sehr sehr kurze Zusammenfassung ...
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Terminkalender
Fertig

Alexander Prosser

Univ. Economics and Business, Vienna

prosser@wu.ac.at

http://e-voting.at