



December 2010
AK Position Paper

Consultation on access to a basic payment account

Wir über uns

Die Bundesarbeitskammer ist die gesetzliche Interessenvertretung von rund 3,2 Millionen ArbeitnehmerInnen und KonsumentInnen in Österreich. Sie vertritt ihre Mitglieder in allen sozial-, bildungs-, wirtschafts und verbraucherpolitischen Angelegenheiten auf nationaler als auch auf der Brüssler EU-Ebene. Darüber hinaus ist die Bundesarbeitskammer Teil der österreichischen Sozialpartnerschaft.

Das AK EUROPA Büro in Brüssel wurde 1991 errichtet, um die Interessen aller Mitglieder der Bundesarbeitskammer gegenüber den Europäischen Institutionen vor Ort einzubringen.

Zur Organisation und Aufgabe der Bundesarbeitskammer in Österreich

Die Bundesarbeitskammer Österreichs bildet die Dachorganisation von neun Arbeiterkammern auf Bundesländerebene, die gemeinsam den gesetzlichen Auftrag haben, die Interessen ihrer Mitglieder zu vertreten.

Herbert Tumpel
Präsident

Im Rahmen ihrer Aufgaben beraten die Arbeiterkammern ihre Mitglieder unter anderem in Fragen des Arbeitsrechts, des Konsumentenschutzes, in Sozial- und Bildungsangelegenheiten. Mehr als drei Viertel der rund 2 Millionen Beratungen jährlich betreffen arbeits-, sozial- und insolvenzrechtliche Fragestellungen. Darüber hinaus nimmt die Bundesarbeitskammer im Rahmen von legislativen Begutachtungsverfahren die Aufgabe wahr, die Positionen der ArbeitnehmerInnen und der KonsumentInnen gegenüber dem Gesetzgeber in Österreich als auch auf EU-Ebene einzubringen.

Alle österreichischen ArbeitnehmerInnen sind per Gesetz Mitglied der Arbeiterkammern. Die Mitgliedsbeiträge sind gesetzlich geregelt und betragen 0,5 Prozent des Bruttoeinkommens (maximal bis zur Höchstbemessungsgrundlage in der Sozialversicherung). 560.000 (ua Arbeitslose, Eltern in Karenz, Präsenz- und Zivildienstler) der rund 3 Millionen Mitglieder sind von der Zahlung des Mitgliedsbeitrages befreit, haben aber Anspruch auf das volle AK-Leistungsangebot!

Werner Muhm
Direktor

Executive Summary

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Principle

The AK shares the findings of the Commission that the market in many cases does not enable sufficient access to a current account, which is a basic financial service. In 2009, the AK had already outlined the Austrian situation in its position within the scope of the Consultation on financial integration and supported the idea that access to a basic current account should be guaranteed by law.

It is therefore in this sense that we understand the principle postulated target to guarantee the right to access a basic payment account through harmonised framework conditions.

Features of a basic payment account

We welcome the approach that the most important basic functionalities of a current account should be laid down uniformly. Managing the basic current account on a credit balance basis is reasonable. We also consider it as important to make the availability of a debit card a feature.

A bank in Austria, which voluntarily - a fact to be welcomed - offers people an account, who would otherwise have difficulties to open one, does, however, not enable these customers to get a debit card. However, it can be

quite arduous not to have a debit card, because it means that people can only go to their bank during opening hours and withdraw money over the counter. This example shows that it makes sense to uniformly lay down the most important contractual framework conditions and terms for a basic current account.

The suggestion that access to a basic payment account should by no means be made dependent on the purchase of additional services is also very sensible and welcome. A trend that favourable conditions for bank products depend on the conclusion of additional contracts, in particular life insurance policies and securities investments, can also be observed in Austria. It should be guaranteed that a basic current account without additional services or additional contracts is (also) always on offer.

Extended additional offers within the meaning of the flexibility mentioned should be permitted if an obligation exists to offer the simple basic current account and to guarantee transparency based on standardized information duties (see also below).

Access to a basic payment account

We share the opinion of the Commission with regard to accessibility.

We suggest that it should be mandatory to manage the basic current account on the basis of flat-rate charges.

However, concerning the possible access restrictions to a basic payment account one should bear the fact in mind that a current account with a bank or even two or several banks can formally still exist, but that the account holder is no longer able to access it or them. The reasons may be two typical circumstances:

- The bank has blocked the account because of private insolvency.
- A fixed-termed overdraft cannot be paid back at the agreed due date and the bank consequently retains incoming payments (salary or state benefits) in full or in part to offset the overdraft. The account holder can no longer dispose freely of his income, even if it concerns unseizable benefits or a salary, which has already been seized by court order.

In both examples, the account can practically no longer be used for payment transactions and is therefore equivalent to not having an account at all.

The case scenarios described represent the prime examples for being excluded from the basic financial service, i.e. holding a current account in Austria. Hence, it should be ensured that access to a new current account is possible in cases where existing accounts can no longer be used.

Question of cost

Based on experiences gathered from consumer advisory services and the trend, which is also growing in Austria, to deduct various extra charges in addition to the monthly or quarterly bank charges, for example for cash payments or manual transactions (for example if a handwritten pay-in slip is used for a bank transfer), we suggest that it should be mandatory to manage the basic current account on the basis of flat-rate charges. This would ensure that costs are easily understandable and transparent. All basic functions of payment transactions should be covered by the flat-rate charge.

General information

Obligatory information on the basic current account by the provider is to be welcomed and should ideally be made available in a standardized format.

Accompanying public relations work, for example in the media, by social advisory services and authorities, which pay benefits and pensions, should be promoted to raise awareness of the new right to a basic current account.

Monitoring and out-of-court dispute settlement

Having access to out-of-court dispute settlements is necessary. In particular if a dispute concerns a complaint made by a person who has been refused access to a bank account, the relevant authority should be able to examine the circumstances in a simple procedure without long waiting times.

Having access to out-of-court dispute settlements is necessary.

Should you have any further questions
please do not hesitate to contact

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