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European Union

Brussels, 6 December 2021  
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AG 109  
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## COVER NOTE

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|          |                                                                                                                                                                                                                                                                                                        |
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| From:    | Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director                                                                                                                                                                                                                    |
| To:      | Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union                                                                                                                                                                                                                    |
| Subject: | Proposal for a COUNCIL DIRECTIVE laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament by Union citizens residing in a Member State of which they are not nationals (recast)<br>- Regulatory Scrutiny Board Opinion |

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Delegations will find attached the Regulatory Scrutiny Board Opinion<sup>1</sup> in relation to the proposal for a Council Directive laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament by Union citizens residing in a Member State of which they are not nationals (recast).

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Encl.: SEC(2021) 576 final

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<sup>1</sup> This document is identical to ST 14379/21 ADD2.



EUROPEAN COMMISSION

Brussels, 1.10.2021

SEC(2021) 576 final

### **REGULATORY SCRUTINY BOARD OPINION**

Proposal for a Council directive laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for Union citizens residing in a Member State of which they are not nationals (recast)

Proposal for a Council directive laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by Union citizens residing in a Member State of which they are not nationals (recast)

COM(2021) 732

COM(2021) 733

SWD(2021) 357

SWD(2021) 358



EUROPEAN COMMISSION  
Regulatory Scrutiny Board

Brussels,  
RSB

### **Opinion**

**Title: Impact assessment / Electoral rights of mobile EU citizens**

**Overall opinion: POSITIVE**

#### **(A) Policy context**

EU citizens who live in another EU Member State than their country of origin have the right to vote for and stand as candidates in European Parliament elections and in municipal elections in the country in which they reside.

Council Directives 93/109/EC and 94/80/EC provide detailed arrangements for the exercise of the electoral rights of mobile EU citizens in European and municipal elections, respectively. This is an initiative to revise the current framework, in order to address shortcomings identified and support the electoral participation of mobile EU citizens.

#### **(B) Summary of findings**

The Board notes the useful additional information provided in advance of the meeting and commitments to make changes to the report.

The Board gives a positive opinion. The Board also considers that the report should further improve with respect to the following aspects:

- (1) The scale of the problem is not presented clearly. The report is not clear about the factors influencing the electoral behaviour of EU mobile citizens and their relative importance.
- (2) The structure and the presentation of the policy options does not bring out clearly the key policy choices.
- (3) The assessment and the comparison of the policy options does not sufficiently take into account subsidiarity and proportionality considerations. The report does not present how the policy options will affect individual Member States.

#### **(C) What to improve**

- (1) The report should present more clearly the factors influencing the electoral behaviour of mobile EU citizens. Accordingly, it should identify the modest scale of the problem in a more realistic and balanced way. The relative importance of the problem should be better

This opinion concerns a draft impact assessment which may differ from the final version.

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assessed and presented, to make clear who is primarily affected or not.

(2) The presentation and the structure of the policy options should bring out more clearly the available policy choices. Apart from presenting cumulative options, the report should clarify how the options and their measures represent real alternatives. Measures that are already part of the current policy-mix should be integrated in the baseline scenario.

(3) The respect of the subsidiarity and proportionality principles should be better reflected in the assessment and comparison of options, including by highlighting policy options that have been discarded in this respect. The report should assess how Member States will be affected differently by the proposed measures. It should better reflect the likely limited impact of the initiative.

(4) The monitoring and evaluation provisions should be more precise. The description of the specific objectives should outline the expected achievements. Future evaluation of the initiative and its timing should be presented. The proposed indicators should permit success to be measured.

The Board notes the estimated costs and benefits of the preferred option in this initiative, as summarised in the attached quantification tables.

*Some more technical comments have been sent directly to the author DG.*

#### **(D) Conclusion**

**The DG may proceed with the initiative.**

**The DG must take these recommendations into account before launching the interservice consultation.**

**If there are any changes in the choice or design of the preferred option in the final version of the report, the DG may need to further adjust the attached quantification tables to reflect this.**

|                     |                                                                                                  |
|---------------------|--------------------------------------------------------------------------------------------------|
| Full title          | Initiative on the revision of the framework governing the electoral rights of mobile EU citizens |
| Reference number    | PLAN/2020/8645 & PLAN/2020/8646                                                                  |
| Submitted to RSB on | 01 September 2021                                                                                |
| Date of RSB meeting | 29 September 2021                                                                                |

## **ANNEX – Quantification tables extracted from the draft impact assessment report**

*The following tables contain information on the costs and benefits of the initiative on which the Board has given its opinion, as presented above.*

*If the draft report has been revised in line with the Board's recommendations, the content of these tables may be different from those in the final version of the impact assessment report, as published by the Commission.*

| <b>I. Overview of Benefits (total for all provisions) – Preferred Option</b> |                                                                                                                                                                               |                                                                         |
|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| <b>Description</b>                                                           | <b>Amount</b>                                                                                                                                                                 | <b>Comments</b>                                                         |
| <b>Direct benefits</b>                                                       |                                                                                                                                                                               |                                                                         |
| Reduced costs for mobile EU citizens                                         | Less time needed to register and reduced number of documents necessary to be provided.<br><br>Simplified access to clear information on national procedures and requirements. | Applies to mobile EU citizens seeking to vote in the host Member State. |
| Reduced opportunities for multiple voting                                    | Multiple voting is prohibited and reduced technical possibilities for multiple voting will lead to fewer occurrences.                                                         | Applies to mobile EU citizens voting in multiple Member States.         |
| Efficiencies for administrations                                             | Simplified registration procedure will result in efficiencies for administrations.                                                                                            | Host Member States' administrations                                     |
| <b>Indirect benefits</b>                                                     |                                                                                                                                                                               |                                                                         |
| Integration of mobile EU citizens in host country                            | The integration of mobile EU citizens in the host Member State can have positive economic effects.                                                                            | Applies to the host Member State's economy.                             |

| II. Overview of costs – Preferred option |              |                    |           |            |           |                                                                                        |                                                              |
|------------------------------------------|--------------|--------------------|-----------|------------|-----------|----------------------------------------------------------------------------------------|--------------------------------------------------------------|
|                                          |              | Citizens/Consumers |           | Businesses |           | Administrations                                                                        |                                                              |
|                                          |              | One-off            | Recurrent | One-off    | Recurrent | One-off                                                                                | Recurrent                                                    |
| Harmonisation of the data sets exchanged | Direct costs |                    |           |            |           | The exact costs for national administrations depend on the interconnection between the | The ongoing costs are expected to be minimal and the ongoing |

|                                                                                                                                    |                |  |  |  |  |                                                                                                                                                                                                                                                                                           |                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------|----------------|--|--|--|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
|                                                                                                                                    |                |  |  |  |  | electoral register of the country and the population register.                                                                                                                                                                                                                            | cooperation with DGIT.                                                                                          |
|                                                                                                                                    | Indirect costs |  |  |  |  |                                                                                                                                                                                                                                                                                           |                                                                                                                 |
| Optimisation of the technical tool for the exchange of data                                                                        | Direct costs   |  |  |  |  | The costs to upgrade the crypto tool will depend <i>inter alia</i> on whether they are done internally or externally. Assuming 3 to 4 months for development and 4 to 5 months for tests and support leads to a rough estimate of around EUR 100,000 annually.                            | The maintenance costs are expected to be relatively low, in the realm of the current cost of around EUR 30,000. |
|                                                                                                                                    | Indirect costs |  |  |  |  |                                                                                                                                                                                                                                                                                           |                                                                                                                 |
| Increase awareness and understanding of the fact that multiple voting is prohibited among mobile EU citizens, and its consequences | Direct costs   |  |  |  |  | The costs of a targeted campaign will depend on the choice of media channels and the countries covered. The costs would entail the design of the campaign and its implementation. For example, the 2019 campaign, 'This time I'm voting', was implemented as a decentralised stakeholder- |                                                                                                                 |

|                                                                                                               |                |  |  |  |  |                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------|----------------|--|--|--|--|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                               |                |  |  |  |  | driven campaign where the central costs to the EU were minor (below EUR 80 000 according to the Financial Transparency Register). |                                                                                                                                                                                                                                                                                                                                                        |
|                                                                                                               | Indirect costs |  |  |  |  |                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                        |
| Introduction of very specific information requirements for MS to inform mobile EU citizens prior to elections | Direct costs   |  |  |  |  |                                                                                                                                   | Member States will carry varying costs depending on their baseline situation, e.g. already have direct mailouts and information available. The possible costs for Member States across the EU-27 are estimated at around EUR 2.7 million with the highest costs in the significant countries of residence for mobile EU citizens, i.e. DE, ES, FR, IT. |
|                                                                                                               | Indirect costs |  |  |  |  |                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                        |
| Standardised format for the mandatory declaration available in all languages                                  | Direct costs   |  |  |  |  |                                                                                                                                   | For Member States, standardised forms would replace or complement the current ones. The preparation, translation and approval of forms would                                                                                                                                                                                                           |

|                                                                               |                |  |  |  |  |  |                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------|----------------|--|--|--|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                               |                |  |  |  |  |  | take between two and five days per language, leading to an estimate of EUR 13,000 (low estimate) and 64,000 (high estimate).                                                                                                                                                                                                     |
|                                                                               | Indirect costs |  |  |  |  |  |                                                                                                                                                                                                                                                                                                                                  |
| Promotion of exchange of good practices between Member States                 | Direct costs   |  |  |  |  |  | The continuation of the exchange of good practices between Member States would entail no additional costs. If the exchange is to intensify, this would entail minor additional costs. Assuming one or two annual meetings between DG Just and Member States representatives, the costs would range between EUR 9,000 and 18,000. |
|                                                                               | Indirect costs |  |  |  |  |  |                                                                                                                                                                                                                                                                                                                                  |
| Improve the collection of data for European elections and municipal elections | Direct costs   |  |  |  |  |  | The collaboration between DG JUST, Eurostat and national statistical institutes to collect, harmonise and publish turnout data would entail varying additional costs                                                                                                                                                             |

|  |                |  |  |  |  |  |                                                                                                                                                                                   |
|--|----------------|--|--|--|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |                |  |  |  |  |  | in each Member State. The costs for additional network meetings would range between EUR 19,080 (two additional annual meetings) and EUR 38,160 (four additional annual meetings). |
|  | Indirect costs |  |  |  |  |  |                                                                                                                                                                                   |