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COVER NOTE

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) - Regulatory Scrutiny Board Opinion

Delegations will find attached the Regulatory Scrutiny Board Opinion[1] 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).

Encl.: SEC(2021) 576 final

[1] 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.

I. Overview of Benefits (total for all provisions) – Preferred Option		
Description	*Amount*	*Comments*
Direct benefits		
Reduced costs for mobile EU citizens	Less time needed to register and reduced number of documents necessary to be provided. 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
Indirect benefits		
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 entail 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 *inter alia* 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						