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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
No. Cion doc.:	SWD(2021) 358 final
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 for Union citizens residing in a Member State of which they are not nationals (recast) - Commission Staff Working Document - Executive Summary of the Impact Assessment Report

Delegations will find attached document SWD(2021) 358 final[1].

Encl.: SWD(2021) 358 final

[1] This document is identical to ST 14379/21 ADD4.

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COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT REPORT

Accompanying the document

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)

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)

{COM(2021) 732 final} - {COM(2021) 733 final} - {SEC(2021) 576 final} -
{SWD(2021) 357 final}

Executive Summary Sheet (Max 2 pages)

Impact assessment on the electoral rights of mobile EU citizens

A. Need for action

What is the problem and why is it a problem at EU level?

EU citizens who are living, working, studying etc. in an EU country of which they are not nationals ('mobile EU citizens') are entitled, under EU law, to vote and stand as candidates in elections to the European Parliament and municipal elections in that country under the same conditions as nationals.

However, a relatively low number do so, for various reasons:

- people are not necessarily aware of these rights and still have problems getting accurate information on administrative procedures.
- they are discouraged from registering by burdensome processes and the risk of being deregistered from elections in their country of origin.
- national authorities still face problems preventing multiple voting in European Parliament elections, due to difficulties sharing information to identify voters and candidates who are registered more than once.

Given the rise in numbers of EU citizens living in another EU country, these problems will gain in importance, as they affect an increasingly larger proportion of EU citizens.

What should be achieved?

This initiative addresses these difficulties by updating, clarifying and strengthening the rules, to ensure they help as many mobile EU citizens as possible participate in elections, as well as protecting the integrity of the elections themselves.

Specifically, the aim is to:

- simplify the procedures for registering on the electoral roll as a voter and candidate
- increase affected citizens' awareness and understanding of their electoral rights, and the related administrative processes.
- reduce the possibilities for multiple voting in European elections
- reduce the possibilities for affected citizens to be de-registered from elections in their country of origin.
- improve the collection of data on municipal and European Parliament elections.
- amend outdated and obsolete rules (e.g. as consequence of Brexit).

What is the value added of action at the EU level (subsidiarity)?

The electoral rights in question are set out in the Treaty on the Functioning of European Union as part of their rights as EU citizens. The legal framework for exercising these rights involves both EU and national rules. Since cross-border matters are beyond the reach of individual EU countries, the problems identified cannot be addressed by countries acting individually.

B. Solutions

What are the various options to achieve the objectives? Is there a preferred option or not? If not, why?

The Impact Assessment examined two policy options. Both present a range of potential measures to address the problems:

- **Option 1** aims to reinforce and clarify the existing rules. It wants to do so through targeted changes in areas where problems have been identified.
- **Option 2** introduces a set of measures with the aim to reform the Directives. It aims to harmonize key elements the electoral process across Member States.

Although option 2 seems the most effective, our preferred option is option 1, for reasons of efficiency, coherence, subsidiarity and proportionality.

What are different stakeholders' views? Who supports which option?

Stakeholders in general have expressed broad support for this initiative. Citizens and NGOs emphasised the need for clear and accessible information on registration and voting processes and a limit on involuntary de-registration. National authorities are interested in further improving the process of data exchange on voters, to prevent multiple voting, and improving support for local authorities, while ensuring this is consistent with other EU policies and instruments.

C. Impacts of the preferred option

What are the benefits of the preferred option (if any, otherwise of main ones)?

This approach would make the registration processes for voters and candidates easier, as well as the access to information in municipal and European Parliament elections for EU citizens living in another EU country. It strengthens the existing Directives to ensure a wide-ranging approach tackling the identified problems and achieving maximum impact, while respecting national powers on electoral matters.

What are the costs of the preferred option (if any, otherwise of main ones)?

This proposal does not impose any additional financial or administrative burden on the EU or the EU budget.

What are the impacts on SMEs (small & medium-sized companies) and competitiveness?

Broadly, all options are expected to have wider indirect positive economic impacts, as they support free movement of people within the EU and the integration in their host country of those who move. But SMEs are not expected to be particularly affected.

Will there be significant impacts on national budgets and administrations?

The preferred option would entail some additional administrative costs for national authorities, to facilitate improved cooperation and inform EU citizens who move in another EU country, with both one-off adaptation costs and recurrent costs.

However, such costs are expected to be offset by the long-term efficiencies created for authorities and citizens due to more efficient processes.

Will there be other significant impacts?

People exercising their right to move to another EU country will be able to participate democratically in that country.

Proportionality?

Proportionate EU action should ensure that:

- EU citizens who move to another EU country can effectively exercise their democratic rights in elections. For this to be achieved, there is a need to clarify the existing EU framework governing these rights.
- opportunities for multiple voting in European elections are reduced, enhancing their integrity.

D. Follow up

When will the policy be reviewed?

Regular monitoring and reporting requirements on the implementation by national authorities would be added:

- **Directive 93/109/EC** – a report after each European Parliament election.
- **Directive 94/80/EC** – a report every 5 years.

The Commission will assess application of both Directives and produce an evaluation report on the progress towards achievement of the objectives within two years after the 2029 elections to the European Parliament.