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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} -
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Glossary

Term or acronym	*Meaning or definition*
Mobile EU citizens	Citizens of the EU who live or reside in an EU Member State other than their country of nationality.
Electoral roll	Official register of all voters entitled to vote in a given constituency drawn up and maintained by concerned Member State.
Automatic registration	Automatic inscription on the electoral roll linked to the registration of residence in another Member State, as opposed to active registration which implies that the citizen requests registration on the electoral roll.
Remote voting	Arrangements that allow voters to exercise their right to vote by alternative means to casting their ballot in person at their respective polling station; postal, proxy, voting at special polling stations or diplomatic missions abroad and e-voting.
Multiple voting	The act of voting in more than one EU Member State in the same election to the European Parliament, which is prohibited by EU law, and can also be a criminal or administrative offence in national law.
Member State of residence	Member State in which a mobile EU citizen resides but of which he is non-national

INTRODUCTION

Democracy is one of the values on which the Union is founded, as stated in Article 2 of the Treaty on European Union (TEU). The functioning of the European Union is based on representative democracy (Article 10(1) TEU) and participatory democracy (Article 10(3) TEU). Every citizen shall have the right to participate in the democratic life of the Union and decisions shall be taken as openly and as closely as possible to the citizen. A New Push for European Democracy is a priority of the Commission as announced by President von der Leyen in the Political guidelines of the Commission 2019-2024[2].

EU citizens consider free movement to be a major achievement of European integration and they are becoming increasingly mobile by exercising their right to live, work or study in another Member State[3]. According to Eurostat data, on 1 January 2020 there were 13.5 million EU citizens who enjoy their right to reside in another EU country ("mobile EU citizens")[4]. Among them, about 12 million are of voting age, accounting for 3.25% of the entire voting population in the EU[5].

Citizenship of the Union entails specific democratic rights. Mobile EU citizens have the right to vote and stand as a candidates in municipal elections and elections to the European Parliament (hereafter, 'European elections') in the country in which they reside (Article 20(2)(b) and Article 22 of the Treaty on the Functioning of the European Union (TFEU)). These rights are also enshrined in Articles 39 and 40 of the EU Charter of Fundamental Rights. They support the right to free movement by empowering mobile EU citizens to participate democratically in their Member State of residence.

Two Directives provide detailed arrangements for the exercise of these rights in European and municipal elections: respectively Council Directive 93/109/EC of 6 December 1993 lays down the arrangements for the exercise of the right to vote and stand as a candidate for mobile EU citizens in European elections (hereafter, 'Directive 93/109/EC')[6] and Council Directive 94/80/EC of 19 December 1994, for municipal elections (hereafter, 'Directive 94/80/EC')[7].

Given the similarities between the two Directives in terms of both the main beneficiaries (mobile EU citizens) and the rights granted and associated requirements for Member States, the possibilities to improve them and their functioning is assessed in one document.

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[2] political-guidelines-next-commission_en_0.pdf (europa.eu).

[3] An overwhelming majority of EU citizens (84%) think that free movement of EU citizens within the EU brings overall benefits to the economy of their country, Flash Eurobarometer 485.

[4] The largest absolute numbers of mobile EU citizens are found in larger countries, including Germany, France, Spain and Italy. The largest shares of the total population of mobile EU citizens are found in smaller countries including Luxembourg, Cyprus, Ireland, Belgium and Austria. See Eurostat Statistics Explained article on Migration and migrant population statistics.

[5] Study of the Academic Network on EU citizenship Rights, "Political participation of Mobile EU Citizens-Insights from pilot studies on Austria, Belgium, Bulgaria, Germany, Greece, Hungary, Ireland and Poland", July 2021

[6] Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31993L0109, as amended in in 2013.

[7] Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31994L0080.

As the measures at the core of this revision would need to be implemented into Member State electoral laws in time for the 2024 European elections[8], a derogation to the "evaluate first" principle has been applied taking into account the existence of recent reports issued by the Commission. Evidence clearly shows the need for the Directive 93/109/EC[9] and Directive 94/80/EC[10] to be updated, and this is considered sufficient for the evaluation step. Finally, the external study prepared in support of this impact assessment also includes elements of evaluation of the existing legal framework[11].

The legal framework governing the exercise of EU electoral rights to municipal and European elections by mobile EU citizens is based on the principle of non-discrimination between nationals and mobile EU citizens. Directives 93/109/EC and 94/80/EC leave it largely up to the Member States to establish the conditions under which the right to vote can be exercised through their national laws, provided that the principle of non-discrimination is respected. This specific legal situation involving the interaction of limited EU and extensive national rules lead to a rather loose coordination of electoral practices affecting mobile EU citizens, and the ways through which mobile EU citizens can exercise their electoral rights vary considerably in practice. For more information on the qualitative analysis of the legal framework, see Annex 4.

While the two Directives provide the legal framework for the electoral rights of mobile EU citizens, there are other measures at EU level which also touch upon the electoral rights of mobile EU citizens[12]. For example, in 2015, the Parliament used its right of initiative to present a proposal to reform the 1976 Electoral Act[13]. The proposal that was

[8] The Venice Commission guidelines imply not to change electoral law less than one year before elections.

[9] For Directive 93/109/EC evaluative material include: Report on the 2019 elections to the European Parliament (COM(2020) 252 final); Report on the 2014 European Parliament elections (COM(2015)206 final); Report on the implementation of the Commission's recommendations of 12 March 2013 on enhancing the democratic and efficient conduct of the elections to the European Parliament (COM/2014/0196 final);Report under Article 25 TFEU On progress towards effective EU Citizenship 2011-2013 (COM(2013) 270 final); Commission Recommendation of 12 March 2013 on enhancing the democratic and efficient conduct of the elections to the European Parliament (2013/142/EU); [proposal for] Council Directive 2013/1/EU of 20 December 2012 amending Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (OJ L 26, 26.1.2013, p. 27–29); Directives 93/109/EC is also regularly discussed in its implementation group, the Expert Group on Electoral Matters. Further relevant issues are discussed in the European Cooperation Network on elections. Relevant data can be found also in the Flash Eurobarometer 485 on EU Citizenship and Democracy and in the public consultation for the EU Citizenship Report 2020. This data is supported by data from past Eurobarometers, in particular Special Eurobarometer 477 on Democracy, and Flash Eurobarometers 430 and 431 on EU citizenship and Electoral rights respectively.

[10] Report on the application of Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections (COM/2018/044 final); EU Citizenship Report 2017 (COM(2017) 30 final); Report on the application of Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals (COM(2012) 99 final). The Directive has also been amended on four occasions (Council Directive 96/30/EC of 13 May 1996, Council Directive 2006/106/EC of 20 November 2006, Commission Implementing Decision of 19 July 2012, Council Directive 2013/19/EU of 13 May 2013) to implement changes necessary following an act of accession to the Union.

[11] Section 2 of the underlying study.

[12] These measures have other implications (not specific to mobile EU citizens) which are not summarised here.

[13] Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01976X1008%2801%29-20020923.

adopted[14] included a provision on criminalisation of multiple voting and an obligation for Member States to designate a contact authority responsible for exchanging data on voters and candidates in Member States. It also includes a reference[15] to the transmission of personal data to enable Member States to de-register those of their citizens who are no longer resident in their Member State of nationality, and who do not intend to vote in the European elections there, with the purpose of preventing multiple voting, no later than six weeks before the electoral period[16]. The process of national approval required for this act to enter into application has not been completed yet[17].

The Commission expressed in the EU Citizenship Report 2020[18] its intention to propose the update of the Directives on electoral rights of mobile EU citizens in municipal and European elections, to facilitate the provision of information to citizens and improve the exchange of relevant information among Member States, including preventing multiple voting. The Commission also announced it would explore the possibility of creating a dedicated shared resource to support EU citizens in exercising their electoral rights, as well as providing additional avenues for them to report hurdles and incidents affecting their political participation, with the aim to make this resource available to both EU citizens (including mobile EU citizens) and relevant authorities by autumn 2023.

The Commission Work Programme for 2021 announced a legislative initiative to improve the electoral rights of mobile EU citizens. This specifically envisaged a revision of the Directive 93/109/EC and of the Directive 94/80/EC in order to address existing shortcomings in the current framework.

This initiative addresses the observed difficulties in the exercise of electoral rights by EU mobile citizens by updating, clarifying and strengthening the rules in order to ensure that they support the broad and inclusive participation of mobile EU citizens as well as the integrity of elections.

This Impact Assessment is based among others on the findings of external studies prepared in support of this impact assessment[19], relevant studies[20] of the Academic

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[14] Council Decision (EU, Euratom) 2018/994 of 13 July 2018 amending the Act concerning the election of the members of the European Parliament by direct universal suffrage (hereafter, "Council Decision 2018/994 on the revision of the EU Electoral Law"), https://eur-lex.europa.eu/eli/dec/2018/994/oj.

[15] Idem, Article 9b(2).

[16] As provided in Article 10 of the in the Act concerning the election of the members of the European Parliament by direct universal suffrage, European elections shall be held on the date fixed by each Member State, while for all Member States this date shall fall within the same period starting on a Thursday morning and ending on the following Sunday.

[17] A draft report on the reform of the European electoral law was submitted in the AFCO Committee of the European Parliament on 1 July 2021 (https://www.europarl.europa.eu/doceo/document/AFCO-PR-693622_EN.pdf). It requests among others the introduction of common minimum standards to ensure approximation towards a unified European electoral law, provision of postal voting for European elections, and the establishment of a European Electoral Authority. Furthermore, the proposal calls for the establishment and finalisation of the electoral roll in each Member State no later than fourteen weeks before the Election day, which shall be fixed on 9 May. The adoption of AFCO's report has been postponed to 2022 in view of the Conference on the Future of Europe.

[18] COM/2020/730 final, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0730 .

[19] In particular a Study conducted in 2021 to support the preparation of an impact assessment on a potential EU policy initiative to support broad and inclusive participation of mobile EU citizens in European Parliament elections and in municipal elections in Europe('underlying study") https://ec.europa.eu/info/files/study-preparation-impact-assessment-electoral-directives and its Annexes https://ec.europa.eu/info/files/annexes-study-preparation-impact-assessment-electoral-directives

Network on EU citizenship Rights, and an open public consultation[21] of citizens, non-governmental organizations and local and regional authorities. In addition, the impact assessment takes into account the feedback received from dedicated stakeholder consultations, including of mobile EU citizens[22] and of the European Cooperation Network on Elections (hereafter 'ECNE')[23] and the expert group on electoral matters[24], and other sources such as the conclusions of the relevant projects funded under the Rights, Equality and Citizenship[25] and Europe for Citizens[26] programme, as well as direct feedback from EU citizens received by the Commission and the European Parliament.

1. PROBLEM DEFINITION

1.1 Context and scope

A specific group of EU citizens is concerned by this initiative, that is EU citizens who have exercised their free movement rights to settle in another EU Member State. On 1 January 2020, there were 13.5 million of EU citizens living in a Member State other than that of their nationality[27]. Every year some 1.3 million EU citizens move to reside to a Member State of which they are non-nationals (EU27 data). The overall numbers of mobile EU citizens grow on annual basis. In 2020, 3% of EU population were mobile EU citizens.[28] The population covered by the Directives governing the electoral rights of mobile EU citizens represents a sizeable minority of EU citizens[29].

Mobile EU citizens are a highly diversified subset of EU citizens, with many individual characteristics that can influence voting behaviors, including familiarity with politics in the country of residence. Beyond the problems identified below, their democratic participation can be determined by a range of subjective and individual reasons, as well as by socio-demographic factors[30].

Overall, data confirms that mobile EU citizens are substantially less likely to vote than their counter-parts who live in their home countries. According to different surveys and

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[20] "Political participation of Mobile EU Citizens-Insights from pilot studies on Austria, Belgium, Bulgaria, Germany, Greece, Hungary, Ireland and Poland".

[21] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12684-Inclusive-EU-Parliament-elections-supporting-EU-citizens-right-to-vote-and-stand-as-candidates-in-another-EU-country/public-consultation_en.
An analysis of the open public consultation is provided in Annex 2.

[22] In order to support the underlying study, a targeted online survey of mobile EU citizens was carried out to evaluate the experiences of mobile EU citizens in participating politicallyin their Member State of residence, as well as the variety of factors that influence their participation. .

[23] https://ec.europa.eu/info/files/terms-reference-european-cooperation-network-elections_en.

[24] More details on the ECNE and the expert group meetings are available in Annex 2.

[25] https://ec.europa.eu/justice/grants1/programmes-2014-2020/rec/index_en.htm .

[26] https://ec.europa.eu/info/departments/justice-and-consumers/justice-and-consumers-funding-tenders/funding-programmes/previous-programmes-2014-2020/europe-citizens-efc_en .

[27] See Eurostat statistics explained article Migration and migrant population statistics.

[28] Eurostat database migr_pop1ctz

[29] Following the UK's withdrawal from the EU, the number of mobile EU citizens reduced from 17 million to over 13 million. 3.68 million of EU citizens resided in UK, while 850 000 UK citizens resided in a Member State of the European Union.

[30] Recchi et al., "MOVEACT Project - Final Report." "All Citizens Now": Intra-Eu Mobility And Political Participation Of British, Germans, Poles And Romanians In Western And Southern Europe.

methods, between 53% and 74% of mobile EU respondents are estimated to not have voted in 2019 European Parliament elections[31].

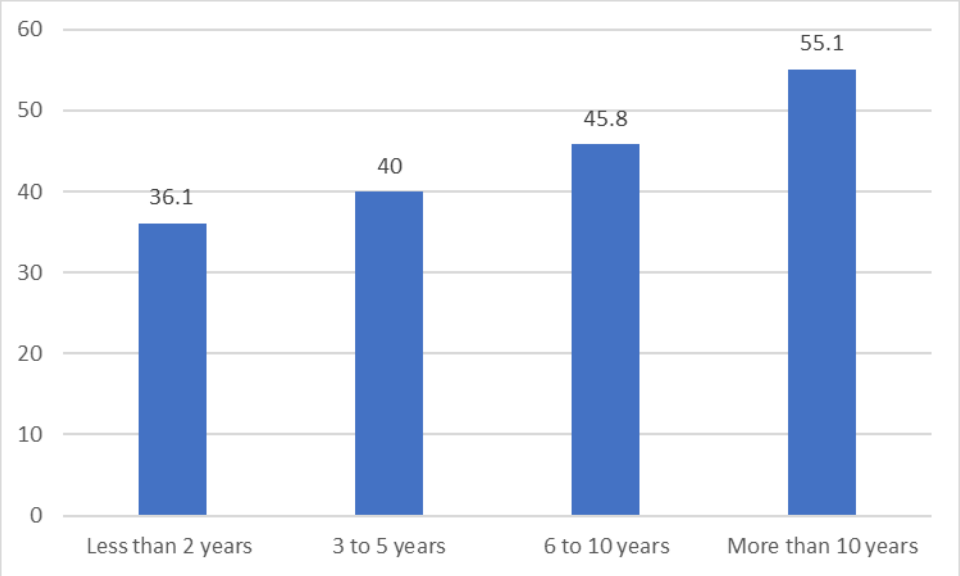
Around one third of mobile Europeans (34%) have been residing in their country of residence for five years or fewer. 50% of mobile EU citizens, on the other hand, have been residing in their country of residence for 10 years or longer.

Length of stay in the country of residence is relevant to both:

- The likelihood to vote; and
- Voting behavior.

In 2019 elections to the European Parliament, mobile EU citizens who lived in the country of residence for more than 10 years were substantially more likely to have voted (see figure below).

Figure 2 Share of respondents in the survey of mobile EU citizens post-2019 elections who voted according to length of residence (%)

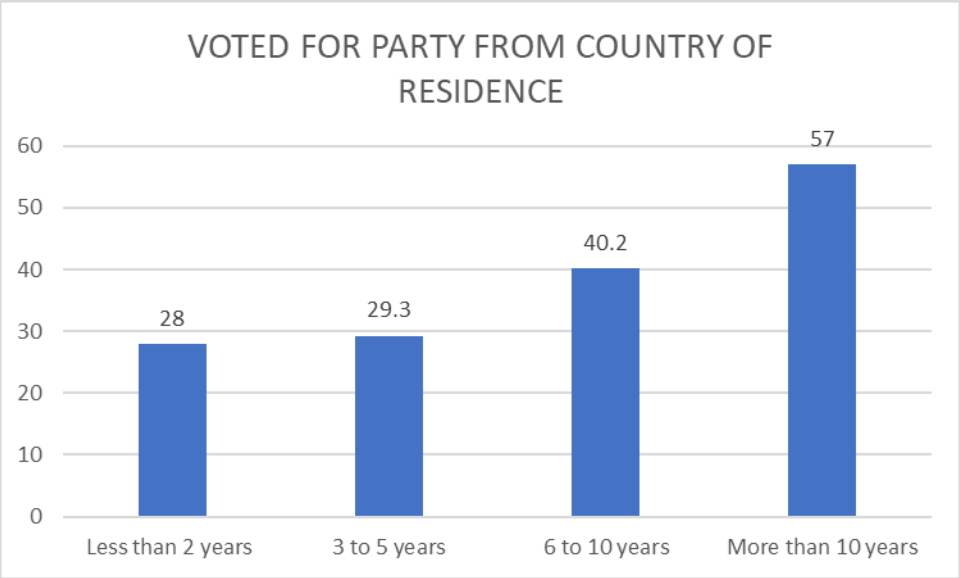


Source: *Kantar (2019) Post-election study among expatriates: European Elections 2019*

A similar pattern can be seen regarding voting in the municipal elections in the country of residence. Furthermore, when it comes to elections to the European Parliament, there is also a clear link between length of stay in the country of residence and likelihood to vote for the list of country of residence. The longer the respondents live in the country of residence the more likely they are to vote for the list of that country.

[31] 53% Survey conducted for the underlying study, 74% Eurobarometer Survey 91.5 of the European Parliament

Figure 3 Share of respondents in the survey of mobile Europeans post-2019 elections who voted for the lists of the country of residence according to length of residence (%)



Source: *Kantar (2019) Post-election study among expatriates: European Elections 2019*

These patterns are indicative of the role information has on turnout and of its impact on participation, as long-term residents benefit from higher information levels on the Member States' election procedures and political life[32].

Competent authorities in the Member States are also affected as they deal with the administration of mobile EU citizens as (potential) voters and are in the frontline to reply their questions. When mobile EU citizens are registered and indicate the intention to vote in European elections in their country of residence, Directive 93/109/EC supports a process whereby this intention is communicated to the Member State of origin, and the citizen in question should be removed from the register for that European election only. Citizens can be misidentified, or removed from the register for more elections. Some examples are given in the table below.

Examples of complaints related to registration for 2019 European elections

A Slovakian national was rejected when getting the certificate of eligible voter for European elections in Poland, with the reasoning of not being Polish national

A Dutch citizen, residing in Spain reported that when attempting to register for the European elections, the Spanish authorities told him that he could not do so, leading the citizen to ask whether he could vote via the Netherlands.

[32] Section 3.1 of the underlying study.

A complaint raises alleged maladministration by the electoral authorities in the Netherlands with respect to the registration of an Irish citizen.

Examples of complaints related to registration for municipal elections.

A Portuguese citizen informed the relevant authorities about his intention to vote in the municipal elections in Spain. However, they refused to include the citizen on the list, claiming that only Spanish citizens are allowed to vote.

An Italian citizen moved his residence to Cracow, Poland and applied to vote in municipal elections at the competent local authorities, however was refused the right to vote

Source: analysis of citizen enquiries – Annex I to the Underlying Study

1.2 Description of the identified problems

While lower participation of mobile European citizens is a result of multiple complex factors as illustrated in the previous section, the administrative obstacles around registration contribute to this tendency, as do information gaps in understanding the host Member State voting systems and structures.

Several problems have been identified. Some problems are common to both Directives, whereas some are specific to municipal elections or to European elections.

Common issues for both Directives

Both Directives on the voting rights of mobile EU citizens impose obligations on Member States to inform mobile EU citizens in good time and in an appropriate manner of the conditions and detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal and European elections in that State.[33] However, obligations to **notify mobile EU citizens of their electoral rights** remain vague, and linguistic barriers make it more difficult for mobile EU citizens to obtain information.

Further, in the case of both municipal and European elections, **the effects of registration on an electoral roll are not always clear to mobile EU citizens.** In some Member States, voters register for all elections, and registering to vote in elections in the Member State of residence can result in deregistration for all other elections in the Member State of origin. This is in part due to Member States de-registering their citizens if they have been informed that these citizens intend to vote elsewhere.

Finally, the process of registration for electoral participation can represent a specific burden for mobile EU citizens both in municipal elections and European elections.

Specific issues

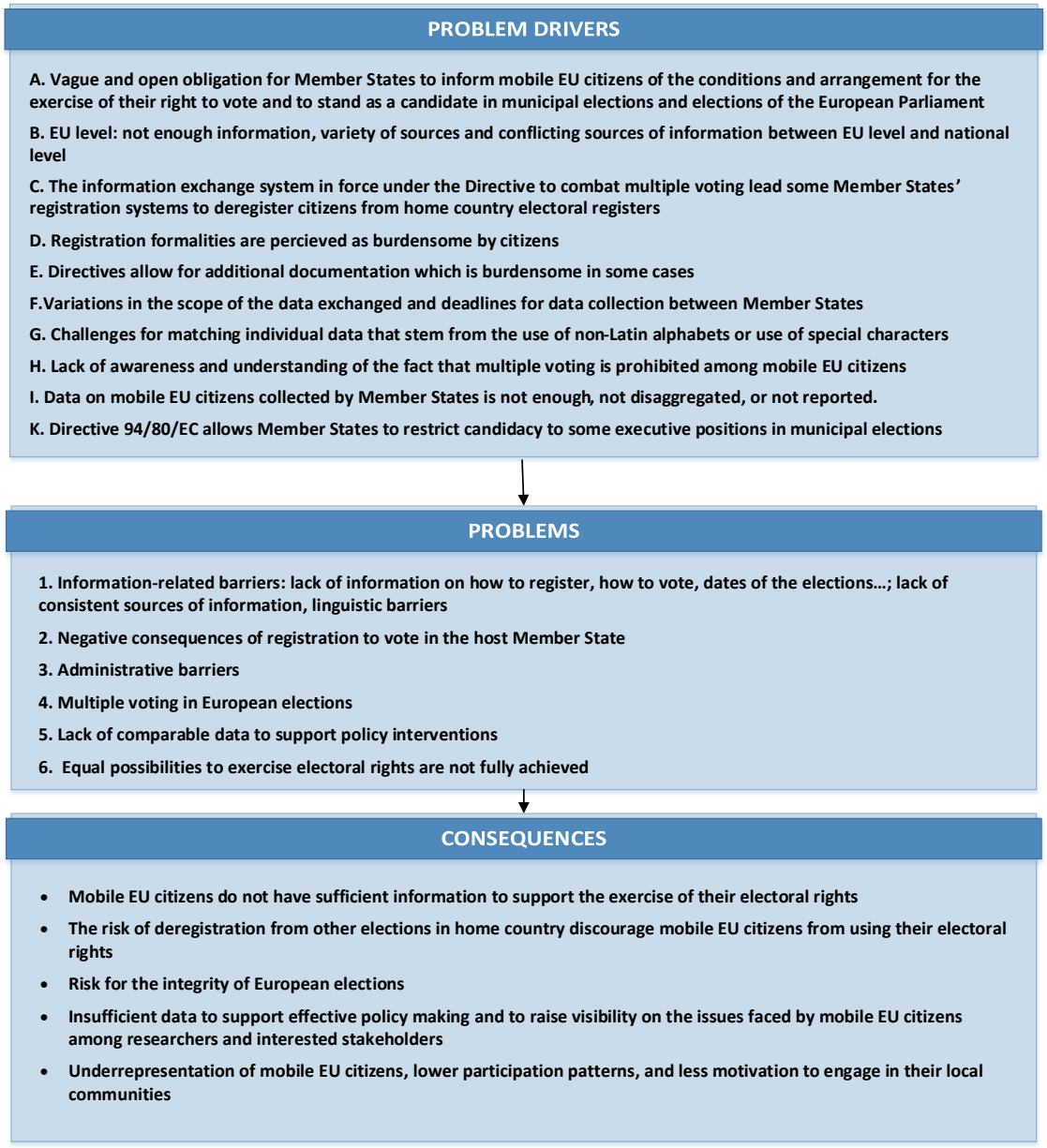
Specifically in the context of European elections, Directive 93/109/EC sets out the mechanism for Member States to exchange information on registered voters to help ensure that citizens do not vote more than once in European elections[34]. The exchange of information between national authorities on mobile EU citizens has been reported by competent authorities as being hindered by variation in the scope of the data exchanged

[33] Article 12 of Directive 93/109/EC and Article 11 of Directive 94/80/EC.

[34] Article 13 of Directive 93/109.

and deadlines for data collection[35]. This makes it difficult to identify mobile citizens in their countries of origin on the basis of the information collected and transmitted by their countries of residence.

Specifically for municipal elections, Directive 94/80/EC contains an Annex with a list of 'basic local government units' for each Member State. This Annex requires a revision, both due to changes in several Member States, as well as in light of the withdrawal of the United Kingdom from the European Union. The following Figure provides an overview of the problems identified, presented in relation with their main drivers and consequences.



[35] See for example minutes of the meeting of the European cooperation network on elections from January 2021: https://ec.europa.eu/info/sites/default/files/minutes_28-29_january_2021.pdf .

1.3.1 Information-related barriers

In order for mobile EU citizens to exercise their right to vote or stand for election, they essentially need to know to be entitled to this right in their Member State of residence, to know about their registration status, how to register to vote and duration of the registration or to stand for election, the date of the election and how and where to vote. Other basic information should include how to find out more about the elections such as who is standing, how the elections work, how the votes are counted and how the result is calculated. What the relevant rules are, and especially the implications of compulsory voting, multiple voting and any other important rules, such as limits to which roles a mobile EU citizen can have if elected, is also necessary information. At the same time, the use of languages is crucial as they are a major conduit to making national electoral rules more understandable and accessible to mobile EU citizens.

Whilst Directives 93/109/EC and 94/80/EC impose an obligation on the Member States to inform mobile EU citizens voters and candidates "*in good time and in an appropriate manner of the conditions and arrangement for the exercise their right to vote and to stand as candidate",* they do not go into this level of detail.

As a result, mobile EU citizens do not have sufficient information to support the exercise of their electoral rights[36]. Two specific aspects of the identified problems have to be considered. The first aspect concerns the share of EU citizens not aware of their voting rights as mobile EU citizens: only 58% of EU citizens identify correctly the electoral rights that a citizen of the EU has in relation to voting or standing as a candidate in European Parliament, national Parliament regional and municipal elections.[37]

The second aspect concerns mobile EU citizens who are aware of their rights but who face information barriers on how to exercise their rights: 38% of respondents to the survey conducted to support the underlying study who had to register actively state they encountered as challenge the fact that information was only available to them in the language of their country of residence[38]. More importantly, 61% of respondents who are not registered said that they are not aware of the process for registering to vote in the municipal elections in the city or town where they currently live. When asked about the reasons for not being registered to vote in municipal elections in their country of residence, 26% of mobile EU citizens stated this was because they lacked information about the registration process and 12% cited lack of information about local political life. These figures show that lack of information about registration process and municipal elections more generally is a barrier to participation[39].

As the provisions in the Directives are currently open and vague, most Member States rely on passive information provision, meaning that they post information on exercising electoral rights on dedicated websites. According to the review of Member States'

[36] See the table with the overview of communication practices by the Member States in Annex 6. In the OPC, stakeholders complaint that the information provided was unclear or in a language the citizens did not understand. For more details on the information gathered in the OPC, see Annex 2.

[37] Eurobarometer 485, 2020

[38] In this regard, while the knowledge of the language of the Member State of residence ensures better integration in the social and political life of the country, it should not a be precondition for exercising the fundamental right to vote as EU citizen.

[39] Annex II. of underlying study

practices, only 8 Member States systematically send targeted mail-outs (letter or email) to mobile EU citizens[40]. Another 6 Member States[41] also provide targeted information, but there are some variations to this at local/ regional level.

In the 2018 report on measures related to participation of mobile EU citizens in municipal elections[42] only 10 Member States reported taking actions to promote participation of mobile EU citizens in political life. The interviews at Member State level do not suggest that countries are planning to take new or additional measures to better inform mobile EU citizens in the status quo situation[43].

While difficult to measure, also due to the lack of data on political participation of mobile EU citizens, some research has been able to establish a clear link between information campaigns and turnout of mobile EU citizens[44]. One such example is the Campaign Operation Vote, launched in 2013 in Portugal targeting mobile EU citizens, following which the registration rate for the 2013 municipal elections grew 55% among the community of Romanian nationals[45].

Information barriers are also apparent from the analysis of inquiries and complaints received by European institutions[46]:

- 78% of the entries analysed were inquiries rather than complaints, i.e. citizens were asking for information rather than complaining about what happened to them related to registration or voting;

- Many people reached out to EU institutions simply asking whether they can vote when they are a resident in another EU Member State, suggesting they did not find this information easily without actively inquiring. The citizen enquiry unit of the European Parliament confirmed in an interview they also receive many such requests and that these are often from people in older age groups who are less at ease with searching online or from students who are abroad on an exchange programme;

While the fact that mobile EU citizens reach out to EU institutions to have information on the rights stemming from EU law is a positive aspect, the primary responsibility to

[40] Belgium, Denmark, Estonia, , Finland, Lithuania, Sweden, Slovakia and Slovenia
[41] Spain, The Netherlands, Austria, Hungary, Portugal, Latvia
[42] European Commission (2018) *Report on the application of Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018DC0044*.
[43] Section 3.5 of the underlying Study.
[39] Sharif, H., Huddleston, T., "Reaching Europe's Diverse Voters: Evaluation of the Vote Europa Campaign" https://www.migpolgroup.com/wp-content/uploads/2019/09/VoteEuropa-Evaluation.pdf.
[40] Report on Political Participation of Mobile EU Citizens: Portugal, RSCAS/GLOBALCIT-PP 2019/3, https://cadmus.eui.eu/bitstream/handle/1814/60986/RSCAS_GLOBALCIT_PP_2019_03.pdf?sequence=3&isAllowed=y; https://cadmus.eui.eu/bitstream/handle/1814/60986/RSCAS_GLOBALCIT_PP_2019_03.pdf?sequence=3&isAllowed=y.
[46] A total number of 1120 entries were analysed overall, covering the period of 2019-spring 2021. Of these, 538 were submitted to Your Europe (European Commission), 520 to the European Parliament citizen enquiry unit, 15 were submitted to Solvit and 47 were dealt with the Directorate General in charge of consumers and justice of the European Commission.

inform the electorate in their territory lies with the Member States. This includes mobile EU citizens.

In parallel, the Commission actively provides information services to EU citizens about electoral rights and electoral procedures (via the YourEurope portal[47] and through dedicated outreach communication actions related to European elections). The information provided through YourEurope portal is rather general and does not cover, for the moment, information about how to register, by when to register and how to vote specifically for each Member State. From December 2020, the Single Digital Gateway Regulation[48] requires Member States to explain online how to carry out certain administrative procedures through the YourEurope portal[49]. Those procedures include participating in municipal elections and European elections.

For the 2019 European elections, the Parliament and the Commission coordinated their communication efforts towards EU citizens with a view to increase their participation in European elections[50].

These different sources of information are however not sufficiently adapted to the specific needs of mobile EU citizens. Some authorities tend to invest limited efforts into information dissemination, or provide information that is rather technical, lengthy and confusing, even for trained readers[51]. It was noted also in the interviews conducted to support the underlying study[52] that the existence of too many differing sources of information can even present a problem as the information presented can be mismatched, making it difficult to establish the correct source.

To ensure inclusive electoral participation, options should take into account accessibility requirements for the information provided to persons with disabilities and to older people using as a source of inspiration the general comments of the United Nations Committee on the Rights of Persons with Disabilities regarding Article 21 of the United Nations Convention on the Rights of Persons with Disabilities.

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[47] https://europa.eu/youreurope/.

[48] Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (Text with EEA relevance) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2018.295.01.0001.01.ENG.

[49] Annex I to the Single Digital Gateaway Regulation.

[50] European Commission (2019) *Report on the 2019 European elections*, p.3 SWD(2020) 113 final, https://ec.europa.eu/info/sites/default/files/com_2020_252_en_0.pdfFor instance, specific efforts were made to mobilise the top ten expat groups to relay the messages among their members and contacts and a specific campaign was launched with the European Parliament on social media to target mobile EU citizens specifically . Additionally, the updated European Parliament website www.european-elections.eu was available with information about possibilities to vote in host country.

[51] Network of Academics on EU citizenship rights: Political Participation of Mobile EU Citizens (2021 update) https://cadmus.eui.eu/handle/1814/7719/discover?query=%22report+on+political+participation+of+mobile+EU+citizens%22&submit=.

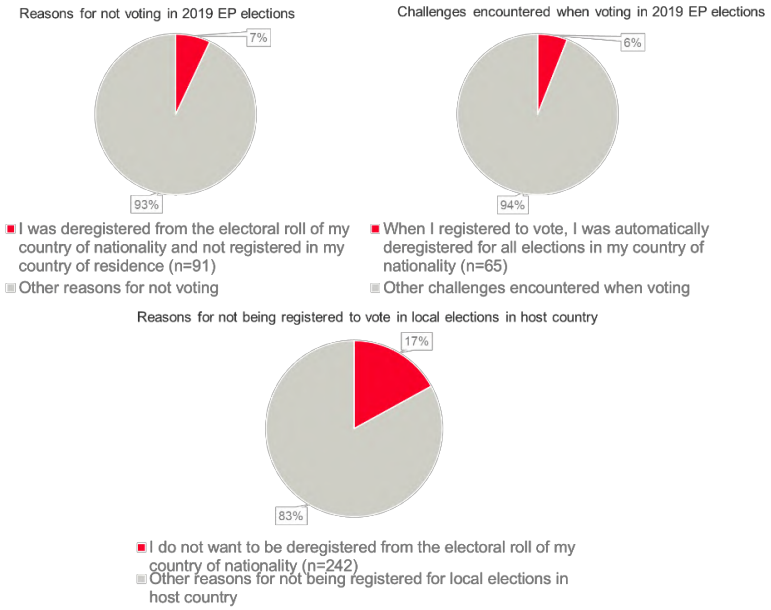
[52] Annex II to the underlying study.

1.3.2 Negative effects of registration to vote in the Member State of residence

Establishing the electoral roll is an essential part of organising elections. Member States have various approaches to this[53]. The management of electoral rolls in the Member States has an impact on the exercise of electoral rights by mobile EU citizens.

The main issue is linked to the process established among the Member States under Directive 93/109/EC to combat multiple voting in European elections, which will be explained in detail in section 1.3.4. One aim of this exchange of is to enable Member States to de-register those of their mobile EU citizens who are no longer resident in their Member State of origin and do not intend to vote in the European elections there. However, because electoral rolls do not necessarily distinguish the type of election, nor do they always support specific de-registration, citizens could find themselves removed from the electoral roll for all elections, including those for which they intended to vote in the Member State of origin[54]. The risk of deregistration and the administrative complexity which can result from this issue discourage mobile EU citizens from using their electoral rights.

Figure 1: Share of mobile EU citizens who cite de-registration as reason for not voting, as challenge encountered when voting or reason for not being registered to vote in municipal elections



[53] Some maintain a common roll for all elections which can then be administrated locally or centrally. Some have a separate roll for different elections and citizens must be registered separately for the different types. Another difference is whether rolls are compiled directly from the register of residents in an area, or require specific registration by the citizen to be included. Finally, some Member States require the roll to be prepared afresh for each election, while others reuse their rolls and only register changes which are notified to the authorities.

[54] In the joint meeting of the ECNE and the expert group on electoral matters on 28 January 2021, representatives of a Member State stressed that some mobile EU citizens residing in their country had complained about the fact that on election day they were not able to vote because they had falsely been flagged as voting in their Member State of origin.

Source: Annex II to the Underlying Study, survey of mobile EU citizens

Data on de-registration practices is scarce, but deregistration is happening indeed. According to the survey of mobile EU citizens, 6% of respondents who are registered to vote in their Member State of residence for European elections stated that they encountered the challenge that they were deregistered for all elections in their country of nationality. A similar proportion (7%) of those who did not vote in 2019 elections stated that this was because they were deregistered from the electoral roll of their home country and not registered in their host country.

Data on the scale of deregistration' problems deriving from registration to vote in municipal elections in the Member State of residence is not available. However, the phenomenon of de-registration as such has an impact on municipal elections too. In fact, 17% of mobile EU citizens said they have not registered to vote in the municipal elections of their Member State of residence because of fear of being deregistered in their home country.

These data shows that mobile EU citizens are concerned about keeping their registration status in their country of nationality and thus being able to continue voting.

The implications of deregistration are closely linked to those related to preventing multiple voting. They are serious especially in terms of the de facto loss of voting rights for citizens[55]. Tackling multiple voting without addressing de-registration could lead to more citizens losing voting rights.

1.3.3 Remaining administrative barriers

The Directives establish that mobile EU citizens who wish to be registered in the electoral roll have to produce the same documents as nationals, but allow Member States to ask for a number of additional documents, including a formal declaration stating their nationality and their address in the Member State of residence[56]. The overview of registration modalities across EU Member States is presented in Annex 6. Registration rates of mobile EU citizens in countries that have active registration vary greatly with highest registration rate being in Spain, at 26%. Registration rates of mobile EU citizens can reach levels as low as 2% in Czechia, as well as Bulgaria, Poland and Greece. This is in sharp contrast to Member States with automatic registration, where registration is at or close to 100% of the eligible population of mobile EU voters[57]. The low registration rates found in Member States that have active registration in place for mobile EU citizens

[55] Which is not done lightly – there is extensive ECtHR case law on limiting disenfranchisement even as a criminal sanction.

[56] Article 9 of Directive 93/109/EC and Article 9 of Directive 94/80/EC.

[57] Hutcheson, Derek S., and Luana Russo. *"Turnout and Registration of Mobile European Union Citizens in European Parliament and Municipal Elections."* (2019).

suggest that their capacity to participate in the form of voting to municipal elections is partly hindered by these administrative steps.

On the other hand, automatic registration does not guarantee high participation, as can be seen in countries like Romania, where although they have automatic registration they also have the lowest participation rate[58]. Nonetheless, turnout is generally higher in countries with automatic registration.

Based on the interviews and desk research conducted in the context of the study supporting this impact assessment, regarding measures at Member State level, data collected have not revealed any disproportionate effect on mobile EU citizens compared to nationals in relation to the documentation for registration. However, Article 9 of Directive 93/109/EC requires EU mobile citizens to present an additional document which is a signed formal declaration stating their willingness to vote in the Member State of residence only together with the EU voter's nationality, address in the country of residence, locality in the home Member State. It may also be required to state that (s)he has not been deprived of the right to vote in the home Member State. For candidates, Article 10 of Directive 93/109/EC requires the formal declaration to state, in addition to the nationality, date and place of birth, and last address in the home Member State and in the Member State of residence; that (s)he is not standing as a candidate for European elections in any other Member State and has not been deprived of the right to stand as a candidate in the home Member State.

However, this requirement to make a formal declaration may constitute an additional administrative barrier, which is likely to prevent mobile EU citizens from exercising their rights. The modalities of this clause are not fully defined and Member States may interpret the term "formal declaration" differently. As stated above, Article 9 and 10 of Directive 93/109/EC requires specific content of the declaration but the modality ranges from a statement in a stand-alone document to a sentence to be checked and included in a document linked to other acts such as the registration for residence or tax declaration. There are instances where this provision has been used to require mobile EU citizens to make a notarized declaration on honour[59], which makes the process of registration substantially more burdensome for mobile EU citizens.

In some Member States, for candidates, documentary evidence is needed from the home country that the person has retained his/her right to stand as candidate (Czechia, the Netherlands, Poland, Romania).

Furthermore, this administrative burden can be one-off (where registration is carried out once and its validity is not time bound) or recurrent when registration is required for every election (Croatia, France, Greece and Malta).

In order to support inclusive and equal electoral participation, the practical conditions to register as a voter or as a candidate and the voting arrangements should also consider the

[58] Reinsalu, Kristina, and Christian Stiefmueller. "Empowering European Mobile Youth: Case Studies from Austria and Estonia." Advances in the Human Side of Service Engineering: Proceedings of the AHFE 2020 Virtual Conference on The Human Side of Service Engineering, July 16-20, 2020, USA. Vol. 1208. Springer Nature, 2020.

[59] Eg Croatia.

specific needs of vulnerable Union citizens, including citizens with a disability and older citizens.

1.3.4 Multiple voting in European elections

Article 4(1) of Directive 93/109/EC prohibits voting in more than one Member State in the same European elections[60]. Instances of multiple voting by mobile EU citizens[61] exist and data being exchanged between Member States do not prevent it completely.

In addition, 14% of surveyed mobile EU citizens believe that voting more than once (both in home and host country) is lawful (see Figure 2). This points to a relatively high share of respondents who are not aware of the fact that multiple voting is prohibited.

Figure 2

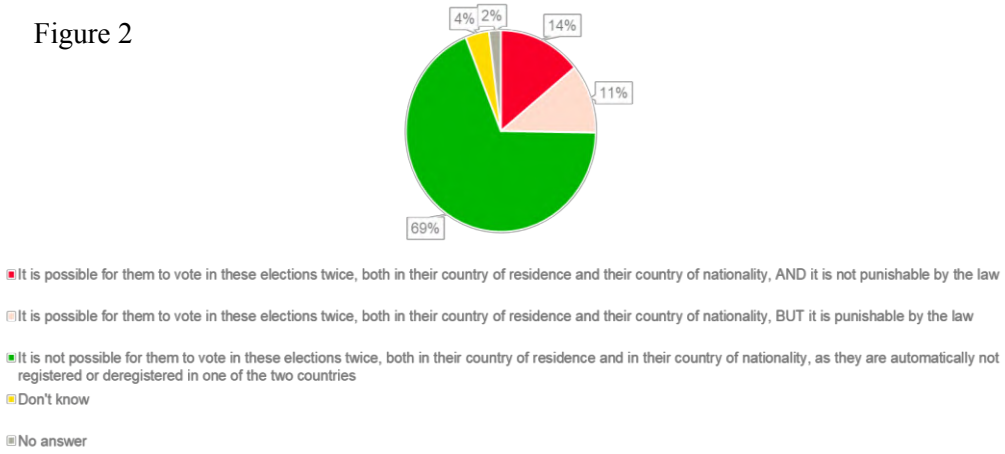


Figure 2 (above) - Thinking about people like you who are residents of another EU country than their country of nationality, please indicate which statement you think is true regarding European elections (n=2383)

Source: Annex II to the Underlying Study, survey of mobile EU citizens

The exchange of information[62] to prevent multiple voting relates in particular to the following:

- Member States of residence need to transmit to the home Member State the information received in the formal declarations[63] provided by registered mobile EU citizens when entering those EU citizens in the electoral roll or if they are standing as candidates of the Member State of residence. This needs to be done sufficiently in advance of the election day;
- the Member State of origin needs to take appropriate measures to ensure that its nationals do not vote more than once or stand as candidates in more than one

[60] See also Article 9 of the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976

[61] Multiple vote by dual citizens is not covered by the scope of this Impact Assessment. Addressing this would imply establishing a register of all EU citizens. This option has been considered disproportionate.

[62] Article 13 of Directive 93/109/EC.

[63] As set out in Article 9(2) of Directive 93/109/EC, the formal declaration should state the nationality and address in the Member State of residence; where applicable, the locality or constituency in his home Member State on the electoral roll of which his name was last entered, and that the right to vote will be exercise in the Member State of .residence only.

Member State (Article 13 Directive 93/109/EC). This usually means that Member States should deregister mobile EU citizens from the electoral roll of their country of nationality when they registered to vote in the country of residence. It may also refer to other dissuasive measures against multiple voting, such as a formal declaration stating that the person producing it voted only once at the same election.

To support Member States in their effort to prevent multiple voting, the Commission developed a solution to allow Member States to exchange data securely (hereafter called, "the crypto tool")[64]. This solution was developed in 2013, and first used in the 2014 European elections. The development and implementation of a process to achieve the exchange efficiently was coordinated with Member States' experts in the framework of the expert group on electoral matters[65]. A formalisation of the crypto tool is needed.

Prior to the last European elections, i.e. between February and May 2019, Member States exchanged data on around 1.3 million voters and 114 parliamentary candidates. This exchange resulted in the identification of over 213 000 multiple registration of citizens[66], which means that citizens who were found to be on electoral rolls of both the Member State of residence and of origin were deregistered from the electoral roll of the Member State of origin.

While there is little data to measure the phenomenon of multiple voting, feedback received by the Commission from Member States' authorities show that challenges remain in matching the data received from the Member State of residence and the deadlines for data collection[67]. This results in situations where Member States are only able to match a limited share of record with their national electoral roll datasets due to issues with the type of data exchanged. The identification rate (i.e. the share of records received from Member State of residence that were successfully matched to citizens of the country of origin) was only 31%[68].

Feedback from Member States collected during joint meetings of the ECNE and the expert group on electoral matters shows that the exchange of information between national authorities on mobile EU citizens was hindered by variation in the scope of the data exchanged and deadlines for data collection[69]. Each Member State collects the same data from mobile EU citizens as it would from its own citizens, with the exception usually of also recording the mobile citizen's nationality. Different Member States rely on different data to identify citizens, besides their name and date of birth – some requiring national ID numbers, others requiring the last address or municipality of birth.

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[64] See https://ec.europa.eu/isa2/solutions/european-parliament-crypto-tool_en The current version of the crypto tool allows Member States to upload encrypted data about voters registered in their country into a secure portal where the Member States of origin can download it and compare the data on registered voters with their own electoral register. Every country creates a file for each Member State from where there are mobile EU citizens who registered there to vote. In turn, when the encrypted files are uploaded, every country downloads the files about voters originating from their country who are registered in another country to match them to its own electoral roll and take the necessary measures to remove them from the home country electoral roll.

[65] https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?do=groupDetail.groupDetail&groupID=617

[66] Report on the 2019 elections to the European Parliament, see footnote 7.

[67] Idem.

[68] Idem.

[69] In particular, the joint meeting of 28 January 2021. Further details on these joint meetings is available in Annex 2.

Due to these differences, some Member States are only able to act on very limited amounts of the data exchanged, while others are more successful.

Finally, there are challenges for matching individual data that stem from the use of non-Latin alphabets or use of special characters[70]. These challenges are however not due to the crypto tool as such as this tool can handle all alphabets and characters. The issue is that host Member States, and in particular the local authorities, are typically not equipped with the keyboards to enter the data using these special characters or non-Latin alphabet.

Additionally, this data must be exchanged swiftly and securely. Although protocols are in place for this, they could be strengthened and legal certainty enhanced with a clear legal framework governing its use including concerning security requirements.

Lastly, the scale of the problem of multiple voting in European elections and the related deregistration might appear small compared to other problems. The absence of detailed evidence does not mean this practice is not taking place. And even if it is not, there is a precautionary principle that comes into play in terms of the potential for it to happen as its implications are far-reaching both in terms of electoral integrity and reputational risk. If integrity of an election is at risk in one Member State, it would discredit the EU institutions as a whole. Furthermore, public trust in the EU is a key aspect, especially in relation to the electoral process. The citizens demand the EU to have unimpeachable standards by supporting the transparency, inclusiveness and integrity of electoral practices.

1.3.5 Lack of data to support policy interventions

Comparable data to support policy interventions are not sufficient. This includes data on the registration, identification on electoral rolls, and turnout of mobile EU citizens for European and municipal elections, as well as the number of mobile EU citizens who stand as candidates and who are elected in European and municipal elections.

When it comes to participation of mobile EU citizens in municipal elections, data mostly looks at registration rates. Data on participation/turnout is not disaggregated according to residency status by competent authorities in Member States. Data on candidacy is available in less than half of EU Member States[71].

Where data is reported, it is not necessarily on the basis of all mobile EU citizens residing in the country but on the basis of those who are registered. This means that in Member States with automatic registration the share of those registered is very high (close to 100%) but turnout is much lower. Conversely, in other countries with active registration, the shared of those registered is low, but then turnout for those registered is high as these are people who actively took measures to register and are hence keen on exercising their right.

Availability of data on participation of mobile EU citizens in European elections is even more patchy. As with municipal elections, the majority of Member States do not differentiate between the turnout of nationals and that of mobile EU citizens.

[70] This was highlighted in the joint meeting of the ECNE and the expert group on electoral matters of 28 January 2021.

[71] According to data collected for the 2019 Commission's report on municipal elections, as much as 20 Member States indicated that such data is not collected or is difficult to obtain.

1.3.6 Equal possibilities to exercise electoral rights

Mobile EU citizens exercising their elections rights in their Member State of residence do not always enjoy their rights under the same conditions as nationals of that State. Indeed, the current legal provisions allow Member States to restrict candidacy for mobile EU citizens to some positions in municipal elections. Article 5 of Directive 94/80/EC specifically provides for the right of Member States to restrict the office of elected head, deputy or member of the governing college of the executive of a basic local government unit to their own nationals only.

Several Member States have been using this provision, thus restricting the possibilities for mobile EU citizens to stand as candidates for executive functions at local level[72]. Mobile EU citizens are therefore not able to stand as candidates for all functions in municipal elections in all Member States, which can lead to their underrepresentation in local governments, and contribute to their lower participation patterns and less motivation to engage at the local level.

Addressing the limitations of candidacy for mobile EU citizens to some positions that some Member States impose in municipal elections would support the principle of non-discrimination on the basis of nationality. However, such measure would need to take into account the public opinion and in general terms their acceptability. As shown in Flash Eurobarometer 431[73], the opinion is evenly divided. Almost half of respondents (47%) agree that citizens from other Member States should be able to stand as candidates for certain executive offices, presently open only to nationals. A similar proportion (48%) do not agree that they should be able to do so.

In addition, remote voting solutions can help facilitate the act of voting for those EU citizens living abroad, which also concerns EU mobile citizens. In that sense, and taking into account the principle of non-discrimination, mobile EU citizens should have the same access to remote voting solutions as the nationals of the Member State in which they reside.

1.3.7 Obsolete provisions

The legal framework on voting rights of mobile citizens contains obsolete provisions. Directive 94/80/EC contains an Annex with a list of basic local government units for each Member State. These are the administrative entities to which this Directive applies and which, in accordance with the laws of each Member State, contain bodies elected by direct universal suffrage and are empowered to administer, at the basic level of political and administrative organization, certain local affairs on their own responsibility.

This Annex makes explicit reference to the United Kingdom and its basic local government units[74], which will need to be deleted in light of the withdrawal of the United Kingdom from the European Union.

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[72] A table of municipal election positions for which mobile EU citizens cannot stand as candidates across Member States is available in Annex 6.

[73] https://data.europa.eu/data/datasets/s2078_431_eng?locale=en .

[74] Counties in England; counties, county boroughs and communities in Wales; regions and Islands in Scotland; districts in England, Scotland and Northern Ireland; London boroughs; parishes in England; the City of London in relation to ward elections for common councilmen.

Additionally, in preparation of the report on the application of Directive 94/80/EC[75], the Commission was informed by Denmark, Hungary, Ireland, the Netherlands that amendments to the list of basic local government units are needed[76].

The current Directive foresees the presentation of a legal proposal to amend its non-essential elements. This does not allow to make best use of the possibilities that exist since the Lisbon Treaty to amend non-essential elements of a Directive. Since the entry into force of the Lisbon Treaty, the Commission may be empowered under Article 290 TFEU to adopt delegated acts that amend non-essential elements of legislative acts. Such delegations allow technical updates to be made more quickly and efficiently. The revision of the Directive provides an opportunity to make use of this possibility by making provision for such empowerments.

1.4 How will the problems evolve?

The number of EU citizens residing in a Member State other than that of their nationality is steadily increasing. As mentioned above, in 2019 there were over 13 million mobile EU citizens, with approximately 1.3 million EU citizens who move to reside to another EU Member State every year and the numbers continue to grow. In Member States with less inclusive national practices regarding registration and information provision, mobile EU citizens are likely to continue facing burden related to searching for information or the fact that excessive documentation is requested of them. There is no indication that suggests that Member States are narrowing this gap. This would continue negatively affecting participation especially in those Member States with practices that demonstrate low inclusivity. The differences among Member States concerning possibilities to exercise one's electoral rights as a mobile EU citizen are going to continue existing. As above there is no evidence that this gap would be narrowing down spontaneously.

Furthermore, the trend of the digitalization of political participation is gaining traction, and was additionally accelerated by the COVID-19 pandemic. With regard to the phenomenon of multiple voting in the European elections, the fact that mobile EU citizens can choose to vote for host country or home country party lists implies that they have multiple channels through which they can vote. This could be further exacerbated if Member States increasingly make remote voting in European elections easier through measures such as electronic voting or voting via proxies. If these modalities become more common, which in itself would be a positive development that would contribute to boost mobile EU citizens' voting participation, the risk of multiple voting could grow.

Developments are ongoing at EU level to strengthen the availability, use and acceptance of highly secure electronic IDs cross border in the EU[77]. However, widespread use in the

[75]Report on the application of Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections COM(2018) 44 final; https://ec.europa.eu/transparency/documents-register/detail?ref=COM(2018)44&lang=en:

[76] Specifically, the Local Government Reform Act of 2014 states that Ireland is divided into local government areas known as (a) counties, (b) cities, and (c) cities and counties. Each "county" and "city and county" has municipal districts. In the case of Hungary, according to the provisions of Act CLXXXIX of 2011, the basic local government unit of „járásszékhely város" should be added.[76] For the Netherlands, "deelgemeente" must be removed.

[77] Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity, https://digital-strategy.ec.europa.eu/en/library/trusted-and-secure-european-e-id-regulation and Commission Recommendation on a

electoral context cannot be anticipated in the near future and therefore the difficulties to identify mobile EU citizens who are registered in multiple countries and prevent multiple could continue affecting European elections. If the trend of intra-EU mobility continues to grow, this problem is likely to get bigger as the volume of data exchanged will increase.

Should the exchange of data between Member States become more efficient and therefore identify more cases of multiple registration, the problem of deregistration is likely to get worse. Higher numbers of mobile EU citizens will be matched to their home country electoral rolls and therefore deregistered, unless there is a mechanism to ensure that deregistration only affects the election for which the data is being exchanged.

It is expected that all Member States will have approved Council Decision 2018/994 on the revision of the EU Electoral law in accordance with their respective constitutional requirements and that this Decision will enter into force before the 2024 European elections. To date (July 2021), five Member States have not yet approved Council Decision 2018/994 on the revision of the EU electoral law (Croatia, Cyprus, Estonia, Germany and Spain). Regarding the binding measures, they should have a positive effect in addressing the problem of multiple voting by providing further harmonisation of the exchange of data[78], by legally imposing the establishment a contact authority for data exchange on voters and candidates and by providing that Member Sates shall take measures necessary to ensure that multiple voting is subject to sanctions[79].

2. WHY SHOULD THE EU ACT?

2.1 Legal basis

Any legislative intervention at the EU level must relate the competences of the Union legislator to the objectives and scope that the proposal will follow.

Article 20 TFEU establishes Union citizenship. Articles 20(2)(b) and 22 TFEU, as well as Articles 39 and 40 of the EU Charter of Fundamental Rights, provide that citizens of the Union have the right to vote and stand as candidates in European elections and in municipal elections in their Member State of residence, under the same conditions as national of that State. Article 22 TFEU provides that the exercise of this right shall be subject to detailed arrangements adopted by the Council, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament.

Directives 93/109/EC and 94/80/EC, the revision of which is the subject of this impact assessment, provide detailed arrangements for the exercise of these rights in European and municipal elections, respectively, based on the electoral rights for municipal elections provided in Article 20(2)(b) and 22(1) TFEU, and in Article 20(2)(b) and 22(2)

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common Union Toolbox for a coordinated approach towards a European Digital Identity Framework (C(2021) 3968 final) https://digital-strategy.ec.europa.eu/en/library/trusted-and-secure-european-e-id-recommendation .

[78] Article 9b of Council Decision 2018/994 on the revision of the EU electoral law provides that the transmission of data concerning Union citizens who, in a Member State of which they are not nationals, have been entered on the electoral roll or are standing as candidates shall start no later than six weeks before the first day of the electoral period.

[79] Council Decision 2018/994 on the revision of the EU electoral law , Article 9.2.

TFEU for European elections. They establish minimum standards and procedures for the right of mobile EU citizens to vote and stand as candidates.

2.2 Subsidiarity: Necessity of EU action

The principle of subsidiarity (Article 5(3) TEU) requires that the Union shall act only and insofar as the objectives of the proposed actions cannot be sufficiently achieved by the Member States, either at central or at regional and local level, but an rather, by reasons of the scale or effects of the proposed action, be better achieved at Union level.

The electoral rights of mobile EU citizens to European and municipal elections are enshrined in the TFEU as part of their rights as citizens of the Union. The legal framework for the exercise of electoral rights by mobile citizens involves the interaction of EU and national rules. The EU acted to implement the Treaty principle establishing electoral rights of mobile EU citizens in particular through the two Directives 93/109/EC and 94/80/EC which are considered in this impact assessment.

The Commission has closely monitored the implementation of the Directives. However, experience shows that, without EU action, it would be difficult to address the identified problems. Reports on the implementation of the directives as well as further consultations (especially in the framework of ECNE and the expert group on electoral matters meetings) showed that further action at EU level was needed. Without timely and effective EU action, the identified problems and their causes would continue to hinder the exercise by mobile EU citizens of their electoral rights This could be prevented by reinforcing existing rights governed by Directives 93/109/EC and 94/80/EC.

As for the issue of multiple voting in European elections, the exchange of information required by Directive 93/109/EC is by definition a cross border issue. This means that it cannot be addressed by Member States acting individually, since cross-border matters are beyond the reach of individual Member States. National action cannot be expected to reach beyond national borders. Providing for common EU standards on the exchange of information about the relevant voters and candidates to prevent multiple voting can only be done at EU level.

Finally, revisions to Directives to update obsolete provisions and align with the common rules established by Council Decision 2018/994 on the revision of the EU Electoral law can only be done at EU level.

2.3 Subsidiarity: Added value of EU action

The current situation affects the effective exercise of electoral rights of mobile EU citizens and by extension the ability for EU citizens to fully enjoy their free movement rights as well as puts at risk the integrity of the electoral process for European elections. The added value of EU action lies in improving and refining the framework governing the exercise of mobile EU citizens of their electoral rights granted by the Treaties, and better addressing multiple voting in the context of the European elections by enhancing the current exchange of information system.

The content and the form of the EU action must not go beyond what is necessary to meet the objectives of the Treaty. Respect of the principle of proportionality is about ensuring that the policy approach and its intensity match the identified problems and objectives. Proportionate EU action should ensure that mobile EU citizens can effectively exercise their democratic rights. For this to be achieved, there is a need to clarify the existing EU

framework governing the electoral rights of mobile EU citizens of their electoral rights. Additionally, proportionate action at EU level would enhance the integrity of the European elections by reducing opportunities for multiple voting.

3. OBJECTIVES: WHAT IS TO BE ACHIEVED?

3.1 General objectives

The general objectives are to:

- Support electoral participation of mobile EU citizens in municipal and European elections;
- Reinforce electoral rights of mobile EU citizens by closing regulatory gaps hindering the participation in municipal and European elections;
- Preserve the legitimacy of European elections by reducing instances of multiple voting.

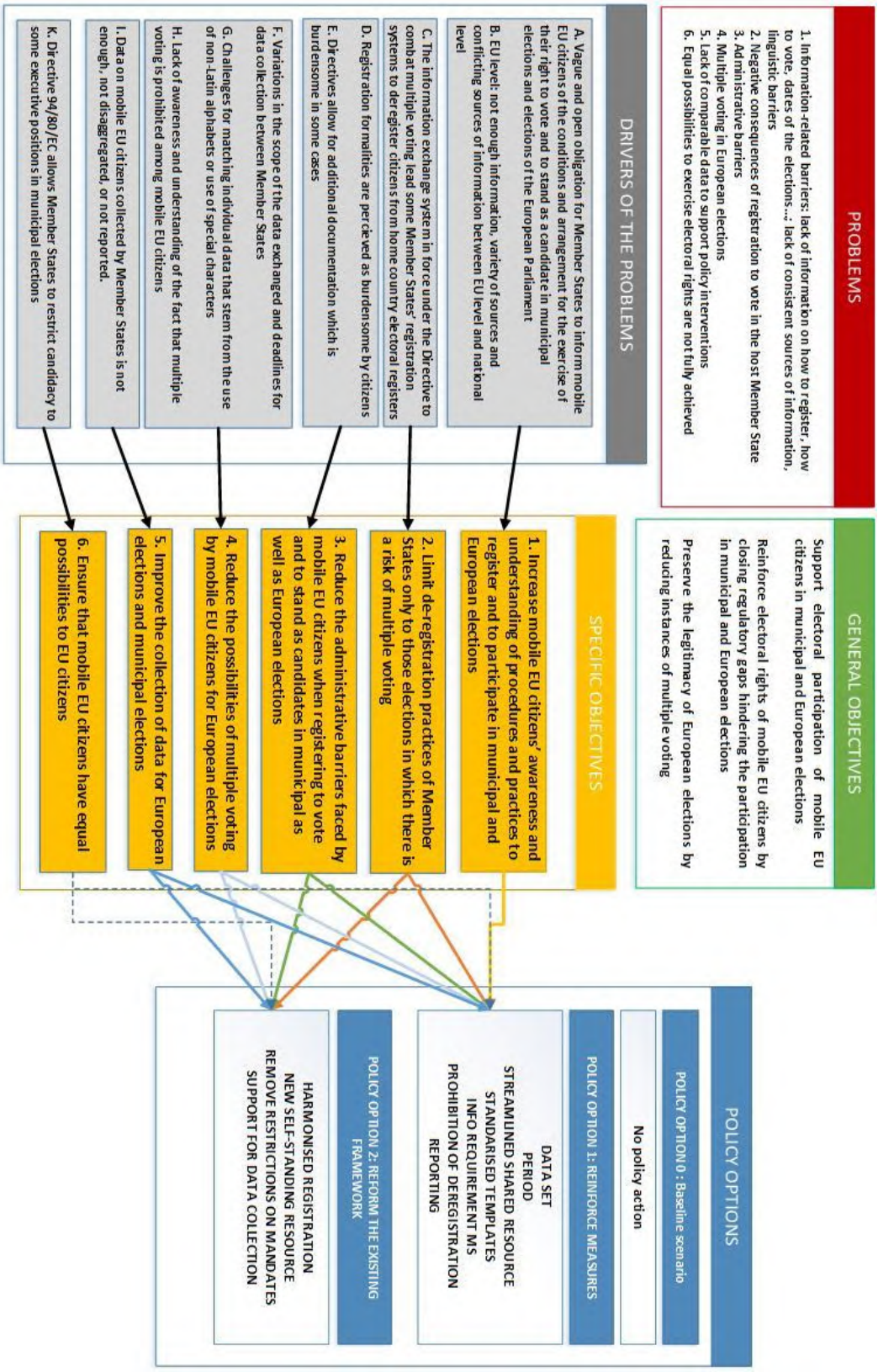
3.2 Specific objectives

To successfully achieve the general objectives by intervening on the drivers of the problems identified as illustrated in Figure 3, specific objectives were identified. The specific objectives of the initiative are to **increase mobile EU citizens' awareness of their rights and understanding** of procedures and practices to register and to participate in municipal and European elections; **reduce the possibilities of multiple voting** by mobile EU citizens for European elections and to **limit de-registration practices** of Member States only to those elections in which there is a risk of multiple voting.

Another goal is to simplify daily life for mobile EU citizens and local authorities, **by reducing administrative barriers** for citizens and their family members related to registration and formalities to vote and to stand as candidates in municipal as well as European elections

Finally, this initiative aims at **improving the collection of data** for European elections and municipal elections and to **ensure that mobile EU citizens have the same possibilities** to stand for candidates in municipal elections. Information on indicators and targets for each specific objectives are in section 8.

Figure 3. Intervention Logic: from problem drivers to policy options


PROBLEMS
1. Information-related barriers: lack of information on how to register, how to vote, dates of the elections...; lack of consistent sources of information, linguistic barriers
2. Negative consequences of registration to vote in the host Member State
3. Administrative barriers
4. Multiple voting in European elections
5. Lack of comparable data to support policy interventions
6. Equal possibilities to exercise electoral rights are not fully achieved
GENERAL OBJECTIVES
Support electoral participation of mobile EU citizens in municipal and European elections
Reinforce electoral rights of mobile EU citizens by closing regulatory gaps hindering the participation in municipal and European elections
Preserve the legitimacy of European elections by reducing instances of multiple voting
DRIVERS OF THE PROBLEMS
A. Vague and open obligation for Member States to inform mobile EU citizens of the conditions and arrangement for the exercise of their right to vote and to stand as a candidate in municipal elections and elections of the European Parliament
B. EU level: not enough information, variety of sources and conflicting sources of information between EU level and national level
C. The information exchange system in force under the Directive to combat multiple voting lead some Member States' registration systems to deregister citizens from home country electoral registers
D. Registration formalities are perceived as burdensome by citizens
E. Directives allow for additional documentation which is burdensome in some cases
F. Variations in the scope of the data exchanged and deadlines for data collection between Member States
G. Challenges for matching individual data that stem from the use of non-Latin alphabets or use of special characters
H. Lack of awareness and understanding of the fact that multiple voting is prohibited among mobile EU citizens
I. Data on mobile EU citizens collected by Member States is not enough, not disaggregated, or not reported.
K. Directive 94/80/EC allows Member States to restrict candidacy to some executive positions in municipal elections
SPECIFIC OBJECTIVES
1. Increase mobile EU citizens' awareness and understanding of procedures and practices to register and to participate in municipal and European elections
2. Limit de-registration practices of Member States only to those elections in which there is a risk of multiple voting
3. Reduce the administrative barriers faced by mobile EU citizens when registering to vote and to stand as candidates in municipal as well as European elections
4. Reduce the possibilities of multiple voting by mobile EU citizens for European elections
5. Improve the collection of data for European elections and municipal elections
6. Ensure that mobile EU citizens have equal possibilities to EU citizens
POLICY OPTIONS
POLICY OPTION 0 : Baseline scenario
No policy action
POLICY OPTION 1: REINFORCE MEASURES
DATA SET
PERIOD
STREAMLINED SHARED RESOURCE
STANDARISED TEMPLATES
INFO REQUIREMENT MS
PROHIBITION OF DEREGISTRATION
REPORTING
POLICY OPTION 2: REFORM THE EXISTING FRAMEWORK
HARMONISED REGISTRATION
NEW SELF-STANDING RESOURCE
REMOVE RESTRICTIONS ON MANDATES
SUPPORT FOR DATA COLLECTION

4. WHAT ARE THE AVAILABLE POLICY OPTIONS?

4.1 What is the baseline from which options are assessed?

Under the baseline scenario, the existing problems would remain.

The exchanges of best practice among relevant Member States' authorities in the ECNE and the expert group on electoral matters would continue to be supported by the Commission. Efforts would focus on improving awareness of mobile EU citizens and access to their electoral rights as well as on good practice on the use of the crypto tool.

Further, the Citizens, Equality, Rights and Values programme 2021-2027 and in particular its strand on Citizens' engagement, would reinforce the financing of projects to address the needs of mobile EU citizens and to support their democratic participation. An EU wide communication campaign would be organized for the European Parliament elections building particularly on the experiences of the 2019 European elections. Among others, occasional targeted awareness raising campaigns would be organized, especially prior to the European elections. The added value of funding such projects (in particular awareness raising) has been demonstrated, promoting the rights deriving from EU citizenship and the development of a stronger EU citizenship[80].

When it comes to information related barriers, Regulation (EU) 2018/1724[81] established a single digital gateway. The 'Your Europe Portal' is the front end of the single digital gateway. The portal exists to explain to EU citizens and businesspeople their rights and obligations under EU law. Regarding electoral rights, there is a section on the 'Citizens' side of the portal about electoral rights of mobile EU citizens[82]. Regulation (EU) 2018/1724 requires Member States to explain online how to carry out certain administrative procedures by December 2020 (Annex I to the Regulation). Those procedures includes participating in municipal elections and elections to the European Parliament for EU mobile citizens. Every Member State should have a webpage or website explaining to non-EU nationals, in a language understood by the majority of cross-border users, how to vote in their Member State of residence in those types of elections. By 2023, Member States will have to make it possible to actually carry out some procedures online (Annex II to the Regulation). For the moment, electoral procedures are not part of this last category.

With regard to the prevention of multiple voting, the exchange of data on voters and candidates will continue with the use of the Commission crypto tool. Its maintenance and development is foresee by DG CNECT's DIGITAL programme. Although protocols are in place for its use this, legal certainty would not be enhanced if a clear legal framework governing its use including concerning security requirements is not provided.

Instead, the necessary changes to Directive 94/80/EC as described under section 2.3.7 would not be introduced. No use would be made of the procedure to ensure rapid update of non-essential elements of both Directives.

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[80] See the Report from the Commission to the European Parliament, the Council, the European Economic and Social committed and the Committee of Regions on the interim evaluation of the implementation of the Rights, Equality and Citizenship programme 2014-2020, COM (2018) 508 final https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52018DC0508.

[81] Annex I of Regulation (EU) 2018/1724 includes electoral rights in municipal and European elections (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2018.295.01.0001.01.ENG).

[82] https://europa.eu/youreurope/citizens/residence/elections-abroad/index_en.htm

4.2 Disregarded policy options

The removal of the derogation available under both Directives[83], whereby a Member State, where the proportion of mobile EU citizens of voting age exceeds 20% of the total electorate, can require both voters and candidates to have a minimum period of residence, will not be addressed by the policy options[84]. Similarly, no policy intervention is being considered on the exchange of information among Member States on the deprivation of citizens' right to vote and stand as candidate if, through an individual decision, they have been deprived of their right under the law of their home Member State. As there were no issues identified in the implementation of this provision, this would be unnecessary.

On the other hand, several policy options were disregarded on the basis of proportionality and efficiency considerations. For example, the establishment of an EU Electoral Database, including passive and active electorates in all Member States would have efficiently addressed multiple voting and deregistration problems, including of dual nationals. However, such a measure, despite being very effective, appears disproportionate in term of costs for the EU and Member States and potential impact on fundamental rights as well as disproportionate to the scale and nature of the problems. Under another option addressing dual voting, which was discarded as excessive, home Member States would have obligated dual citizens to disclose their other citizenships.

4.3 Description of the policy options

Beyond the baseline scenario, the three general objectives are each addressed by two packages of options, which are presented below. The policy packages present a range of potential measures considered to improve the exercise of electoral rights, and to support a fair electoral process by addressing the issue of multiple voting.

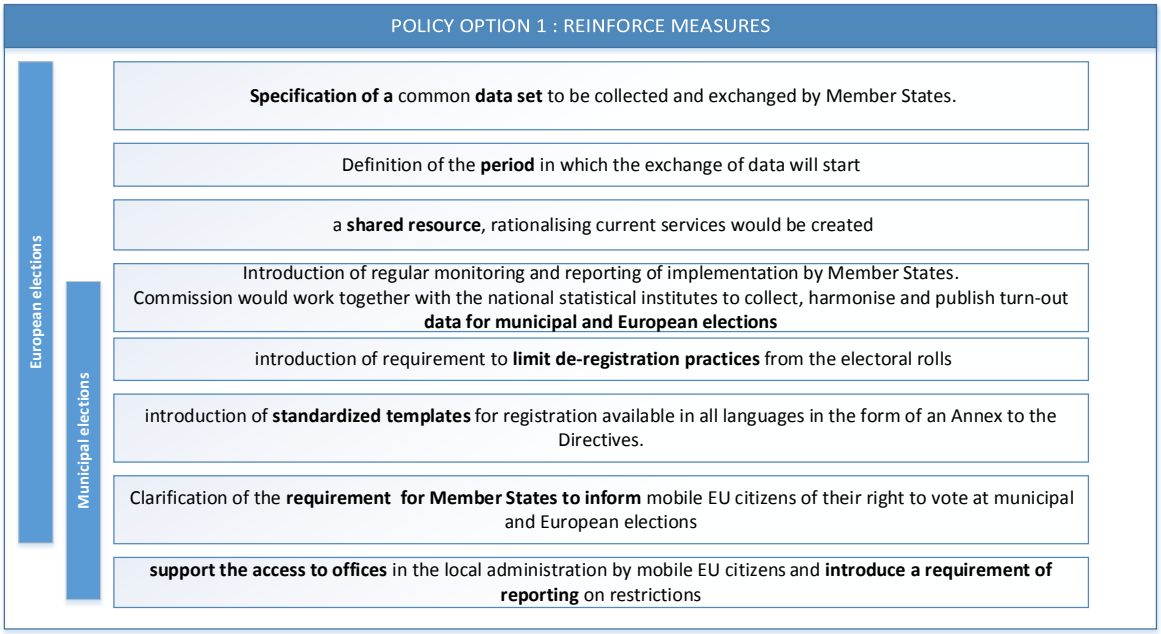
Specifically, these policy packages range from soft, non-legislative measures in support of awareness raising and enhanced administrative cooperation, to setting common standards of procedures related to registration of mobile EU citizens and the exchange of data in prevention of multiple voting. The measures are grouped in two policy packages according to their connection and interdependence from one another.

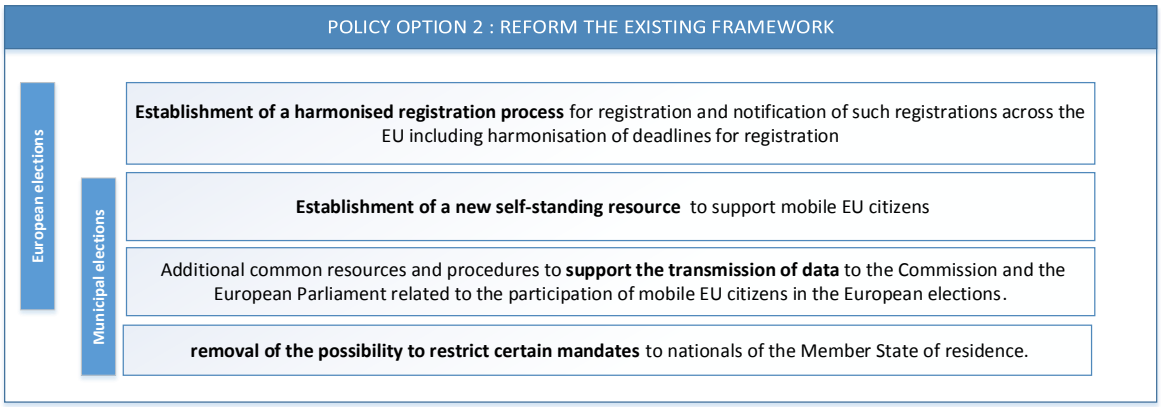
Measures in Option 1 constitutes mainly targeted additional legislative amendments. The aim would be to address the objectives by reinforcing and clarifying existing provisions of the Directives governing electoral rights of mobile EU citizens in municipal and European elections. Measures in Option 2 provide for more extensive legislative intervention. While respecting the non-discrimination principle at the basis of the Directives, the second policy option would aim to put in place an extensive reform of the Directives by setting legal requirements relating to the time-limits for registration and imposing in some cases automatic registration for municipal elections, by providing a self-standing resource for support of

[83] Article 12(1) of Directive 94/80/EC and Article 14(1) of Directive 93/109/EC.

[84] This derogation is used only by Luxembourg and was found to be proportionate in the Commission's report on the 2019 European elections and the report on the application of Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections.

mobile EU citizens and by removing the provisions allowing different treatment of mobile EU citizens.





To reduce instances of **multiple voting** in European elections by supporting data matching, policy option 1 would bring the **period** in which the exchange of data between Member States would have to start, in line with Council Decision 2018/994 on the revision of the EU electoral law. Additionally, policy option 1 foreseen common requirements to be established to guarantee that information on mobile EU citizens registering to vote or stand for election is exchanged comprehensively and in a more consistent manner, while complying with the GDPR's data minimisation principle. A **data set** would be specified in Directive 93/109/EC to support the exchange of information between national authorities about mobile EU citizens registering to vote or stand for European elections, which would result in a faster and easier identification of mobile EU citizens. This data set would include: name, place and date of birth, and identification number from the country of nationality or alternatively passport number or ID card number. An increased and faster recognition of the citizens coupled with further harmonisation of the starting point for the exchange of those data would result in more data being matched.

Alternatively, measure in Option 2 would entail a full harmonisation of the procedure with a harmonised and fixed data set and **common EU deadlines** for registration and notification of

such registration for European elections across the EU. Specifically, two deadlines would be set: one for the close of the electoral roll and the start of the data exchange (6 weeks prior to the elections), and one to clear data between Member States (4 weeks prior to the elections).

Only one measure is foreseen for the issue of **deregistration** and it is part of Option 1. The main reason is that measures foreseen in Option 2 to address multiple voting would in principle also extinguish the problem of deregistration. Instead, measures in option 1 would increase this phenomenon. Therefore, Option 1 envisages the prohibition of de-registration practices at the initiative of the authorities.

On the issue of **information related-barriers**, multiple options intervening at different levels are possible. In policy option 1, at Member States level, a requirement would be introduced for Member States to inform mobile EU citizens of their right to vote in municipal and European elections, in a plain language at the moment of registering in a new Member State and regularly thereafter, particularly before elections. This information would need to be provided at least in the language of the Member State of residence and in another language largely used in the EU. Prior to municipal and European elections, mobile EU citizens should receive in an individualised manner detailed information about their registration status, registration procedure and voting modalities. For municipal elections, information should be provided on the possibility to continue to vote in other elections in the Member State of origin, while for European elections, information should be provided on prohibition of multiple voting and its consequences.

At EU level, policy option 1 envisages a **streamlined shared resource** to be established at Commission level to support EU citizens in exercising their electoral rights, in particular with dedicated staff replying questions from citizens and public authorities during the period where mobile EU citizens can register for European elections. Building on existing support offered by the Commission and the European Parliament in particular, it would rationalise existing support services for mobile EU citizens and national authorities (addressing contradictions and duplications in information sources such as the Europe Direct Contact Center), answer their questions on European elections in all languages of the European Union, support citizens in finding solutions to relevant issues and provide targeted information for mobile EU citizens, The Directives would be amended to reflect the links with the Single Digital gateway/Your Europe Portal.

Measures in policy option 2 in relation to information-related barriers should take in consideration the harmonised process of registration and notification provided in this option. Therefore, information provided by Member States will focus more on other aspects of the electoral procedure such as the date of the election in the case of municipal elections and how and where to vote. On the other hand, communication at EU level will be more important as the information on the key prerequisites to the effective exercise of electoral rights will be uniform due to harmonised procedures. This option therefore would provide for a **new self-standing resource** for support of mobile EU citizens specifically dedicated to electoral rights.

To address the **specific administrative barriers** whereby Member States of residence may require mobile EU citizens to provide a formal declaration that they will exercise the right to vote in that Member State only, option 1 proposes the use of **standardised templates.** As the modalities of this clause are not defined and Member States may interpret the term "formal declaration" differently (e.g., a notarized declaration on honour in Croatia), a standardized format of the declaration available in all languages would be introduced in the form of an

Annex to the Directive. This standardized templates could be subject to the possibility of subsequent adaptations via delegated acts. Such an approach would also allow to update the Annex which lists basic local government units. Alternatively, Option 2 envisages that the legislative proposal would also establish an obligation for Member States to apply **automatic registration** in municipal elections. This would mean that once mobile EU citizens register in their Member State of residence, they would be automatically registered in the electoral rolls for voting in municipal elections. This would alleviate the burden to have to register for municipal elections in a separate administrative act[85].

On **data collection**, policy option 1 envisages to amend the Directives to insert provisions for a regular monitoring and reporting of their implementation by Member States. For Directive 93/109/EC, the report should be conducted after every European elections. For Directive 94/80/EC, the report should be conducted every five years from the entry into force of the amendments. The Commission building on the work of Eurostat would work together with the national statistical institutes to collect, harmonise and publish turn-out data for municipal and European elections, to support policy development at the EU and national levels. The above-mentioned standardised templates would allow to collect more data than those available today, which could help further policy interventions. In Policy option 2, collection of data should be facilitated by the harmonisation of the process of registration and voting. Therefore, it could be foreseen that additional common resources and procedures would be allocated including for instance to support the transmission to the Commission and the European Parliament of the national results related to the participation of mobile EU citizens in the European elections that would be available in all Member States.

As the current regulatory framework allows limiting candidacy of mobile EU citizens for some positions in municipal elections, policy option 2 envisages that the legislative proposal **removes the possibility to restrict certain mandates** to nationals of the Member State of residence. Alternatively, policy option 1 envisages an obligation on Member States to report on those restrictions. This may lead to a national debate and encourage Member States to change these rules. The Commission would also use soft-law measures building on the discussions in the expert group on electoral matters and ECNE. The purpose would be to support a non-discriminatory access to such positions. Such soft-law measures could also encourage Member States to consider voluntarily extending the right to vote in municipal elections for mobile EU citizens to other intermediary levels of governance, such as city regions.

Finally, as part of option 1, an explicit obligation would be introduced to ensure that where remote voting is allowed for nationals in European or municipal elections, this should also be allowed for mobile EU citizens residing in that country, under the same conditions as nationals.

[85] Automatic registration was considered by a majority respondents to the OPC to be an effective measure to increase participation in municipal elections For further details, see Annex 2.

5. WHAT ARE THE IMPACTS OF THE POLICY OPTIONS?

5.1 The baseline scenario

The impact of the baseline scenario is assessed in section 2.4. In broad terms, in the absence of EU action to address gaps of Directives 93/109/EC and 94/80/EC, multiple voting by mobile EU citizens will continue to put at risk the integrity of the European elections. Mobile EU citizens will continue to face administrative burden and lack of clarity on electoral participation. As a consequence of unclear information, a significant proportion of mobile EU citizens will remain unaware of their voting rights derived from their EU citizenship or be discouraged to vote. Relatively fewer mobile EU citizens will use their EU rights to vote in the Member State they live in, and the number of mobile EU citizens standing as candidates will decrease, compared to an overall growing number of mobile EU citizens.

The requirements in the Directives as they stand now are generally not specific enough to lend themselves to enforcement action. Correspondence with Member States and discussion in forums like the ECNE cannot sufficiently address the identified problems.

5.2 Assessment of policy options

The policy options are evaluated against social, economic and fundamental rights impacts. No environmental impacts were detected.

5.2.1 Social Impacts

The two options considered would have an overall positive effect on the democratic participation of mobile EU citizens.

The standardised templates and minimum data set in policy option 1 would lead to increased, more secured and interoperable communication channels among Member States to prevent multiple voting and provide more tools to citizens to exercise their electoral rights.

Measures to require Member States to inform mobile EU citizens in Option 1 could possibly increase the probability of voting among mobile EU citizens.

Additionally, the reinforced shared resource at EU level in policy option 1 and the new resource in option 2 would lead to higher awareness of electoral processes in the country of residence, which could result in having more candidates who are mobile EU citizens (who could, by extension, mobilise the communities of mobile EU citizens to participate in elections).

Policy Option	1	2
Impact		
Increase Citizens' awareness and understanding	●●●	●●●
Increase probability of voting/ voter participation	●●	●●●
Prevent multiple voting and minimise deregistration	●●	●●●

5.2.2 Economic impacts

The impact assessment focuses on the potential impacts on mobile EU citizens and public administration, both at the national and EU levels. All options are expected to only have indirect wider economic impacts insofar as they support free movement. Simplifying

registration requirements and enhancing information provision and awareness raising on voting can reinforce the integration of mobile EU citizens in the host Member State, which can only have positive economic effects. Whether SMEs are affected to the same extent as larger companies by facilitated freedom of movement cannot be assessed conclusively.

Mobile EU citizens enjoy direct regulatory benefits from all options presented above: simplification of registration procedures would lead to a reduction of costs for mobile EU citizens due to lowering the time needed to register and reducing the documents that they need to provide. They will also benefit from simplified access to clearer information on national procedures and requirements, particularly information.

A detailed assessment of the costs involved – in terms of monetary cost, human resources, and organisational effort – requires a level of data that is not currently available to this impact assessment. The below cost assessments therefore rely on a number of assumptions to provide a first indication of the range of costs that may be required. As the exact design and implementation of the measures will vary, the assessment (1) seeks to take into account institutional and structural differences between Member States and (2) seeks to present a range of costs, depending on how extensive the ultimate formulation of a measure is. All costs are presented as possible excess cost to the current expenditure – e.g. if a measure envisions four additional annual meetings of an election network, this is to be understood as four meetings in additions to those already occurring currently.

Many of the implementation costs either entail human resource costs at the EU level (European Commission, EU agencies) and the Member State level (competent authorities, practitioners). Costs associated with administrative burden have been estimated using the Commission's Standard Cost Model (SCM), outlined in the EU Better Regulation Guidelines. To calculate these costs, a standard estimate of the daily labour cost has been applied for all activities. As figures are not available individually for all Member States, an EU average is applied. This approach uses the latest available data and methods detailed in the EU Better Regulation Guidelines. This leads to an estimated daily labour cost of EUR 534 for EU personnel, and EUR 294 for staff in Member States, including 25% overhead costs. These labour costs are used in all calculations in this section unless otherwise indicated.

5.2.2.1. Estimates of administrative costs for obligations addressed to public authorities

The simplification of registration procedures proposed in option 1 and 2 will initially result in higher costs for public authorities in Member States due to an increase in human resources to accommodate enhanced cooperation, but these costs will be partly offset by expected efficiencies for administrations. Some Member States have little information on voting available in non-national language(s), and/or do limited outreach to mobile EU voters. Implementing a requirement for communication measures or information provision will be more costly where the Member State has limited existing structures and experience in that regard but the investment may yield long-term benefits by fostering enhanced integration and thereby acting as an economic driver.

Regarding the improvement of information provision at EU level, the expansion of an existing service as outlined in option 1 would be most effective, building on Regulation (EU) 2018/1724 that established a single digital gateway.

Furthermore, in the context of optimizing the system for exchange of personal data in prevention of multiple voting as suggested in option 1 and 2, resources would be needed for information exchange and system maintenance at national level, with a possible reduction in costs (at least in the medium-long term) due to improved cooperation and coordination with other Member States and the increased efficiency. Harmonisation of the data sets to be exchanged between Member States would be expected to significantly assist in the identification of voters who are present on multiple electoral rolls. The costs required would vary depending on the data already collected by Member States; where this would require a significant effort, the return-value in terms of aiding the data exchange process appear proportional. For instance, in cases where the electoral register is linked to the population register (as is e.g. the case for Sweden, Finland and Estonia), adjusting the information in datasets may not require a lot of effort as only one central register is used. Where registers are more decentralised, e.g. collated individually in municipalities (e.g. in Germany), a larger effort is required to ensure that all individual actors collect and transmit the correct data. It should also be noted that after a successful harmonisation of data, cost savings may be possible in Member States that currently have to carry out a lot of manual data matching as a result of receiving incorrect or inconclusive data (e.g. Romania).

As outlined in policy option 2, setting deadlines for submission of data between Member States would be an important improvement in data exchange. However, the question of which deadline to set with does not have a straightforward answer, and may – depending on where it is placed in relation to national existing deadlines – incur either no extra costs, or significant costs. As it in many cases would require important legal changes in the Member States and an adaptation of electoral practices, costs would also be incurred in terms of time and effort in preparing legislation and adapting the procedures. Significant economic costs for Member States would arise if penalties or liability arises where there is non-compliance with specific legal obligations imposed in option 2.

Estimates of administrative costs for obligations addressed to Member States' public authorities

Type of obligation	**Option 1:** Reinforce measures	**Option 2:** Reform the existing framework
Obligations related to further reducing the technical possibilities of multiple voting	Data set exchanged To define a common data set, the information from electoral and population registers needs to be collected and linked. The costs involved for Member States will vary significantly and depend on their current data operation. In general, Member States with central electoral registers linked to the population register (e.g. SE, FI, EE) will face lower costs than Member States using decentralised registers (e.g. DE).	
		Harmonisation of registration process The exact costs will vary between Member States and depend on the baseline situation, namely the distance to the new common deadline and whether legislative reform would be necessary. This may entail significant costs for Member States as deadlines currently vary

		widely.
Increase mobile EU citizens' awareness and understanding of procedures and practices to register and to participate in municipal elections and European elections	Introduce specific information requirements for MS to inform mobile EU citizens prior to elections Member States will carry varying costs depending on their baseline situation, e.g. already have direct mailouts and information available and the number of mobile EU citizens they host. Overall, 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.[86]	
Reduce administrative barriers faced by mobile EU citizens when registering to vote and stand as candidates in municipal and European elections	Standardised templates for the mandatory declaration available in all languages The preparation, translation of forms would take place at EU level. Therefore no costs is foreseen for Member States	Automatic registration to municipal elections This would entail one-off and recurrent costs for Member States that may vary depending on whether voting registers and population register.

Estimates of administrative costs for obligations addressed to EU public authorities

Type of obligation	**Option 1:** Reinforce measures	**Option 2:** Reform the existing framework
Increase mobile EU citizens' awareness and understanding of procedures and practices to register and to participate in municipal elections and European elections	Streamlined shared resource. The running costs of this resource, assuming it would be integrated in an existing structure such as the EDCC, would be between EUR 39,300 (baseline) and EUR 78,500 (assuming doubling of volume of enquiries).	New resource specifically for electoral rights with support services Setting up a new resource will entail significant costs. It is feasible that they would exceed the costs for the helpdesk related to the EP elections 2019 (as part of the European Citizens' initiative) of around EUR 500,000 over four years.
Improve the collection of data for European elections and municipal elections	ECNE meets to discuss how to best collect and share data The costs for one network meeting is estimated at around EUR 9,000, the total cost will depend on the number of meetings. Other costs are assumed to be minor. Collaboration between DG JUST, Eurostat and national statistical institutes to collet,	

[86] For more information on these costs, see Annex 6

	harmonise and publish turnout data The additional costs in each Member State would vary. The costs for additional network meetings would range between EUR 19,080 (two additional annual meetings) and EUR 38,160 (four additional annual meetings).	

5.2.2.2. Estimates of benefits for obligations addressed to public authorities

Estimates of benefits for obligations addressed to Member States' public authorities

Type of benefit	**Option 1:** Reinforce measures	**Option 2:** Reform the existing framework
Direct benefits		
Efficiencies in administration: Time	Standardised templates available in all languages Exchange of data, long-term efficiencies in exchange due to cooperation and coordination	
	Common starting period of the exchange and data set collected and exchanged: Higher accuracy and success rate in identification of double voters	
		Harmonisation of process for registration Higher accuracy and success rate in identification of double voters
		Automatic registration to municipal elections No additional registration procedure/forms required
Efficiencies in administration: Cost-reduction	Exchange of data, long-term efficiencies in exchange due to cooperation and coordination	Exchange of data, long-term efficiencies in exchange due to cooperation and coordination
	Promotion of exchange of good practices between Member States Reduced cost of having to develop own projects	
Indirect benefits		
Increased cohesion	Better integration of mobile EU citizens (in general) Simplifying registration requirements and enhancing information provision and awareness raising on voting	Better integration of mobile EU citizens (in general) Simplifying registration requirements and enhancing information provision and awareness raising on voting
Improved data base/ quality of data	Increased availability and accuracy of data for policy intervention	Increased availability and accuracy of data for policy intervention

Estimates of benefits for obligations addressed to EU public authorities

Type of benefit	**Option 1:** Reinforce measures	**Option 2:** Reform the existing framework
Direct benefits		
Integrity of elections	Multiple voting is prohibited and reduced technical possibilities and better information of mobile EU citizens of multiple voting will lead to fewer occurrences.	
Increased cohesion	Promotion of exchange of good practices between Member States	Promotion of exchange of good practices between Member States

Indirect benefits		
	Better integration of mobile EU citizens (in general) Simplifying registration requirements and enhancing information provision and awareness raising on voting	Better integration of mobile EU citizens (in general) Simplifying registration requirements and enhancing information provision and awareness raising on voting
Improved data base/ quality of data	Improve the collection of data for European elections and municipal elections	Improve the collection of data for European elections and municipal elections

5.2.3 Fundamental rights impacts

All the policy options beside the status quo lead to an improvement in the promotion of the rights to vote and to stand as a candidate, which are enshrined in Articles 39 and 40 of the Charter of Fundamental Rights respectively. Furthermore, the widespread implementation of procedures such as automated enrolment and permanent enrolment can reduce the burden on mobile EU citizens and therefore further facilitate the exercise of such rights.

The proposed revisions in policy options 1 and 2 would promote the principle of good administration, enshrined in Article 41 of the Charter, due to improved clarity and simplification of procedures, facilitated exchange of information and easier interactions between citizens and authorities.

The processing, including collection, access and use of personal data falls under Article 8 of the EU Charter of Fundamental Rights on the right to data. Interference with this fundamental right must be based on law, respect the essence of this right as well as be necessary, proportionate and genuinely meet the objective of general interest recognised by the Union.

The personal data would be collected for a specified purpose of preventing multiple voting and not further processed in a manner that is incompatible with this purpose. Only the minimum amount of personal data necessary to achieve the intended purpose of preventing multiple voting would be exchanged and these data would be kept in a form which permits identification of data subjects only as long as necessary. Also other principles and requirements of the relevant EU data protection acquis[87] would be complied with, including ensuring the security of the personal data being exchanged in prevention of multiple voting.

Removing the differences in treatment of mobile EU citizens when exercising their electoral rights as compared to nationals of the Member States of residence would be rooted in the prohibition of any discrimination on grounds of nationality as enshrined in Article 21(2) of the Charter.

Additionally, Article 26 of the EU Charter of Fundamental Rights states that the Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community. This also include mobile EU citizens with disabilities.

However, measures under Option 2 on automatic registration would appear disproportionate as it would mean that mobile EU citizens would be deprived of the discretion to choose

[87] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC ("GDPR").

whether they wish to be registered as a voter in a host Member State. In addition, it could expose them to sanctions in Member States where there is a legal obligation for registered voters to participate in elections while not being fully aware of it.

Policy option	1	2
Impact		
Promotion of electoral rights	●●●	●●●
Good administration	●●	●●●
Equal treatment	●●●	●●
Data protection	●●●	●●●

5.2.4 Subsidiarity

As mentioned in section 1, action by Member States could not solve the problems identified for reasons ranging from a voluntary approach, spill-over effect or nature of the problems. One of the key elements of the right to vote and stand as candidates of mobile EU citizens is that it is connected with the exercise of free movement and by its nature involves multiple Member States. It is also one of the elements that form the European citizenship which in its turn is bound up with European democracy that European institutions must nurture and protect. EU action is therefore needed to eliminate the obstacles faced by mobile EU citizens and to support their participation in municipal elections and elections to the European Parliament. One other issue to be taken into account is the dynamics of the intra-EU mobility of Union citizens and the effect it has on the enjoymentEU citizenship and the electoral rights.. Separate interventions of host Member States addressing the participation of mobile EU citizens in elections, albeit best practices in the field, are not sufficient to respond to the challenges which the understanding of European citizenship and European democracy is confronted with.

Mobile EU citizens should expect similar treatment of the exercise of their electoral rights from all Member States. While such a treatment cannot be fully harmonised because it would either infringe on exclusive competencies of member states or the action of EU would not achieve better results than that of the Member States, a group of uniform core elements, essential for the effectiveness of electoral rights can be envisaged.

One of the main elements of policy option 1is access to electoral information as a key component of the electoral rights which stem from the European citizenship and thus are not a part of the electoral formalities within the purview of the Member States. Lack of adequate information affects in different degrees mobile EU citizens and public administrations as well as their interactions throughout the EU. The flow of electoral information between mobile EU citizens, Member States and EU institutions has to be addressed comprehensively at EU level and a Member States level in order to tackle simultaneously all the problems mobile EU citizens are confronted with in the exercise of their electoral rights, conflating proportionality considerations with subsidiarity.

Another argument in the same direction is that Regulation 2018/1724 already sets quality lines for the provision of information on participating in elections to the European Parliament and in municipal elections by Member States on their national webpages. As the policy options envisage extending correspondingly the standards set out in Regulation (EU)

2018/1724 to the direct and individual provision of official electoral information to mobile EU citizens by the Member States, it does not affect their electoral competencies. Under the same group of fundamental elements underpinning the exercise of electoral rights, electoral rolls, which contain information on the eligible voters, act as an integrity safeguard, preventing individuals from voting more than once. Each voter can only be registered once, multiple registrations of the same voter for the same election being incompatible with the "one person, one vote" rule. In the case of elections to the European Parliament, the electoral territories of the Member States form in fact a single constituency, which means that electoral equality can be ensured only if the aforementioned rule applies. Due to the fact that overall electoral equality in elections to the European Parliament can only be tackled at the level of the contested constituency, both policy options which address multiple voting and de-registration of mobile EU citizens comply with the subsidiarity principle.

Both policy options address the issue of the information provided by mobile EU citizens to host Member States for registration purposes. As the registration is followed by a cross-border exchange of information, establishing templates and data sets for this exchange is within the remit and better addressed by the European Union. However, imposing automatic registration of mobile EU citizens under Option 2 will have a significant impact on the electoral procedures of Member States that use active registration. At the same time, de-registration of mobile EU citizens from their home Member States is an issue better addressed at EU level due to its cross-border component and general implications on the effectiveness of the rights which make up the European citizenship.

6. HOW DO THE OPTIONS COMPARE?

Based on the assessment of the likely various impacts (economic, social, security and fundamental rights impacts) and their distribution across stakeholders (citizens, businesses and public authorities) under previous section, this section compares the different options with regard to their effectiveness, efficiency and coherence with other (EU) policies.

6.1 Effectiveness

Proposed scoring: ● Minor contribution towards objectives; ●● Major contribution, but without fully achieving objectives; ●●● Achieving objectives.

Objective 1: Increase mobile EU citizens' awareness and understanding of procedures and practices to register and to participate in municipal and European elections.

Option 1 provides for both active obligations in the field of information provision and for direct support offered to the citizens at their request. The first measure would ensure that mobile EU citizens are proactively targeted with the same information that is shared with national citizens and in more than just one language. The second measure at EU level would rationalise existing support services for mobile EU citizens and national authorities. (Score: ●●●). **Option 2** would create a new resource which could be helpful in channelling the communication resources from EU and Member States level specifically on electoral rights. However, it would risk to duplicate the efforts of Member States and EU, increase proliferation of sites and services and making it even harder for people to figure out where they can get help (Score: ●●).

Objective 2: Limit de-registration practices of Member States only to those elections in which there is a risk of multiple voting.

In **Option 1**, a legal provision is proposed which would limit deregistration of mobile EU citizens only where necessary, as a result of EU election data exchanges to ensure its non-occurrence and put procedures in place accordingly. (Score ●●●)

Objective 3: Reduce the administrative barriers faced by mobile EU citizens when registering to vote and to stand as candidates in municipal as well as European elections

Option 1 contains measures that seek to simplify the administrative steps by providing for the use of a standardised form available in all languages. (Score ●●) Finally, **Option 2** includes a measure that would require automatic registration for municipal elections, in addition to the standardised form. For the reasons discussed above, by removing active registration, this should contribute to increased reducing barriers and the effort required to vote. (Score ●●●)

Objective 4: Reduce the possibilities of multiple voting by mobile EU citizens for European elections.

Option 1 includes measures to reduce multiple voting providing a distinct improvement on the current situation, as it increases the chances that the information exchanged is sufficient to correctly identify voters in home Member State electoral rolls. Imposing an obligation for Member States to inform EU citizens about prohibition of multiple voting in a personalised manner might have beneficial effects. (Score ●●) **Option 2** goes further in minimising the technical possibilities of multiple voting and seek to address the most significant issues faced by Member States in preventing it (Score ●●●)

Objective 5: Improve the collection of data for European elections and municipal elections

Option 1 envisages that based on the standardised templates of the formal declarations required to register as a voter and as a candidate, data collection in Member States would improve. More granular information will be available both for elections to the European Parliament and municipal elections (Score ●●). In **Option 2** the harmonised processes and fixed data to be collected by Member States would ensure not only that more data are available but that they are available at the same time. This would not have an important impact on the transparency of the elections to the European Parliament or in supporting policy intervention as Member States usually provide access to electoral information either at the date it becomes available or within a reasonable timeline. (Score ●●)

Objective 6: Ensure that mobile EU citizens have the same possibilities to stand for candidates in municipal elections

Measures in **Option 1**, would not be expected to effectively address the equal opportunities of mobile EU citizens to stand as candidates. This would mean that political change is down to political will and offers little impetus for Member States to change the status quo. (Score ●) **Option 2**'s legal requirement entails the clearest non-discrimination measure, and directly addresses the issue. While such restrictions are not in place in most Member States, it represents a major improvement in cases where restrictions are in place. A smaller additional effect on turnout may be found in the measure to remove the possibility to restrict certain mandates to home nationals. While it is uncertain to what extent this will lead to more mobile

EU citizens standing for election, a more diverse pool of candidates could have a minor positive effect on voter participation, with mobile EU citizens feeling more represented in the election (Score ●●●).

6.2 Efficiency

Proposed scoring: ● Considerable additional costs or effort, non-proportionate to the benefits and with difficult implementation; ●● Neutral or small increase in costs, proportionate to the additional benefits; ●●● Any increases in costs are outweighed by the benefits.

Option 1 is successful in achieving the objectives, and where costs are implied, they are proportional to or outweighed by the expected benefits of the measures. Establishing a common dataset would be a significant measure to address the information mismatches that occur in the ongoing data exchange. The costs and effort for Member States will depend on what information they currently collect, and how it is processed. However, as newly-registered mobile EU voters already have to supply certain information items, it does not seem unreasonable to provide additional pieces of information. This measure may also carry cost-saving effects for Member States as recipients of the information, if they can spend less time on manually matching incomplete or inconclusive information. Together with the measures discussed in the paragraph above, these measures collectively make good progress towards the objective of preventing multiple voting.

The costs and effort of the final measures in Option 1 largely depend on their scope and design. The measure which foreseen to streamline existing resources does not appear to carry significant costs; on the Member State end, no additional effort would be expected. For the two measures intending to support awareness of electoral rights, the associated effort will depend on the current baseline in Member States (as shown in Table 1 in Annex 1). Clarifying the requirement to inform mobile EU citizens of the effects of registration on their home Member State electoral rights would not be expected to increase efforts, as this could be communicated (and generally is) in connection with the registration form, and would contribute to the objective of ensuring that mobile EU citizens are aware of their rights and responsibilities.

Finally, the obligation to inform citizens in a personalised and individual manner will lead to the most differentiated costs and effort between Member States. First, it would depend on the extent to which Member States already have some form of direct communication in place to inform EU citizens (see Table 1 of Annex 1); In Member States that do not have such communication in place, the cost would depend significantly on how their population registers are organised, namely information on the nationality and current address. Furthermore, this information needs to be communicated between the register-holder and the authority for communicating election information. In Member States with several different registers, the implementation may therefore require more cost and effort.

Another aspect of added cost of more individual communication measures are translation costs, where Member States generally do not provide electoral information in English. However, translation costs – which would not be expected to be significant – are motivated by the necessity to provide information that can be understood by mobile EU citizens, at least in English but possibly also in other significant languages of the EU community in that Member State. Even with the additional effort required by some Member States, an improved

flow of information to mobile EU citizens may increase interest in and awareness of elections, and ensure that they are able to use their electoral rights fully. With this in mind, the cost in some Member States appears motivated by the progress towards the objective. (Score: ●●●)

Option 2 generally makes significant progress towards the objectives through greater harmonisation of Member State procedures, but in some cases carry costs which do not appear proportional in relation to the progress towards the objectives compared to Option 1. The variation in expected costs remains the same: automatic registration for municipal elections could be a relatively easy policy to implement in Member States where local or national population registers have clear information on nationality, length of stay and address. In Member States with many disparate registers, or where registration upon arrival is not required[88], implementation will be more difficult, and require more resources. With some allowance for variation in national circumstances[89], the implementation of automatic registration can contribute to increased interest in and engagement with elections, while also ensuring that non-national voters do not face undue barriers to the exercise of their electoral rights.

Ultimately, the most significant – and possibly prohibitive – costs come in relation to measures aiming to prevent multiple voting. Harmonising deadlines for electoral registration would go a long way towards addressing one of the most common issues of the current data exchange system, where information often reaches Member States at a stage when it is too late to act on it. However, implementing this change would be a significant project in some Member States, given how registration deadlines for EP elections vary between a few days before election day, to up to 6 months in advance. It is not possible to estimate the effort required to change these deadlines for administrations due to the significantly differing institutional frameworks of the Member States, but it is reasonable to expect that the time of preparing and agreeing to a proposal towards a common deadline would command significant time and work at both EU-level and Member State level. In Member States where deadlines are defined in law, significant effort may be required to prepare and carry out a change in the law, again with the possibility of political opposition. It is likely that the biggest effort and cost will be required for those Member States whose current deadlines diverge the most from the proposed harmonised deadline; these Member State would likely also be the least positive toward the proposal.

Harmonising data requirements may also require significant resources, although less so than harmonising deadlines. The cost and effort of harmonising data requirements will in other words depend on the information currently collected and exchanged between Member States, and on the harmonised requirements. If some form of personal ID is required to be linked to the electoral register, then Member States which do not currently have this in place may face significant costs in developing one.

[88] Ireland and France.

[89] E.g. if all *resident* mobile EU citizens cannot be registered, it might be possible, subject to respect of data protection requirements, to link voter registration to those who have registered for taxes or social security. Although this would likely be costly, it could offer a way around for Member State not having the required population registers in place.

Establishing a common European information resource would have limited costs for Member States as this information is already available to them, and only needs to be communicated onward to the EU institutions. (Score: ●)

6.3 Coherence

Proposed scoring: ● Lacks coherence with legislation; ●● Broadly coherent with legislation, but some gaps; ●●● Coherent with legislation.

The proposed measures under the different options need to be analysed in relation to relevant EU measures.

The reform the Electoral Act of the European Union was adopted by the Council Decision (EU, Euratom) 2018/994 on the revision of the EU electoral law. However, it is not yet in application as still it has not been ratified by three Member States. The amendments proposed aimed at solving some of the deficiencies identified, promoting harmonisation of certain aspects of electoral rules such as the proportional representation and deadlines for submission of candidacies. It encourages Member States to provide for possibilities of advance voting such as postal voting, and electronic and internet voting, in European elections and requires Member States to adopt measures to ensure that multiple voting is subject to effective, proportionate and dissuasive penalties.

In parallel, the Commission Communication 2020/790/EU of 3 December 2020 on the European democracy action plan announced the Commission intention to protect electoral processes and propose a new operational EU mechanism to strengthen cooperation between Member States and regulatory authorities[90].

All measures proposed under the three options, aim at achieving similar objectives to those inspiring Council Decision 2018/994 on the revision of the EU electoral law and Commission Communication 2020/790/EU(Score ●●●).

When it comes to information provision related activities, Option 1 would be the preferable options as it will ensure coherence with other instruments such as the EU Single Digital Gateway Regulation by reinforcing them (Score ●●●). Option 2 will be less coherent on this aspect because it would conflict with the EU Single Digital Gateway Regulation main goal to have an EU-wide entry point for citizens and businesses to access information and services (Score ●).

6.4 Subsidiarity and Proportionality

Option 1 proposes to amend existing provisions in order to clarify Member States' specific obligations to **inform mobile EU citizens** in plain language, in multiple languages and in an individualised manner prior to local and EP elections on their registration status, registration procedure, voting modalities. The evidence identified shows that this measure would not

[90] COM(2020) 790 final – 3.12.2020.

require excessive effort from Member States and therefore it is considered proportional to the achievement of the objective sought. (Score ●●●).

Option 1 also proposes to define a starting date for the **period** of exchange of data, a **mandatory data set** to be exchanged between Member States by introducing **standardised templates.** This type of measure would facilitate the exchange of information on mobile EU citizens between Member States which has been identified as one of the best instrument for limiting the possibilities of multiple voting. Option 1 ensure convergence of one of the administrative aspects necessary for the exchange of data that has a reduced impact on Member States compared to measures proposed in Option 2. Option 1 is preferable with regard to proportionality as it ensure more compatibility with the legal and constitutional traditions of Member States. Further convergence on other aspects such as the deadlines of electoral periods would have a greater impact on the legal traditions of Member States electoral laws. Depending on the level at which legislation is positioned in the national legal framework (constitutional level, primary law, secondary law), it might be very difficult to change it. By virtue of the principle of non-discrimination, it will create a disproportionate impact with electoral rules applying to nationals. Proportionality might also be an issue as implementation costs would be significant in those Member States which do not collect the data set required for which an interim period might be foreseen. However, taking into consideration the serious implications deriving from multiple voting, this measure is considered proportionate as the data set has been designed by taking into consideration data already collected by a great number of Member States. In addition, it may also bring cost-saving effects to Member States as recipients of the information, as they would need to spend less time to manually match incomplete or inconclusive information. (Score ●●●).

As mentioned above, Option 2, as an alternative, envisages a legal obligation on Member States to establish automatic registration for municipal elections. As explained in section 1, there are limited and specific problems arising from administrative procedures. The measure would be not be proportional for most Member States compare to the result to be achieved which can be better solved by other means. It would create a disproportionate effects on nationals in the case of Member States which use active registration for their citizens. It would also mean that mobile EU citizens could be exposed them to sanctions in Member States where there is a legal obligation for registered voters to participate in elections while not being fully aware of it. Also political will is required for successful adoption of the measure, and it is possible that electoral sentiment in some Member States leads to opposition against automatic registration[91]. Political will and electoral sentiment may also complicate the measure that removes obstacles against non-nationals standing for certain political mandates; in itself this does not imply additional costs, but in terms of time, it is possible that some Member States may find it more difficult to implement the measure than others[92]. (Score ●)

Option 2 instead, proposes to align Member States' registration deadlines for the mobile EU citizens to enter in the electoral roll, which would remove a significant obstacle faced by

[91] E.g. if there is a broad agreement that voters should show engagement by opting in, or in some cases if there are objections to non-nationals influencing politics in the first place.

[92] In a 2015 Eurobarometer poll, 48% of respondents said that non-national EU citizens should not be able to stand as candidates for certain executive offices that currently are only open only to nationals; European Commission (2016) 'Flash Eurobarometer 431: Electoral Rights', p. 9.

Member States in the exchange of information on mobile EU citizens. As well within Option 2, a legal provision is proposed to harmonise and streamline the data requirements to be exchanged between Member States while respecting the principle of data minimization and accuracy. As mentioned under Option 1 this type of measure facilitates the exchange of information on mobile EU citizens between Member States and the limitation of the possibilities of multiple voting. The difference with option 2 is that the new provision would aim at fully harmonising the implementation of the data to be exchanged in all Member States. It would require modifying the electoral law that defines the deadlines within the whole procedure. Therefore, proportionality might be an issue and measures will be more intrusive and less acceptable by Member States. However, this measure could enable Member States to have sufficient time to match incomplete or inconclusive information. (Score ●●).

Option 1 proposes the development of a new legal provision to forbid de-registration of mobile EU citizens from other elections in their Member States of origin as a result of data exchanges for European elections. This measure aim to prevent a consequence from current legislation, as data show that deregistration of mobile EU citizens as a result of information exchanged between Member States may prevent them from exercising their right to vote. It is considered proportionate because it also aims at preventing the effects of the above mentioned provisions to be introduced to prevent multiple voting, which will significantly increase the scale of the phenomenon of deregistration. (Score ●●●).

Option 1 proposes the adoption of soft-law measures encouraging Member States to take measure promoting participation of mobile EU citizens in intermediary levels of government. The measures ensure proportionality as they leave to Member States the political will to decide if removing such restrictions or not.(Score ●●) In Option 2, it is proposed to remove the possibility to restrict certain mandates to home country nationals. It would achieve the objective of equality of mobile EU citizens but subsidiarity and proportionality in some cases might be an issue which doesn't take into consideration the specific situation of Member States. (Score ●).

Option 2 proposes to establish a single **new resource** for citizen enquires about electoral rights and a new Member States' obligation to provide information to mobile European citizens about their electoral rights. The new resource is an EU level activity and should therefore be adopted at EU level. The measures under option 2 fulfil the principle of proportionality (Score ●●). However, Option 1 would obtain a better score as there are already existing services that provide help to citizens that could be improved implying less costs (Score ●●●).

Table I: Effectiveness towards specific objectives

		Option 1	Option 2
Effectiveness	**Objective 1: Increase mobile EU citizens' awareness and understanding of procedures and practices to register and to participate in municipal and European elections.**	●●●	●●
	Objective 2: Limit de-registration practices of Member States only to those elections in which there is a risk of multiple voting.	●●●	**Not applicable**

Objective 3: Reduce the administrative barriers faced by mobile EU citizens when registering to vote and to stand as candidates in municipal as well as European elections	●●	●●●
Objective 4: Reduce the possibilities of multiple voting by mobile EU citizens for European elections.	●●	●●●
Objective 5: Improve the collection of data for European elections and municipal elections	●●	●●
Objective 6: Ensure that mobile EU citizens have the same possibilities to stand for candidates in municipal elections	●	●●●

Table II: Comparisons of policy options

	Option 1	Option 2
Effectiveness	●●	●●●
Efficiency	●●●	●
Coherence	●●●	●●
Subsidiarity and Proportionality	●●	●

7. PREFERRED OPTION

It is suggested to propose a targeted revision of the existing legislative framework contained in Directives 93/109/EC and 94/80/EC, as outlined in policy option 1 complemented by non-legislative measures.

Such an approach would maximise the effect of consolidating the relevant Directives governing electoral rights of mobile EU citizens, and ensure a comprehensive approach to tackle the identified problems and achieve maximum impact for the exercise of electoral rights of mobile EU citizens, while respecting national competence in electoral matters.

Introducing the possibility of delegated acts to modify the non-essential elements of the Directives would provide for a more dynamic governance structure in line with the possibilities offered by the Lisbon Treaty. This would contribute to maintaining legislation updated and its efficient implementation.

Objective	Preferred option
Further reduce the technical possibilities of multiple voting.	• Definition of data set to be collected and exchanged • Starting period of exchange of data is established

	• Introduction of specific information requirement for Member States to inform mobile EU citizens on the prohibition of multiple voting and its consequences
Increase mobile EU citizens' awareness and understanding of procedures and practices to register and to participate in municipal and European elections.	• Introduction of specific information requirement for Member States to inform mobile EU citizens in plain language and in an individualised manner prior to municipal and European elections about their registration status, registration procedure and voting modalities • Require Member States to provide timely information to mobile EU citizens about their electoral rights and regularly after their registration as voters or candidates. • At EU level – via a streamlined shared resource increase the information provision to mobile EU citizens in communication efforts on European elections
Reduce the administrative barriers faced by mobile EU citizens when registering to vote and to stand as candidates in municipal as well as European elections.	• Introduce standardised templates for registration available in all languages (Article 9 and 10 for European elections – Article 8 and 9(2) for municipal elections)
Limit de-registration practices of Member States only to those elections in which there is a risk of multiple voting.	• Prohibit deregistration of mobile EU citizens from national other elections as a result of exchange of data to prevent multiple voting in European elections
Ensure that mobile EU citizens have the same possibilities to vote and stand for candidates as non-mobile citizens	• Support equal access to executive functions for municipal elections • Introduce a requirement to report on the application of provisions regarding restrictions on executive functions • Introduce explicit reference to equality of voting option
Improve the collection of data for European elections and municipal elections	• Insert provisions for a regular monitoring and reporting of implementation by Member States. • Work with the national statistical institutes and election management bodies to collect, harmonise and publish more granular data on participation, in municipal and European elections
	• Remove the obsolete provisions as specified in section 2.3.7 • enhanced legal certainty with a clear legal framework governing use of the crypto tool including concerning security requirements. The Commission will be given implementing act powers to define responsabilities and obligations for its operation.

7.1 Indicative Impact of the Preferred Option on Member States

Member States will be differently affected by the preferred policy option depending on their baseline situation and what measures are already in place. Impacts on the Member States of the different measures under the preferred option is difficult to estimate with precision, due to many variables which will be explained below.

Impact of measures related to information-related barriers

Broadly, measures related to information-related barriers would entail an extension of existing information efforts, and costs would come in the preparation and dissemination of materials relating to mobile EU citizens' electoral rights in the Member State, information which is generally already available through booklets or online[93].

Some measures on informing mobile EU citizens in an individualised and direct manner about voting registration, modes of voting, and the functioning of their respective electoral systems is already in place in some form in 14 Member States.[94]. Therefore no major cost or impact is foreseen in these Member States. As one would expect, the highest costs are found in significant countries of residence for mobile EU citizens, i.e. Germany, Spain, France and Italy. The exact costs will however depend on the exact time taken to prepare materials for circulation, and whether savings may be had through e.g. electronic distribution of materials (e.g. in Estonia and Finland it is possible to choose to receive electoral communications electronically) or lower-cost postage[95].

In addition, communication such as proactive mail-outs to newly-arrived mobile EU citizens is not possible in cases where the Member State of residence does not mandate new arrivals to register their residence (France, Ireland). Without this data, it is not possible to identify new arrivals. However, where this is the case, national authorities should be appointed with responsibility for taking the necessary measures to ensure that mobile EU citizens are informed in a timely manner of the conditions and detailed rules for registration. To decrease some of the cost in implementing this measure, it could be expected that information on voting and candidate registration is sent to mobile EU citizens using electronic means of communication on the basis of the contact information provided at their registration.

In addition, a requirement to inform mobile EU citizens in a more targeted manner would likely have most impact in Member States like Bulgaria, Greece, Cyprus, where information is generally available only in the national language.

Measures to ensure information to mobile EU citizens can be complemented with requirements of measures to improve information on registration and deregistration. Information to mobile EU citizens on the effect of their registration on their status in the electoral roll, and on the need to deregister when leaving the Member State of residence, would not entail much extra work for authorities. In many cases, this information is shared already when registering, either verbally or as part of standard text on registration forms. Member States that regularly update the electoral roll (e.g. Spain updates it monthly, every 2 years and every 5 years) may furthermore contact mobile EU citizens for confirmation of the information, in case changes have occurred since registration.

[93] Also required to be on Your Europe Portal from December 2020

[94] Table 1 in Annex 1

[95] Indicative costs for all Member States are shown in Table 7 in Annex 6

Impact of measures related to multiple voting

Measures to prevent double voting by **defining the starting period for the data exchange and a mandatory dataset to be collected and exchanged** will have different impacts depending on the Member State's starting point. This data set would include: name, place and date of birth, and identification number from the country of nationality or alternatively passport number or ID card number.

A mandatory dataset to be exchanged do not seem to entail much extra work and for Member States where incomplete or incorrect data is a recurring problem, especially Member States requiring extensive biographic information or the inclusion of diacritic characters for correct identification, this could entail a significant cost-saving and efficiency-increasing measure.

As a standard, registration as a voter requires ID (sometimes in the form of national ID cards of the country of residence), and in a few cases proof of residence (Denmark, France). Member States also require mobile EU citizens to sign a form or provide a statement to the effect that they (i) will only vote in the Member State of residence, where they are registering to vote, and (ii) that they retain their right to vote in their Member State of nationality. Member State authorities can also generally demand further information or documentation if they have reason to doubt the truthfulness of the submitted information.

Further verification of documents is only required in two cases: in Croatia a notarised statement of personal details and retained electoral rights in the Member State of nationality is required, and in Ireland registration documents must be witnessed and signed by a notary public, solicitor, or police officer (Gardaí)[96]. Some additional Member States (e.g. Italy and Spain) may request documentation which supports voting rights in the home Member State, but generally only if there is doubt over the veracity of submitted information.

The proposed data set contain elements which are already collected in the majority of Member State[97]. A key issue in this regard is whether there is a unique **personal ID number** available[98] – if there is, this is generally all that is needed for identification (conversely, identification is not possible at all if the wrong ID number is provided). As the data set foresee that the ID number is included in electoral rolls, costs and effort depend on whether the Member State has an ID that can be used – whether through labour registration, social security, tax account, or other registers[99] – or whether other ID documents would be used.

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[96] In the Irish case, an ongoing process of modernizing the electoral process means that this requirement may change in the future; cf. Department of Housing, Local Government and Heritage (2021) 'General Scheme of the Electoral Reform Bill 2020', published 8 January 2021, available at: <https://www.gov.ie/en/publication/34cf6-general-scheme-of-the-electoral-reform-bill-2020/>.

[97] Table 6 in Annex 6

[98] Overview of personal ID numbers in Member States are shown in Table 5 in Annex 5

[99] It should be noted that where these systems have not generally interacted with electoral registers, significant additional costs may accrue in linking the two systems.

Any new solution must also be applied retroactively to people already in the register, this will further increase the potential cost.

Impact of measures related to administrative barriers

Measures to introduce **standardised templates** that the voter only casts their vote in the Member State of residence would not be expected to have a significant associated cost for Member States, as similar assurances are already gathered in the process of registration. However, implementation costs may arise depending on what occasion these templates are introduced for. If they are to be submitted in connection with registration, this would not generally have an effect on costs or procedures as similar information is already collected. However, if it is to be collected at the point of voting, it would add a significant amount of effort in Member States where processing of new voters is not done in polling stations[100]; this would not only require training of staff to check for valid ID documents and other supporting information, but would also add a lot of documents to process in the aftermath of the election. Furthermore, many Member States noted that the list of voters circulated to polling station staff does not contain information on nationality, and thus would require additional changes to processing and procedures.

Impact of measures related to deregistration practices

Prohibiting deregistration of mobile EU citizens from the electoral roll following data exchanges in connection with the election to the European Parliament to prevent double voting or when carrying out regular updates would require different resources depending on the Member States' population and electoral registers and how they interact.

Member States already seek to avoid deregistration from other electoral lists based on data exchanges relating to the European Parliament, and the extent to which they are successful depends on their available data and processes. Some Member States (e.g. Hungary) already apply a policy of no deregistration of their nationals and would always enable national mobile EU citizens to vote in their home country (based on the declaration that they only vote in their home country) regardless if they are deregistered in their country of residence or not. Other Member States with centralised population registers which in turn provide information to their electoral registers (as is the case in e.g. Estonia, Finland and Sweden) are effective in preventing deregistration that would affect mobile EU citizens exercise their electoral right, as data only needs to be 'flagged' once. Some federalised Member States with centralised population registers based on information from the local ones, establish a system of regular updates (e.g. monthly updates in Spain) and contact their electoral registers for confirmation or information. In Member States with no centralised registers or where the problem is more common due to lack of data collection[101], it will presumably require more effort in terms of

[100] As an example, it is possible for mobile EU citizens in Romania to register as a voter if they can provide information which supports their biographical details, residence status in Romania, and retained electoral rights in their home Member State.

[101] Note that it was not possible in baseline Member State research or follow-up interviews to establish how common the problem of mistaken deregistratios is, as Member States do not collect data on this issue.

improving the accuracy of data collection or improving the communication between different registers.

Impact of measures to ensure that mobile EU citizens have the same possibilities to vote and stand for candidates as non-mobile citizens

Soft-law measures to support the increased participation of mobile EU citizens to intermediary levels of government face the barrier of being non-compulsory. Removing restrictions on which political mandates mobile EU citizens can be elected to would not necessarily be technically difficult, but would require legal changes and political decisions. Such a reform process may be lengthy and could also face national opposition. In Austria and Germany, where provisions vary between different federal states, the reform process may be lengthier still. Implementation costs would otherwise likely be minor, if the political will is there. However, the Directives will be updated to ensure that Member States report on those restrictions. This would not comport major efforts by Member States.

Impact of measures to improve the collection of data for European elections and municipal elections

The collection of data for European elections and municipal elections will benefit from the use of common templates of the formal declarations which mobile EU citizens will have to produce when registering as voters and candidates. The aggregation of the data provided by mobile EU citizens will require the implementation of specific procedures and additional personnel in the case of Member States which have decentralized registration procedures (e.g. in Germany). In the case of Member States which use centralized registers and have implemented centralized procedures to aggregate results, no additional efforts will be required.

7.2 REFIT Cost Savings – Preferred Option

As mentioned above, the preferred option would entail some costs for Member States' and EU administrations for enhanced cooperation, but it is also expected to facilitate efficiencies for authorities due to harmonised processes. Moreover, some Member States already have systems close to the obligations envisaged in the preferred option and would thus not face significant additional costs.

The preferred option would simplify the process of registering to vote and stand as candidates in municipal and European elections for millions of mobile EU citizens. It would also reduce their costs compared to the baseline.

Description	Amount	Comments
Reduced costs for mobile EU citizens to register to vote and stand as candidates in municipal and European elections	Less time needed to register and reduced number of documents necessary to be provided. Simplified access to clear information on national procedures and requirements.	Recipient: Mobile EU citizens
Savings from reduced administrative burdens	Simplified registration procedure will result in efficiencies for administrations.	Recipient Host Member States' administrations

8. HOW WILL ACTUAL IMPACTS BE MONITORED AND EVALUATED?

8.1 Plan for future monitoring and evaluation

Implementation will be monitored in terms of the measures adopted at the EU and Member State level to implement the legislative and non-legislative measures deriving from the preferred option, based on the amended provisions that will create a monitoring and reporting cycle. Member States shall adopt and publish the measures necessary to comply with Directive 93/109/EC by 31 May 2023. Within 6 months after each election to the European Parliament, Member States shall send a report to the Commission on the application of this Directive. Within one year after each election to the European Parliament, the Commission shall submit a report to the European Parliament and the Council on the application of this Directive. The Commission may propose any amendments that are deemed necessary.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the amendments made to Directive 94/80/EC within two years of its entry into force. Within three years of the entry into force of the Directive and every two years thereafter, the Member States shall report to the Commission on the application of the Directive. The report shall contain relevant statistical data on the participation in municipal elections of voters and candidates and a summary of measures taken in that regard. Within five years of the entry into force of Directive 94/80/EC and every five years thereafter, the Commission shall submit a report to the European Parliament and the Council on the application of this Council Directive.

Statistical data should include the number of mobile EU citizens registered as voters and candidates, the number of mobile EU citizens who exercised their right to vote and the number of elected mobile EU citizens. Additional statistical data such as the number of mobile EU citizens who are members of a political party, would also be envisaged. The statistical data will be structured and categorized uniformly and used to assess the impact of the changes to the above mentioned directives on the participation of mobile EU citizens in the electoral processes of their host Member State.

The Commission will also conduct an evaluation of the performance of both Directives, in order to consolidate the information that will be collected from the implementation reports of the Member States and the Commission and from the meetings of the European cooperation network on elections and other relevant sources. After the entry into force of the new rules, the evaluation of both Directives is envisaged to take place within two years from the last two elections to the European Parliament.

For the evaluation of the success of this initiative, the below table can provide an overview of the indicators and targets envisaged.

Specific objective	Indicator	Definition	Unit of measurement	Data source	Frequency of measurement	Baseline	Target
Reduce the possibilities of multiple voting	Identification rate of mobile EU citizens during the exchange of information	the share of records received from country of residence that were successfully matched to citizens of the country of origin	Number of mobile EU citizens whose data is being exchanged	Data shared by Member States.	After every European Election	31%	62%
Increase mobile EU citizens' awareness and understanding of procedures and practices to register and to participate in municipal and European elections	awareness of prohibition of multiple voting among mobile EU citizens	prohibition of multiple voting is known by citizens	Number of responses from mobile EU citizens	Eurobarometer, targeted surveys among mobile EU citizens, Data shared by Member State, feedback from other key stakeholders such as citizens groups, expats associations and direct feedback from citizens including complaints and queries	After every European Election and every 5 years for municipal elections	Example: 14%-16% they are not aware of the prohibition Kantar (2021) survey of mobile EU citizens	Example: Decrease to 10%
	awareness	the right		Data shared	After	71%	Increase to

	of the right to vote in the Member State of residence for mobile EU citizens and related registration procedures	to vote in the Member State of residence for mobile EU citizens and related registration procedures are known by mobile EU citizens		by Member States. targeted surveys among mobile EU citizens, feedback from other key stakeholders such as citizens groups, expats associations and direct feedback from citizens including complaints and queries	every European Election and every 5 years for municipal elections	for European elections and 56% municipal elections, (FL EB 485)	75% for European elections and 60% for municipal elections
	number of citizens making use of information provision services at EU level	Access to EDCC and Your Europe Advice and Your Europe Portal		EDCC and Your Europe Advice statistics Your Europe Portal statistics in number of accesses to municipal elections and EP elections pages	After every European Election and every 5 years for municipal elections	European Elections: between 1/9/2018 and 30/6/2019: 414 (Your Europe Advice) Between January and April 2019, 374 (EDCC)	Increase of 30% for European Elections in corresponding period For EP and municipal elections: increase access to pages in Your Europe Portal.
Reduce the administrative	number of requests received		Number of responses received	EDCC and Your Europe	After every European		Decrease of the number of mobile EU

barriers faced by mobile EU citizens when registering to vote and to stand as candidates in municipal as well as European elections	from mobile EU citizens who faced administrative issues to participate in elections in their Member State of residence		from mobile EU citizens	advice statistics, Data shared by Member States. feedback from other key stakeholders such as citizens groups, expats associations Complaints and enquiries received by DG JUST	Election and every 5 years for municipal elections		citizens who mention administrative issues
Limit de-registration practices of Member States only to those elections in which there is a risk of multiple voting	number of citizens mentioning deregistration practices		Number of responses received from mobile EU citizens	EDCC and Your Europe advice statistics, Data shared by Member States. targeted surveys among mobile EU citizens, feedback from key stakeholders such as citizens groups, expats associations	After every European Election and every 5 years for municipal elections		Decrease of the number of mobile EU citizens who invoke de-registration as a reason to not participate in elections
Ensure that mobile EU citizens have the same possibilities to vote and stand for candidates as non-	Changes in the legal framework of Member States Number of mobile EU citizens	Equal access to any type of special voting arrangement or to e-voting.	Ratio of mobile EU voters to national voters per each type of voting arrangement	Data shared by Member States.	After every European Election and every 5 years for municipal elections	-	Increase the number of mobile EU citizens using alternative voting means

mobile citizens	using alternative voting means						
	Number of debates Number of legislative initiatives Changes in the legal framework of Member States	Mobile EU citizens can stand as candidates for all eligible positions contested in municipal elections	Type and number of eligible executive positions within local authorities	Information shared by Member States.	Every 5 years for municipal elections	12 MS restrict positions to mobile EU citizens	6 MS organise at least one debate on the topic at national level 3 MS envisage legislative changes
Improve the collection of data for European elections and municipal elections	If measures are implemented more data will be available			Data shared by Member States.	After every European Election and every 5 years for municipal elections		

ANNEX 1: PROCEDURAL INFORMATION

1. Lead DG, Decide Planning/CWP references

This Staff Working Document was prepared by the Directorate General of Charge of Justice and Consumers.

The Decide Planning reference of the initiatives are PLAN/2020/8646 and PLAN/2020/8645. One common impact assessment has been prepared.

2. Organisation and timing

The Impact Assessment was prepared by DG JUST as the lead Directorate General.

The Inter-Service Steering Group (ISSG) on EU citizenship was associated and consulted several times in the process, i.e. on 13 January, 16 April and 27 August 2021, under the coordination of the Secretariat-General. It included the following services: COMM, EAC, GROW, JUST, JRC, RTD, SJ, TAXUD, SANTE, MOVE, HOME, ESTAT, ECFIN, REGIO, SG. A written consultation of the ISSG on the draft impact assessment was conducted between 2-16 August.

The last meeting of the ISSG, chaired by the Secretariat-General of the European Commission was held on 27 August 2021.

Minutes of the last ISSG– 27 August 2021

Participants: SG: Julien MOUSNIER (Chair) JUST: Marie-Helene BOULANGER, Srd KISEVIC, Silvia LOPEZ, Luise QUARITSCH, Deborah RICCETTI, Lina SCHNEIDER; JRC: Michele D'ADDETTA; ESTAT: Javier ALCANTARA ORTEGA; MOVE Ruth LOPIAN; EMPL Iva ZAMARIAN

- SG recalled that electoral rights of mobile citizens will be an important component of a "democracy package", to be adopted in November (with Political Ads and the revision of rules on European Political Parties) and announced this will be the last ISSG meeting on the draft Impact Assessment (IA) before it is submitted to the Regulatory Scrutiny Board (RSB) on 1st September.

- SG thanked all DGs, DG JUST in the first place, for all the hard work and the useful discussions over the last months and asked the participants for possible final comments on the draft or comments for the records. Comments received during Summer time have been implemented.

- DG JUST explained the current improvements and refinements brought to the draft, in particular to reflect comments already received in writing, and notably:

- *Clarifications that it will not be possible to envisage the use of e-ID to prevent multiple voting in the immediate future;*
- *Changes will be made with regards to delegated acts, after discussion with LS;*
- *LS is still verifying the legal basis for Option 3 (which is not a preferred option) and the text will be adapted accordingly if necessary;*
- *Work continues with the contractor with a view to improve the underlying study;*
- *Work also continues to improve the economic analysis and the language consistency of the IA;*
- *The proposals will strengthen sanctions relating to barriers to participation or to equal opportunities;*
- *They will also adapt outdated provisions.*

- No other DG took the floor

Operational conclusions

- Final comments by DGs, clearly indicating ownership, should be send with a deadline Friday 27/08 lunchtime.

- IA to be sent to the RSB by 1st September, with a hearing planned on 29 September

3. Consultation of the RSB

An upstream meeting took place on 8 March 2021 and the recommendations of the Regulatory Scrutiny Board were duly taken into account.

The Regulatory Scrutiny Board discussed the draft impact assessment in the hearing that took place on 29 September 2021.

The Board issued a positive opinion on the draft impact assessment. The Board's recommendations have been took into account in the Impact Assessment, as the table below displays.

Opinion of the Board	Implementation
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 assessed and presented, to	The impact assessment clarified and contextualized the factors influencing electoral behaviour of mobile EU citizens, such as length of stay in the country of residence and consequential better knowledge of the election process and political system. It is also paying tribute to more individual circumstances that may influence citizens voting behaviour, such as socio-economic status and language knowledge. While the overall problems remained the same, the impact

make clear who is primarily affected or not.	assessment now gives better indication of the scale of the problems by pointing out the specificity of different aspects of voting obstacles and linking it more accurately to the demographic affected.
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.	As a consequence to this comment, the policy options were adapted to better reflect the key policy choices and disaggregated. The baseline scenario was extended to include the measures already in place. To present the alternative policy choices better, and as a result of the extension of the baseline scenario, the number of policy options was reduced from three to two.
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 impact assessment now includes policy options that were disregarded due to proportionality and efficiency considerations at an earlier stage of the process. Subsidiarity considerations were added to the assessment of policy options, outlining the necessity of action on the grounds of the nature of the matter involving multiple Member States. An additional section in the comparison chapter specifies the subsidiarity and proportionality considerations for each policy choice in the two options, leading to a more stringent assessment on these grounds.
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.	A section on the indicative impact of the preferred option on Member States was added, listing in detail the impact of each measure envisaged in the preferred policy option. This includes taking into account that some Member States already have some of the envisaged provisions in place, limiting the impact of the preferred policy option to those Member States that most deviate from the foreseen adaptations.
The monitoring and evaluation provisions should be more precise. The description of the specific objectives should outline the expected achievements.	The impact assessment now explains in greater detail the envisaged monitoring cycle for the next 5 years after its entry into force, including monitoring and data reporting requirements for Member States.
Future evaluation of the initiative and its timing should be presented. The proposed indicators should permit success to be measured.	Indication of the timing for a future evaluation was added. An table detailing the indicators and targets envisaged to measure the success of the initiative was added, listing the specific objectives, their indicators and definitions as well as the unit of measurements, data source, frequency of measurement, the current baseline and the target aimed for.

4. Evidence, sources and quality

The impact assessment was informed by multiple sources and information generated specifically for the impact assessment. Sources of information comprised

- direct feedback from citizens in their contacts with the Commission;
- expert consultations in particular in the framework of the expert group on electoral matters and ECNE (Annex 2 provides further details on the these consultations)[102];
- an open public consultation from 19 April 2021 to 12 July 2021[103] (Annex 2 provides further details on the open public consultation);
- interviews with stakeholders including Member States as well as
- relevant studies, including those conducted by the Network of academics on EU citizenship[104], literature and EU publications in particular the Reports on European[105] and municipal elections[106] issued by the Commission in the last 5 years.

A **study** has been commissioned to feed into the Impact Assessment, containing generation of material such as data collection based on qualitative interviews.

5. Implementation plan

Implementation will be monitored in terms of the measures adopted at the EU and Member State level to implement the legislative and non-legislative measures deriving from the preferred option. Based on the amended provisions that will create a monitoring and reporting cycle, the Commission should submit an implementation report to the European Parliament and the Council after every European Election for Directive 93/109/EC and of the and every five years after entry into force for Council Directive 94/80/EC 94.

The assessment of impacts will rely on an essentially qualitative methodology (e.g. an analysis of feedback from national authorities and other key stakeholders such as citizens groups, including complaints) on the extent to which implementation of the preferred policy

[102] https://ec.europa.eu/info/policies/justice-and-fundamental-rights/eu-citizenship/electoral-rights/european-cooperation-network-elections_en#meetings

[103] https://ec.europa.eu/eusurvey/runner/ElectoralRightsMobileEUCitizens

[104] See, especially, *Political Participation of Mobile EU Citizens*, Network of academics on EU citizenship (EU-CTZEN), September 2018, https://ec.europa.eu/info/files/eu-citzenglobalcittypebreport_en

[105] The most recent one was announced in June 2020, accessible via: https://ec.europa.eu/info/sites/default/files/com_2020_252_en_0.pdf

[106] The most recent one was announced in in February 2018, accessible via https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52018DC0044

option achieves the desired impacts and contributes to the achievement of the general aims of EU intervention.

As the improvement of the collection of data for European elections and municipal elections is an objective in itself envisaged by this initiative, it is expected that better quantitative data would be available in relation to (i) the registration, (ii) identification on electoral rolls, and (iii) turnout of mobile EU citizens for European and municipal elections, as well as the number of mobile EU citizens who (iv) stand as candidates and (v) who are elected in European and municipal elections. Quantitative data on identification rate of multiple voting would also be available.

Nevertheless, it will be important to adopt a realistic approach to monitoring the implementation of the preferred policy option and not to over-burden national authorities.

Consultations with Member States will be needed to determine the most appropriate frequency of data collection and reporting but an annual cycle could be suggested. The data collected at Member State level will then have to be analysed on the EU level.

ANNEX 2: STAKEHOLDER CONSULTATION

2.1 The stakeholder engagement strategy

The Commission has conducted wide consultations on issues related to electoral rights of mobile EU citizens during the last year and recently in the course of 2021 until July. The consultation process built upon multiple elements, which helped identify the key issues at stake as well as the spectrum of pertinent options and their assessment.

The stakeholder engagement strategy aimed at gathering the input of the following actors:

- **National authorities** including through the European Cooperation Network on Elections and the expert group on electoral matters. Two dedicated sessions took place respectively on 28 January 2021 and on 10 June 2021
- **Civil society organisations** advocating for fundamental and democratic rights (such as digital rights);
- **Other stakeholders and the general public** including citizens themselves through the OPC of which a thorough data analysis has been conducted.

An open public consultation ("OPC") took place in the period 19 April 2021 to 12 July 2021 (twelve weeks) to support the revision of the Directives 93/109/EC and 94/80/EC. It provided information to develop the problem definition and policy options.

Discussions on electoral matters in the Council (including in the GAG Working Party when discussing the reform of the EU electoral law) and in the European Parliament (including in the Committees in charge of Constitutional Affairs, Legal Affairs, Civil Liberties, Justice and Home Affairs and Petitions) has provided significant input to this process[107]. Discussion in the Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP) and the relevant Parliament committees in the context of the 2020 Citizenship Report and citizenship in general was also taken into account[108].

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[107] See, for instance, study on *Obstacles to participation in elections and the exercise of voting rights, inside the E.U*, European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs, September 2020, https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658593/IPOL_STU(2020)658593_EN.pdf .

[108] See, for instance, the Joint Hearing on Union Citizenship: Empowerment, Inclusion, Participation, with the participation of the JURI, LIBE, AFCO and PETI European Parliament's Committees and the European Commission, on 29 October 2020, https://www.europarl.europa.eu/committees/en/joint-hearing-union-citizenship-empowerm/product-details/20201023CHE07681 .

2.2 Open public consultation (OPC) – 19 April 2021 -12 July 2021

An OPC was carried out in the period 19 April 2021 to 12 July 2021. It was promoted through the Commission's website, as well as through specific networks. Outreach to the wider stakeholder community was organised by communication services of the European Commission (notably via social media).

61 responses were received with 39 responses from the citizens, 10 from the civil society organisations and 8 from national authorities. Participants did not always replied to all questions. Specific questions were tailored for specific groups with some common elements. Due to the numbers of participants and the self-selection of respondents, the validity of the OPC is limited.

A *summary* of some of the main findings can be found below.

The main countries respondents originated from were Germany, France, and Italy, with answers also from participants in Ireland, Portugal, Hungary, Poland, Croatia, Austria, Spain and singular input from the UK, Sweden, Romania, Belgium, Slovakia and Latvia.

On substance, the results from the public consultation highlight that the main obstacles for mobile EU citizens in availing of their electoral rights were principally unclear or early registration deadlines and registration processes.

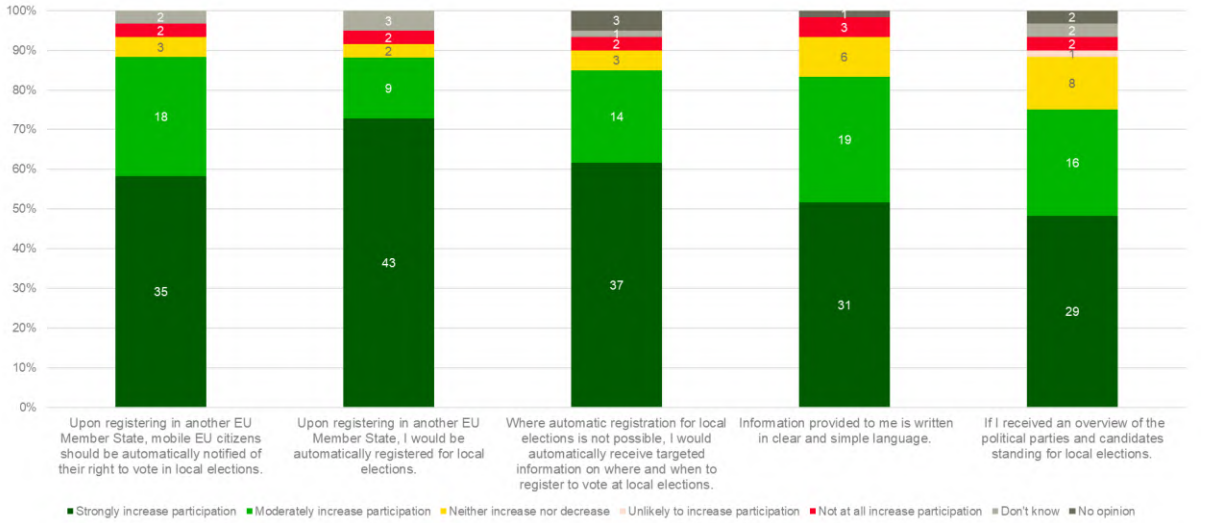
The **automatic notification** of mobile EU citizens of their voting rights **in municipal elections** once they are registered in another Member State is the most supported policy option in facilitating and increasing the participation of mobile EU citizens in municipal elections (see Figure 1). Indeed, 53 respondents either found this policy option to strongly increase participation or moderately increase participation. The option that is considered by the largest number of respondents to increase participation *strongly* is the **automated municipal election registration** at the time of registration into the new residing state. This option can be collected 43 "strongly increase participation" while the first on automatic notification had gathered 35.

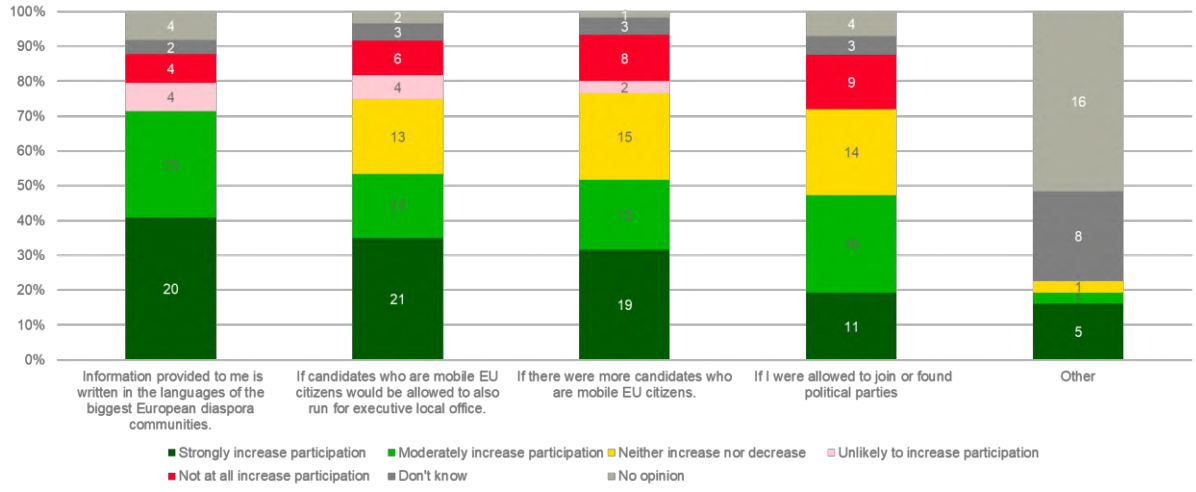
NGOs and many citizens were very much in favour of **automatically notifying** mobile EU citizens once they register in their new country of residence, of their right to vote at **European elections** in either their country of residence or in their home country.

Regarding the policy measures aimed at facilitating and increasing participation of mobile EU citizens in **European elections**, the options that gathered the most support involved the **automatic reception of targeted information** on the registration requirements and deadlines by mobiles EU citizens , as well as **automatic notification** of EU mobile citizens of their right to vote at European elections either in their country of residence or in their home country upon registration in the new country of residence.

Figure 1: One of the policy objectives of this initiative is to facilitate and increase the participation of mobile EU citizens in local elections. In your opinion, how likely are the following measures to increase the participation of mobile EU citizens in local elections? Please place yourself on this scale where '1' indicates that you believe it will "strongly decrease participation", '5' indicates that you believe it will "strongly increase participation" and the remaining numbers indicate something in between these two positions. (n=60)

Source: Annex V to the underlying study - Open Public Consultation analysis





Challenges in municipal elections

Feedback from civil society organisations and public authorities shows that the frequency of complaints are very diverse among respondents. Responses, as displayed in *Figure 2,* varied significantly. For instance, the complaint that the information provided was unclear or in a language the citizens did not understand gathered nine answers. Unclear registration deadlines and registration processes have been mentioned by ten respondents as very common or common and six have mentioned it is either rare or very rare. When looking specifically at respondent type (NGO or national authority) national authorities tend to believe there are significantly less complaints than NGOs do.

Four NGOs, who have mentioned "other" as a common frequency, have given more detail on what kind of complaints have come up:

- lack of communication and outreach from municipal and national authorities;
- lack of access and flexibility for people with physical disabilities;
- inability to vote or stand in local elections of people with mental disabilities as they are deprived of their legal capacities;
- mobile EU citizens with disabilities cannot exercise their right to vote in 14 Member States because of deprivation of legal capacity and other discriminatory legal barriers (in the other 13 Member States this is not the case).

In terms of **candidacy** for municipal elections, the complaint that NGOs and national authorities are most aware of is the lack of practical information on how to stand for candidate. The second complaint most observed involves unclear requirements to stand for candidate.

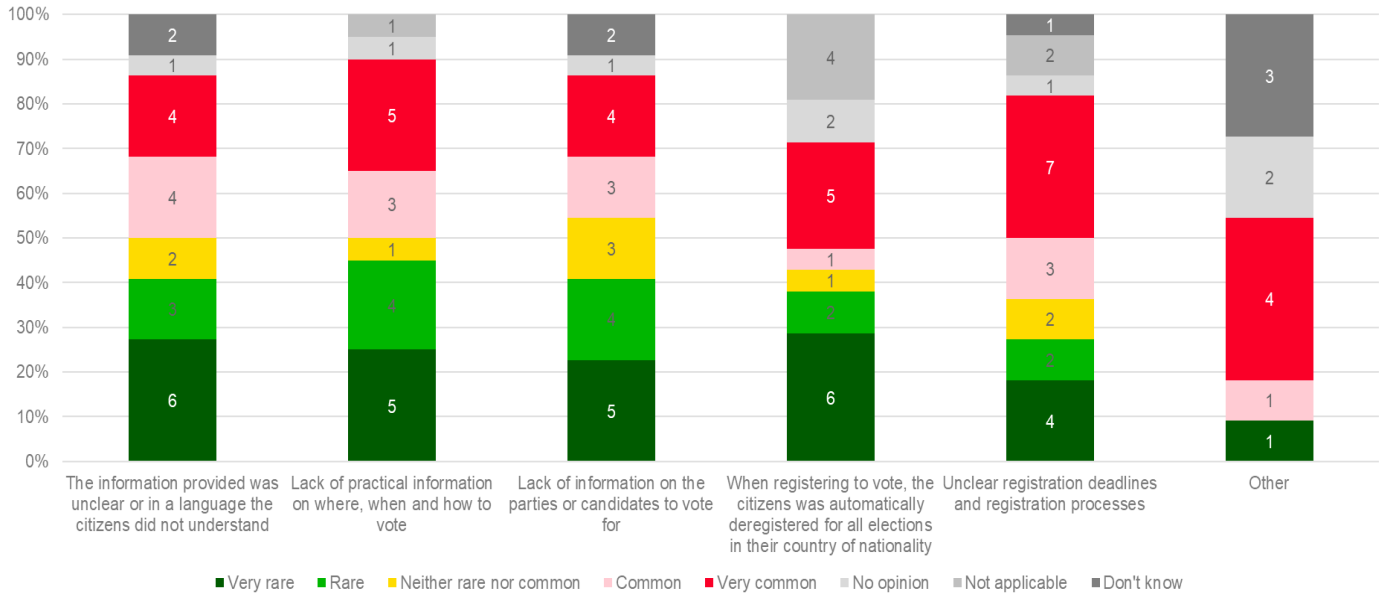


Figure 2: To your knowledge, which of these complaints in relation to voting in local elections are most frequent? Please place yourself on this scale where '1' indicates that you believe this complaint in relation to voting at local elections was "very rare", '5' indicates that you believe this complaint was "very common" and the remaining numbers indicate something in between these two positions.

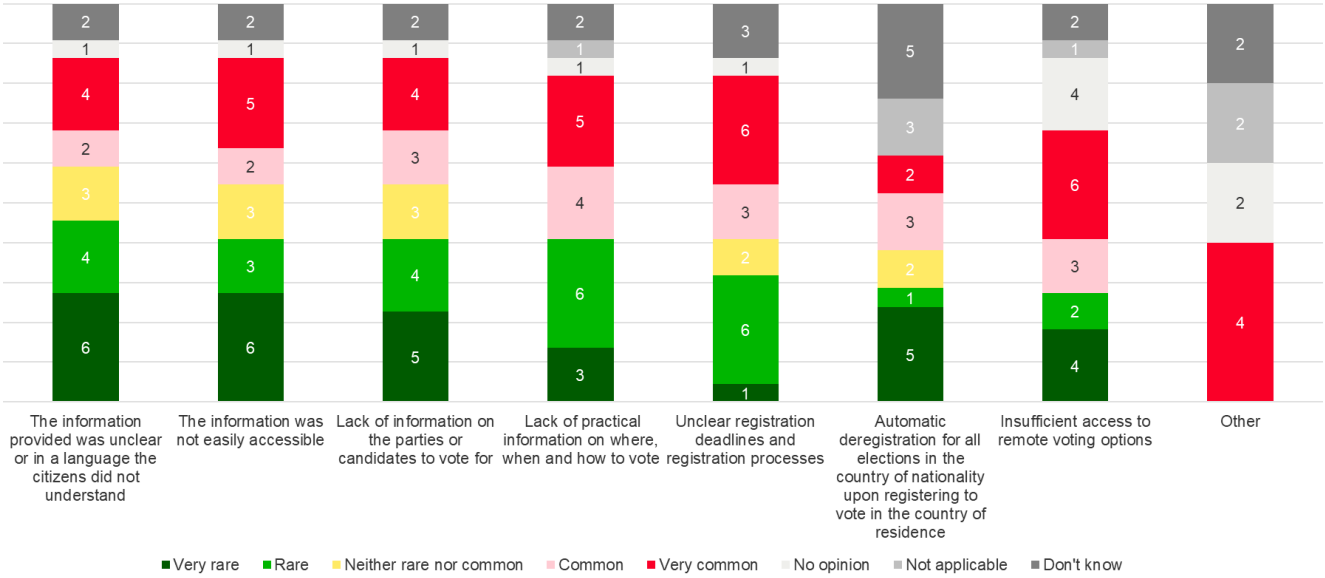
Challenges in European elections

When enquired about the challenges in voting for European Elections, out of those mobile EU citizens that did try to vote for a home country list of candidates in the European elections while residing in another Member State, two mentioned unclear registration deadlines. One respondent gave another reason and mentioned the requirement to drive back to their home country in order to vote. Note though that one of the persons who stated "no" also said in the comment box that they voted in their home country.

31 out of 32 respondents representing mobile EU citizens stated never having tried or actually stand for candidate in European parliamentary elections while residing in another MS. One respondent, however, has tried and mentioned not being able to join or found a political party.

As regards the feedback from competent authorities and civil society organisations, the frequency of complaints received seems to vary a lot depending on the organisation type. Most NGOs reported that the complaints proposed by the questionnaire are very common and national authorities mostly report that these complaints are rare. *Figure 3* shows that there is close to an even split in the approximation of complaint type frequency.

Figure 3: To your knowledge, which of these complaints in relation to voting in European parliamentary elections are most frequent? Please place yourself on this scale where '1' indicates that you believe this complaints in relation to voting at European parliamentary elections was "very rare", '5' indicates that you believe this complaint was "very common" and the remaining numbers indicate something in between these two positions. If you have not received complaints, please, select "Not applicable" (n=22)



Source: Annex V to the underlying study - Open Public Consultation analysis

Six different respondents complained about the lack on practical information on how to stand for candidate. Five respondents were aware of people complaining about unclear requirements to stand for candidate. Six respondents mentioned not being aware of any of the proposed complaint types in the survey question.

Most respondents (30 out of 39) consider it either essential (21) or of high priority (9) that the EU further reduces barriers for mobile EU citizens in exercising their electoral rights. Six find this to be a medium priority and three consider this not to be a priority for the EU.

Ten of the 22 organisations consider that EU action to further reduce barriers for mobile EU citizens in exercising their electoral rights is essential. Four and five organisations have mentioned this to be a high and medium priority respectively. Only one organisation stated that they do not find this to be a priority.

Preventing double voting in European Parliament Elections

Public authorities have gathered that the most politically and practically **feasible measure to prevent double voting** in European elections is a more secure and streamlined processes in exchanging data on electoral rolls. The second more politically and practically feasible measure involves reminding mobile EU citizens of their obligation to de-register upon departure from their country of residence to avoid outdated data being exchanged. The least feasible measure of the proposed list concerned requiring mobile EU citizens to declare whether they have two EU citizenships and to sign a declaration stating that they will only vote in one EU Member State, specifying which one.

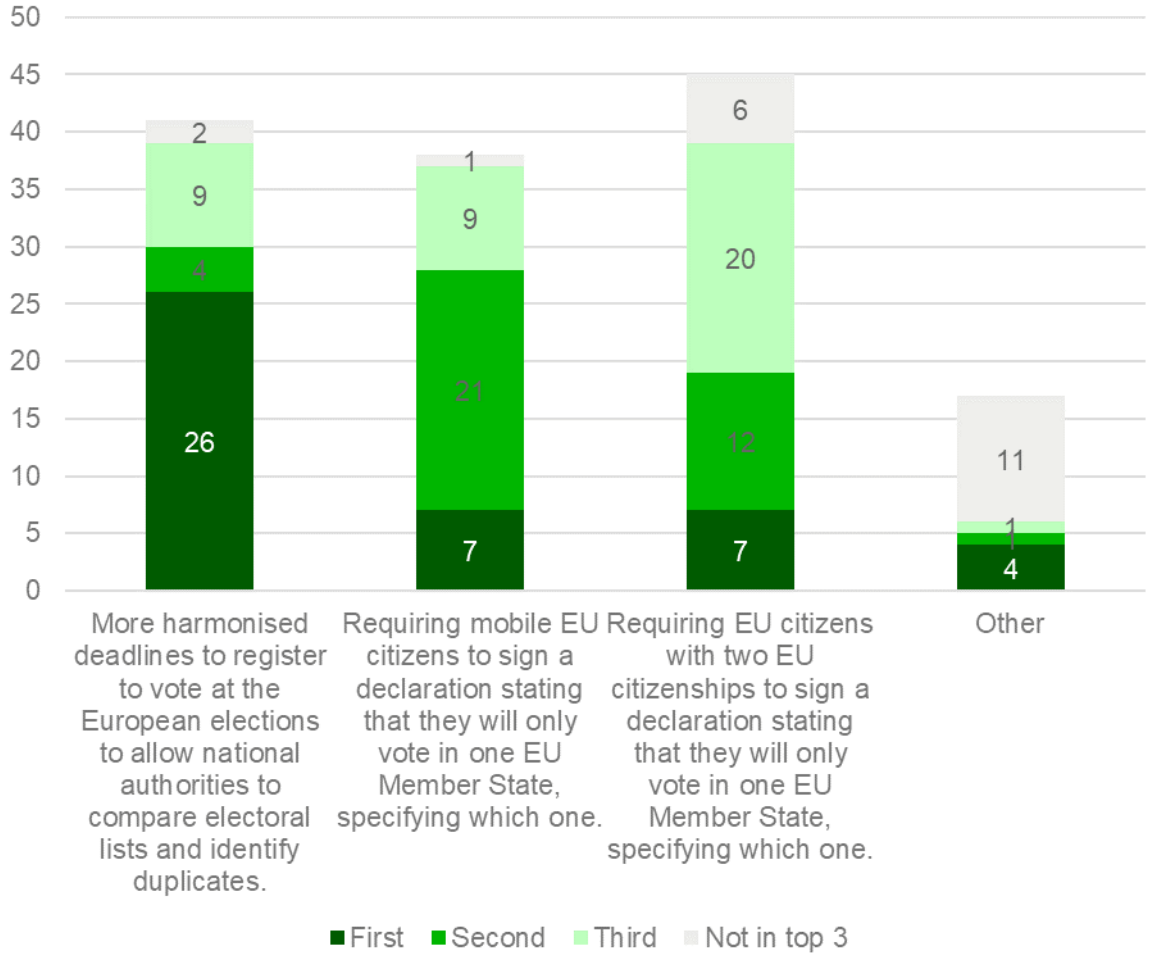
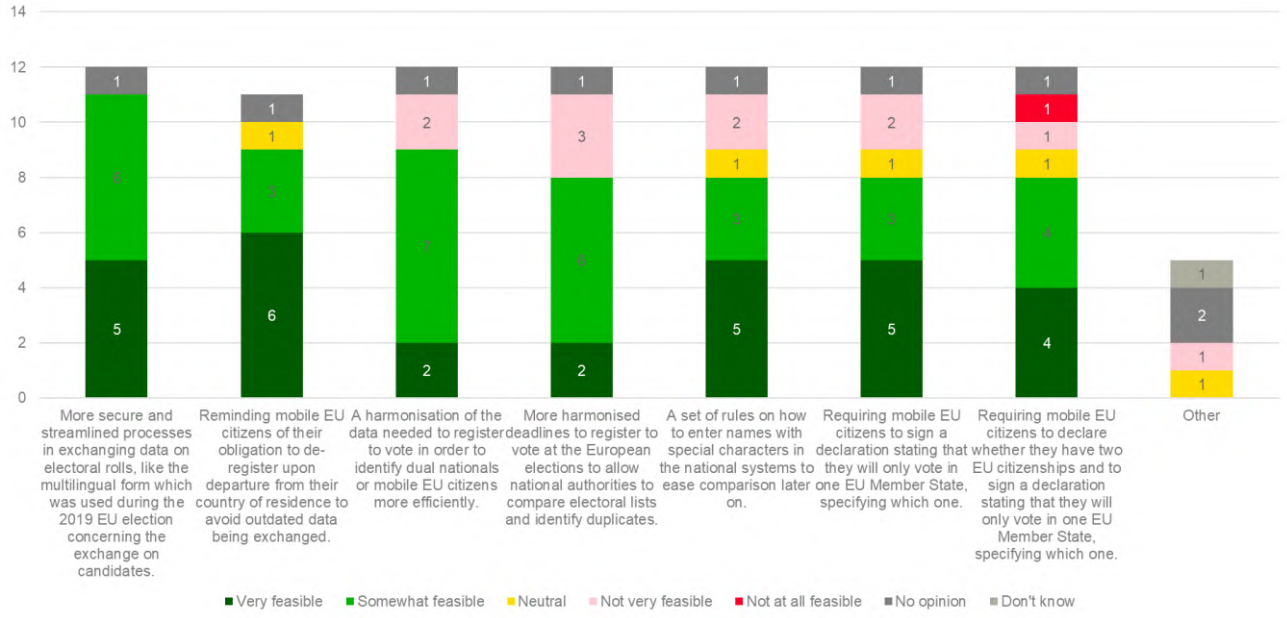


Figure 4: Which of the above measures, do you think, is most likely to help prevent double-voting in European elections? Please rank your top 3 (n=45)

Source: Annex V to the underlying study - Open Public Consultation analysis

Figure 5: And how politically and practically feasible do you find these measures to fight double-voting in European parliamentary elections? Please place yourself on this scale where '1' indicates not at all feasible, '5' indicates very feasible and the remaining numbers indicate something in between these two positions: 5. Requiring mobile EU citizens to sign a declaration stating that they will only vote in one EU Member State, specifying which one. (n=12)



Source: Annex V to the underlying study - Open Public Consultation analysis

<u>Additional feedback provided</u>

Several respondents provided additional feedback to the OPC. The most relevant for this impact assessment are the following. One respondent suggested to be able to vote in other elections in their country of residence, referring among others to vote in other elections as a major motivation to acquire host country nationality. Other respondent indicated that the ambition of allowing people to choose where to vote (home or host country) is a commendable one. One found the information provided by the country of residence (Belgium) excellent. Another said that information provision is essential for participation. One contribution highlighted the need for campaigning to increase participation.

<u>Written contributions and papers:</u>

Stakeholders had also the possibility to provide written feedback and position papers. The following stakeholders have submitted, through or outside the OPC, a position or policy paper, shared significant material, or held bilateral meetings with the Commission:

1. International Working Group Delft (the Netherlands)
2. European Disability Forum
3. Global Institute for Structure relevance, Anonymity and Decentralization (GISAD) i.G. (Germany)
4. Mental Health Europe
5. the3million (the United Kingdom)
6. Voters Without Borders
7. Ministry of Interior of Spain
8. European Federation of National Organisations Working with the Homeless (FEANTSA)
9. National Association of Local Communities (Denmark)
10. Harghita County Council (Hungary)
11. European Citizen Action Service (ECAS)
12. Brexpats you matter (France)

GISAD (a German Institute) welcomes the European Commission's initiative which aims to simplify the voting process for mobile EU citizens. It emphasises the need to allow EU mobile citizens to vote digitally and that the technical standards for elections should be the same in all the EU countries (ensuring, at the same time, the safe transmission and storage of voting data).

Voters without borders indicated that having automatic and online registration in all Member States would greatly encourage the participation of mobile EU citizens and reduce the difficulties associated with administrative processes. They defend that mobile EU citizens should have the choice to register, as they wish, either in their country of residence or origin for each type of election. They stressed that for the reform to be fully effective, it is clear that both hard and soft law measures are needed. More emphasis needs to be placed on information and involvement of mobile EU citizens, along with cooperation between Member States.

The following types of obstacles and barriers to voting were described in the contributions received:

- Insufficient information provision and outreach and the fact that when information is provided it is only in the language of the host country;
- Some Member States imposing additional residency requirements (examples cited were Czechia and Luxembourg);
- The fact that automatic registration is not yet a common practice in most Member States and a few Member States require repeated registration;
- Registration deadlines being too distant from the actual election;

- Disenfranchisement as a result of exchange of information. The Portuguese authorities in particular noted that they are frequently faced with complaints that Portuguese nationals who used to reside and vote abroad are not able to vote when they return to their home country as they are marked in electoral roll as voting for another country (previous country of residence).

The following obstacles were noted regarding candidacy:

- Eligibility restrictions if people want to stand as candidates (inability to stand for executive offices);
- Difficulties for mobile EU citizens to join political parties in their host country

FEANTSA points out that homeless persons across the EU who are mobile EU citizens face even more challenges in exercising their rights than homeless persons who are residents in their home country. It emphasises the need for elections to be inclusive and hence ensure participation of these highly disadvantaged groups.

Mental Health Europe submitted a report prepared together with the European Network of National Human Rights Institutions about citizenship rights of people with disabilities and under guardianship. This report points out the difficulties this target group have in exercising their electoral rights.

The European Disability Forum (EDF) recommends accessibility to digital solutions (as well as tools, information communication, identification methods). It advocates for the same accessibility requirements as those laid down in the 2016 Web Accessibility Directive[109] for the methods used for European or municipal elections. Should a shared source be created, this should also fulfil the mentioned accessibility requirements for persons with disabilities.

2.3 Feedback from Member States: ECN & Expert Group on electoral matters

For the purpose of this impact assessment, two joint meetings between the European cooperation network on elections (ECNE)[110] and the Expert group on electoral matters[111]

[109] Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance); https://eur-lex.europa.eu/eli/dir/2016/2102/oj

[110] The ECNE was inaugurated in 2019 and brings together representatives of Member States' authorities with competence in electoral matters, and allows for concrete and practical exchanges on a range of topics relevant to ensuring free and fair elections, including data protection, cyber-security, transparency and awareness raising

[111] The Expert group on electoral matters was established in 2005 and its mission is to establish close cooperation between the institutions of the Member States and the Commission on issues relating to elections; to help the Commission by providing information and advice on the situation of electoral

were hosted on 28 January 2021 and on 10 June 2021. To facilitate the discussion on the revision of the electoral Directives, the a discussion paper had been shared with the participants in advance of the joint meetings

Some of the issues discussed in these two joint meetings had already been raised in previous ECNE meetings, such as the need for measures to support participation of EU citizens in European elections and the urgency to tackle multiple voting[112]. During the joint meeting hosted on 28 January 2021, there were discussions concerning the obstacles that mobile EU citizens face to participate in elections and to exercise their voting rights, and concerning the issue of preventing multiple voting. Problems concerning access to information about the voting process were identified (such as the lack of information available in simple language on how to vote, when and where). Representatives from some Member States pointed out that voter names with strange characters make it difficult to exchange information. Other Member States stressed that some mobile EU citizens residing in their countries had complained about the fact that on election day they were not able to vote because they had falsely been flagged as voting in their Member State of origin. Some Member States recognised the importance of establishing an EU-level campaign to raise awareness of mobile EU citizens about their electoral rights. A majority of Member States expressed their favourable opinion towards harmonising deadlines to vote and register for European elections.

During the joint meeting hosted on 10 June 2021, the discussions mainly focused on the effective communication to mobile EU citizens about their electoral rights, the registration procedure and the prevention of multiple voting. The majority of Member States highlighted that mobile EU citizens would benefit from a shared resource combining all existing material and information on the Directives. Other Member States mentioned the necessity to rely on the Regulation on the EU Single Gateway[113] to provide access to information on such matters. Some Member States indicated that it would be beneficial to harmonise the data set to be exchanged under Article 13 of Directive 93/109/EC and the timeframe for registration to European elections.

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rights within the EU and its Member States; and to facilitate the exchange of information, experiences and good practices in this area https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?do=groupDetail.groupDetail&groupID=617 .

[112] See, e.g., ECNE meeting of 7 June 2019 (https://ec.europa.eu/info/files/minutes-meeting-7-june-2019_en), ECNE meeting of 24 June 2020 (https://ec.europa.eu/info/files/minutes-meeting-24-june_en) and ECNE meeting of 25 September 2020 (https://ec.europa.eu/info/files/minutes-meeting-25-september_en) .

[113] Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (Text with EEA relevance.) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32018R1724 .

The European Commission had received feedback from a number of Member States on the basis of the discussion paper shared with the participants in advance of the joint meetings

One Member State welcomed the provisions aimed at informing mobile EU citizens of their electoral rights. It also welcomed proposals to better combat multiple voting. However, it expressed its opposition against a harmonisation of registration deadlines for European elections. It also highlighted its concern that some policy options might exceed EU competence.

Another Member State highlighted that the harmonisation of the collection of personal data for enrolment would mean that some Member States of residence would collect more personal data than the Member State of origin actually needs to identify a person, which could potentially raised data protection concerns. It also pointed out that synergies with the eIDAS Regulation[114] could benefit this initiative.

Another Member State indicated that a variable that is considered essential and that currently does not appear among the registration data exchanged between Member States under Directive 93/109 is the date of registration in the electoral census for the Member State of origin and the date of registration of the declaration of intention to vote for the European elections in the Member State of residence. If a mobile EU citizen was listed in both, he could only vote where the most recent registration appears. It also highlighted that the main current problems under the Directives stem from the lack of a common identifier for EU citizens.

2.4 Specific consultation conducted by the external contractor

The external contractor commissioned to provide a study to support the preparation of the initiative. Supported by targeted questionnaires, the contactor has conducted an extensive range of individual interviews to stakeholders from all relevant categories (EU level stakeholders, mobile EU citizens and Member States).

For the Commission, beyond DG JUST, interviews took place with the Commission (DG EMPL, DG COMM (EDIC), DIGIT, DG GROW, (Your Europe and Singe Digital Gateway and Solvit) and JRC), the Citizen's Enquiry Unit of the European Parliament, EU political parties (EPP, S&D, Greens), the Fundamental rights agency, the Committee of the Regions, European Mobile Youth (Annex III of the underlying study).

The contractor also conducted a targeted online survey of mobile EU citizens (Annex II of the underlying study) with a total of 4356 respondents. The purpose was to reach the

[114] Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2014.257.01.0073.01.ENG .

specific group of mobile EU citizens and evaluate their experiences in participating politically, as well as the variety of factors that influence their participation.

The survey wanted to assess the impacts of the policy options, aimed at increasing the political participation of mobile EU citizens. Secondly, the goal was to identify certain characteristics of a target population for which one or the other measures work best.

The results showed, that the policy measures most likely to result in the highest increase in participation were automatic registration and targeted mail-outs in plain and simple language. It also showed a strong positive effect of a) access to information in news b) interest in politics on turnout. The survey reveals preference for a diverse pool of candidates, where respondents state that having more mobile Europeans stand as candidates would have some effect, lower than for other measures tested.

In preparation of the contractor study, there was an analysis of complaints and enquiries received by EC and EP services related to local and European Parliament elections (Annex I of the underlying study). The contractor conducted interviews with EU-level stakeholders (Annex III to the study) and held an online community with experts (Annex IV to the study), whose analysed results fed into the elaboration of the study.

ANNEX 3: WHO IS AFFECTED AND HOW?

3.1 Practical implications of the initiative

The following table presents a summary description of the categories of actors considered for the purpose of this impact assessment.

Member States' public authorities
Required to exchange harmonised data sets to reduce the technical possibilities of multiple voting. Inform mobile EU citizens about the procedures and practices to register and to participate in municipal elections and European elections and promote the exchange of good practices with other Member States in annual meetings.
EU public authorities
Reduce the technical possibilities of multiple voting, by optimising the technical tool for the exchange of data. Conduct a targeted campaign to inform mobile EU citizens that multiple voting is prohibited. Increase the prominence of information provision around EU elections. In addition, conduct a pan-European campaign to inform mobile EU citizens of their electoral rights. DG Just and Eurostat will collaborate with national statistical institutes to collect, harmonise and publish turnout data for mobile citizens.
Mobile EU citizens
Mobile EU citizens will need less time to register for elections and provide fewer documents.

3.2 Summary of costs and benefits

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. No burdensome procedures in case of deregistration from home Member States	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
Definition of common data set exchanged	Direct costs					The exact costs for national administrations depend on the interconnection between the electoral register of the country and the population register and if they collect the data set already or not.	The ongoing costs are expected to be minimal and entail the ongoing cooperation with DGIT.
	Indirect costs						
Introduction of 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 templates for the mandatory available in all languages	Direct costs						For Member States, standardised forms would replace or complement the current ones. The preparation, for adapting to the new templates might imply some costs.
	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						

ANNEX 4: ANALYTICAL METHODS USED IN PREPARING THE IMPACT ASSESSMENT

4.1 Methodology used to collect data

The evidence, relevant data and information collected to support the Impact Assessment were mainly collected from the following sources:

- Relevant stakeholders consultation (including an OPC and other sources of feedback, such as the ECNE meetings)[115]; and
- Study by an external contractor, which included a survey of mobile EU citizens, targeted interviews at EU level, and a questionnaire addressed to Member States.

The data used in the Impact Assessment is largely based on the external study supporting the preparation of this impact assessment. The methodological approach used by the external contractor builds upon a variety of research methods to ensure that all relevant data is gathered to perform an in-depth assessment of the selected policy options and their impacts: (1) primary data collection methods (e.g. interviews, survey); (2) secondary data collection methods (e.g. desk research, legal review of EU standards, literature review etc.); (3) quantitative analysis (e.g. costs benefits analysis) and (4) qualitative analysis methods (e.g. content analysis). The policies and legislation are assessed transparently, based on factual evidence and considering the views of the stakeholders concerned.

The methodology used by the contractor for the different consultation elements is displayed below:

Analytical element	Methodology followed
Analysis of complaints and enquiries received by EC and EP services related to local and European Parliament elections (I)	A total number of 1120 entries, between complaints and general enquiries have been received overall. Kantar Public was provided with the full anonymised text of the enquiries. The complaints and enquiries are analysed on a general level, looking at the overall data, as well as with a focus on the share of complaints submitted by mobile citizens. The entries received were analysed according to the level of elections concerned. There were no significant differences between overall submissions and mobile citizens' enquiries.
Targeted online survey (II) Questionnaire	Recruitment methodology used in 2019 for the European Parliament was replicated, where large numbers of mobile EU citizens had to be reached.

[115] For a detailed analysis of the collection and the results of the stakeholders consultation, please see Annex 2.

"Survey evidence"	Online advertising on social media was used as the recruitment channel to reach as many mobile EU citizens as possible, advertising on various expatriate groups. The sampling methodology used a non-probabilistic approach, yet one that was considered feasible at a reasonable cost, allowing to draw conclusions on an otherwise niche population. Respondents were presented pre-experiment questions within the questionnaire, asking about the following points: - Their registration status - Electoral turnout history - Their perception towards various types of elections (local, national, European parliament) Patterns of political participation and civic engagement Awareness of the required registration procedure - Recall of potential reminders received, their attitude towards such potential reminders and potential self-declared impact of such reminders. After answering the questions of the pre-experiment module, and being randomly allocated into one of the four groups, respondents were asked to evaluate on a scale from 0 to 10, 0 meaning "I will certainly not vote" and 10 meaning "I will most certainly vote", how likely they are to vote in the election corresponding to the letter they received. By comparing the answers on the likelihood to vote across all four groups, **using a between-subject design,** and by considering the real-life history of participation and likelihood to vote in various types of elections from the information elicited in the pre-experiment questionnaire, we were able to estimate the potential impact of each one of the procedures taken into consideration. Overall, three crucial factors were tested within this study, which were political interest, political information, and political knowledge. These three factors are considered crucial for political participation, and rose by campaigning. As a methodological approach, the contractor used an experimental module in the survey to assess the probability of mobile European´s voting. To do this, the survey participants were randomly allocated to two experimental groups, one focused on the local elections and the other on the European Parliament ones. Within each group, the participants were asked to read a vignette describing a situation in which, after living for two years in their country of residence, they receive a letter about upcoming elections. In the case of the group focused on the local elections the two letters captured these two scenarios: - Automatic registration; - Active registration In the case of the European Parliament election, respondents are

	informed that they have to register to vote, in either a formal, standard language or in a more user-friendly but also emotional one which appeals to their sense of civic duty. Thus, the experiment consists in four treatments (i.e., versions of the letter), each participant seeing only one of them. Thus, to properly investigate the effect of exposure to the four letters, we also need to consider as many as possible additional factors that play a role in shaping the real-life likelihood to vote. For this, two regression models were carried out through which it attempted to explain the changes in the likelihood to vote by considering, in addition to the exposure to the four letters, elements such as the participants' length of stay in the country in which the interview took place, their age, their interest in politics and frequency of exposure to local news, and the self-declared perceived level of integration in the community. Although the approach might have had the scientific rigour and robustness of results of a field experiment, they survey has gone beyond only using self-report measures to evaluate the likelihood of election turnout, in this way avoiding some degree of social desirability.
Interviews with EU level stakeholders (III): Interview Methodology	A total number of 11 EU level interviews have been carried out with a range of stakeholders. The stakeholders interviewed were previously agreed upon with DG JUST. The interviews fell into three categories: 1) Interviews with organisations that have understanding and data about the current nature and scope of problems. 2) Interviews with respondents who are in charge of the current system for information exchange and data exchange and those in charge of solutions that can be compared to those that are envisaged to be put in place as part of the policy options in order to collect data that will be needed for the estimation of costs and effects at EU level. 3) Other EU level respondents who can provide relevant insights about the effects of the policy options at EU level both in terms of costs and resources as well as in terms of benefits (increasing European citizenship). EU level stakeholders that were interviewed have been the following: DG EMPL – Eures; DG COMM – EDIC; EP – Citizen's Enquiry Unit; JRC; FRA; Committee of the Regions; DIGIT; Group of the EPP; S&D Group; Group of the Greens; European Mobile Youth

	The interviews were semi-structured, seeking to gauge respondents' views on the problems set out in the impact assessment, as well as the policy options that have been put forth. Furthermore, the interviews were tailored to the knowledge that the respondent could provide within the context of their work. Interviews have been analysed individually, by **qualitative content analysis,** although the analysis will be presented on a general level uniting the perspectives of respondents where there are shared views on a specific issue, and presenting divergent ones when applicable. This approach has been taken in order to present respondent perspectives in an anonymised manner. As such, specific views are not tied to any one stakeholder. Towards the end of the interviews respondents were presented with some of the policy options being considered in addressing the barriers that were identified. Due to differing degrees of expertise with regards to the options presented, these were also tailored to each participant. To a great extent respondents were most prone to mention policy options related to the provision of information to mobile EU citizens, partly due to holding knowledge on such issues, but mainly because it was seen was one of the most crucial elements to tackle. This resulted in a highlighted information provison.
Online community with experts (IV)	A total number of five experts took part in an online community that spanned over the period of one week and a half. The profile of respondents and the organisations and persons invited was a combination of: 1) Academics who worked on previous research projects in the area of electoral participation of mobile EU citizens; 2) NGOs and organisations representing mobile EU citizens; and 3) Representatives of local authorities or countries that have experience with good practices in facilitating participation of mobile EU citizens. The community was divided into five activities that had several tasks within. Each activity sought to gauge experts' opinions on differing aspects of the impact assessment. These were: - The problem analysis - The policy options - The targets and how to measure success Finally, the online community was divided into five days, one for each available task, and carried out fully in English. Policy Option Analysis A set of different activities shown to respondents had to do with the policy options being weighed for proposal. These were firstly

	divided into two differing activities that together contained a total of 12 policy options respondents could comment on. Following, the last activity asked respondents to rank the policy options depending on their effectiveness in addressing differing aspects related to the problem analysis. To begin with, the policy options shown were the following: - Influencing Member States by revealing excessive requirements for registration through reporting; - Establishing a Recommendation on automatic registration of mobile EU citizens; - Establishing an exchange of good practices among Member States on information provision to mobile EU citizens; - Creating targeted social media campaigns to proactively inform mobile EU citizens; - Strengthening the legal obligation for Member States to inform mobile EU citizens; - Setting up a multilingual helpdesk at the EU level to respond to queries of mobile EU citizens about their electoral rights; - Influencing Member States by revealing excessive requirements for standing as a candidate through reporting; - Modifying the existing legal provision to clearly state that mobile EU citizens should be able to join political parties under the same requirements as nationals; - Addressing issues related to the exchange of data between Member States in view of preventing double voting; - Requiring that Member States do not deregister mobile EU citizens from the possibilities to vote in national elections when aiming to prevent double voting in European Parliament elections; - Encouraging Member States to open up voting in other intermediary levels of government to mobile EU citizens; - Encouraging Member States to implement additional remote voting options for mobile EU citizens voting in European Parliament elections. The conducted analysis resulted in a ranking of the policy options.
Open Public Consultation Analysis (V)	The consultation consisted of three questionnaires depending on the respondent profile. These were: 1) A questionnaire for citizens which had certain questions that were directed specifically at mobile European citizens and others that were directed at all citizens; 2) A questionnaire for civil society organisations; and 3) A questionnaire for local, regional or national government

	organisations. The questionnaire for civil society organisations and governments had a number of questions that were identical. Where that was the case, we analysed the responses together given the low number of respondents to this consultation. There were also a few questions that were common to all respondent groups and in this case again we analysed the responses together. A longer explanation of the OPC results can be found in Annex 2.2.

4.2. The qualitative analysis of the legal framework

Relevant provisions of the Directives are presented in Annex 5. As shown in the Figure 6 below, the overarching objective of both Directives 93/109/EC and 94/80/EC is to make sure that citizens of the Union residing in a Member State of which they are not nationals may exercise the right to vote and to stand as a candidate there in municipal and European elections under the same conditions imposed to the Member State's own nationals in respect to the right to vote and to stand as candidates. The Directives do not affect each Member State's provisions concerning the right to vote or to stand as a candidate either of its nationals who reside outside its territory or of third country nationals who reside in that State. The focus is therefore on non-discrimination based on nationality.

Specific objectives of the current legal framework are:

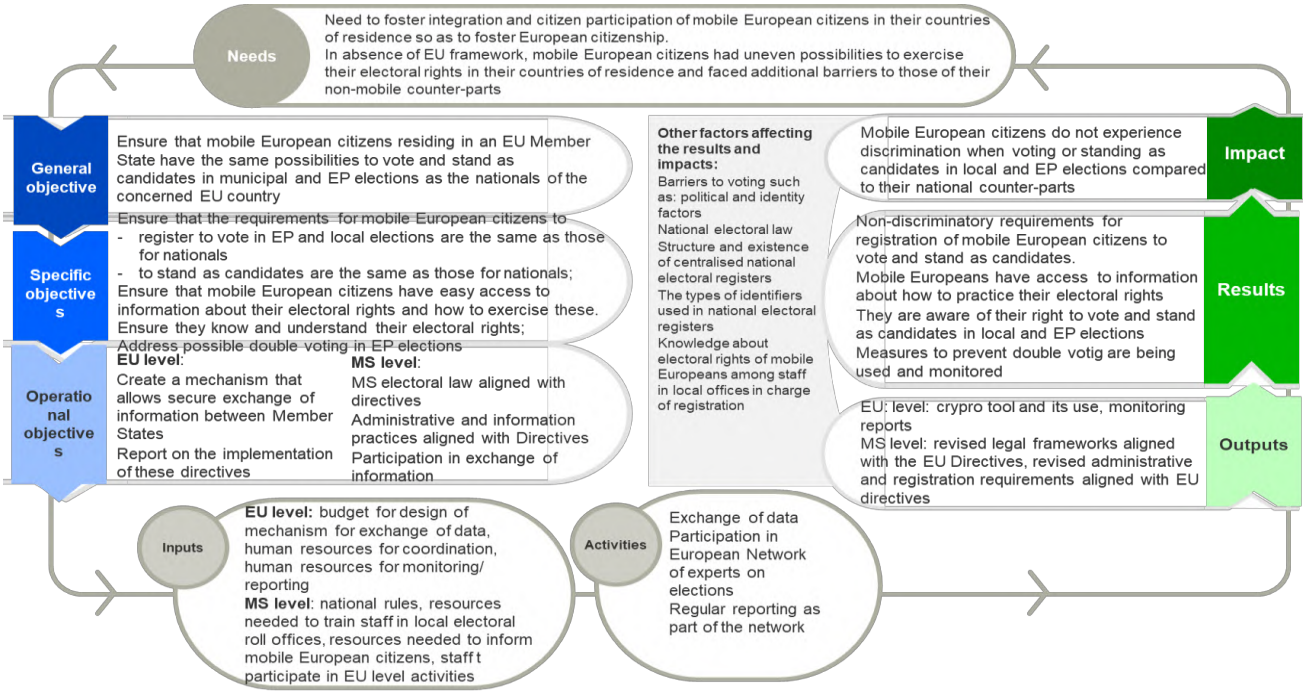
- To ensure that the requirements for mobile European citizens to register to vote in EP and local elections are the same as those for nationals and therefore to ensure that mobile European citizens are not discriminated against when exercising their right to vote and candidacy;

- To ensure that the requirements for mobile European citizens to stand as candidates are the same as those for nationals and that they are able to stand as candidates for all offices in local elections and are not discriminated against;

- To ensure that mobile Europeans know and understand their electoral rights and how to exercise them. Member States should provide information to all mobile European citizens residing in their country about the modalities and arrangements to exercise their rights in a timely manner, ahead of both local and EP elections.

- To address possible double voting in EP elections

Figure 6: Reconstructed intervention logic of the current legal framework



Source: Underlying Study, Section 2.1

The Commission monitors the implementation of electoral rights engaging in dialogue[116] with Member States and taking infringement steps.

The level of transposition of both Directives in all Member States appears generally satisfactory. Almost all issues on the Directive's transposition have been successfully resolved, though some issues of incorrect or incomplete transposition, are still being discussed with specific Member States[117].

However where the wording of the existing electoral Directives is vague and imprecise, and their scope too narrow, the scope for Commission to take action is limited. Indeed, the Directives on voting rights of mobile EU citizens focus narrowly on the implementation of the Treaty rights and do not address wider issues which are regularly

[116] Following Commission's monitoring and dialogue on the matter, several Member States amended their legislation to ensure that information is exchanged within the 5 days envisaged in Article 6(3) of Directive 93/109/EC.

[117] The Commission has initiated infringement procedures against several Member States due to the incompatibility of their national legislation with Article 20 (2)(b) and 22 TFEU. In 2021, the Commission referred Poland and the Czech Republic to the Court of Justice of the European Union because the legislation in these two Member States restricts the right of founding and of becoming member in a political party to their nationals. As a result of this restriction, mobile EU citizens residing in these countries cannot fully exercise their right to stand as candidates in local elections and in European elections under the same conditions as nationals of those States.

the subject of complaints by citizens regarding the national administration of elections. The Commission has indeed received many complaints[118] over the years from mobile EU citizens seeking to participate in municipal or European elections in their Member State of residence.

In addition, the Commission's report on the 2019 European elections[119] noted that it was estimated that, in 2019, of the over 17 million mobile EU citizens in the EU, almost 14 million were eligible to vote[120]. However, a relatively low number of them exercised their rights, and usually in their countries of origin. Ahead of the elections, citizens had indicated[121] that they would prefer to exercise their EU rights and vote for lists in their country of residence. However, four times as many registered to vote for lists from their country of nationality, where that option was available, given that some Member States limit the right to vote of their nationals who reside outside their territories, even in other Member States[122]. In concrete terms, on the basis of the data received following the 2019 European elections, around 5.5 million citizens registered to vote for the lists in their country of origin compared to 1.3 million who registered to vote in the country of residence[123].

Registration of mobile EU citizens in order to exercise their electoral rights also depends on the procedure for registration on the electoral roll. Most Member States require citizens to register in their place of residence, and many of those add the registering citizen, to the relevant electoral rolls automatically. Others require citizens to enrol to vote separately, and some require multiple enrolments for different elections. Fewer than 20% of mobile EU citizens resident in Member States where separate registration is required to exercise electoral rights requested such registration. Where automatic registration applies, the figures of those who registered increases to more than 50%[124].

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[118] As noted in the Report under Article 25 TFEU on progress towards effective EU citizenship 2016-2020, the Commission replied in that period to 43 complaints, 57 letters/individual queries, 74 questions and 21 petitions from the European Parliament on these issues, primarily relating to the loss of right to vote or participate in a referendum (COM(2020) 731 final). Additionally, a total number of 1120 entries were analysed in the context of the underlying Kantar study, covering the period of 2019-spring 2021. Of these, 538 were submitted to Your Europe, 520 to the European Parliament citizen enquiry unit, 15 were submitted to Solvit and 47 were dealt with the Department in charge of Justice and Consumers of the European Commission.

[119] COM(2020) 252 final, https://ec.europa.eu/info/sites/default/files/com_2020_252_en_0.pdf.

[120] Statistics including the UK.

[121] Special Eurobarometer 477, https://data.europa.eu/data/datasets/s2198_90_1_477_eng?locale=en.

[122] All but four Member States (Czechia, Ireland, Malta and Slovakia) provide for some possibility of voting on the lists of the country of origin from another Member State, either at an embassy/consulate, by post or on the internet.

[123] COM(2020) 252 final.

[124] See study of the Academic Network on EU citizenship Rights, July 2021, point 1.2. Vote registration for mobile EU citizens is automatic in 12 Member States. 15 Member States require active registration.

Most Member States do not collect data on the effective turnout of mobile EU citizens that registered to vote. Those that do, report that up to a half of the registered mobile EU citizens vote: Czechia (50%), Finland (50%) and Cyprus (30%). The number of mobile EU citizens standing as candidates in the European elections shows a relatively consistent trend: compared to 170 mobile citizen candidates in 2014, there were 168 candidates (in 18 Member States[125]) in 2019.

The Commission has been engaging with Member States in relevant expert groups bringing together Member States' authorities with competence in electoral-related matters. The development and implementation of a process to achieve the exchange of data to support the prevention of multiple voting in the European elections has been coordinated in the framework of the expert group on electoral matters, established in 2005[126].

Furthermore, in the run up to the 2019 European elections, the Commission supported Member States by establishing and organising meetings of the European cooperation network on elections with the aim to exchange good practice on all aspects of ensuring free and fair elections.

4.3 Methodology used to compare the policy options

The comparison of the policy options was performed based on their impacts. The performance of each presented option on the policy objectives has been compared systematically based on the criteria displayed in the table below.

Criterion	**Key Questions**	**Indicators/Methods for comparison**
Effectiveness	What would be the (quantitative and qualitative) effects of each option? Which policy option would be most effective in achieving the set objectives of the current initiative?	Comparison of expected effectiveness of each policy option against the evaluation baseline Comparison of expected effectiveness of the policy

14 out of 15 Member States provide for one-off registration which is automatically renewed for subsequent elections, see same study point 2.1.

[125] Figures including the UK. Out of these candidates, five were elected (3 in France, 2 in the UK).

[126] https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=617

		options against each other; Identification of a preferred option, where possible.
Efficiency	What would be the incurred costs and benefits under each policy option? To what extent will the costs associated with the intervention be proportionate to the benefits it is expected to generate? How proportionate will be the costs of the intervention borne by different stakeholder groups, taking into account the distribution of associated benefits? Which policy option would be most cost-effective?	Comparison of potential costs and benefits borne by each stakeholder group under each policy option; Identification of a preferred option, where possible.
Coherence	To what extent is each policy option coherent with other relevant initiatives? To what extent is each policy option coherent with wider EU policy? To what extent is each option is contributing to establish a coherent framework by reducing the legal fragmentation across Member States?	Identification of overlaps and/or synergies between policy options and relevant initiatives; Identification of contrasts and/or discrepancies between policy options and relevant initiatives; Identification of a preferred option, where possible.
Subsidiarity	Can/have the objectives of the proposed policy option be achieved sufficiently by Member States acting alone? To what extent do Member States have the ability or possibility to enact appropriate measures? Would national action or the absence of EU level action conflict with the Treaty or significantly damage the interests of other Member States? Are there transnational/cross-border	Identify whether or not action at the national level is sufficient to achieve the objective of the initiative and whether in consequence, by reason of the scale or effects of the proposed measure, Union action would have an added value compared to action by the Member States

	aspects to the problem? Will there be increased costs or problems if action is left only to the Member States? Can/have the objectives of the proposed action be(en) better achieved at Union level by reason of the scale or effects of that action? Can the objectives be met more efficiently at EU level?	
Proportionality	Does the initiative go beyond what is necessary to achieve the problem/objective satisfactorily? Is the initiative limited to those aspects that Member States cannot achieve satisfactorily on their own, and where the Union can do better? Is the form of Union as simple as possible, and coherent with satisfactory achievement of the objective and effective enforcement? Does the initiative create unjustified financial or administrative cost for the Union, national governments, regional or local authorities, economic operators or citizens? Are these costs commensurate with the objective to be achieved? Does the Union action leave as much scope for national decision as possible while achieving satisfactorily the objectives set? Is there a solid justification for the choice of instrument - regulation, (framework)directive, or alternative regulatory methods? While respecting Union law, are special circumstances applying in individual Member States taken into account?	Ensuring that the policy approach and its intensity match the identified problem/objective.

ANNEX 5: RELEVANT PROVISIONS OF THE DIRECTIVES GOVERNING ELECTORAL RIGHTS OF MOBILE EU CITIZENS

The main provisions in **Council Directive 93/109/EC** for the exercise of the right to vote and stand as a candidate in European elections for citizens of the Union residing in a Member State of which they are not nationals are:

- Mobile EU citizens have the right to vote and to stand as a candidate in European elections in the Member State of residence on the same conditions as that State imposes by law on its own nationals (Article 3);
- They may vote either in their Member State of residence or in their home Member State (Article 4);
- They are precluded from standing as a candidate in their Member State of residence if so deprived through an individual criminal or civil law decision (Article 6);
- The Member State of residence shall take the necessary measures to enable the Union citizen who wishes to be entered on the electoral roll to be entered sufficiently in advance of polling day (Article 9).
- The Member State of residence shall inform the Union citizens in good time and in an appropriate manner of the conditions and detailed arrangements to exercise their electoral rights (Article 12).

The main provisions in **Council Directive 94/80/EC** for the exercise of the right to vote and to stand as a candidate in **municipal elections** by citizens of the Union residing in a Member State of which they are not nationals are:

- Mobile EU citizens have the right to vote and to stand as a candidate in municipal elections in the Member State of residence on the same conditions as that State imposes by law on its own nationals (Article 3);
- They are precluded from standing as a candidate in their Member State of residence if so deprived through an individual criminal or civil law decision (Article 5);

- Member States may provide that only their own nationals may hold the office of elected head, deputy or member of the governing college of the executive of a basic local government unit (Article 5(3));
- The Member State of residence shall take the necessary measures to enable the Union citizen who wishes to be entered on the electoral roll to be entered sufficiently in advance of polling day (Article 8);
- The Member State of residence shall inform the Union citizens in good time and in an appropriate manner of the conditions and detailed arrangements to exercise their electoral rights (Article 11).

ANNEX 6: OVERVIEW OF MEMBER STATES' MEASURES CONCERNING ELECTORAL RIGHTS OF MOBILE EU CITIZENS

This Annex provides tables including current measures enacted by Member States to implement Directive 93/109/EC and Directive 94/80/EC. The information used to elaborate them is derived from the study carried out by the contractor to support this impact assessment and are not exhaustive.

Table 1 Information measures across Member States

MS	Proactive mail-outs to mobile EU citizens on rights	Local elections info proactively sent to EU citizens	Helpdesk/hotline (if in English, "Yes"; if not, "Partial")	Information comments
BE	Yes	Partial	Partial	Municipality in charge of information; local variation in extent and form.
BG	No	No	No	Regulation that information in electoral campaigns ad only be provided in Bulgarian
CY	No	No		
CZ	Partial	No	No	Municipalities encouraged, not required, to proactively contact for EU. No special campaign.
DE				
DK				

EE	Yes	Yes	Yes	Information sent 70 days (for EU citizens) and 10 days (for all voters) based on records of Population Register
EL			No	
ES				
FI	Yes	Yes	Yes	Voting cards with practical information sent to all eligible voters
FR	No	No	No	Questionnaire refers to online information and a few ad hoc campaigns
HR				
HU	Yes	Yes	Partial	National Election Office can be reached by email or phone
IE	Yes	Partial		Some local campaigns providing information for EU nationals. However, much of this appears driven by civil society rather than government (although government may be supporting the campaigns).
IT	No	Partial	No	Local campaigns by NGOs or other institutions may provide information, but there are no targeted, national campaigns.
LT	Yes	No	Yes	Mainly information on website for local elections
LU	Partial	Partial	Yes	Information not sent directly to mobile EU citizens, but centrally coordinated campaigns to raise awareness
LV				
MT				

NL				
PL	Partial	Partial	Partial	Information is provided proactively when an election has been called, but the information is the same for nationals as for non-nationals. No targeting of EU citizens.
PT	No	No	Yes	Information is provided through Support Offices staffed by multilingual staff in the largest cities.
RO	No	No	No	
SE	Yes	Partial	Yes	Information is available in 30+ languages from the Swedish Election Authority. Availability for municipalities varies more widely. Voting cards with relevant practial information is sent out to all voters.
SI	Yes	No	No	Local election information circulated in the official languages only (Slovenian, Hungarian and Italian).
SK				

Source: Questionnaires carried out for the underlying Kantar Study

Table 2 Registration modalities across Member States

MS	Automatic registration - Municipal	Automatic registration - EU	Voter registration permanent - Municipal	Voter registration permanent - EU	Voter registration without proof of electoral rights	Electronic/ mail registration possible
AT	Yes	No	Yes	Yes		
BE	No	No	Yes	Yes	Yes	Yes
BG	No	No	Yes	Yes	Yes	No
CY	No	No	Yes	Yes	Yes	No
CZ	No	No	Yes	Yes	Yes	No
DE	Yes	No	Yes	Yes		
DK	Yes	No	Yes	Yes		
EE	Yes	No	Yes	Yes	Yes	Yes
EL	No	No	No	No	Yes	No
ES	Partial	Partial	Yes	Yes		
FI	Yes	No	Yes	Yes	Yes	Yes
FR	No	No	Yes	Yes	Yes	Yes
HR	No	No	No	No		
HU	Yes	No	Yes	Yes	Yes	Yes
IE	Yes	Partial	Yes	Yes	Yes	Partial
IT	No	No	Yes	Yes	Partial	Partial
LT	Yes	Partial	Yes	Partial	Yes	No
LU	No	No	Yes	Yes	Yes	Yes
LV	Yes	Partial	Yes	Yes		
MT	No	No	Yes	Yes		
NL	Yes	No	Yes	Yes		
PL	No	No	Partial	Partial	Yes	Yes
PT	No	No	Yes	Yes	Yes	No
RO	Yes	No	Yes	Yes	Yes	No
SE	Yes	No	Yes	Yes	Yes	Yes

SI	Yes	No	Yes	Yes	Yes	Yes
SK	Yes	No	Yes	No		

Source: Questionnaires carried out for the underlying Study

Table 3 Summary of penalties for multiple voting in some EU Member States

AT	Fine of up to EUR 218 or imprisonment for up to 2 weeks.
BE	Imprisonment 8-15 days; fine of EUR 208-1 600.
BG	Probation and a fine of BGN 500-2 000 (ca. EUR 250-1 000).
CZ	Fine of ca. EUR 390.
CY	Imprisonment of up to 6 months and/or a fine of up to CYP 450 (ca. EUR 720).
DE	Unspecified fine or imprisonment for up to 5 years.
DK	Unspecified fine.
EE	Fine of up to 300 fine units (ca. EUR 1 300) or unspecified detention
EL	Imprisonment of 3 months to 5 years; deprivation of any public office for 1 to 5 years.
ES	Imprisonment of 6 months-2 years, a fine of 6 months-2 years, and a special disqualification for employment or public office from one to three years
FI	Unspecified fine or imprisonment of up to 1 year.
FR	Imprisonment of 6 months-2 years and a fine of up to EUR 15 000.
HR	Fine of HRK 10 000-30 000 and/or imprisonment from 6 months to 5 years.
HU	Imprisonment of up to 3 years.
IE	Fine not exceeding EUR 3.174, or imprisonment of up to 2 years, or both.
IT	Imprisonment of 1-3 years and a fine of EUR 51-258.
LT	Fine of EUR 140-860.
LU	Fine of EUR 251-2 000, imprisonment 8-15 days.
LV	Unspecified punishment.
MT	Fine of up to MTL 1 000 (ca EUR 2 330).
NL	Fine of up to EUR 4 350 and imprisonment of up to 1 month.
PL	Unspecified fine
PT	Penalty payment up to 50 days, and imprisonment for up to 1 year.
RO	Imprisonment for 6 months-3 years, unspecified fine, restricted exercise of some rights
SE	Unspecified fine or prison for up to 6 months
SI	Unspecified fine or prison for up to 1 year
SK	Fine of EUR 33-100.

Source: Questionnaires sent to Member State authorities for the underlying study and complemented by Cicchi, L. (2021) 'Europeanising the elections of the European Parliament', study for the EP AFCO Committee, Luxembourg: Publications Office of the European Union, pp. 30-31.

Table 4 : Municipal election positions for which mobile EU citizens cannot stand as candidate[127]

Member State	**Restricted position**
Austria	Mayor (except in the state of Lower Austria)
Belgium	Mayor
Cyprus	Mayor
Czech Republic	Mayor, deputy mayor, and (in Prague only) city councillors
Estonia	Mayor, member of the executive or secretary of local government units (rural municipalities or cities)
France	Mayor
Germany	Mayor (in Bavaria and Saxony)
Greece	Mayor and head of regional executive (secretary general of region)
Italy	Mayor and deputy mayor
Netherlands	Mayor and member of municipal executive (*wethouder* - alderman)
Poland	Mayor
Slovenia	Mayor

[127] Table adapted from Ostling, A. 'Fair EU Synthesis Report: Electoral rights for mobile EU citizens – Challenges and facilitators of implementation', FAIR-EU Comparative Report 2019/8, p. 10.

Table 5. Personal Identification numbers in Member States

Member State	
AT	N/A
BE	№ d'identification du Registre national / Identificatienummer van het Rijksregister
BG	ЕГН- Единен граждански номер (ЕГН) Edinen grazhdanski nomer
CZ	Rodné číslo (RČ)
CY	N/A
DE	N/A
DK	Personnummer (Da. CPR, Det Centrale Personregister)
EE	Isikukood (IK)
EL	N/A
ES	Documento Nacional de Identidad (DNI)/Numero de identificación fiscal(NIF)/ld.№
FI	Finnish: Henkilötunnus (HETU), Swedish: Personbeteckning
FR	N/A
HR	Osobni identifikacijski broj (OIB)
HU	N/A
IE	N/A
IT	Codice Fiscale
LT	Asmens kodas
LU	N/A
LV	Personas kods
MT	Identify card number
NL	Burgerservicenummer (BSN)
PL	Powszechny Elektroniczny System Ewidencji Ludności (PESEL)
PT	№ identificação civil
RO	Cod Numeric Personal (CNP)
SE	Personnummer
SI	Enotna matična številka občana (EMSO)
SK	Rodné číslo (RČ)

Table 6. Information needed by Member States to identify their citizens[128]

Member State	Information required to ID nationals
BE	Belgian national number sufficient.
CZ	Name, DOB, place of permanent residence
DE	Name, DOB, ID card number, previous *municipality* (not constituency) in DE
DK	At minimum date of birth and full name, but ideally also Danish ID number
EE	Name, DOB, personal ID number, address
ES	Name, personal ID number, DOB, address To apply for voting: The application form, a photocopy of the passport or ID, or, certificate of nationality/registration in the Consular Registry. When voting: certificate of being registered in the census, passport or ID.
FR	Name (all), sex, age, DOB and place of birth, date of registration abroad
HR	Personal ID number, names, current address, DOB, gender
HU	Name, date and place of birth, ideally national ID
IE	Name, date of birth and last Irish address.
LT	Name, surname, personal ID number
LU	Name, (incl. Maiden), date and place of birth, gender, place of residence, nationality
MT	Name, surname, DOB
PL	Name(s), father's name, DOB, nationality, passport number, address
RO	Name(s), personal ID number, ID number of passport or identity card
SE	Personal ID number

[128] Source: Questionnaires sent to Member State authorities for the underlying study

Table 7. Estimated cost of developing and mailing out targeted information to mobile EU citizens[129]

The following assumptions apply:

- Member States which – based on the Member State baseline research – already have direct mailouts in place are expected to have minimal costs, if any[130]. The calculations therefore only apply to Member States which do not currently have such measures in place.
- As Member States have information about electoral registration of mobile EU citizens available on their websites (and in all but a few cases, in multiple languages), only minor costs are expected to adapt these for mail-out. For Member States with no direct, targeted mail-outs in place, an assumption is made of five days per Member State. For Member States with some level of mail-outs, e.g. with municipal variation in the extent of information provision (marked 'Partial' in the table below, see table 2 above), an assumption is made of three days.
- As data is not available on the cost of governments delivering letters, the domestic public tariff for sending priority letters in EU Member States is used[131]. As Member State governments have access to economies of scale and are not necessarily subject to public tariffs, these prices are adjusted to 25% of the public tariff, to reflect lower costs. As the data on postal services costs is from 2017, they are adjusted for inflation to estimated 2020 values[132].
- The effort to send letters to all mobile EU citizens is estimated by combining the estimated per-letter cost with the stock of mobile EU citizens aged 20 or older in the Member State[133].

Error! Reference source not found. also contains an estimate on the cost of **informing mobile EU citizens at the point of residence registration** of their electoral rights, in addition to subsequent communications in relation to elections. While the time and cost

[129] Source: underlying study

[130] Variation within Member States (e.g. due to differing rules between federal Länder in Germany and Austria) is not taken into consideration as state-level laws and regulations have not been mapped.

[131] Data is gathered from European Commission, 2018, 'Performance per policy area: Postal services', Single Market Scoreboard, accessed 19 August 2021. Figures are not available for Croatia and Poland; EU-27 average is used here.

[132] Eurostat (2021a) 'HICP (2015 = 100) - annual data (average index and rate of change) – Postal services' [PRC_HICP_AIND], accessed 19 August 2021.

[133] This is based on Eurostat (2021b) 'Population on 1 January by age group, sex and citizenship' [MIGR_POP1CTZ], accessed 19 August 2021. The column on **Mobile EU citizens aged 20 or older (2020), 1 000s** uses the value for EU-28 citizens.

required to prepare this routine will also vary across Member States, sufficient information is not available to determine how it would differ between the Member States. As the information is available to Member State authorities, and as mobile EU citizens in all but a few cases have to register for residence upon or shortly after arrival in a new country of residence, the costs are expected to be relatively low – an assumption is made of five days per Member State.

	Already practicing direct communication	**Estimated costs of developing and translating information**	**Estimated cost of individual communication to EU citizens**	**Mobile EU citizens aged 20 or older (2020), 1 000s**	**Estimated cost of informing citizens at point of registration**	**Total**
AT	No (5 days)	1 470	123 387	621	1 470	124 857
BE	**Yes**			762	1 470	1 470
BG	No (5 days)	1 470	4 888	14	1 470	6 358
CY	No (5 days)	1 470	13 336	103	1 470	14 806
CZ	Partial (3 days)	882	62 342	223	1 470	63 812
DE	Partial (3 days)	882	686 665	3 777	1 470	688 135
DK	Partial (3 days)	882	48 534	195	1 470	50 004
EE	**Yes**			19	1 470	1 470
EL	No (5 days)	1 470	43 868	160	1 470	45 338
ES	Partial (3 days)	882	294 172	1 728	1 470	295 642
FI	**Yes**			83	1 470	1 470
FR	No (5 days)	1 470	352 043	1 295	1 470	353 513
HR	No (5 days)	1 470	5 654	18	1 470	7 124
HU	**Yes**			74	1 470	1 470
IE	**Yes**			389	1 470	1 470
IT	No (5 days)	1 470	900 031	1 216	1 470	901 501
LT	**Yes**			8	1 470	1 470
LU	Partial (3 days)	882	28 366	197	1 470	29 836
LV	Partial (3 days)	882	2 724	6	1 470	4 194
MT	No	1 470	5 495	47	1 470	6 965
NL	**Yes**			518	1 470	1 470
PL	Partial (3 days)	882	8 607	33	1 470	10 077
PT	No (5 days)	1 470	34 809	167	1 470	36 279
RO	No (5 days)	1 470	26 731	60	1 470	28 201
SE	**Yes**			272	1 470	1 470
SI	**Yes**			20	1 470	1 470