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Impact assessment tools for policy makers on the European and the national level

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1. Introduction

Since the Treaty of Maastricht (1992), every person holding the nationality of a European Union (EU) Member State is automatically a citizen of the EU and is granted an *additional* set of rights. In 2007, the Lisbon Treaty strengthened EU citizenship by making the EU Charter of Fundamental Rights legally binding and by expanding the opportunities for democratic participation and increasing the visibility of EU citizen rights. Citizens are and must be at the heart of European integration. Therefore, it is important to make citizens' lives easier, to help them understand their rights and involve them in a debate on the Europe they want to live in and build for future generations (European Commission, 2013, p.3). At the same time, the European Commission has noted in its *2010 EU citizenship report* and in its *2013 EU citizenship report* that citizens face difficulties in exercising their rights and are not always aware of the rights they legally possess (European Commission, 2010; European Commission, 2013).

To overcome possible barriers and stimulate opportunities for exercising EU citizenship an impact assessment for new policies and regulations might be useful. However, existing Commissions impact assessment guidelines do not focus on EU citizenship impacts. The focus is on economic, social and environmental impacts. Therefore, it is necessary to include EU citizenship. Bakker et al. (2016, p.12) note: *"An impact assessment guideline where EU citizenship is included will make decision makers aware of risks for new barriers for citizens when exercising their citizenship rights and, in an ideal world, make them aware of what policies and regulations offer increased opportunities for exercising these rights. In the long term, this leads to a European administrative reality in which it is more easy and common for individual citizens to exercise their EU citizen rights"*.

To develop an impact assessment framework that focuses on EU citizenship too, different steps are taken within the bEUcitizen project. First, in the working paper (D11.1) *'Assessing policy implications for EU citizenship'* (Bakker et al., 2016) options for an impact assessment framework for EU citizenship are explored. Favorable impact assessment approaches are identified even as the elements that should be included in the framework and what requirements the framework should meet. Second, in (D11.2) *'Towards Impact Assessment indicators for EU citizenship'* (Bakker and Van der Kolk, 2016) eight indicators to assess EU citizenship are developed based on outcomes of the bEUcitizen project so far and existing impact assessment guidelines and documents. The insights from these papers have been a starting point for this report.

In this report, we aim to include EU citizenship impacts in an impact assessment tool. When we include EU citizenship impacts, Bakker et al. (2016) argued it is necessary to include two specific elements into the impact assessment framework: (1) to assess EU citizenship impacts attention is needed for both EU citizenship rights and participation in the EU (political) community (the so called technical-rational and post-positive perspectives) , and (2) attention need to be paid to the EU and national level and the interface between the impact assessments on both levels. We explain these two elements further in chapter 2. In chapter 3 a practical 'rules of thumb' guide for carrying out an



impact assessment is presented. In seven practical steps we explain how to carry out an impact assessment for EU citizenship. To make these steps transparent and workable we present tools for policymakers. These tools, presented as infographics, can be used by policymakers to see in a glance which steps to take in an impact assessment and where to think about when assessing for instance social and EU citizenship impacts. This will help to make the execution of impact assessments more workable and useable for policy makers on the European and the national level, especially with regard to EU citizenship. Furthermore, we do a proposal for revising existing impact assessment documents of the Commission. In chapter 4 we will explain this briefly. In annex I we present an extended version of the Guidance on social rights, now including EU citizenship, and annex II suggests a revision of the existing Impact Assessment Guideline. The report ends with a final note on how these proposals fit into the existing EU strategies.



2. Elements to include in an EU citizenship impact assessment

The existing Commissions impact assessment guidelines focus on economic, social and environmental impacts. We aim to include EU citizenship impacts in the impact assessment guidelines. EU citizenship has a multi-dimensional character and its impacts might differ from economic, social and environmental impacts. Therefore, it is necessary to also focus on specific elements of EU citizenship in the impact assessment. In an EU citizenship impact assessment, there should be parallel attention for the 'rights' and the 'community' dimension of EU citizenship. These dimensions ask for a technical-rational perspective as well as a post-positive perspective. Furthermore, attention should be paid to the EU and national level and the interface between impact assessments on both levels (Bakker et al., 2016). In the next sections these elements are further explained. This chapter ends with a reflective section about which insights we take into account in our proposal for a practical guide as well as our proposals to revise existing documents.

2.1 Attention for Rights and for Participation in a Community: Technical-rational and post-positive perspectives

In an impact assessment that (also) focuses on EU citizenship, there should be parallel attention to both the impact of new policies and regulation on –exercising- direct EU citizenship rights and the impacts of new policies and regulation on –political- participation as a member of a European community. When the Treaty of Maastricht introduced EU citizenship, these two dimensions of citizenship were considered to be related. One of the main assumptions was that granting European civilians the legal status of EU citizen would result in a feeling of belonging to a shared European community and identity; a causal relation was presumed (Bakker et al., 2016, p.8). However, empirical evidence suggests that, in European context, such a relationship is not present and the launching of EU citizenship and the development of a European identity are not directly related (Dell’Olio, 2005). This insight calls for an approach in which both the impact on identity formation and the functioning of a political community as well as the impact on barriers and opportunities to exercise rights and duties will be assessed. So rather than a causal relation, a horizontal relation between the two dimensions of EU citizenship needs to be assumed (Bakker et al., 2016).

Bakker et al. (2016, pp.10-11) distinguished two analytically perspectives on impact assessment: the technical-rational and post-positive perspective. From the technical-rational perspective, impact assessments are objective processes in which the systematic evaluation of proposed action contributes to the quality of the new policy. Impact assessments are performed by experts, based on scientific methodology and designed to assist elected politicians in their decision making process. An assessment tool based on the technical-rational perspective may lead to better-informed decision makers. The limitation of this perspective is that it denies the complexity of the decision-making process and presents ethical and political choices as rational choices (Bakker et al., 2016).



The other analytic perspective – the post-positive perspective – assumes that impact assessments are continuing learning processes for executors and decision makers and presumes that their influence on policies and legislations are more indirect and subtle (Bakker et al., 2016). Impact assessment should be transparent deliberative practices; open to a wide range of parties and points of views (Owens et al., 2004, pp.1944-1948).

Examples of deliberative practices are for instance mini-publics, such as citizens' forums and deliberative polls (Smith, 2009; Boogaard and Michels, 2016). Smith (2009) argues that *"mini-publics offer a powerful way of motivating 'ordinary' citizens to participate in the political process"* (p.114). Although mini-publics cannot guarantee the inclusiveness of citizens, they are designed to empower citizens and they motivate citizens to participate. Participation in mini-publics is restricted and a small group of citizens are recruited from the wider population by random selection. Furthermore, mini-publics can be used at different levels of governance, by different types of public authority and across a range of different issues (Smith, 2009). More concrete examples of mini-publics are: *'British Colombia Citizens Assembly (BCCA)'*, *'Australian Citizens' Parliament'* and *'G1000'*. Although these initiatives promote citizens to participate in the political process, experiences with *'G1000s'* show that mostly elderly (50+ years old), high educated, white and native citizens respond to the invitation to participate in a *'G1000'* or this group participate on their own initiative (Michels and Binnema, 2016). Nevertheless, it does create a dialogue between citizens, between citizens and the policy makers and citizens are stimulated to participate in the process.

Another example of deliberative practices are focus group discussions. Within focus groups, people from similar backgrounds or with similar experiences can discuss a specific topic. It can help policy makers to get insight *"into how a group thinks about an issue, about the range of opinions and ideas, and the inconsistencies and variation that exists in a particular community in terms of beliefs and their experiences and practices"* (Start and Hovland, 2004, p.14). Traditionally, these focus groups have been conducted in a face to face situation, but nowadays electronic communication technologies also offer new forms of focus groups, so-called electronic focus groups or e-focus groups (Rezabek, 2000). For policy makers (electronic) focus groups might be useful to get insight in impacts of policy options on, for instance, specific vulnerable groups or regions. For instance: through a lottery system, citizen from a specific group or region can be invited in person to serve in a focus group. Hence, focus groups can give insight in meanings of policy that cannot be explained by technical-rational methods.

According to Bakker et al. (2016) an impact assessment tool based on the post-positive perspective may improve the exercise of EU citizenship in different ways: (1) the legitimacy of new EU or national legislation, (2) the transparent nature of the assessment process may contribute to the empowerment of citizens, and (3) the deliberative character may enhance the process of learning (Bakker et al., 2016, p.12). However, the authors also set out limitations for the post-positive perspective: it is assumed to be expensive, time consuming and it only uncovers the clash of opinions. Furthermore, deliberative models of impact assessment should lead to 'double' loop learning, but research does not show sufficient empirical evidence to underline this conclusion (Adelle et al., 2012). From these critiques the legitimacy of the impact assessment procedure is diminished as well as the task to inform and advice decision makers (Owens et al., 2004).



Despite the limitations of both perspectives, according to Owens et al. (2004) the technical-rational and post-positive perspectives could complement and reinforce each other when they are combined. Therefore, Bakker et al. (2016) argue that it seems most promising to combine these perspectives in designing an impact assessment tool that includes EU citizenship. This is already visible to some extent in the existing European Commission Impact Assessment Guidelines. In the guideline the technical-rational perspective is dominant, but the post-positive perspective is visible too. In particular, contributing to transparency and consulting stakeholders is becoming more salient (European Commission 2009, p.19; European Commission, 2014, pp.27 and 29). Due the multi-dimensional character of EU citizenship – which include the ‘rights’ and ‘community’ dimension – the EU citizenship impact assessment tool asks for the technical-rational and post-positive perspective. Assessing the impact on legal rights calls for a more direct technical-rational analysis whereas assessing the impact on community participation public deliberation and consultation should be in the centre (Bakker et al., 2016, p.11).

2.2 Multi-level with an interface: EU and national

The existing impact assessment guidelines mostly focus on the EU level. However, in multi-level systems of governance, like the EU, the implementation of public policies is often de-centralized. EU policies are often adapted, implemented and enforced by actors at lower levels (Toshkov, n.d.). For instance, Van Eijken and Phoa (2016) define the EU citizen as a subject of law that interacts at the crossroads of EU and national law. The citizen enjoys direct protection by the virtue of Union law, protection by national law implementing Union law and also protection by virtue of national legislation without any European dimension. Although the citizen has core rights based on EU law because of the fact that (s)he is an EU citizen, for the substance of that right (s)he mostly depends on national laws of Member States in which (s)he resided (Van Eijken and Phoa, 2016).

Furthermore, the impact of new policies and regulations on exercising EU citizenship is not always the same in all regions and in all Member States. For instance, despite equal access to Erasmus scholarship, students in different countries do not experience the same access to the freedom of mobility within the EU. Whereas students from the richer parts of the EU can full enjoy their EU citizenship, student from East and South Eastern Member States cannot. For them the scholarship is not enough to go to universities in North-Western European countries due to the cost of living there (Kloosterboer, Van der Kolk, Runje, 2015).

In sum: (1) citizens exercise their rights through national policies, (2) barriers or incentives for exercising EU citizenship are mostly materialized on the national level, and (3) the relationship between the EU and its citizens is materialized through different layers of national and even local institutions. Hence, different levels of governance and centres of authority are involved in the multilevel policy implementation (Heidbreder, 2015).

Therefore, an impact assessment framework for EU citizenship should not be limited to the EU level only. Bakker et al. (2016) argue that impact assessment tools should be connected with impact assessments on the national level. Such an interface between both levels is needed to get an insight



in possible regional or national differences in barriers that might occur in the chair from the EU treated and charters granted right to the daily life experiences. Furthermore, differences in national and regional styles and routines should be taken into account in such a way that policy makers and decision makers know what types of action or intervention is required to safeguard and promote access to EU citizenship (Bakker et al., 2016, pp.23-24).

When implementing multilevel policy, the amount of actors and institutions involved in the policymaking process is increasing. Therefore, Heidbreder (2015) argues that multilevel policy implementation requires specific coordination and cooperation. Here, it is important that the impact assessment process will be carried out in the same way at the European and the national level. Thus, an impact assessment tool need to be workable for both levels. In this way, impact assessment can be carried out more closely to the citizen, which will lead to insights in the grass root level of experiences. It may also help to make the coordination and cooperation between the levels more easily. It is also important that an interface between the multiple levels will be established to promote cooperation. Here, there is a task for the Commission; the Commission can have a more coordinating role and initiate initiatives on the lower levels.

2.3 Insights for EU citizenship impact assessment

Based on the previous sections, we take several insights into account when developing an EU citizenship impact assessment tool. First, the 'rights' and 'community' dimension of EU citizenship ask for a technical-rational perspective as well as a post-positive perspective. We need to include both perspectives in the impact assessment tool. So far, the technical-rational perspective is dominant in the existing documents. Therefore, we mostly have to extent the post-positive perspective within the EU citizenship impact assessment. We make several suggestions to include deliberative practices where citizens can participate on their own initiative or where they get an invitation to participate. This can help to motivate all citizens (and not only the elite) to participate, it can help to get insight in grass root experiences and it can be helpful to get insight in experiences of specific vulnerable groups.

Second, the impact assessment tools should be connected with impact assessments on the national level. Impact assessments can be carried out more closely to the citizen then, which will lead to insights in experiences of individual citizens or target groups and more attention can be paid to impacts of policy in different regions. To do so, we need to develop an impact assessment which can be used by policy makers on the European and the national level and even on the local level. We also make suggestions where the European Commission can step in to make the interface between the different levels.

Third, De Ridder et al. (2007) noted that an impact assessment tool should be transparent, easy to understand and easy to use. De Ridder and others also stated that impact assessment tools which include deliberative practices are barely used as intended by their developers in practice. According to Lee (2006), an option to overcome this problem is to present a tool with a layered design whereby assessors can choose for a preliminary or detailed assessment early in the procedure (Lee, 2006, p.65).



These insights are taken into account in our proposals for an impact assessment tool which includes EU citizenship. In the next sections of this report we will present a practical ‘rules of thumb’ guide for carrying out an impact assessment. The steps to take when carrying out an impact assessment will be briefly explained and infographics will show in a glance the process of an impact assessment. This will help to make the execution of impact assessments more workable and useable for policy makers on the European and the national level. Furthermore, we do a proposal for revising the existing and more comprehensive impact assessment documents of the Commission. In this way, assessors can choose between a preliminary or detailed assessment. Within our proposals, we make suggestions to include deliberative practices and where and when the Commission can step in to guarantee the interface between the multiple levels. In this way, parallel attention can be paid to the ‘right’ and ‘community’ dimension of EU citizenship within an impact assessment tool, and – as a result – policymakers will get insight in the juridical aspect of EU citizenship as well as the grass root experiences of individual citizens.



3. A practical guide for EU citizenship Impact Assessment

The Commission published various impact assessment documents, such as *'Guidance for assessing Social Impacts within the Commission Impact Assessment system'* (European Commission, 2009) and *'Better Regulation Framework'* (European Commission, 2015). These existing documents are comprehensive and detailed, but almost too extensive to be used by policy makers. To make these documents, i.e. the execution of impact assessments, more practical and useable, in this practical guide we firstly sketch seven steps in the process of an impact. Secondly, we present an infographic which summarize the seven steps of an impact assessment. This can be used as a tool for policymakers to see in a glance which steps they have to carry out.

3.1 Seven steps of an Impact Assessment

The process of an impact assessment is translated in seven steps for an impact assessment. This process is iterative and the seven steps are interrelated. The seven steps are:

1. Understand the issue;
2. Define the policy options;
3. Predict, analyse and assess likely impacts;
4. Compare policy options;
5. Design monitoring and evaluation programs;
6. Write the IA report;
7. Transform IA to policy-making.

It is desirable that these steps (or similar steps) will be taken when carrying out an impact assessment on both EU and national level. Also, in all steps ongoing stakeholder consultation and reporting back in forms of appropriate and understandable to the stakeholders are expected. Furthermore, within these steps we suggest to include deliberative practices to get more insight in the grass root level of experiences. In the next sections, the seven steps of an impact assessment are explained.

Step 1: Understand the issue

An impact assessment (IA) starts by verifying the existence of a problem, identifying who is affected, estimating the problem's scale, analysing its causes and consequences, and assessing its likelihood to persist in the absence of (further) EU or national policy intervention. This should give policy-makers the information needed to decide whether there is a problem for which a policy response may be warranted. Having established the existence of a problem, its scale and causes, the IA analysis should verify who – the EU and/or the Member States – should act to resolve the problem sufficiently and why. This helps policy-makers to decide whether a policy response at the EU and/or national level is needed. When this is clear, the IA analysis should verify what kind of relation between the EU and



the Member States is required and why. This gives policy-makers on both the EU and national level the insight in what types of action or intervention is required. Also, the IA should set out what EU and/or national policy should achieve. The objectives of policy action should be clearly identified, including the level of policy ambition and the criteria against which alternative policy options would be compared and the success of any initiative assessed.

Step 2: Define the policy options

There are different ways to achieve policy objectives. The IA should allow for an informed decision about which one to pursue. To do so, available options should be identified and screened with a view to selecting the most relevant ones for further analysis and comparison. At the end of this step, the most relevant alternative policy options should have been identified for further examination in the impact analysis stage. This should be done through an iterative process:

- a) Start by considering the widest range of policy alternatives both in terms of content and instruments;
- b) Screen the previously identified policy alternatives;
- c) The most relevant ones should be retained, together with the baseline, for further detailed examination.

Step 3: Predict, analyse and assess likely impacts

Once a set of policy options is selected, a robust assessment should be carried out of their economic, social, environmental and EU citizenship impacts, and of who will be affected. This should be done through an iterative process:

- a) Identify all potential impacts of the options;
- b) Select the significant impacts;
- c) Assess the most significant impacts.

This step is a crucial step in the impact assessment. Policy-makers will identify indicators where the policy option might have impact on. It is important to take into account the intended impacts, but also to think about possible impacts that occur unintentionally. It might be difficult to decide where to think about and, therefore, we developed a tool to help policymakers. Based on research results, Bakker and Van Der Kolk (2016) developed eight indicators which are important in assessing social and EU citizenship impacts. In Figure 1 we show these indicators and in annex I these indicators are explained further. Hereby, it is important to realize that these indicators are only indicators when assessing social and EU citizenship impacts. As a policymaker, it is also important to think about indicators to assess economic and environmental impacts.



Figure 1: Tool to identify important impacts when assessing social and EU citizenship impacts

To assess possible impacts of a policy options, it is important to ask and answer questions. For examples of questions to ask to assess possible social and EU citizenship impacts, we developed another tool for policymakers; see figure 2 on the next page. Each number is related to the number of the indicator in figure 1. For instance, when assessing ‘security and justice’ (number 3) it is important to answer questions such as “does the policy option affect the individual’s access to justice?” and “will the policy option have impact on the right to liberty an security, the right to fair trial and the right of defense?”. In figure 2 we only show examples of questions to ask. For a more comprehensive overview, see annex I ‘Guidance for assessing Social and EU citizenship Impacts within the Commission Impact Assessment system’.

To answer these questions, different methods can be used. It is important to combine methods from a more technical-rational perspective, with deliberative practices, such as mini-publics. Deliberative practices stimulate citizens to participate in the process and give insights in grass root experiences, into how a group thinks about an issue, about the range of opinions and ideas and inconsistencies within a community. Citizens can be invited in person to serve in a citizen panel or focus group (for instance, through a lottery system or by specialized methods as used in social sciences). Citizen panels can help to get insight in for instance barriers in exercising EU citizenship. Based on their experiences, citizens can help to assess policy options. These panels should be created and performed on national and/or local level, but the Commission and/or national governments can initiate these kind of initiatives. It is necessary to involve not only the elite, but also John Public or



specific target groups to overcome the social divide. Additional to panels in which people meet in person, digital panels organized on the level of the member states can serve as a source for insight in how groups think about issues and how these opinions converge or diverge.

- 1** **Equality of treatment and opportunities, non-discrimination**
Does the option affect the principle of non-discrimination, equal treatment and equal opportunities for all?
Does the option promote equality between women and men?
Does the option affect human dignity or the right to life?
- 2** **Access to and affects on social protection and security, health and education**
Does it affect the right of education?
Does the option affect the financing/organization/access to social?
Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?
- 3** **Security and justice**
Does it affect the individual's access to justice?
Will it have an impact on the right to liberty and security or right to fair trial and the right of defense?
- 4** **Employment, labour market and job quality**
Does it lead directly or indirectly to a loss of job?
Does it have specific negative consequences for particular professions, groups of workers, or self-employed persons?
Does the option have an impact in terms of (forced) child labour?
- 5** **Freedom of movement**
Does the option affect the right to move freely within the EU?
Does the option affect the right to Asylum?
Does the option have impact on the free movement of goods, services and capital?
- 6** **Political participation**
Does it affect the right to vote and to stand as a candidate at municipal elections in whichever EU country the citizen resides?
Does the option affect the protection of a citizen by the diplomatic or consular authorities of any EU Member State?
- 7** **Identity and EU community participation**
Does the option promote the identification as European?
Does the option strengthen or weaken the feeling of being European?
Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?
- 8** **Inclusion and protection of particular groups, countries and/or regions**
Does the option lead directly or indirectly to greater equality or inequality?
Does the option affect specific groups of individuals, firms or other organizations or localities more than others?
Does it affect the right of the elderly?



Figure 2: Tool to identify questions to answer when assessing social and EU citizenship impacts

At the end of this step, policy-makers should know to what extent different policy options would meet their objectives, with what benefits, at what cost, with what implications for different stakeholders, and at what risk of unintended consequences.

Step 4: Compare policy options

Based on the assessment of the various impacts and their distribution across affected stakeholders, the IA should compare the different options with regard to their effectiveness, efficiency and coherence, as well as their compliance with the proportionality principle. At the end of this step, the IA should present the relevant information for policy-makers to make a choice and, where appropriate, suggest a preferred option.

Step 5: Design monitoring and evaluation programs

Having the entire policy cycle in mind, the IA should identify monitoring and ex-post evaluation arrangements to track whether the policy measure actually delivers the intended results and to inform any future revisions of the policy. At the end of this step, policy-makers should know how the policy will be monitored and evaluated, allowing for future policy-adjustments whenever needed, and who will be responsible for it. It is worthwhile to involve stakeholders in the identification of indicators, because it can help improve the effectiveness and credibility of the monitoring program. Also, deliberative practices can help to include citizens. Deliberative practices can stimulate citizens to participate in the process and can give insight in their experiences and their opinions and ideas. For instance, through a lottery system, citizens can be invited in person to serve in a citizen panel or focus group. Based on their experiences, citizens can play a role in monitoring and the evaluation of policy programs.

Step 6: Write the IA report

One of the last steps to take is the writing of the IA report. The IA report should summarise and present the final results of the IA analysis. The report should be transparent, objective and balanced. To allow for an easily accessible overview of the main findings of the IA, an executive summary sheet of a maximum of two pages should also be prepared.

Step 7: Transform IA to policy-making

The final step is the transformation of the IA to policy-making. Here, the policy-maker must satisfy the following requirements:

- a) Implementation Plans must describe implementation challenges and relevant support actions to be taken by the Commission and/or the Member States. The roles for the Commission and/or Member States should be defined specific;
- b) Use available guidance to prepare high quality legal text and explanatory memorandum;
- c) A compliance assessment of EU Directives must be carried out.

When implementing multilevel policy, the amount of actors and institutions involved in the policymaking process is increasing. Therefore, coordination and cooperation between different levels



is necessary (Heidbreder, 2015). The Commission can step in here to have a coordinating role during the implementation of the policy.

3.2 The 7-steps IA guide

To make the execution of an impact assessment even more practical and useable, we developed another tool that can be used by policymakers at the European and the national level. The seven steps of an impact assessment are included in one infographic, which can be printed as a poster or flyer to distribute to policymakers. In this way, policymakers can see in a glance which steps they have to take when carrying out an impact assessment. When they need further information, they can use the practical ‘seven steps of an Impact Assessment’ or they can read the more comprehensive impact assessment documents (annex I and annex II). Moreover, these steps can be carried out by policymakers on the European, national and even the local level. We present the ‘7-steps IA guide’ at the next page.

7-STEPS IA GUIDE

This infographic shows the steps to take when carrying out an impact assessment. This process is iterative and the steps are interrelated.

Ongoing **stakeholder consultation** and reporting back in forms of appropriate and understandable to the stakeholders are expected to all steps.

Citizen panels need to be organised to involve citizens in the process and to learn from their grass root experiences.

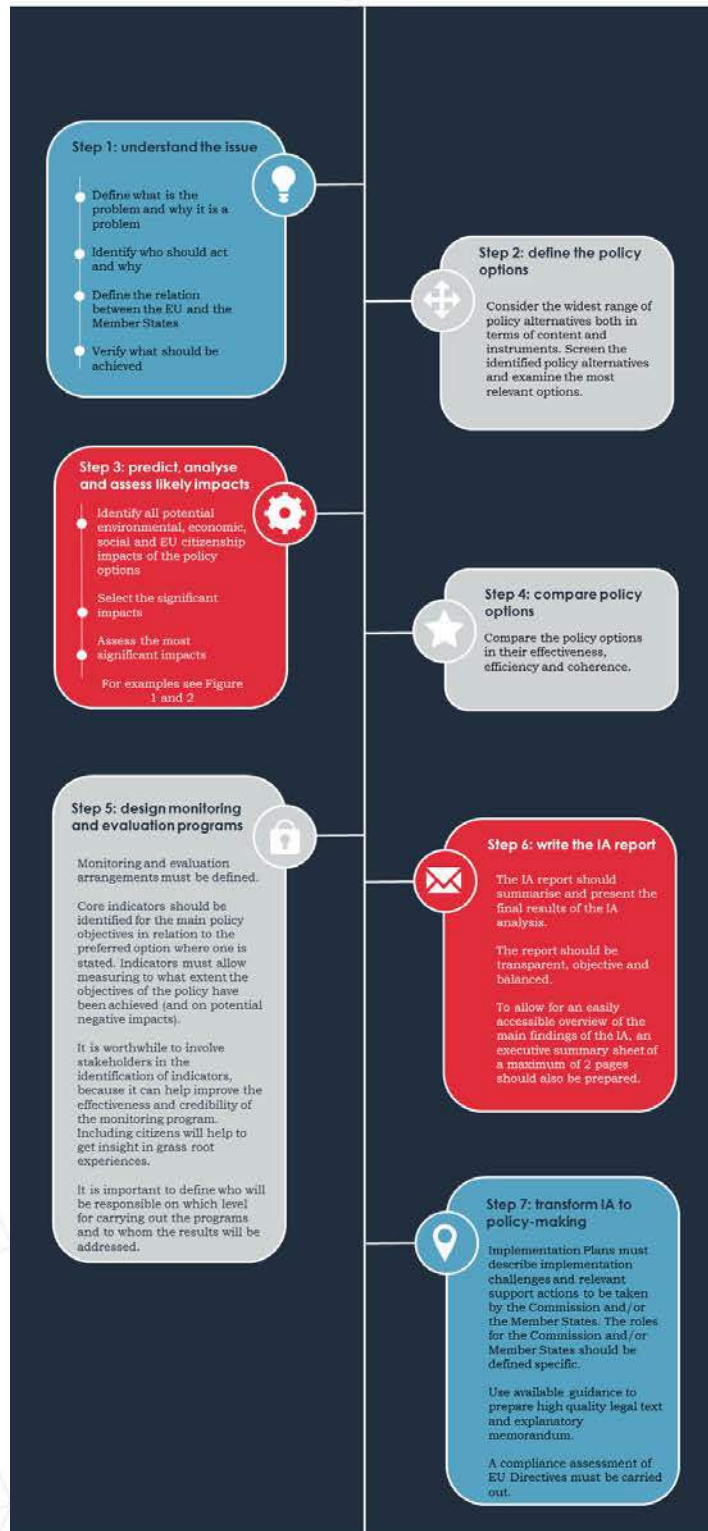


Figure 3:
7-steps IA guide

Impact assessment is about gathering and analysing evidence to support policy making. In this process, it verifies the existence of a problem, identifies its underlying causes, assess whether EU level or national level action is needed, and analyses the advantages and disadvantages of available solutions.



Impact Assessment promotes more informed decision-making and contributes to Better Regulation which delivers the full benefits of policies at minimum costs while respecting the principles of subsidiarity and proportionality. However, IA is only an aid to policymaking/ decision-making and not a substitute for it.



4. Revision of existing documents

The Commission underlines the importance of the better regulation principles, wherein impact assessment plays an important role. The Commission published various impact assessment documents. The documents are comprehensive and detailed, but do not focus on EU citizenship. Therefore, we propose to amend two existing impact assessment documents where the elements of EU citizenship will be included. These documents are austere in design and as much as possible in line with and integrated in the existing EU impact assessment documents within the Better Regulation framework to make the revised documents workable for the Commission. The suggestions we make in the documents are comprehensive, because we want to show the Commission multiple options to revise the documents.

The first document we propose to amend is *'Guidance for assessing Social Impacts within the Commission Impact Assessment system'* (European Commission, 2009). Possible impacts on EU citizenship are connected and overlapping with social impacts. We propose to extend the existing social impact guidance with EU citizenship impacts. Therefore, in (D11.2) *'Towards Impact Assessment indicators for EU citizenship'* (Bakker and Van der Kolk, 2016) eight indicators are identified to assess social and EU citizenship. Some of these indicators were already existing and some are added or revised based on insights of the bEUcitizen project. The revision of the existing document leads to *'Guidance for assessing Social and EU citizenship Impacts within the Commission Impact Assessment system'*. For this document, the content of the social guidance (European Commission, 2009) is adapted to the new guidance, revised and extended with outcomes from the bEUcitizen research that focus specific on EU citizenship impacts. The document can be found in **annex I**. New content is visible in [green](#).

The second document we propose to amend is the general impact assessment guideline (European Commission, 2015). The existing Impact Assessment guideline focuses on economic, social and environmental impacts. In our revision, EU citizenship impacts are added to this list. This means that the existing impact assessment guideline is revised in consideration of the early mentioned elements of EU citizenship. For the revision of the Impact Assessment, the content of 'Chapter 3: Guidelines on Impact Assessment' and 'Chapter 4: Guidelines on preparing proposals, implementation, and transposition' in *'Better Regulation Framework'* (European Commission, 2015) is revised and the outline as used in *2014 Revision of the European Commission Impact Assessment guideline* (European Commission, 2014) has been adopted. The document can be found in **annex II**. New content is visible in [green](#).



5. Final note

Our proposals contribute to a more comprehensive - and at the same time more practical - impact assessment framework that focus on environmental, economic, social and EU citizenship impacts. The proposals focus on both the European and the national level and include quantitative and deliberative practices. In this way, we guarantee that parallel attention will be paid to the 'right' and 'community' dimension of EU citizenship within an impact assessment tool, and – as a result – policymakers will get insight in the juridical aspect of EU citizenship as well as the grass root experiences of individual citizens.

The deliberative practices, such as citizen panels, should ensure that citizens get involved in the impact assessment process, to involve them in a debate on the Europe they want to live in and give them the feeling of belonging to a shared European community and identity. This is in line with the aspirations of the European Commission. The European Commission mentioned in their '*2013 EU citizenship report*' that it is important to make citizens' live easier, to help them understand their rights and involve them in a debate on the Europe they want to live in and build for future generations (European Commission, 2013, p.3). Our proposals offer opportunities to make these aspirations closer to a reality.

Although our proposals include new elements and offer opportunities for deliberative practices, these are not comprehensive. We hope this document gives input to the Commission to amend the existing impact assessment documents and, most of all, inspires the Commission to involve citizens in the impact assessment process and make the impact assessment more workable and useable for policy makers on both the European level and the national level.



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ANNEX I: Guidance for assessing Social and EU citizenship Impacts within the Commission Impact Assessment system

We propose to amend the ‘*Guidance for assessing Social Impacts within the Commission Impact Assessment system*’ (European Commission, 2009) with EU citizenship impacts. Therefore, in (D11.2) ‘*Towards Impact Assessment indicators for EU citizenship*’ (Bakker and Van der Kolk, 2016) eight indicators are identified to assess social and EU citizenship. Some of these indicators were already existing and some are added or revised based on insights of the bEUcitizen project. The revision of the existing document leads to ‘*Guidance for assessing Social and EU citizenship Impacts within the Commission Impact Assessment system*’. For this document, the content of the social guidance (European Commission, 2009) is adapted to the new guidance, revised and extended with outcomes from the bEUcitizen research that focus specific on EU citizenship impacts. New content is visible in [green](#).

1. Introduction and background

This tool kit aims to help you assess ‘social impacts’ and ‘EU citizenship impact’ when carrying out an Impact Assessment. It covers the following indicators¹:

1. Equality of treatment and opportunities, non-discrimination;
2. Access to and effects on social protection and security, health and education;
3. Security and justice;
4. Employment, labour market and job quality;
5. Freedom of movement;
6. Political participation;
7. Identity and EU community participation;
8. Inclusion and protection of particular groups, countries and/or regions.

Each indicator contains three sections:

- a) A short description of the indicator;
- b) Questions that could be considered when analyzing social and EU citizenship impacts and potential effects;
- c) Sources of evidence that can be used to compile answers to the questions.

When assessing social and EU citizenship impacts, it is important to understand its specificities, such as the types of impacts, the groups who will be affected and what sources of evidence and techniques can be used to assess potential impacts. These specificities will be further explained in the next sections.

¹ The indicators are developed based on outcomes of the bEUcitizen project so far (see: D11.2) and the *Guidance for assessing social impacts within the Commission Impact Assessment system* (European Commission, 2009).



1.1 What are the possible impacts?

It is crucial to take into account the intended effects, but also to identify and analyse effects which might occur unintentionally. These effects can be both positive and negative. The most serious problems can arise from non-identified negative consequences. Positive impacts should also be addressed and can constitute an argument supporting option. A distinction between short and long term impacts, as well as direct and indirect impacts, might also be required.

Furthermore, there may be situations, where impacts point in different 'directions'. A policy change could induce the creation of a number of new jobs in a particular sector while at the same time lowering job quality for workers in the sector. The question may arise as to significance should be given to each of those impacts. While in the end the assessment should arrive at a net or overall effect, the IA should make the different components visible and show how this conclusion has been reached. Effects happen to specific groups of people: it is useful to identify what happens to whom.

1.2 Which groups are affected?

Proposed policy options might have different impacts on different groups in society. A gender perspective should in particular be integrated in the analysis, and the assessment of potential impacts on gender should take into account the existing differences between women and men that are relevant to the given policy field. **Also, it is important to pay attention to the effects on specific vulnerable groups. Based on bEUcitizen research, the following groups need attention: EU migrant citizens, Mobile EU citizens, Asylum seekers, economically inactive EU citizens, socially weak citizens, low educated/unqualified workers, women (migrant women), youth, elderly and nationals such as Roma.²**

It could be that a measure raises the disposable income of certain population groups but reduces other groups to poverty and negatively affects their chances to fully participate in society. In such cases, calculating the average general impact on the total population could be misleading, and would therefore be insufficient. Some groups are well defined (for instance by gender, age, income, disability, level of education) while others might be more elusive. In practice, it is useful to start by examining whether there are any systematic impacts on well-defined groups.

Living or working in a particular area or region often significantly influences how one is affected by a policy proposal. An initiative might have different effects on different regions. **One example, for instance, is that students in different countries do not experience the same access to freedom of mobility despite equal access to Erasmus scholarships. For Croatian students, the scholarships are not enough to go to universities in north-western European countries due to the cost of living there.**

² See: D11.2



The effect is that students from the richer parts of the EU can fully enjoy their EU citizen rights whereas students from East and South Eastern countries cannot.³

In the case of groups located in specific regions or working in specific sectors, a case by case approach will be needed, depending on the substance of the action foreseen. This points to the wisdom of consulting on possible effects with informed stakeholders or third parties.

It is also possible that a policy option a policy trade-off implies. The question can arise whether and under which circumstances it is justified to ask for a (small) sacrifice from one group to great a (potentially larger) benefit for the whole or another group. The delimitation of a group can determine whether impacts are significant or not. In particular, decisions on reasonable sacrifices will imply value judgements. These balancing considerations should be presented in a transparent way. Furthermore, the identification of those for whom there may be positive and negative impacts may also help to foresee resistance and may point to mitigating measures to reduce negative impacts. Therefore, there should be a clearly distinguish between the description and measurement of impacts and assessing if a particular effect is considered positive or negative.

1.3 Possible methods

In general, a specific mix of qualitative and quantitative approaches is needed, whereby quantitative approaches can reach from relatively simple statements mainly based on past observations up to highly complex formalized (and data consuming) models. **There are a few factors that always have to be taken in consideration when a decision for a method has to be taken, such as the availability of (recent) data, available resources and the time frame.**

When assessing EU citizenship impacts, it is important to pay attention on both dimensions of EU citizenship: the impact of new policies and regulation on –exercising- direct EU citizenship *rights* and the impacts of new policies and regulation on –political- participation as a member of a European *community*. Assessing the impact on legal rights calls for a more direct technical-rational⁴ analysis of the potential impacts, where impact assessments are objective processes which are performed by experts and based on scientific methodology. Whereas assessing the impact on community participation calls for a more post-positive⁵ analysis of the impacts and where public deliberation and consultation should be in the center. In this deliberative methodology citizens from all backgrounds (not only elite) or specific target groups should be involved to create a dialogue.

³ See: Kloosterboer, M., Van der Kolk, M. and L. Runje (2015). Breaking Down Barriers: Future scenarios on youth and citizenship in 2030 – Youth and access to education, labor and political decision making. Report on the Youth Side Activity: bEUcitizen 2015 Mid-Term Conference, Zagreb. June 29/30 2015.

⁴ From the technical-rational perspective, impact assessments are objective processes in which the systematic evaluation of proposed action contributes to the quality of the new policy. Impact assessments are performed by experts, based on scientific methodology and designed to assist elected politicians in their decision making process (Owens et al., 2004, pp.1944-1948).

⁵ The post-positive view on impact assessment assumes that impact assessments are continuing learning processes for executors and decision makers and presumes that their influence on policies and legislations are more indirect and subtle. Impact assessment should be transparent deliberative practices; open to a wide range of parties and points of views (Owens et al., 2004, pp.1944-1948).



2. Equality of treatment and opportunities, non-discrimination

2.1 Introduction

EU citizenship as a legal status refers to a specific set of civil, political, social and economic rights each citizen of an EU Member State has in addition to his/her national citizenship rights. This section addresses barriers (and opportunities) in access and exercising civil and partly political rights. It focuses on equality of treatment and opportunities and non-discrimination, which may have social impacts. Rights that will be assessed are for example the right to life and the freedom of thought, conscience and religion.

2.1 Questions

The next questions could be considered when analyzing social and EU citizenship impacts and potential effects. These questions are not comprehensive, but should give an idea about possible questions to answer to assess a potential impact.

- *Does the option affect the principle of non-discrimination, equal treatment and equal opportunities for all?*

Everyone is equal before the law. This means that any discrimination based on any ground (for example sex, race, colour, nationality) are prohibited. Analysis should identify if these principles will be affected by a proposed policy option.

- *Does the option affect human dignity, the right to life or the integrity of the person?*

It should be considered if an option affects human dignity (it is inviolable and it must be respected and protected), the right to life (everyone has this right and no one shall be condemned to the death penalty or be executed) or the integrity of the person (everyone has the right to respect for his or her physical and mental integrity).

- *Does the option have a different impact on women and men?*

To identify gender effects, the analysis of impacts on gender should be integrated into other analysis with the aim of assessing potential different impacts the proposal might have on women and men. The assessment of potential impacts on gender should take into account the existing differences between women and men that are relevant to the given policy fields, in particular in terms of participation rates, distribution of resources, benefits and responsibilities in private and public life, and in the norms/values, attitudes and behavior that influence gender roles. Analysis of impact on gender means to compare and assess, according to the gender criteria abovementioned and sex-desegregated data, the current situation/trend with the expected developments resulting from the introduction of the proposal policy, in order to ensure that the proposal contributes to eliminate inequalities and promote the Community objective of equality between women and men.

- *Does the option promote equality between women and men?*



Gender mainstreaming is a commitment at European level: the gender perspective should be integrated in all policies at each stage of policy development – design, implementation, monitoring and evaluation. Equality between women and men should be promoted at all levels and in all policy areas. The Roadmap on equality between women and men mention the following areas: equal economic independence, reconciliation of work, private and family life, equal participation in decision making, fight against gender based violence and trafficking, elimination of gender stereotypes, and promotion of gender equality outside the EU.

- *Does the option entail any different treatment of groups or individuals directly on grounds of sex, racial or ethnic origin, religion or belief, disability, age, and sexual orientation? Or could it lead to indirect discrimination?*

A thorough and systematic analysis of the consequences of options for equality of opportunity is necessary to avoid unanticipated negative impacts on any groups that are protected under equal treatment and non-discrimination legislation (art. 13 EC Treaty) on the following grounds: sex, age, disability, sexual orientation, religion or belief, race or ethnic origin. This analysis shall make sure that formal equality (de jure) as well as material equality (de facto) are ensured. Where adverse potential effects are identified, measures should be proposed which might mitigate the negative effects, or consideration should be given to alternative policy options that better promote equality of opportunity.

The main areas where potential effect should be assessed are those which are related to the scope of application of the two Directives on anti-discrimination adopted in 2000 (Race Equality Directive, 2000/43/EC) and Employment Equality Directive, 2000/78/EC). In the field of employment: (i) conditions for access to employment, self-employment and occupation; (ii) access to all types and all levels of vocational guidance, including vocation training; (iii) employment and working conditions, including dismissal and pay; (iv) membership of/involvement in an organization of workers or employers. Directive, 2000/43/EC also indicates other possible fields where impacts might occur, such as social protection (including security and health care), education and access to goods and services. Indirect discrimination occurs when an apparently neutral provision, criterion or practice would disadvantage people on the grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation on the grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation unless the practice can be objectively justified by a legitimate aim.

- *Does the option ensure respect for the rights of people with disabilities?*

The European Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure the needs of disabled people; their independence, social and occupational integration and participation in the life of the community. This includes appropriate measures to enable a person with a disability to have access to employment and training unless doing so imposes a disproportionate burden. Analysis should identify if this will be affected by a proposed policy option.

- *Does the option affect freedom of thought, conscience and religion?*

Everyone has the right to freedom of thought, conscience and religion. This includes the freedom to change religion or belief and freedom to manifest religion or belief, in worship, teaching, practice



and observance. This can be either alone or in a community with others and in public or in private. Furthermore, the right to conscientious objection is recognized, in accordance with the national laws governing the exercise of this right. The analysis should make sure that these freedoms are ensured. Potential effects must be identified, measures should be proposed which might mitigate the negative effects, or consideration should be given to alternative policy options that better promote the freedom of thought, conscience and religion. Research⁶ shows, for instance, that freedom of religion appears to be the one facing or causing most troubles in EU Member States' courts' interpretation and application. This may lead to barriers in exercising freedom of religion.

➤ *Does it affect freedom of expression and information?*

Analysis should consider if the proposed policy option affect freedom of expression and information. Everyone has the right to freedom of expression. This right includes freedom to hold opinions and to receive and give information and ideas without interference by public authority and regardless of frontiers. Also, the freedom of pluralism of the media has to be respected.

➤ *Does the option affect the freedom of the arts and sciences?*

The arts and scientific research must be free of constraints and the academic freedom must be respected. Analysis should identify impacts that might affect the freedom of arts and sciences.

➤ *Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?*

Analysis should aim to identify whether a policy option lead to even or uneven effects for Member States or regions, because effects of policy options may vary from country to country and from region to region. Therefore, it is important to identify if the proposed policy option lead to an even or uneven effect for specific Member States or regions due the policy option. The short-term and the long-term effects need to be specified.

2.3 Sources

A list of data sources:

- Most of the statistical data on gender equality and data for other groups, which are likely to be used for designing, adapting, monitoring and evaluating policies, are available on EUROSTAT. Data for other groups vary by ground and by Member State, which makes comparability of data difficult if not impossible;
- Several studies on equality between women and men and on legislations are available online;
- Experts networks produce analyses in different areas: The gender legal expert network, the network of experts on employment gender equality and the network of experts in gender equality, social inclusion, health and long-term care;
- Other data on gender issues can be obtained from the National equality bodies and the European Women's Lobby (European-level NGOs work in cooperation with the Commission on gender equality);
- The European Union Agency for Fundamental Rights collects information and data on fundamental rights, including on the situation of specific groups;

⁶ See: D7.2



- The European Commission against Racism and Intolerance (ECRI) is an independent human rights monitoring body of the Council of Europe specialized in combating racism, racial discrimination, xenophobia, anti-Semitism and intolerance;
- Other data and relevant information can be obtained from national equality bodies and the European-level NGOs representing relevant groups: ENAR (European Network Against Racism), AGE (Older People's Platform), ILGA-Europe (the European Region of the International Gay and Lesbian Association), EDF (European Disability Forum) and ERIO (European Roma Information Office);
- A dialogue with citizens may be useful to know how citizens experience their rights and freedoms in the European Union. For instance, deliberative practices can help to include citizens. Deliberative practices can stimulate citizens to participate in the process and can give insight in their experiences and their opinions and ideas. For instance, through a lottery system, citizens can be invited in person to serve in a citizen panel or focus group. Citizen panels or focus groups can help to get insight in grass root experiences and to learn about their point of view and future expectations;
- Citizens' initiatives on national and/or local level can provide data on specific regions, cities or on specific topics, examples are: G1000 (Belgium and the Netherlands), Mehr Demokratie (Germany), We the Citizens (Ireland) and Democracia real ya (Spain).



3. Access to and effects on social protection and security, health and education

3.1 Introduction

EU citizenship as a legal status refers to a specific set of civil, political, social and economic rights each citizen of an EU Member State has in addition to his/her national citizenship rights. This section addresses barriers (and opportunities) in access and exercising social rights. It focused on access to and effects on social protection and security, health and education, which may have social impacts. Rights that will be assessed are for example the right of education and the right to health care.

3.2 Questions

The next questions could be considered when analyzing social and EU citizenship impacts and potential effects. These questions are not comprehensive, but should give an idea about possible questions to answer to assess a potential impact.

➤ *Does it affect the right of education?*

Everyone has the right to education and to have access to vocational and continuing training. This includes the possibility to receive free compulsory education and the freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right. Analysis should consider if the proposed policy option affect, intentionally or unintentionally, the right of education.

➤ *Does the option affect the financing/organization/access to social, health and care services?*

Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. The European Union recognises and respects the entitlement to social security benefits and social services providing protection in cases such as maternity, illness, industrial accidents, dependency or old age, and in the case of loss of employment, in accordance with the rules laid down by Community law and national laws and practices. Also, everyone residing and moving legally within the European Union is entitled to social security benefits and social advantages in accordance with Community law and national laws and practices. And in order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Community law and national laws and practices.

Analysis should pay attention to the link approach of some governments. This means that a persons' access to rights (for example the access to social security benefits) depends on meeting requirements and/or conditions, such as residency requirements, registration requirements, the labour market



position or the market status of the individual. Research⁷ shows that this link approach leads to exclusion of people and that it makes them vulnerable.

➤ *Does the option have an impact on services in terms of quality/access for all?*

Analysis should aim to identify possible impacts on services in terms of quality and access for all individuals. More precisely, analysis should identify if the policy option creates unequal access to health and long-term care services for example through the creation of barriers to access (financial, organizational, administrative, and geographical) which may impact strongly on more vulnerable groups?

The assessment of potential impacts on services should take into account the so-called link approach of some governments. This means that a persons' access to rights (for example the access to social security benefits) depends on meeting requirements and/or conditions, such as residency requirements, registration requirements, the labour market position or the market status of the individual. Research⁸ shows that this link approach leads to exclusion of people and limited access for these individuals. This makes them extremely vulnerable.

➤ *Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?*

Analysis should aim to identify whether a policy option lead to even or uneven effects for Member States or regions, because effects of policy options may vary from country to country and from region to region. Therefore, it is important to identify if the proposed policy option lead to an even or uneven effect for specific Member States or regions due the policy option. The short-term and the long-term effects need to be specified.

3.3 Sources

A list of data sources:

- Statistical data on population, social conditions and labour market data are available on EUROSTAT;
- Data on education and training can be found through:
 - The European Union Labour Force Survey (EU LFS), which covers employment related data needs, and gives information on demographic background and on education and training;
 - The Continuing Vocation Training Survey (CVTS) provides comparable statistical data on continuing vocational training, skills supply and demand, training needs; the forms, contents and volume of continuing training; the enterprises own training resources and the use of external training providers and the costs of continuing training;
 - The Adult Education Survey (AES) is part of the EU statistics of lifelong learning. The EU AES is a pilot exercise. The survey covers participation in education and lifelong

⁷ See: D6.1, D6.2, D9.6, D10.1 and D10.3

⁸ See: D6.1, D6.2, D9.6, D10.1 and D10.3



learning activities including job-related activities, characteristics of learning activities, self-reported skills as well as modules on social and cultural participation, foreign language skills, IT skills and background variables related to main characteristics of the respondents;

- UNESCO Institute for Statistics (UIS) provides information on enrolments, new entrants, graduates and graduations, student mobility, teaching staff, class size, language learning at school, investments in education and regional data;
- Other sources in relation with education and training comprise, for example, the Centre for Research on Lifelong Learning, Eurydice and the European Centre for the Development of Vocational Training (Cedefop);
- For public health, statistical data on EUROSTAT is primarily available under theme of “Population and social conditions”. The list of publications includes reports of Health status, Healthcare expenditures, and structural indicators on health. Most data is collected through Statistics on Income and living conditions (SILC) surveys;
- Health information and statistics are collected and analysed by a number of institutions, such as WHO, WHO Europe, European Observatory on Health Systems and Policies and OECD Health Data, Health at glance;
- A dialogue with citizens may be useful to know how citizens experience their rights and access to social protection and security, health and education in the European Union. For instance, deliberative practices can help to include citizens. Deliberative practices can stimulate citizens to participate in the process and can give insight in their experiences and their opinions and ideas. For instance, through a lottery system, citizens can be invited in person to serve in a citizen panel or focus group. Citizen panels or focus groups can help to get insight in grass root experiences and to learn about their point of view and future expectations;
- Citizens’ initiatives on national and/or local level can provide data on specific regions, cities or on specific topics, examples are: G1000 (Belgium and the Netherlands), Mehr Demokratie (Germany), We the Citizens (Ireland) and Democracia real ya (Spain).



4. Security and justice

4.1 Introduction

EU citizenship as a legal status refers to a specific set of civil, political, social and economic rights each citizen of an EU Member State has in addition to his/her national citizenship rights. This section addresses barriers (and opportunities) in access and exercising political rights. It focuses on security and justice, which may have social impacts. Rights that will be assessed are for example the right to fair trial and the right of defense and the right of data protection.

4.2 Questions

The next questions could be considered when analyzing social and EU citizenship impacts and potential effects. These questions are not comprehensive, but should give an idea about possible questions to answer to assess a potential impact.

- *Does the option improve or hinder crime, protection or safety?*

Analysis should identify the possible impacts of the policy option for crime, protection and safety. Hereby, attention can be paid to, for example, the number of criminal acts (increasing or decreasing) and the law enforcement capacity.

- *Does it affect the individual's access to justice?*

Individuals have the right to have access to justice. This means that an individual has the right to have a case heard in a court of law. It is possible that a policy option hinder the right to have access to justice, especially in the case when individuals finding themselves engaged in litigation before a court of another EU country. This can be costly due legal advice from a lawyer and possible translation- and travel costs. Analysis should aim to identify the consequences of the proposed policy option.

- *Will it have an impact on the right to liberty and security, right to fair trial and the right of defense?*

Everyone has the right to an effective remedy before a tribunal, to a fair and public hearing with reasonable time by an independent and impartial tribunal established by law and the right to liberty and security. This includes the possibility of being advised, defended and represented. Also, everyone who has been charged must be presumed innocent until proved guilty according to law and the respect for the rights of the defence of anyone who has been charged must be guaranteed. Analysis should consider if these rights will be affected by the proposed policy option. Barriers can arise, for instance, due difficulties related to the attribution of jurisdiction, which can lead to parallel and competing jurisdiction, as well as issues concerning practical enforcement.⁹

- *Does it affect the rights of victims of crime and witnesses?*

⁹ See: D7.2



It is crucial not only to combat and prevent crime, but also to support and protect individuals who do fall victim to crime. Crime victims have a range of needs, varying from victim to victim. These needs can be categorized in the following categories: respectful treatment and recognition as victims by the justice system and society; protection from intimidation, retaliation and further harm by the accused or suspected and from harm during criminal investigations and court proceedings, such as by avoiding repeated interviewing of the victim; support, long-term physical and psychological assistance and practical assistance during proceedings to help victims understand, participate and to reduce their distress; access to justice to ensure that victims are aware of their rights and understand them linguistically and legally and that the victims are able to provide additional information and to participate in proceedings; compensation and restoration. Possible impacts of the proposed policy option to the rights and needs of victims should be identified.

- *Are any safeguards which render the interference into the right of data protection proportionate and necessary provided for?*

Every day within the EU, individuals, businesses and public authorities transfer personal data across borders. Therefore, data protection is important. Under EU law, personal data can only be gathered legally under strict conditions, for a legitimate purpose and persons or organisations which collect and manage personal information must protect it from misuse and must respect certain rights of the data owners. Analysis must identify possible effects of the policy option to the right of data protection. Possible barriers to the right of data protection are, for instance, the obstacles data protection litigation faces. The field is complex, the financial stake is usually small for individuals, damage is difficult to establish and lawyer costs are high. This makes individuals reluctant to sue¹⁰.

- *Does the option affect the environment?*

A proposed policy option may affect the environment, for example water quality, the climate and the flora and fauna. Environment protection and the improvement of the environment are important. Possible consequences to the environment of the policy proposal should be identified.

- *Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?*

Analysis should aim to identify whether a policy option lead to even or uneven effects for Member States or regions, because effects of policy options may vary from country to country and from region to region. Therefore, it is important to identify if the proposed policy option lead to an even or uneven effect for specific Member States or regions due the policy option. The short-term and the long-term effects need to be specified.

- *Does the option affect property rights?*

Property rights include the right to own, use, dispose of and bequeath his or her lawfully acquires possessions (such as land, movable property, tangible/intangible assets) and intellectual property rights. Property rights include legal tools such as industrial property rights and copyright and related rights. The protection of property rights also implies that they must be safeguarded against piracy, illegal trade and counterfeiting.

¹⁰ See: D7.2



4.3 Sources

A list of data sources:

- Statistical data on crime and environment are available on EUROSTAT;
- Europol is an important source of knowledge and it has established the Secure Information Exchange Network Application (SIENA), the Europol Information System (EIS) and the Europol Platform for Experts (EPE). SIENA is a tool designed to enable swift, secure and user-friendly communication and exchange of operational and strategic crime-related information and intelligence. EIS provide data to support Member States, Europol and its cooperation partners in their fight against organized crime, terrorism, and other forms of serious crime. The EPE is a platform for specialist's areas and to facilitate knowledge sharing and communication between various expert communities;
- A dialogue with citizens may be useful to know how citizens experience their rights, protection and safety in the European Union. For instance, deliberative practices can help to include citizens. Deliberative practices can stimulate citizens to participate in the process and can give insight in their experiences and their opinions and ideas. For instance, through a lottery system, citizens can be invited in person to serve in a citizen panel or focus group. Citizen panels or focus groups can help to get insight in grass root experiences and to learn about their point of view and future expectations;
- Citizens' initiatives on national and/or local level can provide data on specific regions, cities or on specific topics, examples are: G1000 (Belgium and the Netherlands), Mehr Demokratie (Germany), We the Citizens (Ireland) and Democracia real ya (Spain).



5. Employment, labour market and job quality

5.1 Introduction

EU citizenship as a legal status refers to a specific set of civil, political, social and economic rights each citizen of an EU Member State has in addition to his/her national citizenship rights. This section addresses barriers (and opportunities) in access and exercising economic rights. It focuses on employment, labour market and job quality, which may have social impacts. Rights that will be assessed are for example the right to fair and just working conditions and the prohibition of child labour and protection of young people at work.

5.2 Questions

The next questions could be considered when analyzing social and EU citizenship impacts and potential effects. These questions are not comprehensive, but should give an idea about possible questions to answer to assess a potential impact.

➤ *Does the option facilitate new job creation?*

Employment effects may occur in the sector directly affected by a proposal or in other sectors. Effects can be expressed in terms of absolute variations of job numbers and distinguish the short-term medium/long-term effects. Estimates may also be expressed in terms of employment growth rates by sector, type of employment, geographical area, and sectors. Given that effects can be different across categories of workers (skilled vs. unskilled) and specific groups (disabled, women, older workers, young workers, unemployed, unskilled), it is important to identify which population group will benefit from the creation of new jobs.

➤ *Does it lead directly or indirectly to a loss of job?*

Some policy measures can create adverse effects on specific sectors and labour markets with the risk of job losses. 'Lost' jobs can go into (early) retirement, inactivity or unemployment. It is important to specify which groups are likely to be the most affected and provide estimates of the scale of the effects.

➤ *Does it have specific negative consequences for particular professions, groups of workers, or self-employed persons?*

Initiatives favouring specific activities or technologies can threaten workers specialized in the tasks related to these activities or technologies. Social consequences can moreover extend to public health (stress and work related illnesses) and exclusion of individuals and groups. Wage differentials across regions correspondent to diversities in average salaries (for comparable labour categories, i.e. the same tasks to be accomplished, same level of qualification and risk of operations) earned in different EU regions.

➤ *Does the option have an impact in terms of (forced) child labour and the protection of young people at work?*



The employment of children is strictly prohibited. The minimum age of admission to employment may not be lower than the minimum school-leaving age, without prejudice to such rules as may be more favourable to young people and except for limited derogations. Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to harm their safety, health or physical, moral, mental or social development or to interfere with their education.

➤ *Does it affect the demand for labour?*

Labour demand depends on the one hand on the production of good and services in an economy, and on the other hand on the price for labour (wages including labour related costs like direct taxes and social insurance contributions). Labour demand can be described in quantitative terms (like job offers, changes in the number of employees, hours worked) and in qualitative terms (type of qualifications requested).

Expected changes in labour demand need to be compared with the labour supply. Will the labour market be able to smoothly provide the new qualification profiles and will those who lose their previous job find opportunities to re-enter the labour market in a way which makes use of their productive potential?

➤ *Does the option have impact on job quality?*

Job quality relates to a range of components including pay and benefits, working conditions (contractual arrangements, mobility, working time), participations to social security schemes (e.g. contributions to old-age pension schemes), job security, health and safety at work, access to training and career prospects (pay and status), equality between women and men, social dialogue and participation, non-discrimination.

➤ *Does the option affect the access of workers or job-seekers to vocational or continuous training?*

Training can be either carried out at work or in specialized training institutions that provide specific courses with technical or methodological content. Some training also occurs in the form of informal 'learning by doing' or 'learning on the job'. Aspects to be considered include: the financial and organizational features involved in the provision of institutionalized training (private/public expenditure required to supply courses at work and in specialized institutions, qualitative and quantitative characteristics of supplied services); the organizational issues involved in informal training.

➤ *Will it affect workers' health, safety and dignity?*

It should be considered if the option may have effects on the level and nature of risks to which workers are exposed at work. Issues to be taken into account include health and safety at the workplace (including security of work equipment); effects on specific risks (e.g. exposure to chemical, biological or physical agents); effects on work organization and effects on specific categories of workers. An 'out-of-the-box' approach should also be adopted in performing the analysis in order to detect other factors that could have impact on health and safety of workers.



Analysis should aim to identify possible effects on workplace risk management. It should check if the option can improve health and safety management in the workplace. According to general principles of prevention, management should be focused first of all on avoiding risks and combating at source those risks which cannot be avoided.

➤ *Does the option directly or indirectly affect employers' existing rights and obligations?*

This question refers to the likely impacts of policy measures and initiatives on the employers' rights and obligations, such as to organise and manage the workforce, to maintain safe working environments, to implement best health and safety practices, to create trust and cooperation, to respect standards and regulations, to fulfil employment contracts, to ensure the representation and collective defence of their interests.

Furthermore, the impacts of a given option on workers' rights and obligations should be analysed, first of all, against the background of the fundamental rights at stake. These comprise, according to the EU Charter, in particular the respect for human dignity, the prohibition of forced labour, the respect for private and family life, the protection of personal data, the freedom to choose an occupation and the right to engage in work, the freedom to conduct a business, the principles of equality and non-discrimination and the so-called solidarity rights. Impacts on employment rights should be considered not only in relation to EU labour law but also in relation to the industrial relations systems comprising legislative measures and collectively negotiated arrangements at transnational, national, industry/sector, and company level.

It should be considered if an option affects the representation and collective defence of the interests of workers and in particular the level of employees' involvement (information, consultation and participation in the boards) in the employer's decision making and any possible effects on social dialogue at national/sector/company level. This is of particular importance when large layoffs (including collective redundancies) or industry restructuring are expected as a consequence of the proposal or when discriminatory practices may occur.

➤ *Does it bring about minimum employment standards across the EU?*

Analysis should identify whether the option entails minimum employment requirements and how it takes into account the conditions and technical rules obtaining in each of the Member States. It should also be analyzed whether and how the option affects workers' employment status, in particular the classification of the work relationship as a (salaried) employment relationship or as an alternative form of civil/commercial engagement. The impact on the forms of employment contracts (fixed term/temporary agency/permanent/part time) should be part of the assessment.

➤ *Does it affect consumer protection?*

It should be considered if the policy option may affect the guarantee of fair treatment, products which meet acceptable standards and a right of redress if something goes wrong. Consumer protection has to be taken into account, such as misleading advertising and unfair contract terms.

➤ *Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?*



Analysis should aim to identify whether a policy option lead to even or uneven effects for Member States or regions, because effects of policy options may vary from country to country and from region to region. Therefore, it is important to identify if the proposed policy option lead to an even or uneven effect for specific Member States or regions due the policy option. The short-term and the long-term effects need to be specified.

5.3 Sources

A list of data sources:

- The European Union Labour Force Survey (EU LFS) is the most important survey for labour market data available on EUROSTAT;
- The European Working Conditions Survey is available on the European Foundation for the Improvement of Living and Working Conditions (Eurofound);
- For health and safety, statistical data on accidents at work, occupational diseases and work-related problems are available: European Statistics on Accidents at Work (ESAW), European Occupational Diseases Statistics (EODS) and Statistics on work-related health problems;
- The European Union Statistics on Income and Living Conditions (EU-SILC) collects comparable multidimensional micro-data on an annual basis on income, poverty, social exclusion and living conditions and is available at EUROSTAT;
- The European system of integrated social protection statistics (ESSPROS) provides a coherent comparison between European countries on social benefits to households and their financing;
- The Continuous Vocational Training Survey (CVTS) provides comparable statistical data on continuing vocational training, skills supply and demand, training needs; the forms, contents and volume of continuing training; the enterprises own training resources and the use of external training providers and the costs of continuing training;
- The Adult Education Survey (AES) covers participation in education and lifelong learning activities (formal, non-formal and informal learning) including job-related activities, characteristics of learning activities, self-reported skills as well as modules on social and cultural participation, foreign language skills, IT skills and background variables related to main characteristics of the respondents.
- On a regular basis studies are carried out which consider employment implications of action in a specific area or labour law;
- A dialogue with citizens may be useful to learn about citizen experiences in the European Union. For instance, deliberative practices can help to include citizens. Deliberative practices can stimulate citizens to participate in the process and can give insight in their experiences and their opinions and ideas. For instance, through a lottery system, citizens can be invited in person to serve in a citizen panel or focus group. Citizen panels or focus groups can help to get insight in grass root experiences and to learn about their point of view and future expectations;
- Citizens' initiatives on national and/or local level can provide data on specific regions, cities or on specific topics, examples are: G1000 (Belgium and the Netherlands), Mehr Demokratie (Germany), We the Citizens (Ireland) and Democracia real ya (Spain).



6. Freedom of movement

6.1 Introduction

Freedom of movement is one of the cornerstones of EU citizenship. This section addresses barriers (and opportunities) in access and exercising political and economic rights related to freedom of movement. Examples of rights that will be assessed are the right to Asylum and the right to freedom of movement.

6.2 Questions

The next questions could be considered when analyzing EU citizenship impacts and potential effects. These questions are not comprehensive, but should give an idea about possible questions to answer to assess a potential impact.

- *Does the option affect the right to move freely within the EU?*

It should be considered if the policy option may affect the right to move freely within the European Union. Every citizen of the European Union has the right to move and reside freely within the territory of the Member States. The freedom of movement may be granted, in accordance with the Treaty establishing the European Community, to nationals of third countries legally resident in the territory of a Member State. Attention can be paid to, for example, the access to travel documents¹¹ (administrative burden can create barriers to the access of travel documents) and the access to social rights and benefits¹² (unequal social rights and benefits, unequal labour market access, and lack of awareness of rights may be obstacles to mobility).

- *Does the option affect the right to Asylum and does it guarantee the prohibition against collective expulsion or extraditions to states of individuals where they risk being subject to death penalty, torture or degrading treatment?*

The right to asylum must be guaranteed. Everyone has the right to seek and to enjoy in other countries asylum from persecution. Asylum is understood as the protection that a State grants on its territory or in some other place under the control of certain of its organs to a person who comes to seek it. The right may not be invoked in the case of prosecutions genuinely arising from non-political crimes. Analysis should identify if the policy option may affect this right.

- *Does the option have impact on the free movement of goods, services and capital?*

The freedom of goods, services and capital are freedoms of the single market of the European Union. The Single Market refers to the EU as one territory without any internal borders or other regulatory obstacles. This should stimulate competition and trade, improves efficiency, raises quality, and helps cut prices. Analysis should pay in particular attention to possible restrictions on movement that may arise due the proposed policy option.

¹¹ See: D7.6

¹² See: D6.1 and D9.5



- *Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?*

Analysis should aim to identify whether a policy option lead to even or uneven effects for Member States or regions, because effects of policy options may vary from country to country and from region to region. Therefore, it is important to identify if the proposed policy option lead to an even or uneven effect for specific Member States or regions due the policy option. The short-term and the long-term effects need to be specified.

6.3 Sources

A list of data sources:

- Statistical data on migrants are available on EUROSTAT, wherein data on Asylum seekers are hypervisibilised¹³;
- A dialogue with citizens may be useful to know how citizens experience their rights and freedoms in the European Union. For instance, deliberative practices can help to include citizens. Deliberative practices can stimulate citizens to participate in the process and can give insight in their experiences and their opinions and ideas. For instance, through a lottery system, citizens can be invited in person to serve in a citizen panel or focus group. Citizen panels or focus groups can help to get insight in grass root experiences and to learn about their point of view and future expectations;
- A dialogue with vulnerable citizens (for instance Asylum seekers and movers) may be useful to get insight in their experiences and opinions. Here, (electronic) focus groups discussions may be useful;
- Citizens' initiatives on national and/or local level can provide data on specific regions, cities or on specific topics, examples are: G1000 (Belgium and the Netherlands), Mehr Demokratie (Germany), We the Citizens (Ireland) and Democracia real ya (Spain).

¹³ See: D10.2



7. Political participation

7.1 Introduction

EU citizenship as a legal status refers to a specific set of civil, political, social and economic rights each citizen of an EU Member State has in addition to his/her national citizenship rights. This section addresses barriers (and opportunities) in access and exercising political rights. It focuses on political participation, which may have social impacts. Rights that will be assessed are for example the right to information, the right to vote and the right to address the European Ombudsman.

7.2 Questions

The next questions could be considered when analyzing social and EU citizenship impact and potential effects. These questions are not comprehensive, but should give an idea about possible questions to answer to assess a potential impact.

- *Does it affect the right to vote and to stand as a candidate at European Parliament?*

Every citizen of the European Union has the right to vote and to stand as a candidate at elections to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State. Besides, members of the European Parliament must be elected by direct universal suffrage in a free and secret ballot.

Research¹⁴ shows that the current low turnout in European elections creates political inequality among EU-citizens. Socially weak EU-citizens are overrepresented in the group of non-voters and do not exercise their political rights. The political inequality among EU-citizens is related to the EU's current institutional architecture. The imbalance between a representation of citizens and a representation of states in the EU is one of the main reasons for the extraordinarily low turnout in EP elections. This hinders a politicisation of controversial issues concerning European public policies. Analysis should consider these research results and identify possible effects due the proposed policy option.

- *Does it affect the right to vote and to stand as a candidate at municipal elections in whichever EU country the citizen resides?*

Analysis should identify the impact of the policy option to the right to vote and to stand as a candidate at a municipal election in whichever EU country the citizen resides.

- *Does it affect the public's access to information?*

Analysis should consider possible impacts on the public's access to information and/or documents. Any citizen of the Union, and any natural or legal person residing or having its registered office in a

¹⁴ See: D8.6



Member State, has a right of access to European Parliament, Council and Commission documents. Constraints on this right can be, for instance, caused by political pressure.¹⁵

- *Does the option affect the protection of a citizen by the diplomatic or consular authorities of any EU Member State?*

Every citizen of the European Union needs, in the territory of a third country in which the Member State of which he /she is a national is not represented, to be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that Member State.

- *Does it affect the right of anyone living in an EU country to address the European Ombudsman?*

Any citizen of the European Union and any natural or legal person residing or having its registered office in a Member State have the right to refer to the European Ombudsman. This is possible in any case of maladministration by the EU institutions or bodies, with the exception of the Court of Justice of the European Union acting in its judicial role that directly affect them. Analysis should identify the possible positive and/or negative effects of the policy option to the right to address the European Ombudsman.

- *Does it affect the right of petition in contacting the institutions with a request or complaint?*

Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State have the right to petition the European Parliament. Petitions are a valuable means of enabling individuals to obtain a formal hearing by the EU institutions due the direct link between them and their elected representatives. Petitions may also bring to the European Parliament's attention infringements or incorrect implementation of EU legislation. This can lead to remedy matters or areas where EU legislation may need to be reviewed.

- *Does it affect the freedom of assembly and of association?*

Everyone has the right to freedom of assembly and to freedom of association at all levels. In particular, in political, trade union and civic matters, which implies the right of everyone to form and to join trade union for the protection of his/her interests. Political parties at European Union level contribute to expressing the political will of the citizens of the Union. Analysis should identify intended and unintended effects of proposed policy option.

- *Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?*

Analysis should aim to identify whether a policy option lead to even or uneven effects for Member States or regions, because effects of policy options may vary from country to country and from region to region. Therefore, it is important to identify if the proposed policy option lead to an even or uneven effect for specific Member States or regions due the policy option. The short-term and the long-term effects need to be specified.

¹⁵ See: D8.5



7.3 Sources

A list of data sources:

- Data on voting turnout in national and EU parliamentary elections are available on EUROSTAT;
- A dialogue with citizens may be useful to know how citizens experience their rights and political participation in the European Union. For instance, deliberative practices can help to include citizens. Deliberative practices can stimulate citizens to participate in the process and can give insight in their experiences and their opinions and ideas. For instance, through a lottery system, citizens can be invited in person to serve in a citizen panel or focus group. Citizen panels or focus groups can help to get insight in grass root experiences and to learn about their point of view and future expectations;
- Citizens' initiatives on national and/or local level can provide data on specific regions, cities or on specific topics, examples are: G1000 (Belgium and the Netherlands), Mehr Demokratie (Germany), We the Citizens (Ireland) and Democracia real ya (Spain);
- Transnational organizations that focus on participation of citizens can provide data, such as: Citizens for Europe, European Civic Forum and Democracy International.



8. Identity and EU community participation

8.1 Introduction

EU citizenship refers to both a legal status and the identification with and active membership of a European community. These sections focus on this second dimension of EU citizenship and will assess the European identification and participation of citizens.

8.2 Questions

The next questions could be considered when analyzing EU citizenship impact and potential effects. These questions are not comprehensive, but should give an idea about possible questions to answer to assess a potential impact.

➤ *Does the option promote the identification as European?*

European identity is a self-allocated label for an individual: identification as European. Factors that possibly positive influence the formation of a European identity are, for example, trust in European institutions, exposure to European symbols and involvement in cross-border contacts.¹⁶ Analysis must identify if the policy option promote the identification as European.

➤ *Does the option strengthen or weaken the feeling of being European?*

The feeling of being European can be strengthen or weaken by a policy option. This may happen intentionally or unintentionally. Analysis should identify these effects.

➤ *Does the option imply a trade-off between de feeling of being a national citizen and being a European citizen?*

The European identity should complement the national, regional and local identities an individual has.¹⁷ However, a proposed policy option may imply a trade-off between the feeling of being a national citizen and being a European citizen. Analysis should identify such trade-offs. The question can arise whether and under which circumstances a trade-off is justified. This needs balancing and transparent considerations.

➤ *Does the option promote participation in the European community?*

Participation in the European community refers to different activities of citizens that express involvement in the development and functioning of the Union and active engagement in realizing their rights: from voting, standing for local or regional elections, bringing ideas to the EU by taking part in a citizen's initiative, cross-border activities, moving to another country and/or being active in the European public sphere.¹⁸ Analysis should identify if the participation in the European community is promoted by the proposed policy option.

¹⁶ See: D11.1

¹⁷ See: D11.1

¹⁸ See: D11.1



➤ *Does the option affect participation in the European community?*

Participation in the European community - such as voting, standing for local or regional elections, bringing ideas to the EU by taking part in a citizen's initiative, cross-border activities, moving to another country and/or being active in the European public sphere¹⁹ – can be positively or negatively affected by a proposed policy option. These effects need to be identified.

➤ *Does the option imply a trade-off between participation in the national/local community and the European community?*

Participation in the European community should complement the participation in national, regional and local communities. However, a proposed policy option may imply a trade-off between the participation in the European community and the participation in the national/regional/local community. Analysis should identify such trade-offs. The question can arise whether and under which circumstances a trade-off is justified. This needs balancing and transparent considerations.

➤ *Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?*

Analysis should aim to identify whether a policy option lead to even or uneven effects for Member States or regions, because effects of policy options may vary from country to country and from region to region. Therefore, it is important to identify if the proposed policy option lead to an even or uneven effect for specific Member States or regions due the policy option. The short-term and the long-term effects need to be specified.

8.3 Sources

A list of data sources:

- Data on voting turnout in national and EU parliamentary elections are available on EUROSTAT;
- Public deliberation and consultation should be in the center to get insight in the 'identification as European'. Examples for possible methods for deliberation and consultations are EU Citizens Agenda (EC 2012), the New Narrative initiative and the Citizens' Dialogues;
- Deliberative practices can help to include citizens. Deliberative practices can stimulate citizens to participate in the process and can give insight in their experiences and their opinions and ideas. For instance, through a lottery system, citizens can be invited in person to serve in a citizen panel or focus group. Citizen panels or focus groups can help to get insight in grass root experiences and to learn about their point of view and future expectations;
- Citizens' initiatives on national and/or local level can provide data on specific regions, cities or on specific topics, examples are: G1000 (Belgium and the Netherlands), Mehr Demokratie (Germany), We the Citizens (Ireland) and Democracia real ya (Spain);
- Transnational organizations that focus on participation of citizens can provide data, such as: Citizens for Europe, European Civic Forum and Democracy International.

¹⁹ See: D11.1





9. Inclusion and protection of particular groups, countries and/or regions

9.1 Introduction

This sections focus on inclusion and protection of particular groups, countries and/or regions.

9.2 Questions

The next questions could be considered when analyzing social and EU citizenship impacts and potential effects. These questions are not comprehensive, but should give an idea about possible questions to answer to assess a potential impact.

- *Does the option lead directly or indirectly to greater equality or inequality?*

A proposed policy option may lead directly or indirectly to greater equality or inequality within the European Union. This may refer to greater (in)equality between groups, regions, countries or even within countries. It is necessary to identify the consequences. The question can arise whether and under which circumstances a greater inequality is justified. These considerations need to be balanced and transparent.

- *Does the option affect specific groups of individuals, firms or other organizations or localities more than others?*

Given that effects can be different across specific groups, it is important to identify which population group will be in advantage or disadvantage due the proposed policy option. Research²⁰ shows that, in accordance to exercise EU citizenship, different groups are vulnerable, such as movers, economically inactive EU citizens, socially weak citizens, low educated/unqualified workers, women (especially third country national migrant women), youth and nationals such as Roma. For example, in EU Member States hierarchies of entry are dependent upon citizenship status, wealth or skills. There is an evident move towards a knowledge-based economy and attracting the 'brightest and the best' across the EU. This results in restricted access for family migration and lower skilled workers. To proposed policy option may also affect specific firms or other organizations or localities. This should be taken into consideration when the impacts will be identified.

- *Does it strengthen or restrict the rights of the child?*

Analysis should identify in which way the rights of the child will be strengthen and/or restricted by a proposed policy option. Children have the right to such protection and care as is necessary for their well-being, in accordance with their age and maturity. In all actions relating to children, whether taken by private institutions or public authorities, the child's best interests must be a primary consideration. Every child has the right to maintain on a regular basis a personal relationship and direct contact with both his/her parents, unless that is contrary to his/her interests.

²⁰ See: D11.2



➤ *Does it affect the right of the elderly?*

The European Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life. The assessment of potential impacts on the right of the elderly can take different factors into account, such as the availability of elderly care, the quality and affordability of facilities and pension.

➤ *Does the option affect specific regions in the EU more than others?*

Effects can be different across specific regions in the European Union. Therefore, it is important to identify which regions will be in advantage or disadvantage due the proposed policy options. The short-term and the long-term effects need to be specified.

➤ *Does the option disproportionately affect a single Member State?*

As mentioned, effects can be different for different groups and regions, but also for different Member States. It is possible that the policy option will affect a single Member State disproportionately in comparison with other Member States. The question can arise whether and under which circumstances this is justified. This asks for valuable judgements, which should be balanced and transparent. Furthermore, the identification of a possible affected single Member State may help to foresee resistance and may point to mitigating measures to reduce negative impacts.

➤ *Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?*

Analysis should aim to identify whether a policy option lead to even or uneven effects for Member States or regions, because effects of policy options may vary from country to country and from region to region. Therefore, it is important to identify if the proposed policy option lead to an even or uneven effect for specific Member States or regions due the policy option. The short-term and the long-term effects need to be specified.

9.3 Sources

A list of data sources:

- EUROSTAT is the main source of EU inclusion related statistics. The data is available from different sources under the theme “Population and social conditions”- “Living conditions and Welfare”: (1) EU-SILC collects comparable multidimensional micro-data on an annual basis on income, poverty, social exclusion and living conditions, (2) the LFS provides micro-data on labour participation as well as on persons outside the labour force, (3) the Household Budget Surveys (HBSs) are national surveys mainly focusing on households’ consumption expenditure, (4) ESSPROS is a collection of internationally comparable national administrative data on social protection;
- Data on particular groups, such as Asylum seekers and youth, are available on EUROSTAT;
- Citizens panels can provide information about grass root level experiences, share their point of view about the policy option and their future expectations For instance, deliberative practices can help to include citizens. Deliberative practices can stimulate citizens to participate in the process and can give insight in their experiences and their opinions and



ideas. For instance, through a lottery system, citizens can be invited in person to serve in a citizen panel or focus group. Citizen panels or focus groups can help to get insight in grass root experiences and to learn about their point of view and future expectations;

- Citizens panels or (electronic) target group discussions with vulnerable citizens can provide information about the grass root level experiences and the future expectations;
- Citizens' initiatives on national and/or local level can provide data on specific regions, cities or on specific topics, examples are: G1000 (Belgium and the Netherlands), Mehr Demokratie (Germany), We the Citizens (Ireland) and Democracia real ya (Spain);
- Webpages of DG contains reports that may help to assess effects on inclusion;
- Other data and relevant information can be obtained from national equality bodies and the European-level NGOs representing relevant groups, such as: ENAR (European Network Against Racism), AGE (Older People's Platform), ILGA-Europe (the European Region of the International Gay and Lesbian Association), EDF (European Disability Forum) and ERIO (European Roma Information Office).



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ANNEX II: Suggestions for a revision of the existing Impact Assessment guideline

We propose to amend the general impact assessment guideline (European Commission, 2015). The existing Impact Assessment guideline focuses on economic, social and environmental impacts. In our revision, EU citizenship impacts are added to this list. For the revision of the Impact Assessment, the content of 'Chapter 3: Guidelines on Impact Assessment' and 'Chapter 4: Guidelines on preparing proposals, implementation, and transposition' in '*Better Regulation Framework*' (European Commission, 2015) is revised and the outline as used in *2014 Revision of the European Commission Impact Assessment guideline* (European Commission, 2014) has been adopted. New content is visible in [green](#).

1. Introduction

1.1 Who should read this guideline?

All officials involved in the preparation of an impact assessment (IA) should read this guideline, including officials and managers who are responsible for ensuring the quality of impact assessments in the lead DG, [but also officials who are involved at the national level](#).

1.2 What is Impact Assessment and when is it required?

IA is about gathering and analyzing evidence to support policy making. In this process, it verifies the existence of a problem, identifies its underlying causes, assess whether [EU level or national level](#) action is needed, and analyses the advantages and disadvantages of available solutions. IA promotes more informed decision-making and contributes to Better Regulation which delivers the full benefits of policies at minimum costs while respecting the principles of subsidiarity and proportionality. However, IA is only an aid to policymaking/decision-making and not a substitute for it.

An IA is required for Commission [or national](#) initiatives that are likely to have significant economic, environmental, social [and EU citizenship](#) impacts.

Provided that the above conditions are fulfilled, impact assessments should be carried out for both legislative and non-legislative initiatives as well as delegated acts and implementing measures, taking into account the proportionate analysis. When the above conditions are not met, no impact assessment is needed regardless of the nature of the initiative.



2. The Fundamental Principles of Impact Assessment

Impact Assessment (IA) is a tool to help structure reflection and conduct analyses supporting policy design. It is not a list of tasks to kick off. IA is not a science and there is no recipe for the perfect IA. Given the widely differing nature of Commission initiatives, the best way to carry out an IA and present its results will vary from case to case. However, there are a number of principles that always apply.

Impact Assessment Analysis Should Be	
<i>Comprehensive</i>	IA analysis should be comprehensive, considering relevant economic, social, environmental and EU citizenship impacts of alternative policy solutions.
<i>Proportionate</i>	The scope and depth of the IA should be proportionate to the type of initiative, the importance of the problem, and the magnitude of the expected impacts.
<i>Evidence-based</i>	All Commission proposals should be based on the best available evidence and scientific advice, or a transparent explanation of why some evidence is not available and why it is still considered appropriate to act.
<i>Open to stakeholders' views</i>	Stakeholders' views must be collected on all key issues and reported on in the IA Report. Every effort should be made to ensure that the Commission has sought and considered a wide and balanced range of views. The reasons for disagreeing with dissenting views must be explained.
<i>Unbiased</i>	IA analysis must be objective and balanced. An IA should inform political choices with evidence – not the other way around.
<i>Conducted in cooperation with other services</i>	An IA is carried out by the lead DG, with the support of other relevant DGs through an Impact Assessment Steering Group.
<i>Embedded in the policy cycle</i>	Lessons from implementation and retrospective evaluations must be taken into account. Future monitoring needs and implementation challenges should be considered.
<i>Transparent</i>	The credibility of IA hinges on the transparency with which results are presented, estimations explained, choices justified and limits acknowledged.



3. The Key Questions of Impact Assessment

IA is a tool to help structure reflection and conduct analyses informing policy design. It is not a list of tasks to tick off. There is no recipe for the perfect IA. Given the widely differing nature of Commission and national initiatives, the best way to carry out an IA and present its results will vary from case to case. However, all impact assessments must answer a set of key questions.

The Questions an Impact Assessment Should Answer:
1. What is the problem and why is it a problem?
2. Who should act: the European Union and/or the Member States and why?
3. What kind of relation between the European Union and the Member States is required and why?
4. What should be achieved?
5. What are the various ways to achieve the objectives?
6. What are their economic, social, environmental and EU citizenship impacts of different policy options and who will be affected?
7. How do the different options compare in benefits and costs?
8. How will monitoring and retrospective evaluation be organized and who will be responsible for it?

The process of finding answers to these questions is necessarily iterative. The IA process should start from broad definitions of the problem, the objectives and the possible solutions and then narrow them down to what is most relevant. The questions are also interrelated. Compliance with subsidiarity and proportionality, for example, can only be fully verified once objectives are set and the impacts of alternative options assessed. The following should guide the IA process:

1. When making choices about the focus and depth of the analysis, the IA should concentrate on what is relevant to inform decision-making, leaving out what is not;
2. The results of any relevant evaluations of the existing policy framework should be used as the starting point for the IA. The expertise of other services in the Commission should also feed into the IA in order to consider and properly assess all relevant issues;
3. The most appropriate methods should be identified to collect data and analyse impacts. Where necessary, external studies may be contracted out to provide input on specific elements;
4. A consultation strategy should be designed, keeping in mind the need to consult on all key IA issues. The IA Report should corroborate the conclusions of the analysis with stakeholder views and justify any significant differences. The synopsis report summarising the results of stakeholder consultation should be integrated into the IA Report as a mandatory annex;
5. Throughout the IA Report, conclusions should be substantiated with evidence (e.g. data, estimations, scientific findings) together with appropriate citations and, if this is possible, it should be explained why. Stakeholders' views should also be referred to.



3.1 Question 1: What is the problem and why is it a problem?

An IA starts by verifying the existence of a problem, identifying who is affected, estimating the problem's scale, analyzing its causes and consequences, and assessing its likelihood to persist in the absence of (further) EU or national policy intervention.

The answer to this question should give policy-makers the information needed to decide whether there is a problem for which a policy response may be warranted.

Better regulation is about regulating only when necessary and in a proportionate manner. High quality proposals are built on a clear problem definition and understanding of the underlying factors and behaviours (so-called “problem drivers”). The first step of an IA, therefore, is to (i) verify the existence of a problem and identify who is affected; (ii) estimate the problem's scale and analyse its underlying causes and consequences; and (iii) identify the EU and/or national dimension and assess the likelihood that the problem will persist. A key input to this assessment should be relevant evaluations or Fitness Checks of existing policy frameworks as well as stakeholder feed-back.

A problem can be caused by several factors, such as the existence of market failures, behavioural biases or regulatory inefficiencies or the need to ensure respect of fundamental rights. It may already have negative consequences or simply present a risk of negative occurrences. Developing a clear understanding of these underlying factors is important, using relevant internal and external expertise including scientific advice.

It is equally important to make clear in your analysis how individuals, enterprises or other actors are affected by the problem:

- How much does the “problem” affect their daily life?
- Whose behavior would have to change for the situation to improve?

Addressing these questions will ensure that the analysis stays concrete, focused, close to stakeholders' concerns and mindful of the practical implications of any initiative. This will facilitate the subsequent identification of proportionate policy alternatives and analysis of impacts.

The problem description in the IA Report should be clear and specific. It should focus on the issues to be addressed by the initiative under consideration, avoiding lengthy presentations of general issues and/or Commission objectives in the relevant policy area.



3.2 Question 2: Who should act: the European Union and/or the Member States and why?

Having established the existence of a problem, its scale and the causes, the IA analysis should verify **who - the EU and/or the Member States - should act to resolve the problem sufficiently and why.**

The answer to this question should give policy-makers the information needed to decide whether a policy response at the EU level **and/or national level** is needed.

The fact that the Union has the competence to address a problem (i.e. that there is a legal basis for it) does not automatically mean the EU is best placed to solve it. In areas that fall outside its exclusive competence, the Union must act in accordance with the principle of subsidiarity²¹, i.e. act only where Union action would be more effective than action taken by the Member States at central, regional or local level. The IA should verify whether EU action in areas outside its exclusive competence is compatible with the principle of subsidiarity. This is not to be taken for granted and it is important to remember that, pursuant to the Treaty of Lisbon, the respect of the principle of subsidiarity is closely scrutinised by the other EU institutions and by national Parliaments and that Union acts can be annulled by the Court for non-respect of the principle.

When assessing whether the EU and/or the Member States must act, in accordance with the principle of subsidiarity, the following key questions should be reviewed:

- **Does the problem have transnational aspects and can they adequately be addressed by action by Member States?**
- **Would action at EU level produce greater benefits compared with action at the level of Member States due to its scale or effectiveness?**

This assessment is likely to be an iterative process. Preliminary analyses in the Inception IA and early in the IA process should clarify the legal basis and indicate whether advancing further at EU level would make sense. A final verification of compliance with the subsidiarity principle will only be possible once all relevant information is collected and the analysis of impacts is completed. In addition, the assessment of whether an initiative is proportionate is clearly linked to the assessment of subsidiarity and the need to match the nature and intensity of a given measure to the identified problem.

Assessing subsidiarity necessarily involves elements of political judgement, particularly when evidence is inconclusive and/or stakeholder views diverge. All elements should, therefore, be presented objectively in the IA Report, providing the basis for a political appreciation by the College. General statements and circular reasoning should be avoided in favour of concrete arguments, specific to the issues being analysed and substantiated with qualitative, and where possible, quantitative evidence.

²¹ See Article 5 of the Treaty on European Union.



3.3 Question 3: What kind of relation between the European Union and the Member States is required and why?

Established who should act – the EU and/or the Member States – the IA analysis should verify what kind of relation between the EU and the Member States is required and why.

The answer to this question should give policy-makers on both the EU level and the national level insight in what types of action or intervention is required.

The EU citizen enjoys sometimes direct protection by virtue of Union law (e.g. the principle of non-discrimination or free movement) and sometimes by national law implementing Union law (i.e. directives), and sometimes the citizen enjoys such protection by virtue of national legislation without any European dimension.²² In all these cases, it is important to verify what kind of relation between the EU and the Member States is required. This is even the case in national legislation without any European dimension, such as education, labour market and migration issues, because national legislation can have (huge) impact on EU level.

Therefore, an interface between both levels is needed to get an insight in possible regional or national differences in barriers that might occur in the chain for EU treaties and charters granted rights, to the level of daily experiences and/or to get insight in national legislations and their possible impact on EU level. An interface can be created by the European Commission; the Commission can ask for annual reports and/or monitoring results and create a dialogue between the Commission, the Member State(s) and stakeholders. Such a dialogue can also be created on the national level between the Member State and stakeholders.

The required relationship between the European Union and the Member States should be described clearly and specific in the IA report.

²² See: D7.3



3.4 Question 4: What should be achieved?

The IA should set out what **EU and/or national** policy should achieve.

The objectives of policy action should be clearly identified, including the level of policy ambition and the criteria against which alternative policy options would be compared and the success of any initiative assessed.

For reasons of transparency and accountability, any **EU and/or national policy** intervention should have clear objectives. These should help in:

- Establishing the logical chain between the identified problems and the solutions considered;
- Clarifying the relationship between an initiative's specific goals and any horizontal EU objectives and any other agreed political goals in the area;
- Highlighting any trade-off between policy goals;
- Setting out the criteria for comparing the different policy options;
- Defining indicators to measure performance and progress towards the declared objectives;
- Establishing the operational monitoring and evaluation framework for the implemented policy measure.

Objectives should be as S.M.A.R.T.²³ as possible. Providing general objectives is important to put the proposed initiative into the overall context of **the Union's and national policies** and to assess later if and how the initiative has contributed. However, the IA Report should focus on the presentation of the more specific and operational objectives (for the preferred option) the proposed initiative aims to achieve. For non-legislative policy initiatives, it may be sufficient to set out the general and specific objectives, leaving the definition of more detailed operational objectives to the relevant follow-up initiatives.

²³ Specific, Measurable, Achievable, Relevant and Time-bound.



3.5 Question 5: What are the various ways to achieve the objectives?

There are different ways to achieve policy objectives. The IA should allow for an informed decision about which one to pursue. To do so, available options should be identified and screened with a view to selecting the most relevant ones for further analysis and comparison.

At the end of this process, the most relevant alternative policy options should have been identified for further examination in the impact analysis stage.

It is important to consult widely about alternatives, think outside the box and give due consideration to all different options. This is one of the key functions of an impact assessment process. When well done, this is perhaps the impact assessment component most appreciated by external stakeholders. When badly done, it tends to be the most criticised and significantly undermines the credibility of the whole exercise and its usefulness for political decision making. Keeping an open mind is important even if, in many cases, the IA analysis may start from an idea, stakeholder view or political statement, about what a policy proposal may look like. Often there is already an existing policy framework in place in the area under analysis and this affects the breadth of choices realistically available but initial ideas should be comprehensively tested in the IA process.

However, existing policies may have fallen short of their objectives, proved too costly or no longer be fit for purpose. Also, views on the best policy typically differ (among stakeholders, Member States, policy-makers, Commission services and experts). In addition, a solid justification should be given for any relevant option that is discarded early on.

This should be done through an iterative process:

- (1) Start by considering the widest range of policy alternatives both in terms of content and instruments.** Consider regulatory and non-regulatory means, less or more prescriptive measures, actions at national, EU and international level.

When identifying options, the guiding principle should be whether and how a certain measure could influence the drivers of the problem and change the relevant behaviours in a way that would lead towards the desired objectives. The IA Report will need to show that there is a clear logic between the problems, objectives and policy interventions under consideration.

When designing the policy options, always consider:

- The option of changing nothing (also known as the "baseline"): the "baseline scenario" should always be developed and used as the benchmark against which the alternative options should be compared. As such, it should take account of both national and EU policies in place and reflect possible developments of these in the absence of new **EU-level and/or national-level** action. It should also try to anticipate important technological or societal developments such as the pervasive role of the internet and other ICTs;
- The option of improving implementation and enforcement of existing legislation; or doing less / simplifying existing legislation;



- Options that take account of new technological developments. All new initiatives should be "digital and internet ready" and operate effectively both in the digital and the physical worlds;
- Alternative policy approaches: e.g. different policy content / approaches to reach the objective;
- Alternative policy instruments: e.g. non-regulatory alternatives; self- or co-regulation; market-based solutions, regulatory alternatives; international standards, and their mix;
- Alternative scope: for instance, is the "think small first" principle taken into account; are micro-enterprises excluded from the scope of any proposed legislation.

Consider options which have been proposed by stakeholders and/or are likely to be proposed during the legislative process but do not discard a priori options with little support or facing strong opposition.

(2) Screen the previously identified policy alternatives. In many cases, little analysis will be needed to justify discarding some alternatives (e.g. those not technically feasible, not legally viable, difficult to implement, disrespecting fundamental rights or with other unacceptable or disproportionate impacts). Options that clearly restrict the scope for national decision making over what is needed to achieve the objectives satisfactorily should also be abandoned early on (as they would fail to respect the principle of proportionality).

(3) Having screened the options, the most relevant ones should be retained, together with the baseline, for further detailed examination.

- "Straw man" options (i.e. clearly more costly or less effective alternatives retained only to highlight the benefits of the preferred option) should be avoided. They do not strengthen the argument for any preferred option but rather undermine the credibility of the IA;
- If it is difficult to identify at least two credible alternatives on top of the baseline, make an extra effort to think 'outside of the box' (e.g. have all choices been considered?). If there are no other alternatives, the focus of the subsequent analysis should be on determining the detailed design of the retained option, for example, by considering alternative "sub-options" for some of the individual elements of the proposal or different implementation modes;
- After a first assessment of impacts, it may be necessary to go back to the drawing board and experiment with modifications to the original alternatives to further improve them. This will typically be the case when options fail to meet the objectives in a satisfactory way or when they are likely to lead to disproportionate negative effects (of any type, for instance, on fundamental rights, SMEs, competitiveness, trade partners, regions, developing countries, etc.). An option should not be judged inferior before having reviewed possible improvements and/or mitigating measures to reduce its negative impacts.

The IA Report does not need to describe this process in detail. It should, however, demonstrate that all relevant options have been considered, taking into account stakeholders' views and justifying why some options were discarded without a full assessment of their impacts. A sufficiently detailed description of the alternatives retained should be provided.



A particularly strong justification should be provided when, exceptionally, only one option is retained for full assessment against the baseline.



3.6 Question 6: What are their economic, social, environmental and EU citizenship impacts of different policy options and who will be affected?

Once a set of policy options is selected, a robust assessment should be carried out of their economic, social, environmental and EU citizenship impacts and of who will be affected.

At the end of this process, policy-makers should know to what extent different policy options would meet their objectives, with what benefits, at what cost, with what implications for different stakeholders, and at what risk of unintended consequences.

To support policy decisions that deliver the best balance between benefits and costs, the IA analysis must assess all the relevant advantages and disadvantages of the retained policy alternatives ("the options") against the reference of the baseline.²⁴ Once again, it is best to do this through an iterative process that starts with a wide reach and then focusses, and deepens, the analysis on the most relevant impacts, being ready to go back and improve the retained options before finalizing.

Using internal and external expertise along with stakeholders' knowledge is particularly helpful when analysing impacts. The consultation strategy, any external studies and the ISG work should be organised in a manner which allows views to be collected and results tested with regard to all elements of the impact analysis.

1. Identify all potential impacts of the options.

For all retained options, the impact assessment should specify how they would tackle the identified problems and meet the policy objectives.

To do this, there is a need first to identify the changes that a proposal would imply for those affected, notably those who would have to comply with any new legislative requirement, those who would have to implement and enforce it and those who are expected to be the final beneficiaries:

- What actions and measures would affected parties need to take (to comply or to enforce compliance)?;
- Would these realistically be taken (balance between compliance costs and costs for public authorities involved in ensuring compliance)?;
- Would this allow the objectives to be reached?

Answering these questions at the very beginning of the analysis is important to ensure that the technical assessment of the impacts remains concrete and closely related to the practical implications of the various policy options.

Answering such questions will also highlight how different options can trigger different changes and thus have different types of impacts. A wide range of possible impacts should be reviewed across the

²⁴ See 'Guidance for assessing Social and EU Citizenship Impacts within the Commission Impact Assessment system' for a toolkit that helps to assess EU citizenship impacts.



economic, social, environmental and EU citizenship policy areas, going beyond the most obvious consequences of the proposed policy. All potentially important impacts should be identified regardless of whether or not it will be possible to assess them precisely. It is important not to "miss" a significant impact as this may affect the overall comparison of options or weaken the case for the Commission's proposal later on.

Potentially important indirect impacts should also be considered, i.e. positive or negative consequences that are incidental to the main purpose of the initiative (such as those stemming from an increase in the accumulated costs borne by a party, evasive behavior by those who need to comply, or positive spill-overs from one affected sector to another).

Both positive impacts (i.e. the benefits) as well as negative impacts (i.e. the costs or adverse environmental and social impacts) should be identified. A positive impact for one party can be negative for another. It is therefore important to identify who would be specifically affected by each impact.

It is also likely that a policy option will require some sort of IT system or network to automate business processes, publish/exchange information, deliver online services via web-based Portals, etc. It means that the impact related to the implementation of new or the adaptation of existing ICT solutions should be assessed. The possibility of re-using what exists already and not "reinvent the wheel" should not be overlooked. A "digital screening" and possible further ICT impact analysis may be needed.

At the end of this analysis, all potential impacts– positive or negative - should be mapped out according to their expected magnitude and likelihood and to the specific parties that would be affected. The following classifications can be used when describing identified impacts:

- Broad nature: economic, social, environmental and EU citizenship;
- Specific nature, for instance: increases (or decreases) in compliance costs, i.e. those costs incurred by the relevant parties (businesses, citizens etc.) to comply with any new legislative requirement, their sub-components (administrative burdens, labour costs; equipment costs etc.) and the administration and enforcement costs incurred by the responsible authorities; gains (or falls) in market efficiency, competitiveness, innovation; impacts on health, quality of the environment, combating climate change, levels of education and training, Fundamental rights, employment and skills, social inclusion, poverty etc.;
- Relation with the underlying initiative: direct impacts are those directly generated by a policy measure. Indirect (or second-round) impacts arise as a result of the behavioural changes prompted by the direct impacts and often affect third parties and can be just as significant as direct impacts.
- Affected parties, groups or regions: businesses of different sizes (SMEs or not), citizens, workers, learners, consumers, public administrations, third country actors, developing countries, different territories and regions (less developed or prosperous regions, cities, rural areas, border regions, overseas territories etc.);
- Frequency and certainty: long/short term, one-off, recurrent; certain or likely (risks).



While all of the above classifications are useful in principle, each analysis should use the categories that are most appropriate for the initiative at hand. Importantly, the IA Report should always be transparent about the methodological choices made to assess impacts, the underlying reasons particularly where non-standard approaches are deployed).

2. Select the significant impacts

The choice of impacts to be retained for deeper assessment should be clearly justified, taking account of their:

- Expected overall magnitude;
- Relevance for specific stakeholders (enterprises and in particular SMEs, trading partners, economic sectors, consumers, learners, workers, public administrations, regions, developing countries etc.);
- Importance for Commission horizontal objectives and policies.

The expected significance of impacts should be assessed in terms of changes relative to the baseline. In making the selection, the principle of proportionate analysis should be applied. However, it is important not to leave out anything that is of relevance for political decision-making. The choice should take account of stakeholders' views and relevant expertise, including within the Interservice Group.

3. Assess the most significant impacts

All relevant impacts should be assessed quantitatively, if possible, as well as qualitatively. Similarly, impacts should be monetized whenever possible. When quantifying, spurious precision should be avoided and ranges provided, complemented by qualitative comments. In many cases, quantification will rely on a given set of assumptions. These should be clearly presented. Whenever an assumption is particularly important or uncertain, sensitivity analysis should be used to check whether changing it would lead to significantly different results.

There are several methods to quantify impacts, both in terms of overall methodological approach and specific techniques for individual types of impacts. For each case, the most appropriate method should be used. The choice of method should be clearly justified and explained in the IA Report.

There is no best method which would apply to all possible Commission initiatives. There is, however, an obligation to make the most sensible methodological choice given the specificities of the case at hand, the availability of data and the requirement to carry out a proportionate analysis. In all cases, methodological complexity is not an excuse for not presenting the practical implications of different options for affected parties. Similarly, the fact that it may not be possible to monetize, or quantify, some impacts does not mean they should not be taken into due account. All significant impacts should be analysed regardless of the nature of the available methodology to do so.

When assessing EU citizenship impacts, it is important to pay attention on both dimensions of EU citizenship: the impact of new policies and regulation on –exercising- direct EU citizenship *rights* and the impacts of new policies and regulation on –political- participation as a member of a European



community. Assessing the impact on legal rights calls for a more direct technical-rational²⁵ analysis of the potential impacts, where impact assessments are objective processes which are performed by experts and based on scientific methodology. Whereas assessing the impact on community participation calls for a more post-positive²⁶ analysis of the impacts and where public deliberation and consultation should be in the center. In this deliberative methodology citizens from all backgrounds (not only elite) or specific target groups should be involved in the dialogue.

When quantitative analysis is not possible or proportionate, impacts should be assessed qualitatively. Also the qualitative analysis should be rigorous and thorough, focussing on the practical implications for affected parties. As for quantitative assessments, important underlying assumptions will have to be stated. The conclusions should rely on available theory and evidence, including on illustrative examples, while also referring to stakeholder views. They should acknowledge limits and clearly distinguish between facts, expert opinions and stakeholder views. If a broad order of magnitudes cannot be given, a qualitative reasoning should be provided of why one option is considered likely to have larger (or smaller) impacts than another. In the case of both quantitative and qualitative analysis, it is important to remember that:

- Changes should be assessed relative to the baseline scenario. Normally, this will evolve overtime (for instance as a result of on-going policies). Therefore, changes should not simply be determined relative to the current situation but to how the latter would evolve in the absence of a new planned initiative;
- Different impacts are likely to occur at different times (with costs often being incurred early on and benefits emerging only later). This should be reflected in the assessment, discounting monetized estimates as appropriate when these are available;
- Impacts should be assessed from the point of view of society as a whole although distributional effects and cumulative burdens on individual parties should also be proportionately assessed and considered. Whenever impacts are aggregated, you should make sure you avoid any double-counting (for instance, businesses transferring increased compliance costs on consumer prices, public authorities imposing fees to cover for the costs of enforcing a regulation).

Assessing impacts can be particularly challenging at the EU level. First, data across the EU may not be available or comparable. Secondly, final impacts will often depend on Member States' choices at the implementation stage (or on future delegated and implementing acts). It is often difficult, therefore, to provide accurate estimates, at the Commission proposal stage, even of direct impacts such as compliance or implementation costs. Nevertheless, "known unknowns" should not be cast aside in the analysis. On the contrary, they should be readily acknowledged. In case of lack of data or uncertainties, the qualitative assessment needs to be strengthened (e.g. based on theoretical

²⁵ From the technical-rational perspective, impact assessments are objective processes in which the systematic evaluation of proposed action contributes to the quality of the new policy. Impact assessments are performed by experts, based on scientific methodology and designed to assist elected politicians in their decision making process (Owens et al., 2004, pp.1944-1948).

²⁶ The post-positive view on impact assessment assumes that impact assessments are continuing learning processes for executors and decision makers and presumes that their influence on policies and legislations are more indirect and subtle. Impact assessment should be transparent deliberative practices; open to a wide range of parties and points of views (Owens et al., 2004, pp.1944-1948).



approaches), while being transparent about the impact that such uncertainties may have on the comparison of options.

At the end of this analysis, there should be a solid understanding of the extent to which each option achieves the objectives, with what benefits and at what costs at the aggregate level and for affected parties. Potentially disproportionate impacts (e.g. on fundamental rights, SMEs, competitiveness, specific communities, workers' health and safety, employment, poverty, regions or Member States, developing countries etc.) should have been identified along with any significant risk of unintended consequences. This will help compare the options in terms of their coherence with horizontal EU objectives as well as to identify potential mitigating measures for any preferred option.

The IA Report should summarize the results of the impact analysis in an accessible manner. It should be clear and transparent about any limitations (e.g. data, methodological) and risks of unintended consequences. While the more technical aspects of the assessment are important, the final concrete impacts for individuals, enterprises or public administrations, and where possible the societal or geographical distribution of such impacts, should be kept at the forefront of the analysis and the IA Report. Aggregated costs and benefits should be clearly distinguished from distributional impacts and transfers. The choices made in the selection of relevant impacts and in the analytical methods should be clearly justified in the annexes. Data sources should be provided and underlying assumptions illustrated in relation to any quantification.



3.7 Question 7: How do the different options compare in benefits and costs?

Based on the assessment of the various impacts and their distribution across affected stakeholders, the IA should compare the different options with regard to their effectiveness, efficiency and coherence, as well as their compliance with the proportionality principle.

At the end of this process, the IA should present the relevant information for policymakers to make a choice and, where appropriate, suggest a preferred option.

Having assessed the likely economic, social, environmental and EU citizenship impacts, as well as their distribution across stakeholders, the IA analysis should bring together the results in a clear comparison of the options. This should facilitate the identification of the preferred option.

Cost-benefit analysis, cost-effectiveness analysis, compliance cost analysis and multi-criteria analysis are the most commonly used methods to do this. Choosing one (or a mix of them) depends on several factors including the number and nature of impacts and objectives, the extent to which benefits and costs can be monetized (or quantified) and the relevance of distributional concerns.

The IA does not need to identify a preferred option, but it should attempt objectively to compare the options against common criteria, in particular:

- The extent to which different options would achieve the objectives (effectiveness);
- The benefits versus the costs²⁷ (efficiency);
- The coherence of each option with the overarching objectives of EU policies (coherence).

The compliance of the options with the proportionality principle, and in particular of any preferred option, should also be considered by answering additional questions such as:

- Whether the option goes beyond what is necessary to achieve the objectives satisfactorily?;
- Whether the scope of the option is limited to those aspects that Member States cannot achieve satisfactorily on their own, and where the Union can do better?;
- Whether costs for the Union, national governments, regional or local authorities, economic operators or citizens, are minimised in relation to the objective to be achieved?;
- Whether the form of action (choice of instrument) is as simple as possible, and coherent with satisfactory achievement of the objective and effective enforcement?

When comparing the options, the underlying analysis and hypotheses should be kept in mind: the robustness of the comparison should be verified, sensitivities and limitations of the analysis highlighted, trade-offs between objectives flagged and uncertainties that could significantly affect the result of the comparison referred to.

The IA Report should present the results of this comparison in an accessible manner, for example in a summary table, clearly flowing from the previous analysis. When no preferred option is indicated,

²⁷ To identify the costs for EU citizenship impacts it is important to indicate to what extent the option creates barriers for exercising EU citizenship.



this should be clearly stated. In case the IA leads to the conclusion that no proposal is warranted, this should be communicated in the IA Report that should still be published.

3.8 Question 8: How will monitoring and retrospective evaluation be organized and who will be responsible for it?

Having the entire policy cycle in mind, the IA should identify monitoring and ex-post evaluation arrangements to track whether the policy measure actually delivers the intended results and to inform any future revisions of the policy.

At the end of this process, policy-makers should know how the policy will be monitored and evaluated, allowing for future policy-adjustments whenever needed, and who will be responsible for it.

An impact assessment is never completely accurate or fully effective. Therefore, monitoring is an important component of implementation. Policy makers and stakeholders need to be able to check if policy implementation is 'on track', and the extent to which it is achieving its objectives, at what costs and with what benefits. To do so, one should start from a clear idea of how the situation should look like in the future if the initiative is successful. What will be different and for whom after a few years of implementation? How can this be verified?

Actual results are likely to differ from those estimated or desired, regardless of the quality of the IA and the proposed initiative. However, when a policy is not achieving its objectives, or the costs and negative impacts are more significant than expected, it is important to know if this is the result of unexpected exogenous factors, problems with the design of the policy, amendments introduced during the legislative process (if relevant) or poor implementation.

Monitoring and evaluation arrangements (including the definition of a set of indicators), provide valuable information in this regard. It is worthwhile to involve stakeholders in the identification of indicators, because it can help improve the effectiveness and credibility of the monitoring program. The IA should outline, therefore, what these arrangements will be. Core indicators should be defined for the main policy objectives in relation to the preferred option where one is stated. Where no preferred option is presented in the IA Report, monitoring and indicators should refer to the specific objectives of the initiative.

Also, it is important to involve citizens in the monitoring and evaluation programs. Citizens can share their daily life experiences and point of views in, for instance, panels. Through a lottery system, citizens can be invited in person to serve in a citizen panel. These panels should be created and performed on national and/or local level, but the Commission and/or national governments can initiate these kind of initiatives. Here, it is necessary to involve not only the elite, but also John Public or specific target groups to overcome the social divide.

Indicators must allow measuring to what extent the objectives of the policy have been achieved (and on potential negative impacts). Indicators on transposition, implementation and enforcement in the EU and/or Member States is useful.



Underlying data should be easily available and the cost of data collection, proportionate. If lack of data was a significant concern for the IA, the IA Report should sketch out how this issue will be addressed for the future policy evaluation.

According to the Commission's evaluation rules, all activities have to be evaluated on a regular basis. For spending programmes evaluation is compulsory (including anti-fraud measures) and many other policy instruments also contain a review clause. Where, such a review is requested it should be based on an evaluation of the existing policy framework. Evaluations should be announced and described in advance, with a clear indication of the timing and the main focus and purpose.

It is necessary to define who will be responsible on which level for carrying out the evaluations and to whom the results will be addressed. An interface between the European and national level is necessary to get an insight in possible regional or national differences in barriers that might occur in the chain for EU treaties and charters granted rights, to the level of daily experiences and/or to get insight in national legislations and their possible impact on EU level. An interface can be created by the European Commission; the Commission can ask for annual reports and/or monitoring results and create a dialogue between the Commission, the Member State(s) and stakeholders. Such a dialogue can also be created on the national level between the Member State and stakeholders.

The IA Report should sketch out core indicators relating to the operational objectives and the main monitoring and evaluation provisions of the preferred option (including any relevant data collection aspects) and also sketch out who will be responsible for the monitoring and evaluations.



4. Impact assessment report

The Impact Assessment Report should summarise and present the final results of the IA analysis. Annexes should be used for the more detailed / technical parts of the analysis. The Report should be presented as a Staff Working Document.

As the previous pages have made clear, the IA Report is not the IA. The IA is an iterative process supporting the design of a policy proposal. The IA Report is a document through which you communicate the results of this process to policy makers to inform their decision and to stakeholders, to show the evidence basis on which a Commission has taken a decision.

The IA Report should be transparent, objective and balanced.

While IA analysis can be complex, the IA Report should be written with non-expert readers in mind. In most cases, a main report of some 30-40 pages of text, accompanied by annexes for the more detailed technical parts of the analysis, should be sufficient. A reader should easily be able to understand what the problem being addressed is, why EU **and/or national** level action is appropriate, what the pros and cons of different courses of action are and who would be affected. Stakeholder views and how these have been considered should be transparently referred to throughout the IA Report. All external material used (studies, reports, scientific findings etc.) should also be systematically referenced.

The format of an IA report can have an effect on the use of an IA; a standardized format is generally appreciated because it provides easy and quick access to the key information and facilitates orientation (TEP, 2010, pp.45-46). Certain elements must be included in the final IA Report. These include (i) a description of the economic, social, environmental **and EU citizenship** impacts and an explicit statement if any of these are not considered significant; (ii) a clear description of who will be affected by the initiative and how; (iii) impacts on SMEs; (iv) impacts on competitiveness; and (v) a detailed description of the consultation strategy and the results obtained from it.

To allow for an easily accessible overview of the main findings of the IA, an executive summary sheet of a maximum of 2 pages should also be prepared. **See Annex II for an example of an executive summary sheet.** It should be presented as a separate Staff Working Document and be translated into all EU languages.



5. From Impact Assessment to policy-making²⁸

Good implementation needs to start with a good impact assessment and stakeholder consultation. When preparing proposals, implementation and transposition the policy-maker needs to satisfy three requirements:

- Implementation Plans must accompany proposals for major Directives and should describe implementation challenges and relevant support actions to be taken by the Commission **and/or the Member State**;
- Use available guidance to prepare high quality legal text and explanatory memorandum. The need for Explanatory Documents relating to major Directives must be justified in the proposal;
- A compliance assessment of EU Directives must be carried out in two stages: (1) timely and systematic check whether Member States have transposed Union law; (2) a timely and systematic conformity check of national transposing measures against the relevant Union legislation.

The EU citizen enjoys sometimes direct protection by virtue of Union law and sometimes by national law implementing Union law. To assist services to take implementation aspects better into account when preparing new initiatives and to help them in identifying ways to check the implementation of EU law, the Commission has three important roles:

1. During the preparation of a new initiative where issues and problems related to implementation and application should be anticipated and taken into account;
2. The Commission should prepare well-drafted, high-quality legal texts that are easy to understand and to implement;
3. The Commission needs to have thorough and consistent information on implementation/application in the Member States. It needs to examine national implementing measures to ensure that the laws of the Member State are fully compliant with the Union acquis. **The Commission can ask for annual reports and/or monitoring results and create a dialogue between the Commission, the Member State(s) and stakeholders to get insight in possible regional or national differences in barriers that might occur in the chain for EU treaties and charters granted rights, to the level of daily experiences. Also, the Commission can initiate, for instance, panels to involve citizens to discuss policy and to hear about their grass root experiences and point of views.**

Sometimes the citizen enjoys protection by virtue of national legislation without any European dimension. In this case, the Member State is on the foreground. However, this does not mean that the Commission does not play any role. National legislation can have impact on EU level, for instance in the case of migration-, education-, and labour market legislation. Therefore, in case of citizens' protection by virtue of national legislation, the Member State(s) and the Commission have important roles:

²⁸ This chapter is a summary and revision of 'Chapter 4: Guidelines on preparing proposals, implementation, and transposition' in *2015 Better Regulation Framework* (European Commission, 2015).



1. The Commission can ask for annual reports and/or monitoring results and create a dialogue between the Commission, the Member State(s) and stakeholders to get insight in national legislation and their possible impact on EU level;
2. The Commission and/or the Member State can initiate involving citizens in, for instance, panels to discuss policy and hear about their grass root experiences and point of views;
3. The Member State can create a dialogue between the Member State and stakeholders, for instance to discuss annual reports and/or monitoring results.

An Implementation Plan should be prepared when the implementation of the legal act concerned, because of its nature or complexity, could benefit or be facilitated by supportive measures. The IP should be prepared as a staff working document and accompany the proposal in inter-service consultation and as background to the discussions in the institutions. An Implementation Plan should contain: the title, contact point, deliverables and implementation challenges and support actions of both the **Commission and the Member States**.



References

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Annex I: Key Impact Identification Question

Economic impacts	Key Questions
Functioning of the internal market and competition	<ul style="list-style-type: none"> - What impact (positive or negative) does the option have on the free movement of goods, services, capital and workers? - Will it lead to a reduction in consumer choice, higher prices due to less competition, the creation of barriers for new suppliers and service providers, the facilitation of anti-competitive behavior or emergence of monopolies, market segmentation, etc.?
Competitiveness, trade and investment flows	<ul style="list-style-type: none"> - What impact does the option have on the global competitive position of EU firms? Does it impact productivity? - What impact does the option have on trade barriers? - Does it provoke cross-border investment flows (including relocation of economic activity)?
Operating costs and conduct of business/small and medium enterprises	<ul style="list-style-type: none"> - Will it impose addition adjustment, compliance or transaction costs on businesses? - How does the option affect the cost or availability of essential inputs? (raw materials, machinery, labour, energy, etc.?) - Does it affect access to finance? - Does it impact on the investment cycle? - Will it entail the withdrawal of certain products from the market? Is the marketing of products limited or prohibited? - Will it entail stricter regulation of the conduct of a particular business? - Will it lead to new or the closing down of business? - Are some products or business treated differently from others in a comparable situation?
Administrative burdens of businesses	<ul style="list-style-type: none"> - Does it affect the nature of information obligations places on businesses (for example, the type of data required, reporting frequency, the complexity of submission process)? - What is the impact of these burdens on SMEs in particular?
Public authorities	<ul style="list-style-type: none"> - Does the option have budgetary consequences for public authorities at different levels of government (national, regional, local), both immediately and in the long run? - Does it bring additional governmental administrative burden?



	<ul style="list-style-type: none"> - Does the option require the creation of new or restructuring of existing public authorities?
Property rights	<ul style="list-style-type: none"> - Are property rights affected (land, movable property, tangible/intangible assets)? Is acquisition, sale or use of property rights limited? - Or will there be a complete loss of property?
Innovation and research	<ul style="list-style-type: none"> - Does the option stimulate or hinder research and development? - Does it facilitate the introduction and dissemination of new production methods, technologies and products? - Does it affect intellectual property rights (patents, trademarks, copyright, other know-how rights)? - Does it promote or limit academic or industrial research? - Does it promote greater productivity/resource efficiency?
Consumers and households	<ul style="list-style-type: none"> - Does the option affect the prices consumers pay? - Does it impact on consumers' ability to benefit from the internal market? - Does it have an impact on the quality and availability of the goods/services they buy, on consumer choice and confidence? (cf. in particular non-existing and incomplete markets) - Does it affect consumer information and protection? - Does it have significant consequences for the financial situation of individuals/households, both immediately and in the long run? - Does it affect the economic protection of the family and of children?
Specific regions or sectors	<ul style="list-style-type: none"> - Does the option have significant effects on certain sectors? - Will it have a specific impact on certain regions, for instance in terms of jobs created or lost? - Is there a single Member State, region or sector which is disproportionately affected (so-called "outlier" impact)?
Third countries and international relations	<ul style="list-style-type: none"> - How does the option affect trade or investment flows between the EU and third countries? How does it affect EU trade policy and its international obligations, including the WTO? - Does the option affect specific groups (foreign and domestic businesses and consumers) and if so in what way? - Does the option concern an area in which international standards, common regulatory approaches or international regulatory dialogues exist?



	<ul style="list-style-type: none">- Does it affect EU foreign policy and EU/EC development policy?- What are the impacts on third countries with which the EU has preferential trade arrangements?- Does it affect developing countries at different stages of development (least developed and other low-income and middle income countries) in a different manner?- Does the option impose adjustment costs on developing countries?- Does the option affect goods or services that are produced or consumed by developing countries?
Macroeconomic environment	<ul style="list-style-type: none">- Does it have overall consequences of the option for economic growth and employment?- How does the option contribute to improving the conditions for investment and the proper functioning of markets?- Does the option have direct impacts on macro-economic stabilization?



Social impacts	Key questions
Employment and labour markets	<ul style="list-style-type: none"> - Does the option facilitate new job creation? - Does it lead directly or indirectly to a loss of jobs? - Does it have specific negative consequences for particular professions, groups of workers, or self-employed persons? - Does it affect particular age groups? - Does it affect the demand for labour? - Does it have an impact on the functioning of the labour market? - Does it have an impact on the reconciliation between private, family and professional life?
Standards and rights related to job quality	<ul style="list-style-type: none"> - Does the option impact on job quality? - Does the option affect the access of workers or job-seekers to vocational or continuous training? - Will it affect workers' health, safety and dignity? - Does the option directly or indirectly affect employers' existing rights and obligations? - Does it bring about minimum employment standards across the EU? - Does the option facilitate or restrict restructuring, adaptation to change and the use of technological innovations in the workplace?
Social inclusion and protection of particular groups	<ul style="list-style-type: none"> - Does the option affect access to the labour market or transitions into/out of the labour market? - Does it lead directly or indirectly to greater equality or inequality? - Does it affect equal access to services and goods? - Does it affect access to placement services or to services of general economic interest? - Does the option make the public better informed about a particular issue? - Does the option affect specific groups of individuals (for example the most vulnerable or the most at risk of poverty, children, women, elderly, the disabled, unemployed or ethnic, linguistic and religious minorities, asylum seekers), firms or other organizations (for example churches) or localities more than others? - Does the option significantly affect third country nationals?
Gender equality,	<ul style="list-style-type: none"> - Does the option affect the principle of non-discrimination, equal treatment



<p>equality treatment, and opportunities, non-discrimination</p>	<p>and equal opportunities for all?</p> <ul style="list-style-type: none"> - Does the option have a different impact on women and men? - Does the option promote equality between women and men? - Does the option entail any different treatment of groups or individuals directly on grounds of sex, racial or ethnic origin, religion or belief, disability, age, and sexual orientation? Or could it lead to indirect discrimination?
<p>Individuals, private and family life, personal data</p>	<ul style="list-style-type: none"> - Does the option impose additional administrative requirements on individuals or increase administrative complexity? - Does the option affect the privacy, of individuals (including their home and communications)? - Does it affect the right to liberty of individuals? - Does it affect their right to move freely within the EU? - Does it affect family life or the legal, economic or social protection of the family? - Does it affect the rights of the child? - Does the option involve the processing of personal data or the concerned individual's right of access to personal data?
<p>Governance, participation, good administration, access to justice, media and ethics</p>	<ul style="list-style-type: none"> - Does the option affect the involvement of stakeholders in issues of governance as provided for in the Treaty and the new governance approach? - Are all actors and stakeholders treated on an equal footing, with due respect for their diversity? Does the option impact on cultural and linguistic diversity? - Does it affect the autonomy of the social partners in the areas for which they are competent? Does it, for example, affect the right of collective bargaining at any level or the right to take collective action? - Does the implementation of the proposed measures affect public institutions and administrations, for example in regard to their responsibilities? - Will the option affect the individual's rights and relations with the public administration? - Does it affect the individual's access to justice? - Does it foresee the rights to an effective remedy before a tribunal? - Does the option make the public better informed about a particular issue? Does it affect the public's access to information?



	<ul style="list-style-type: none"> - Does the option affect political parties or civic organizations? - Does the option affect the media, media pluralism and freedom of expression? - Does the option raise (bio) ethical issues (cloning, use of human body or its parts for financial gain, genetic research/testing, use of genetic information)?
<p>Public health and safety</p>	<ul style="list-style-type: none"> - Does the option affect the health and safety of individuals/populations, including life expectancy, mortality and morbidity, through impacts on the socio-economic environment (working environment, income, education, occupation, nutrition)? - Does the option increase or decrease the likelihood of health risks due to substances harmful to the natural environment? - Does it affect health due to changes in the amount of noise, air, water or soil quality? - Will it affect health due to changes energy use and/or waste disposal? - Does the option affect lifestyle-related determinants of health such as diet, physical activity or use of tobacco, alcohol or drugs? - Are there specific effects on particular risk groups (determined by age, gender, disability, social group, mobility, region, etc.)?
<p>Crime, Terrorism and Security</p>	<ul style="list-style-type: none"> - Does the option improve or hinder security, crime or terrorism? - Does the option affect the criminal's chances of detection or his/her potential gain from the crime? - Is the option likely to increase the number of criminal acts? - Does it affect law enforcement capacity? - Will it have an impact on security interests? - Will it have an impacts on the right to liberty and security, right to fair trial and the right of defence? - Does it affect the rights of victims of crime and witnesses?
<p>Access to and effects on social protection, health and educational systems</p>	<ul style="list-style-type: none"> - Does the option have an impact on services in terms of quality/access for all? - Does it have an effect on the education and mobility of workers (health, education, etc.)? - Does the option affect the access of individuals to public/private education or vocational and continuing training? - Does it affect the cross-border provision of services, referrals across borders and co-operation in border regions?



	<ul style="list-style-type: none">- Does the option affect the financing/ organization/ access to social, health and care services?- Does it affect universities and academic freedom/ self-governance?
Culture	<ul style="list-style-type: none">- Does the proposal have an impact on the preservation of cultural heritage?- Does the proposal have an impact on cultural diversity?- Does the proposal have an impact on citizens' participation in cultural manifestations, or their access to cultural resources?
Social impacts in third countries	<ul style="list-style-type: none">- Does the option have a social impact on third countries that would be relevant for overarching EU policies, such as development policy?- Does it affect international obligations and commitments of the EU arising from e.g. the ACP-EC Partnership Agreement or the Millennium Development Goals?- Does it increase poverty in developing countries or have an impact on income of the poorest populations?



Environmental impacts	Key questions
The climate	<ul style="list-style-type: none"> - Does the option affect the emission of greenhouse gases (e.g. carbon dioxide, methane, etc.) into the atmosphere? - Does the option affect the emission of ozone-depleting substances (CFCs, HCFCs etc.)? - Does the option affect our ability to adapt to climate change?
Transport and the use of energy	<ul style="list-style-type: none"> - Does the option affect the energy intensity of the economy? - Does the option affect the fuel mix (between coal, gas, nuclear, renewables, etc.) used in energy production? - Will it increase or decrease the demand for transport (passenger or freight), or influence its modal split? - Does it increase or decrease vehicle emissions? - Will the option increase/decrease energy and fuel needs/consumptions?
Air quality	<ul style="list-style-type: none"> - Does the option have an effect on emissions of acidifying, eutrophying, photochemical or harmful air pollutants that might affect human health, damage crops or buildings or lead to deterioration in the environment (soil or rivers etc.)?
Biodiversity, flora, fauna and landscapes	<ul style="list-style-type: none"> - Does the option reduce the number of species/varieties/races in any area (i.e. reduce biological diversity) or increase the range of species (e.g. by promoting conservation)? - Does it affect protected or endangered species or their habitats or ecologically sensitive areas? - Does it split the landscape into smaller areas or in other ways affect migration routes, ecological corridors or buffer zones? - Does the option affect the scenic value of protected landscape?
Water quality and resources	<ul style="list-style-type: none"> - Does the option decrease or increase the quality or quantity of freshwater and groundwater? - Does it raise or lower the quality of waters in coastal and marine areas (e.g. through discharges of sewage, nutrients, oil, heavy metals, and other pollutants)? - Does it affect drinking water resources?
Soil quality or resources	<ul style="list-style-type: none"> - Does the option affect the acidification, contamination or salinity of soil, and soil erosion rates? - Does it lead to loss of available soil (e.g. through building or construction works) or increase the amount of usable soil (e.g. through land



EU citizenship impacts	Key questions
	decontamination)?
Land use	<ul style="list-style-type: none"> - Does the option have the effect of bringing new areas of land ('greenfields') into use for the first time? - Does it affect land designated as sensitive for ecological reasons? Does it lead to a change in land use (for example, the divide between rural and urban, or change in type of agriculture)?
Renewable or non-renewable resources	<ul style="list-style-type: none"> - Does the option affect the use of renewable resources (fish etc.) and lead to their use being faster than they can regenerate? - Does it reduce or increase use of non-renewable resources (groundwater, minerals etc)?
The environmental consequences of firms and consumers	<ul style="list-style-type: none"> - Does the option lead to more sustainable production and consumption? - Does the option change the relative prices of environmental friendly and unfriendly products? - Does the option promote or restrict environmentally un/friendly goods and services through changes in the rules on capital investments, loans, insurance services, etc.? - Will it lead to businesses becoming more or less polluting through changes in the way in which they operate?
Waste production/generation/recycling	<ul style="list-style-type: none"> - Does the option affect waste production (solid, urban, agricultural, industrial, mining, radioactive or toxic waste) or how waste is treated, disposed of or recycled?
The likelihood or scale of environmental risks	<ul style="list-style-type: none"> - Does the option affect the likelihood or prevention of fire, explosions, breakdowns, accidents and accidental emissions? - Does it affect the risk of unauthorized or unintentional dissemination of environmentally alien or genetically modified organisms?
Animal welfare	<ul style="list-style-type: none"> - Does the option have an impact on health of animals? - Does the option affect animal welfare (i.e. humane treatment of animals)? - Does the option affect the safety of food and feed?
International environmental impacts	<ul style="list-style-type: none"> - Does the option have an impact on the environment in third countries that would be relevant for overarching EU policies, such as development policy?



<p>Equality of treatment and opportunities, non-discrimination</p>	<ul style="list-style-type: none"> - Does the option affect the principle of non-discrimination, equal treatment and equal opportunities for all? - Does the option affect human dignity, the right to life or to the integrity of the person? - Does the option have a different impact on women and men? - Does the option promote equality between women and men? - Does the option entail any different treatment of groups or individuals directly on grounds of sex, racial or ethnic origin, religion or belief, disability, age, and sexual orientation? Or could it lead to indirect discrimination? - Does the option ensure respect for the rights of people with disabilities? - Does the option affect freedom of thought, conscience and religion? - Does it affect freedom of expression and information? - Does the option affect the freedom of the arts and sciences? - Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?
<p>Access to and effects on social protection and security, health and education</p>	<ul style="list-style-type: none"> - Does the option have an impact on services in terms of quality/access for all? - Does it affect the right of education? - Does the option affect the financing/organization/access to social, health and care services? - Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?
<p>Security and justice</p>	<ul style="list-style-type: none"> - Does the option improve or hinder crime, protection or safety? - Does it affect the individual's access to justice? - Will it have an impacts on the right to liberty and security, right to fair trial and the right of defence? - Does it affect the rights of victims of crime and witnesses? - Are any safeguards which render the interference into the right of data protection proportionate and necessary provided for? - Does the option affect the environment? - Does the option affect property rights? - Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?



<p>Employment, labour market and job quality</p>	<ul style="list-style-type: none"> - Does the option facilitate new job creation? - Does it lead directly or indirectly to a loss of job? - Does it have specific negative consequences for particular professions, groups of workers, or self-employed persons? - Does the option affect particular age groups? - Does the option have an impact in terms of (forced) child labour and the protection of young people at work? - Does it affect the demand for labour? - Does the option have impact on job quality? - Does the option affect the access of workers or job-seekers to vocational or continuous training? - Will it affect workers' health, safety and dignity? - Does the option directly or indirectly affect employers' existing rights and obligations? - Does it bring about minimum employment standards across the EU? - Does it affect consumer protection? - Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?
<p>Freedom of movement</p>	<ul style="list-style-type: none"> - Does the option affect the right to Asylum and does it guarantee the prohibition against collective expulsion or extraditions to states of individuals where they risk being subject to death penalty, torture or degrading treatment? - Does the option affect the right to move freely within the EU? - Does the option have impact on the free movement of goods, services and capital? - Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?
<p>Political participation</p>	<ul style="list-style-type: none"> - Does it affect the freedom of assembly and of association? - Does it affect the public's access to information? - Does it affect the right to vote and to stand as a candidate at European Parliament? - Does it affect the right to vote and to stand as a candidate at municipal elections in whichever EU country the citizen resides? - Does the option affect the protection of a citizen by the diplomatic or consular authorities of any EU Member State?



	<ul style="list-style-type: none"> - Does it affect the right of anyone living in an EU country to address the European Ombudsman? - Does it affect the right of petition in contacting the institutions with a request or complaint? - Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?
<p>Identity and EU community participation</p>	<ul style="list-style-type: none"> - Does the option promote the identification as European? - Does the option strengthen or weaker the feeling of being European? - Does the option imply a trade-off between de feeling of being a national citizen and being an European citizen? - Does the option promote participation in the European community? - Does the option affect participation in the European community? - Does the option imply a trade-off between participation in the national/local community and the European community? - Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?
<p>Inclusion and protection of particular groups, countries and/or regions</p>	<ul style="list-style-type: none"> - Does the option lead directly or indirectly to greater equality or inequality? - Does the option affect specific groups of individuals, firms or other organizations or localities more than others? - Does it affect the right of the elderly? - Does it strengthen or restrict the rights of the child? - Does the option affect specific regions in the EU more than others? - Does the option disproportionately affect a single Member State? - Does the option lead to an even effect for the Member States or can it lead to an uneven effect for specific Member States or regions?



Executive Summary Sheet (Max 2 pages)
Impact assessment on <i>[insert title: xxx]</i>
A. Need for Action
What is the problem and why?
<i>[Problems' size, probability of occurrence and expected evolution. Main drivers. Most affected stakeholders. Reference to relevant fitness checks/ex-post evaluations]</i>
Who should act and why?
<i>[National/transnational aspects. Limits of Member States action]</i>
What kind of relation is required between the European Union and the Member States and why?
What should be achieved?
<i>[Specify the main policy objectives]</i>
B. Solutions
What are the various options to achieve the objectives? Is there a preferred option or not? If not, why?
What are the different stakeholders' views? Who supports which option?
C. Impacts of the preferred option
What are the benefits of the preferred option (if any, otherwise of main ones)?
<i>Provide summary of expected positive economic, social, environmental and EU citizenship impacts indicating quantitative estimates to the extent possible and referring to main beneficiary groups (incl. consumers, businesses, etc.).</i>
<i>Whenever the case, include a justification for lack of quantification.</i>
What are the costs of the preferred option (if any, otherwise of main ones)?



Provide summary of expected negative economic, social, environmental and EU citizenship impacts providing quantitative estimates to the maximum extent possible and referring to main groups affected.

Please clarify magnitude and type of compliance costs and their sources/

Whenever the case, include a justification for lack of quantification.

What are the impacts on SMEs and competitiveness?

Confirm exemptions for micro-enterprises or lighter regimes for SMEs or clarify and explain reasons for different arrangements – Describe likely impacts on SMEs, including quantitative estimates as far as possible (e.g. of administrative and compliance costs) – Describe the impact on the most affected business sectors and their competitiveness – (Or state that there are none expected).

Will there be significant impacts on national budgets and administrations?

Also refer to any potential difficulties to transpose or implement this initiative for certain Member States.

Will there be other significant impacts?

No (why) / Yes [identify impact and provide reference to section in IA report]

Reference impacts are those outlined in IA guidelines and not already covered above. For instance, social, economic, political and civil rights, international (third countries, trade and investment flows), regional, simplification, competition, digital, etc.

Proportionality?

Does the preferred option exceed what is necessary to solve the original problem and meet the objective of the initiative?

D. Follow up

When will the policy be reviewed?

Refer to retrospective evaluation plans, foreseen policy reviews and who will be responsible for monitoring and evaluations.