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Simplifying EU legislation through better regulation

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The European Union has responded to pressing social, environmental and economic challenges with a growing body of legislation. Aimed to achieve positive outcomes, these laws have become increasingly complex and cross-cutting. They are often perceived to be excessive, generating unnecessary bureaucracy and have proven difficult to implement. The Draghi Report on EU Competitiveness^{[1](#)} called inter alia for measures to simplify and reduce the unnecessary burdens on EU law. The European Commission responded with 12 “Omnibus packages”, which introduced exemptions, ‘stop the clock’ measures and

reduction of regulatory requirements across a broad range of sectors and legislation. The simplification effort was welcomed by business associations but the shortcuts in the Omnibus preparation were widely criticized. Following a report from the Ombudsman pointing to these shortcomings², the European Commission had to clarify its commitments, which it did in the Communication 'A Simpler, Clearer and Better Enforced EU Rulebook'. ³

Anne Bucher (former Director-General for Health and Food Safety, European Commission; former Director-General and Chair of the Regulatory Scrutiny Board) and Elizabeth Golberg (former Director of Smart Regulation, European Commission) provide an analysis of this Communication and suggest ways forward.

Old wine in new bottles?

The European Commission's Communication on the EU Rulebook identifies "complex, dense or ambiguous" laws as well as poor implementation and enforcement as key problems. It suggests that solutions lie in:

- Designing simpler laws;
- Improving the Better Regulation framework;
- Cleaning up the body of EU law;
- Cooperation with the Member States to reduce gold plating;
- Prioritization of implementation support and enforcement actions.

Like the Omnibus packages, the Communication met with mixed reactions, with business associations welcoming the document⁴ while civil society organizations opposed the Commission's approach. There is however agreement on one point: all question whether the measures will be sufficient to improve the policy preparation and implementation process to ensure that EU laws deliver intended results.

In a Bruegel post, we welcome the Commission's assertion of its commitment to good regulatory practice. For the first time, it recognizes the need to restrict the use of delegated and implementing acts. As these have mushroomed in recent years, they risk adding unnecessary regulatory burdens and their use needs to be better managed. The renewed focus on key economic, social and environmental impacts is also to be applauded as is the priority attached to implementation and enforcement.

However,

1. The Communication presents **longstanding measures** as new solutions to regulatory overload and complexity without looking at whether they have worked in the past. For example, taking subsidiarity and proportionality better into account, choosing regulations over directives where appropriate, integrating innovation and flexibility into legal design, regular reviews, screening the body of law for overlaps and inconsistencies and the creation of a simplification platform are well covered in previous Commission policy documents and in the Better Regulation guidelines, as well as by initiatives such as the REFIT programme. Likewise, the suggested measures in implementation and enforcement such as sunset clauses, recourse to recast and consolidation have long formed part of the Commission's set of legal instruments. These measures have merit but there is no analysis of their past performance that can help inform their redefinition.

2. The **new initiatives** are ill-defined and there are gaps in coverage. The Commission asserts that there will be more and focused impact assessments. To achieve focus, the Communication makes a new distinction between major initiatives and so-called targeted initiatives. The former are major new initiatives, and the latter seem to refer to initiatives that do not alter policy objectives of existing legislation. The definition of what constitutes a targeted initiative is lacking as is any sort of precision on when such assessments should be conducted. There is likewise a lack of precision in defining the role of the Regulatory Scrutiny Board in overseeing the Commission's handling of the distinction. And there is no reference to assessment of delegated and implementing acts.
3. There is no attempt to streamline and improve the **Better Regulation process**. It is not at all clear as to whether the number of analytical requirements in the impact assessment process that have skyrocketed over the years will be reduced. There is no mention of the need to improve evaluation and/or oversight of evaluation either.
4. Concerning **amendments** by the institutions, which can add unchecked complexity and administrative burden, the Communication is very modest, indicating that the Commission will develop a matrix with the other institutions to identify what constitutes a major amendment. This is a small step forward but not sufficiently bold to resolve the problem.

In sum, despite written assurances of commitment to Better Regulation, one is left with the impression that in today's fast-paced world where fragmentation and emergencies tend to be the norm, there is a risk that the shortcuts of the Omnibus methodology will be institutionalized and become standard practice.

Make better regulation work

The simplification initiative focuses through the Omnibus and deep cleaning exercise on removing unnecessary burden and complexity from either existing legislation or legislation that is in the pipeline (i.e. under negotiation with the Parliament and Council). Less priority is attached to managing the flow and radically improving the quality of assessments (both ex-ante and ex-post). To achieve desired outcomes, it would seem desirable to place more emphasis on these two aspects—in addition to addressing the bottlenecks that may arise at member state level (IDDRI, 2026)

Better managing the legislative flow. There needs to be more strategic management of the body of legislation. A pre-condition for the introduction of any new legislation (before impact assessment/cost-benefit analysis is launched) should be a clear indication of how the new initiative fits with existing laws and an explanation of why objectives cannot be achieved within the existing legal framework. There should be strengthened political control of the legislative pipeline: development of new conditions for preparing new laws (e.g. success in implementation of existing laws in the sector) and adoption of systematic regulatory pauses at the end and beginning of each Commission term. The use of delegated and implementing acts should be monitored and strictly controlled at the proposal stage and throughout the negotiations with the Parliament and Council. Where legislation has been introduced incrementally, there needs to be a consolidation programme bringing all pieces of legislation under one framework law before additional laws can be added.

Improving the preparation of new legislation and revisions. *Ex-post* evaluations are key to improving the implementation of EU law and managing the flow of legislation. They have been unable thus far to fulfil this role because of their low quality and only a few meta-evaluations have been conducted. The existing pre-condition of mandatory ex-post evaluation needs to be reinforced, not only for single pieces of legislation, but for areas of law. Externalizing *ex-post* evaluations could improve their quality and facilitate better assessment of implementation gaps.

The quality of assessments could be improved by establishing a centre (or centres) of analytical expertise. This would build and continuously update a robust evidence base for policy areas. It could help streamline the analytical demands on impact assessments. Better Regulation should not escape the evaluation requirement placed on policy files. There is a need to critically examine new elements of legal design: have sunset clauses worked? Have sandbox provisions produced desired results? Are there laws which have proved to be particularly effective, easy to implement and future-proof?

Improving inter-institutional collaboration to enforce better regulation and simplification. The Council and the Parliament need to conduct assessments of their amendments. This could be facilitated through an inter-institutional mechanism using the initial impact assessment's methodology. The three institutions need to agree on best practices and to refrain from embellishing simplification proposals such as recasts in the approval process.

1

https://commission.europa.eu/topics/competitiveness/draghi-report_en

2

[European Ombudsman \(2025\). 'Recommendation on the European Commission's compliance with 'Better Regulation' rules and other procedural requirements in preparing legislative proposals that it considered to be urgent'.](#)

3

[A Simpler, Clearer and Better Enforced EU Rulebook \(COM\(2026\) 380\)](#)

4

[www.businesseurope.eu/publications/businesseuropes-reaction-to-the-european-commissions-better-regulation-communication/](#) ;
[www.eurochambres.eu/publication/a-simpler-clearer-and-better-enforced-eu-rulebook-but-prove-it/](#)

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