



Response to call for evidence for a Better Regulation Framework

1. How could the Commission better reconcile the need for evidence-based policies and urgent action in the conduct of its better regulation activities?

The conflation of the creation or formalisation of new processes for policy development in 'urgent' situations, with the reform of 'standard' policy development as governed by the BR guidelines applied under normal conditions is problematic and speaks to the 'crisisification' of policy-making in the EU as discussed by [Rhinard, 2019](#). Key considerations include:

- **Urgency** needs to be clearly defined and its impact on the procedures laid out precisely and with limits. EJNI supports the Ombudsman [recommendation](#) to the Commission of 25 November 2025 to create a clear and predictable accelerated pathway with robust guidelines on the definition, application and justification of urgency, and create guidelines setting out which BR instruments will be used on this new pathway.
- **Evidence-based policymaking:** robust impact assessments should accompany all legislative proposals. Assessments should be transparent and include data not only on short-term economic costs, but also on wider and long-term benefits to health and nature as well as the costs of policy inaction. Independent scientific input and strong mechanisms for democratic participation must be included, in line with the recently adopted European Democracy Shield and [guidance](#) on supporting and connecting policymaking in the Member States with scientific research.
- **Climate consistency assessment:** EJNI supports the [recommendation](#) of the European Ombudsman that the Commission should issue guidance, for example in its Better Regulation rules, on how Article 6(4) of the European Climate Law should be implemented for legislative proposals that are not accompanied by an impact assessment.

2. How could the Commission ensure a holistic approach to stakeholder consultations with a view to implementing a more efficient and effective manner to gathering essential information, including possibly across policy fields?

- The requirement to consult civil society arises from the EU Treaties and international law requirements (for example in Article 10 and 11 TEU and Article 8 of the Aarhus Convention). The Better Regulation guidelines simply establish procedures to fulfil these requirements. Abandoning some of these detailed rules would risk non-compliance with legal requirements.
- Stakeholder fatigue is neither substantiated nor evidence-based and should not be used as an argument to reduce opportunities for public participation in EU decision-making.
- Stakeholder consultation should not be conflated with public consultation, and 'selective' consultation should not be used as substitute for open consultation as it risks excluding crucial voices, particularly from vulnerable communities.
- Future generations and today's youth should be recognised as crucial stakeholders.
- EJN! supports the assertion that any reform of the consultation regime should focus on addressing the known shortcomings of current approaches to consultation design and implementation, namely those around the timing, format, duration, framing, scope etc. of consultations. Fixing these flaws would also provide an important example for member states where the same issues exist (see for example EJN!'s [record of the experience of engaging with the recent NECP update process](#)).

3. What practical steps could be undertaken to make EU laws simpler and easier to implement in practice (for example as regards the legal instruments, the use of delegated and implementing acts, or the application of digital tools, etc.?)

- **Environmental principles:** EU policymaking should integrate the precautionary principle (Article 191 TFEU), the UN SDGs, the 'Do no harm' principle and intergenerational fairness principle in all its policies, and impact assessments should have these principles and goals at their core.
- **Transparency** in opaque decision-making processes and access to information should be enhanced.
- **Framing** in the context of the better regulation agenda should be carefully considered, with terms such as 'burdens', 'red tape', and 'gold plating' distracting from the need for responsibility, protection, and ambition.
- **Simplification of legislation** should be undertaken with caution and could include simplification of language used, cross-referencing and consolidation, but this should be led by the professionals involved in drafting EU legal texts across the institutions. Implementation can be simplified by supporting its targets (businesses, regulators, government authorities, citizens) to interpret and apply legislation through clearer 'lay-person' summaries of EU law, but through keeping the legal text and detail intact.

It is important that Better Regulation is not understood solely as an upstream exercise focused on the design of new legislation. Many of the shortcomings attributed to EU law arise instead from weaknesses in implementation, enforcement, and resourcing at EU and national level. A revision of the Better Regulation framework should therefore explicitly recognise effective implementation and enforcement as integral components of regulatory quality, rather than allowing simplification to obscure persistent compliance gaps.

In addition, when impact assessments or consultations are shortened or not carried out, the reasons must be clearly explained, documented, and made public. Such departures from standard procedures should be rare and tightly defined, and supported by clear methodological guidance and transparency. Without these safeguards, the Better Regulation framework risks losing credibility, increasing legal uncertainty, and weakening trust in EU law-making. A revised framework should therefore focus on ensuring that EU laws are durable and legitimate, rather than prioritising speed or short-term cost reduction alone.