

Speed Over Substance:



How the Commission's Better Regulation Reform Misdiagnoses EU Lawmaking

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Summary

- On 28 April 2026, the European Commission unveiled a comprehensive plan to reform its Better Regulation Guidelines, aiming to simplify EU lawmaking, reduce bureaucratic burdens, and enhance competitiveness. The proposal, titled 'Better Regulation and Enforcement', emphasises 'simplicity by design', regulatory deep cleaning, reduction of gold-plating (the addition of national requirements beyond what EU regulations formally require), and faster enforcement.
- The present analysis assesses the Commission's proposal in light of the EU Regulatory Quality Index (Stefopoulou et al. 2025), which provides empirical evidence on the current status of EU regulatory quality.
- The Index reveals that the primary challenge facing EU legislation is not only over-regulation but also poor regulatory quality. This stems from complex language, inadequate impact assessments, inconsistent consultation practices, and weak implementation.
- While the Commission's stated objectives are legitimate, there is a significant risk that the reform may prioritise speed over quality. This could potentially weaken safeguards such as impact assessments and stakeholder consultations.
- The analysis provides evidence-based policy recommendations to ensure that the reform strengthens rather than undermines the quality, transparency, and accountability of EU lawmaking.

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Introduction

The European Commission's Better Regulation Guidelines provide a procedural framework for the design, assessment, and adoption of EU legislation. The guidelines establish requirements for impact assessments (IAs), stakeholder consultations, regulatory scrutiny, and evaluation procedures. On 28 April 2026, the Commission presented a major reform package aimed at modernising this framework, with the objectives of reducing red tape, accelerating legislative processes, and bolstering European competitiveness (European Commission 2026).

This proposal emerged in the context of a broader political push for deregulation. Since taking office, the von der Leyen Commission has pursued what it characterises as a 'simplification agenda', which has included rollbacks of environmental disclosure requirements, proposed relaxations of pesticide regulations, and controversial amendments to chemical safety rules.¹ Critics have expressed concern that these initiatives may weaken environmental, social, and public health protections under the guise of enhancing competitiveness.²

The present briefing evaluates the Commission's Better Regulation reform proposal in light of the EU Regulatory Quality Index (2025), which provides empirical evidence on the current state of EU regulatory practices. The analysis identifies both opportunities and risks inherent in the proposed reform and offers evidence-based policy recommendations to ensure that any changes strengthen rather than compromise regulatory quality.

The Commission's Proposal

The Commission's reform package centres on five key pillars:

1. **Simplicity by design:** Embedding clarity into every proposal, ensuring that regulatory obligations, compliance pathways, and enforcement consequences are readily comprehensible to affected parties.
2. **Strengthening the Better Regulation framework:** Enhancing transparency, stakeholder engagement, and procedural efficiency within the existing Better Regulation system.
3. **Regulatory deep cleaning:** Addressing inconsistencies, overlapping provisions, and excessive complexity across 12 priority policy areas within the existing stock of EU legislation.

¹ 'EU Commission: Blame Berlin and Paris for red tape, not us', *Politico*, 28 April. (<https://www.politico.eu/article/european-commission-regulation-overhaul-business-competitiveness/>)

² See indicatively: 'The Commission wants Better Regulation, but for whom?', *European Environmental Bureau*, 28 April 2026 (<https://eeb.org/en/the-commission-wants-better-regulation-but-for-whom>). Alemanno, A. 'Deregulating Better Regulation: The Constitutional Stakes of the Commission's 2026 Reform', *Verfassungsblog*, May 2026 (<https://verfassungsblog.de/deregulating-better-regulation/>). 'The EU's Better Regulation Reform: Smarter Lawmaking or a Licence to Bypass It?', *The Good Lobby*, 28 April 2026 (<https://thegoodlobby.eu/the-eus-better-regulation-reform-smarter-lawmaking-or-a-licence-to-bypass-it/>).

4. **Tackling regulatory gold-plating:** Supporting Member States in identifying and removing national requirements that exceed minimum EU standards and create barriers to the Single Market.
5. **Faster, robust enforcement:** Strengthening enforcement mechanisms for Single Market rules and reducing the backlog of infringement proceedings.

The Commission frames this reform as essential for enhancing European competitiveness in an era of geopolitical uncertainty and economic transformation. President von der Leyen emphasised that ‘Europe needs clear and coherent legislation that fully responds to the needs of our citizens and businesses’, positioning the reform as an enabler of economic dynamism and regulatory efficiency (European Commission 2026).

Analytical framework: EU Regulatory Quality Index

The EU Regulatory Quality Index (2025) offers a systematic, evidence-based assessment of EU regulatory practices across multiple dimensions. Developed through a comprehensive analysis of EU legislative output, the Index measures regulatory quality using indicators across the following dimensions:

- Legislative accessibility: sentence length, document length, and readability metrics
- Regulatory inflation: volume trends in legislative output
- Impact assessment quality: coverage of territorial, small and medium enterprise (SME), and financial impacts
- Early-stage planning: consistency of roadmaps and inception IAs
- Consultation practices: stakeholder engagement quality and inclusiveness
- Implementation effectiveness: transposition rates and enforcement patterns

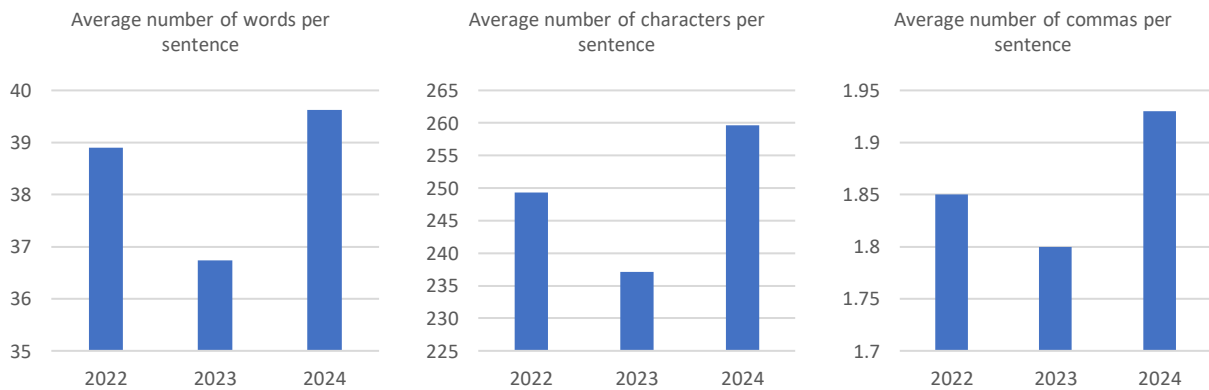
The Index provides an empirical foundation for assessing whether the proposed reforms address the actual challenges confronting EU regulatory quality. Critically, the Index findings suggest that the fundamental problem is not the quantity of regulations but rather their quality: how legislation is drafted, assessed, consulted upon, and implemented.

Key findings from the EU Regulatory Quality Index

Complexity and accessibility

The Index reveals that EU legislation consistently employs sentence structures that are approximately twice as long as what is recommended by plain language standards. While the UK Plain English Campaign³ suggests sentences should average no more than 20 words, EU directives issued between 2022 and 2024 averaged 38.6 words per sentence – nearly double that benchmark. The sentences in EU legislation are also long in terms of character count, with a three-year average of 250 characters per sentence, highlighting a clear gap in readability and simplicity (Figure 1). This complexity is compounded by document length: legislative acts frequently exceed lengths that would permit ready comprehension by affected parties, including businesses and citizens. This finding underscores that the challenge is not merely the volume of regulation, but fundamentally how regulations are written and structured.

Figure 1. Language metrics of EU directives, 2022–2024



Source: Stefopoulou et al. (2025).

Regulatory inflation

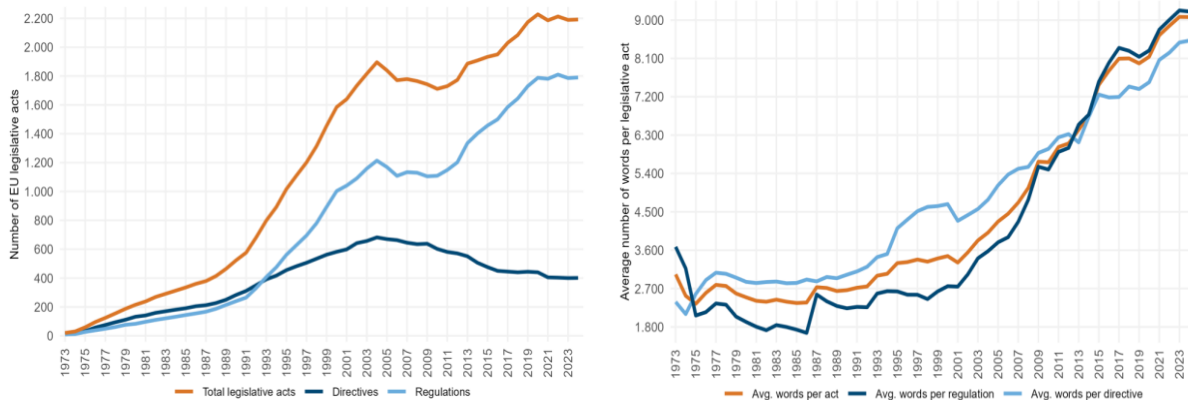
Despite repeated Commission commitments to simplification, the overall volume of EU legislation continues to expand. According to the Center for Political Studies (Herby 2024), the EU regulatory volume has doubled since the Treaty of Lisbon. More specifically, EU legislation (measured number of words) has increased by 729% since the Maastricht Treaty (from 1 January 1994 to 1 January 2024) and 101% since the Treaty of Lisbon (from 1 January 2010 to 1 January 2024). Figure 2 shows the trend in the number of EU legal acts (left) and the trend in the number of words per legal act, which reveals that the growth in EU legal acts appears slower when measured by count (174% since

³ ‘How to write in plain English’, *Plain English Campaign*, n.d. (https://cdn.website-editor.net/s/08adc49f98924cb8b7dddec4cafb071e/files/uploaded/howto.pdf?Expires=1760025111&Signature=LYcTL8BsLzm2D2Dfz5qu9-veHkYwQ-jeGn2Fde1aR~V4GaYm2eyRTSSU2eLOyqj9VvkDDpbAX~jxX6u6DKfN24SV9XWArrY~GJGGxK7XGuaSFwPvs8MLmXpWvSYFheB~1Xwt5eA7eNV4qGgFy8AnxgGGUp6FJoaMEGkEjXxFj00RuOrTJaY3bEmNj4gNhm5d1KPKrfrjKjqbsyGIKWBiVai6E3Q7AlwNGhVBoA98TvETiuwVZlOkM6XhxnWI0G~KmaJGbmQY829jgZPOnNGRJGu6-QFP49TIQdlwU4dwzSJPTancGalg1qNskkrA4wAhMo5oTamOIwflutOONSarweQ_&Key-Pair-Id=K2NXBXLf010TJW).

Maastricht, 25% since Lisbon), but this is misleading because it ignores a key factor: the acts themselves have become significantly longer over time.

This legislation inflation is mainly constituted by EU regulations. This pattern suggests that previous simplification initiatives have not effectively addressed the underlying drivers of regulatory growth. While the Commission correctly identifies a regulatory burden problem, the Index indicates that existing mechanisms have proven insufficient to contain legislative volume growth.

Figure 2. The trend in the number of EU legal acts (left) and the trend in the number of words per legal act (right)



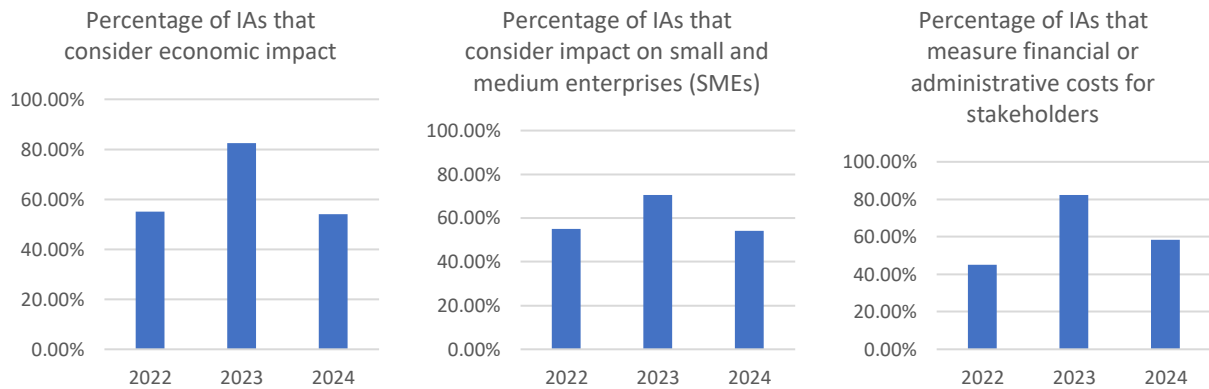
Source: CEPOS' Regulatory Database based on Retsinfo.dk and EUR-LEX. <https://www.retsinformation.dk/>

Note: The inventory shows original acts (main acts) and later consolidations. The inventory excludes acts marked 'Does not concern your user interface language' (Danish).

Weak impact assessments

Impact assessments frequently omit critical analytical components, including territorial impact analyses, small and medium enterprise (SME) assessments, and comprehensive financial analyses. Figure 3 shows key indicators on the inclusion of economic considerations in IAs for EU directives issued between 2022 and 2024. Across the three years, most IAs included economic analyses: 62.3 per cent described economic impacts and 60.66 per cent assessed financial or administrative costs. Despite yearly variations, a clear majority addressed economic aspects, with directives issued in 2023 showing the highest level of inclusion. This represents a significant quality deficit: around 40 per cent regulations are being adopted without a systematic evaluation of their differential impacts across regions, business sizes, and stakeholder groups. The implications are profound: regulatory quality problems are embedded before legislation is even formally proposed.

Figure 3. Metrics on the inclusion of economic considerations in impact assessments, 2022–2024



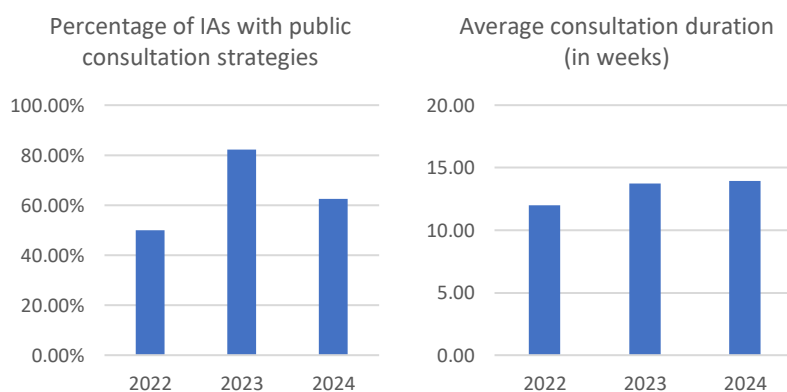
Source: Stefopoulou et al. (2025).

Note: In cases where an assessment was not required because the directive did not relate to economic aspects, we looked for an explicit statement that the impact was not considered significant. Such instances are included in these percentages. Stakeholders are the EU, national governments, regional or local authorities, economic operators, or citizens.

Uneven consultation practices

Stakeholder consultation quality varies significantly across policy domains, with some areas receiving minimal or perfunctory engagement. Figure 4 shows that across the three years, about two-thirds of IAs (63.93%) reported their consultation approaches and results, indicating that this is a relatively consistent element of the process. Consultation periods also increased slightly, from 12 weeks in 2022 to 13.93 weeks in 2024, averaging 13.6 weeks overall, indicating a trend toward more frequent and longer consultations. This creates risks of regulatory capture in some sectors and insufficient stakeholder input in others. Any reform that further reduces consultation requirements could exacerbate these disparities, potentially concentrating influence among well-resourced stakeholders while marginalising smaller actors.

Figures 4. Metrics on public consultation processes, 2022–2024



Source: Stefopoulou et al. (2025).

Poor early-stage planning and weak implementation

On the one hand, roadmaps and inception IAs are employed inconsistently across policy initiatives. This undermines transparency at the earliest stages of the policy development process, when stakeholder input and public scrutiny could most effectively shape legislative design. The lack of standardised early-stage planning creates opacity regarding the Commission's legislative intentions and analytical approach.

On the other hand, less than 50 per cent of EU directives are transposed by Member States within prescribed deadlines (Stefopoulou et al. 2025). Enforcement mechanisms operate with significant delays. This finding identifies a critical bottleneck: the problem is not solely the speed of EU-level legislative adoption but equally the capacity and willingness of Member States to implement agreed rules. Reforms focused exclusively on accelerating Brussels-level processes may therefore miss a fundamental implementation constraint.

Assessment of the Commission's proposal

The Commission's stated objective of simplifying EU legislation is legitimate and, if pursued appropriately, could yield significant benefits for regulatory effectiveness and economic efficiency. However, when assessed in light of the empirical findings of the EU Regulatory Quality Index, the proposal presents substantial risks that warrant careful consideration.

The fundamental concern is that the reform may address symptoms rather than causes. The Index demonstrates that the core problem is not excessive regulation but *poorly designed regulation*. EU legislative quality is undermined by complex drafting, inadequate IAs, inconsistent consultation practices, and weak implementation. Simply accelerating the production of legislation or reducing procedural requirements risks perpetuating or even worsening these quality deficits.

Several specific risks merit attention:

- **Weakening impact assessments:** The reform's emphasis on speed and efficiency could increase the pressure to streamline or abbreviate IA processes. Given that current IAs already frequently omit territorial, SME, and financial analyses, further reductions would likely degrade analytical quality. The consequence would be legislation adopted without an adequate understanding of its distributional effects and compliance costs.
- **Reducing stakeholder consultation:** Accelerated timelines and simplified procedures could curtail opportunities to gather stakeholder inputs, particularly from less-resourced actors such as SMEs, civil society organisations, and regional authorities. This would concentrate influence among well-organised industry groups and large firms, potentially undermining the legitimacy and practical effectiveness of resulting legislation.
- **Bypassing safeguards:** The reform's competitiveness framing could help justify circumventing established safeguards on environmental protection, consumer rights, and social standards. The Commission's recent track record – including rollbacks of corporate environmental disclosures and chemical safety rules – suggests that

'simplification' may, in practice, entail a substantive weakening of protective standards rather than a genuine improvement in regulatory clarity.

- **Misdiagnosing the implementation problem:** The reform's focus on accelerating Brussels-level legislative processes does not directly address the implementation bottleneck identified by the Index. If Member States already struggle to transpose and enforce existing legislation, producing new rules more rapidly may simply exacerbate backlogs and non-compliance.

It is important to acknowledge the alternative perspective: proponents of deregulation argue that the sheer volume and complexity of EU rules impose substantial compliance costs, particularly on SMEs, and that some environmental and social regulations make European firms less competitive globally. These concerns merit serious consideration. However, the Index suggests that the appropriate response is not to reduce analytical rigour or stakeholder input, but rather to enhance the quality and clarity of regulatory design from the outset.

Policy recommendations

Based on the EU Regulatory Quality Index findings, the following evidence-based recommendations would better address the identified challenges while avoiding the risks inherent in the Commission's current approach:

1. Improve the quality of EU legislative proposals

Establish mandatory plain-language standards for all EU legislative proposals, with sentence length and readability targets aligned with international best practices. Provide training and resources to Commission legal drafters to ensure compliance with these standards. This would directly address the accessibility problems identified by the Index without compromising substantive policy content.

2. Strengthen, not weaken, impact assessments

Make territorial impact analyses, SME assessments, and financial cost–benefit analyses mandatory components of all IAs. Establish clear methodological standards and provide adequate resources for their completion. Stronger IAs would improve *ex ante* regulatory quality and reduce the likelihood of costly amendments or implementation failures later in the legislative process. These IAs should also serve as standards in *ex post* evaluations, where regulations should be assessed, repealed, or modified based on their outcomes.

3. Standardise early-stage planning

Require roadmaps for all legislative initiatives to be published at the earliest stage of policy development. Ensure these roadmaps specify the analytical approach, consultation plans, and preliminary identification of affected stakeholders. Standardised early-stage transparency would enable more effective stakeholder engagement and public scrutiny before policy positions become entrenched.

4. Enhance consultation requirements

Establish minimum standards for stakeholder consultation duration and outreach. Create specific mechanisms to ensure input from underrepresented groups, including SMEs, regional authorities, and civil society organisations. Consider targeted capacity-building support to enable effective participation by less-resourced stakeholders. Enhanced consultation practices could improve both the legitimacy and practical effectiveness of EU legislation.

5. Reinforce the Regulatory Scrutiny Board

Expand the mandate and independence of the Regulatory Scrutiny Board to include binding quality assessments. Provide the Board with adequate resources and staff to conduct thorough reviews. A strengthened scrutiny mechanism would provide an institutional counterweight to political pressures for rapid legislative output and ensure that quality standards are maintained.

6. Focus on implementation support

Establish a system to monitor Member State transposition performance and to identify implementation challenges early. Provide technical and financial support to Member States experiencing capacity constraints. Develop stronger enforcement tools, including expedited infringement procedures for systematic non-compliance. Addressing the implementation bottleneck is as important as streamlining Brussels-level processes.

Conclusions

The reform of the Better Regulation Guidelines represents a significant opportunity to improve EU legislative quality. However, its success will depend critically on whether it enhances the evidence base, transparency, and analytical rigour underpinning EU lawmaking, or whether it simply accelerates legislative production with reduced scrutiny.

The EU Regulatory Quality Index provides clear evidence that the fundamental challenge is not over-regulation but poor-quality regulation, characterised by complex drafting, weak IAs, inconsistent consultation, and inadequate implementation. These problems will not be solved by reducing procedural safeguards or prioritising speed over quality. Indeed, such an approach risks embedding quality deficits more deeply in EU legislative processes.

The recommendations outlined in this briefing offer an alternative path: strengthening analytical capacity, enhancing stakeholder engagement, improving legislative drafting, and addressing implementation bottlenecks can help systematically improve the quality of EU regulation. This approach would genuinely improve regulatory quality while maintaining safeguards that protect environmental, social, and consumer interests.

The Commission, European Parliament, and Council now face a critical choice: will the Better Regulation reform enhance the quality and legitimacy of EU lawmaking, or will it subordinate these principles to narrow efficiency metrics? The answer will have profound implications for the effectiveness, transparency, and democratic accountability of European governance.

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