RegWatchEurope

POSITION PAPER

Mid-term of the European Commission under the von der Leyen II Presidency

Better regulation in fast-changing times of multiple crises:
a RegWatchEurope perspective

Date	October 2026
Publisher	RegWatch Europe
Contact	anika.wiest@nkr.bund.de

Introduction

At the midpoint of the second von der Leyen Commission ("von der Leyen II"), the European Union continues to find itself in a profoundly changing political and regulatory environment. Therefore, the European Commission has pursued an increasingly dynamic legislative strategy in the form of two major Communications: the "Simpler and Faster Europe" in 2025 and the "Simpler, Clearer and Better Enforced EU Rulebook" in 2026. Jointly, these Communications, large-scale Omnibus packages and other simplification initiatives, demonstrate a strong political commitment to simplifying regulation, reducing regulatory burden and increasing competitiveness.

As a network of independent scrutiny and advisory bodies in the field of Better Regulation, RegWatchEurope (RWE) aims to contribute constructively to the further development of the EU Better Regulation framework. The objective of this position paper is to appraise the reform agenda pursued by the Commission, to take stock of the measures already implemented and to critically evaluate how the Better Regulation system itself is currently functioning and where further adjustments may be necessary.

Reaffirming RegWatchEurope's findings and recommendations regarding the Omnibus proposals

The Omnibus packages have been at the centre of the current European Commission's Better Regulation agenda to date. We studied the first six Omnibus packages and find that no impact assessments have been conducted by the European Commission on these proposals and only one impact assessment have been carried out in a Member State. Other types of documentation accompanying the proposals are generally limited to estimating the burden reduction for businesses. Furthermore, stakeholder consultations at the EU level were not directly related to the Omnibus proposals; on the national level neither quantity nor scope of consultations are appropriate

In its recommendations published in May 2026[1], RWE suggests that a follow-up at the EU level should be conducted for each Omnibus proposal as soon as it is adopted by co-legislators. This follow-up should focus on adopted amendments and could be limited to business impacts. RWE also recommends that ex-post evaluations of Omnibus packages are conducted in a timely manner. Other central recommendations are that impact assessments are always performed at EU level and that sufficient time for proportionate impact assessment and stakeholder consultation at national level should be given before the start of negotiations.

RWE however recognises and welcomes initial improvements in this regard: The two Omnibus packages presented in 2026 to date, i.e. package XI on direct taxation and package XII on energy and tyre labelling, are both accompanied by robust impact assessments.

General assessment of the 2026 Communication "A Simpler, Clearer and Better Enforced EU Rulebook"

The European Commission's latest Communication addresses the following main aspects: it sets out a clear process for assessing emergency regulations —defining "emergency" and minimum impact-assessment criteria — to close a previously noted gap. It also launches an ambitious "legislative deep-cleaning" effort, screening 12 priority areas, expands the Regulatory Scrutiny Board's (RSB) quality-control role and includes a push for stronger ex-post evaluations supported

[1] https://www.regwatcheurope.eu/rwe-findings-and-recommendations-on-omnibus-process/.

by better data and implementation plans. Finally, the Commission aims to curb "Gold-Plating" through a best-practice toolkit, harmonised criteria, and tighter EU-Member State cooperation.

What deserves particular recognition is that the current Communication focuses on streamlining both, existing instruments and the implementation of new and existing regulation, instead of introducing additional burden reduction mechanisms. The different regimes that have been launched to reduce red tape in the past few years (One-In-One-Out (OIOO), 25/35 % reduction drive, Omnibus) all brought their own methodological rulebook with them, increasing the complexity of the system. The Communication now reduces this complexity rather than adding to it, which RWE explicitly welcomes.

What is also particularly positive is that the Commission has defined a concrete process for assessing emergency regulation. This has been a long-standing RWE recommendation, most recently in connection with the scrutiny of the Omnibus process. The Communication includes a definition of "emergency" regulation, as well as the minimal aspects to be considered as part of an impact assessment. RWE sees this as a good and necessary step to fill a gap it observed in the past years. This mechanism will however also have to prove its credibility in practice.

The intention to strengthen impact assessments conducted as part of negotiations with co-legislators also deserves recognition. RWE has previously stressed the need for impact assessments of amendments where significant changes are made.

Additionally, RWE agrees with the European Commission's observation that the accumulation of rules has become a challenge across most developed jurisdictions. It therefore supports the "deep cleaning" ambition, which aims to examine the relevance and the fitness for purpose of the entire legislative stock. The necessity of such a review has also been recognised by several Member States, which have launched similar national initiatives. Closer cooperation with the Member States on this issue could therefore be beneficial, fostering knowledge sharing and creating synergies.

Underlining the continuous validity of the 2025 Communication on implementation and simplification

The 2026 Communication builds on previous year's "Simpler and Faster Europe" Communication, which announced a number of important changes to the EU's Better Regulation system. In many areas, the work to effectively implement these changes is still ongoing and should remain a priority.

RWE stresses in particular the need to continue and reinforce measures such as conducting more, and better, impact assessments, including on delegated and implementing acts, with a particular focus on SME and competitiveness checks.

The 2025 Communication expanded previous burden reduction targets to encompass all administrative costs instead of only reporting costs. RWE underlines the importance of further expanding the reduction target to include all regulatory compliance burdens.

Recognizing the responsibility of the Council and the Parliament, RWE supports the development and use of a common methodology for assessing the costs of substantial amendments, envisaged in the 2025 Communication, as well as the planned revision of the interinstitutional agreement on better lawmaking, IIA[2].

[2] https://www.regwatcheurope.eu/wp-content/uploads/2025/05/RWE-Recommendations-towards-the-revision-of-the-IIA_CD_final_.pdf.

RWE further underlines the importance of continuous implementation dialogues with stakeholders as well as the work on implementation strategies alongside Member States. A more systematic use of implementation workshops should continue, complemented by enhanced transparency, for example by publishing summaries of such workshops. This would enable Member States to make more well-considered implementation choices, while also supporting subsequent monitoring and ex-post evaluation efforts. RWE also welcomes the further focus on systematic stress-testing and reality checks.

More proportionate impact assessments require explicit criteria

Better information and high-quality impact assessments are important prerequisites for developing good legislative proposals. They can also help decide whether a given political goal can be achieved with means other than legislation and should therefore be applied as broadly as possible. RWE welcomes the Commission's structured approach to proportionality, the differentiation between major and targeted initiatives, the "matrix of key impacts," and the broader application of impact assessments. However, in a significant number of cases impact assessments are still not carried out. While it is understandable that not all draft legislation can be accompanied by an impact assessment, the criteria used to decide whether to conduct one should nevertheless be made explicit and applied consistently.

The future role of the RSB should be clarified

According to the 2026 Communication, the Regulatory Scrutiny Board will be performing scrutiny on a wider range of assessments. Whereas RWE welcomes this wider application of RSB scrutiny, the new task stays rather vague: neither is it clear for which additional assessments the RSB should carry out quality control for in the future, nor what exactly this control would entail. Additionally, according to the Communication, the extended RSB scrutiny should include the consideration of the nature and significance of the impacts of each proposal. This definition is equally unclear. How will "significance" and "nature" be defined? This should be put in relation to the definition of "key impacts" above. Furthermore, the Communication suggests that targeted proposals will receive recommendations for improvement. This means that some draft assessments will no longer be subject to full scrutiny. On the one hand, focusing on the most important proposals may improve the quality of the opinions; for example, recognizing cumulative regulatory burden caused by several proposals can be highlighted. On the other hand, more limited scrutiny of some assessments could also lead to a deterioration in their quality.

Moreover, RWE would like to better understand what the "recommendations for improvement" will entail and how they would be taken into account. The question as to how the RSB will be included into the system of emergency impact assessments also remains unanswered.

Therefore, RWE calls for the revised role of RSB to be clearly set out, with a transparent definition of its tasks. RWE strongly suggests the mandate to include a possibility for the RSB to comment on Commission decisions or motivations when impact assessments or other documentation is, according to the RSB, too limited or not provided at all. Finally, RSB should be mandated to have a say in defining the criteria for deciding whether to conduct an impact assessment in the first place.

The importance of ex-post evaluations

While it must be acknowledged that the European Commission already has an advanced evaluation framework in place, a broader challenge remains: the generally low political profile of evaluations. RWE therefore endorses the introduction of the "key impacts matrix" for impact assessments and ex-post evaluations, which will ensure further focus and prioritisation.

In addition, there is still scope to further strengthen the examination of regulatory burdens and simplification potential as part of ex-post evaluations. The Better Regulation Toolbox already requires ex-post evaluations to consider these points, but in practice this is not always the case. This could also be further addressed by requiring impact assessment evaluation plans to explicitly include regulatory burdens.

Alternatively or additionally, interim evaluations could act as a follow-up to the impact assessment and provide valuable insight into the current trajectory of the bill and serve as a means to respond more quickly to unintended impacts. Conducted at later stages, they could complement and inform potential reality checks by highlighting implementation challenges.

More focus on the potential of data and AI

In the context of data, RWE also wants to underline its opinion on "Granularity of EU cost calculations"[3] as well as its contribution to the 2026 Call for evidence for the Communication on Better Regulation[4]. Both papers address the issue of data quality. In the Communication, the Commission states that "consideration of costs and benefits will remain a key part of this more focused and concise analysis, with figures, data and statistics playing a prominent role, where available." First, RWE applauds the ambition for a more prominent role of data. At the same time, this role is not described further and neither are concrete steps set out. RWE encourages the Commission to reflect on the lack of further development, as the significance on replicable data-based decision-making is rising. RWE would therefore like to reiterate its claim that greater use could be made of existing quantitative data sources — including administrative data, linked datasets, and high-quality secondary research — as well as of well-established analytical methods.

In addition to ensuring more granularity of cost calculations, additional or alternative approaches to analyse burden reduction effects should be considered. Examples could be a comparison of countries (mapping exercise) or an analysis of model companies; it may also be of value to put more effort into the already existing tool of reality checks.

With this in mind, RWE also observes that the inclusion of new technological innovations into the impact assessment process remains an open task. Artificial intelligence provides opportunities for the improved identification and calculation of impacts and can speed up the processing of stakeholder feedback. It can also support the timely monitoring and evaluation of legislation. While providing opportunities, its potential and use must also be subject to scrutiny and assessment as regards quality and cost efficiency.

[3] https://www.regwatcheurope.eu/wp-content/uploads/2025/12/RWE-Opinion-on-Granularity-of-EU-Cost-Calculations.pdf.

[4] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/16232-Communication-on-better-regulation_en.

A pathway towards tackling Gold-Plating

In her State of the Union address on 16 September 2026, the European Commission President von der Leyen declared: "If we are serious about simplification, we need a pact on Gold-Plating." RWE welcomes this strong commitment and urges that the pact's key parameters be clearly defined.

According to the most recent Communication, a best practice toolkit and harmonised criteria for identifying and addressing Gold-Plating are in planning. Additionally, existing instruments such as implementation dialogues, reality checks and ex-post evaluations should also help to identify Gold-Plating. Harmonized criteria and best practices represent a basis for more profound scrutiny of the fragmentation of the Internal Market. RWE also welcomes the fact that the new Simplification Platform will have a special focus on this issue. The role of both Member States and stakeholders can not be underestimated.

RWE experience shows that the willingness of Member States to undertake a systematic in-depth comparison of EU and national law varies. If it is the resources in the Member States that are the limiting factor, additional hands-on collaboration between the European Commission and the Member States could be beneficial. Finally, an open question remains as to how the "European Semester" will concretely address Gold-Plating.

Outlook

As a summary, RWE appreciates the initiatives of the von der Leyen Commission to further develop its Better Regulation system. RWE welcomes the focus on streamlining and reinforcing existing measures, revising existing rules and improving implementation in Member States, including further focus on reducing Gold-Plating.

RWE continues to call for proportionate impact assessments to be universally applied for all major proposals, including Omnibus packages. More clarity as to what constitutes emergency regulation, as well as the impact assessments conducted for the latest two Omnibus packages are steps in the right direction.

Where more clarity is still needed is the definition of the Regulatory Scrutiny Board's revised mandate — clarifying the scope of "targeted" versus "major" scrutiny, criteria for "significance" and RSB's role in emergency procedures.

In the spirit of Better Regulation, it is crucial to evaluate the actual effects of the new and revised measures – including the Omnibus packages, the Gold-Plating toolkit and the revised mandate of the RSB. The Better Regulation system should become a learning system, based on transparency, data and testing new approaches. In the end, the effects of all measures should be felt by citizens and businesses. It is especially this tangible aspect that should be monitored and evaluated by the Commission and Member States.

Contact: anika.wiest@nkr.bund.de · https://www.regwatcheurope.eu/