Evidence, Consultation, and Simplicity:

Improving the Quality of EU Lawmaking

Panagiotis Karkatsoulis

Lead Researcher in Regulatory Affairs, Center for Liberal Studies (KEFIM)

Efi Stefopoulou

Research Associate, Center for Liberal Studies (KEFIM)

Constantinos Saravakos

Head of Research, Center for Liberal Studies (KEFIM)

3 February 2026

Summary

- Compliance with the Better Regulation Framework exists at the procedural level but often fails in practice. Despite the widespread use of impact assessments and consultations, EU regulations perform poorly in terms of economic analysis, administrative costs, and implementation planning, resulting in legislation that appears compliant with the framework but delivers limited real-world benefits.

- Urgency is increasingly used to justify weaker evidence standards. Under the guise of crisis-driven lawmaking, impact assessments are frequently rushed, narrow, or bypassed altogether, normalising lower analytical quality and reducing transparency around regulatory trade-offs.

- Stakeholder consultations are long, but fragmented and siloed. Although consultations last on average over 13 weeks, they rarely capture cross-sectoral or cumulative regulatory effects, limiting their value for evidence-based policymaking and increasing consultation fatigue.

- EU legislation remains complex, costly, and hard to implement. The growing use of delegated and implementing acts adds layers of regulation without sufficient scrutiny, increasing compliance costs, legal uncertainty, and uneven enforcement across member states, especially for small and medium enterprises (SMEs).

Table of contents

About the Center for Liberal Studies (KEFIM)

KEFiM is Greece's premier free-market think tank that envisions Greece as a role model of economic and civil liberty where citizens are allowed to pursue their dreams and aspirations freely. Its mission is to increase individual and economic freedoms of Greeks through the promotion of liberal ideas and policy proposals. KEFiM focuses its work on four strategic pillars: the promotion of sound policy proposals that influence policy making, the protection of civil liberties through judicial activism, the promotion of economic literacy through educational campaigns, and the development of a bipartisan liberal movement. KEFiM is a member of the Atlas Network, EPICENTER, and the European Liberal Forum.

About EPICENTER

EPICENTER, the European Policy Information Center, is an independent initiative of twelve leading think tanks from across Europe. It seeks to inform the European policy debate and promote the principles of a free society by bringing together the expertise of its members.

EPICENTER is formed by the Center for Political Studies (Denmark), Civil Development Forum (Poland), Fundalib (Spain), the Institut economique Molinari (France), the Institute of Economic Affairs (UK), the Institute of Economic and Social Studies (Slovakia), the Institute for Market Studies (Bulgaria), Istituto Bruno Leoni (Italy), KEFiM (Greece), the Lithuanian Free Market Institute, Prometheus (Germany), and Timbro (Sweden). Like its members, EPICENTER is politically independent and does not accept taxpayer funding.

Introduction

The effort to review the Better Regulation Framework comes at a time when the gap between formal procedures and real regulatory outcomes continues to grow. On the one hand, the European Commission has attempted to expand and refine its Better Regulation toolbox over the past decade; on the other, recent legislative practice indicates that some elements of this regulatory and procedural framework have been applied unevenly, particularly under conditions of political pressure and urgency.

Evidence from the *EU Regulatory Quality Index 2025* (Stefopoulou et al. 2025), which analyses EU directives adopted between 2022 and 2024, suggests that although impact assessments (IAs) and stakeholder consultations have recently become standard features of the legislative process, their substantive quality often remains limited. The index consistently shows weak performance in assessing economic impacts, administrative costs, and implementation challenges, even though formal compliance with procedural requirements is high. In practice, this means that core regulatory choices are frequently made without a robust comparison of policy options or a clear understanding of cumulative effects across policy areas.

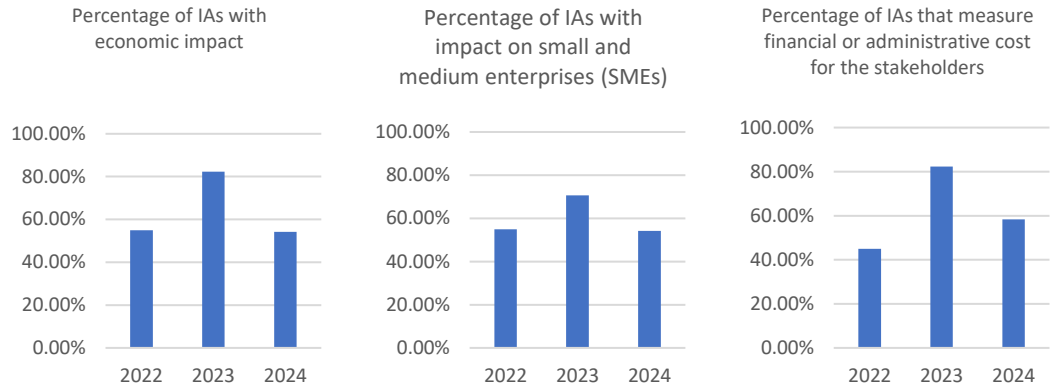
These shortcomings are amplified by the broader institutional context in which EU lawmaking now takes place. As a recent analysis by the Centre for European Reform notes that the Commission has become more politically assertive in response to successive crises, which has strengthened its agenda-setting role; however, this has weakened its traditional technocratic function as a neutral arbiter focused on evidence and regulatory discipline (Meyers 2024). Against this background, urgency risks becoming the default justification for weaker analytical standards rather than being the exception.

The result is not simply more regulation, but regulation that is harder to implement, more costly to comply with, and less predictable in its effects. Addressing these issues requires less emphasis on adding new procedural tools and more discipline in how existing ones are used in practice.

Reconciling evidence-based policymaking with urgent action

One of the most persistent weaknesses in the current better regulation framework concerns how evidence is treated when regulatory urgency is invoked. While economic considerations are increasingly referenced in IAs, only about three-fifths systematically assess financial or administrative costs, with large variations across policy areas. In several domains, meaningful economic analysis is largely absent (Stefopoulou et al. 2025). Figure 1 illustrates how many IAs for EU directives (200–2024) include various economic considerations.

Figure 1. Rates of inclusion of economic considerations in impact assessments, 2022–2024



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.

Source: Stefopoulou et al. (2025).

In 2022, just over half of IAs (55%) included a description of the economic impact, and a similar share (45%) measured financial or administrative costs for the EU, national governments, regional or local authorities, economic operators, or citizens. The proportion of IAs addressing these aspects rose sharply in 2023, with 82.35% including both dimensions, representing the highest level of integration observed in the three years.

In 2024, the share of IAs that described economic impacts declined to 54.17%, while 58.33% measured financial or administrative costs – lower than in 2023 but still representing a majority. Across the three years, nearly two-thirds of IAs (62.3%) provided an explicit description of economic impacts, while 60.66% assessed financial or administrative costs. This indicates that although there is significant year-to-year variation, a clear majority incorporated some form of economic analysis, with 2023 marking the peak of systematic inclusion.

This weakness becomes more pronounced in urgent lawmaking processes. An analysis by the Centre for European Reform shows a growing tendency to justify either the absence of full IAs or replace them with narrowly framed qualitative reasoning, even for initiatives with significant economic and compliance implications (Meyers 2024). Although rapid action can be necessary in certain crisis situations, the repeated reliance on emergency measures suggests that this is becoming a common practice, which risks normalising lower evidence standards and reducing transparency around regulatory trade-offs.

Further, research on conducting IAs under conditions of uncertainty supports this concern, as standard policy appraisal tools tend to perform poorly when urgency compresses timelines, leading to decisions that rely more heavily on political judgement than structured evidence (Kopp 2024). Repeating this approach to the lawmaking process weakens both regulatory credibility and effectiveness, as costs, unintended consequences, and long-term impacts remain insufficiently examined.

A more balanced approach to lawmaking would be to formalise a tiered, impact-oriented assessment system. Genuinely urgent measures could be supported by streamlined or provisional assessments, provided these are coupled with mandatory, time-bound ex post evaluations – this would preserve regulatory agility while ensuring that decisions taken under pressure are subsequently reviewed and

corrected where necessary. At the same time, even accelerated assessments should meet minimum standards for cost-focused analyses. Again, the research evidence shows that administrative and compliance costs, particularly for SMEs, are among the least consistently assessed elements of EU IAs (Stefopoulou et al. 2025; Meyers 2024). It is no coincidence that the absence of such assessments has resulted in the SME Relief Package, which seeks to reduce the regulatory burden on Europe's SMEs, which the EU imposed in the first place (von Prollius and Saravakos 2025).

Developing simplified, standardised cost metrics across policy areas would enable faster yet meaningful analysis, without treating urgency as a licence to bypass economic evidence altogether.

Towards a holistic and effective stakeholder consultation framework

A second structural weakness of the current framework concerns the design and use of stakeholder consultations. According to the *EU Regulatory Quality Index 2025*, public consultations are generally lengthy, averaging approximately 13.6 weeks, and nearly two-thirds of IAs describe a consultation strategy. However, many consultations remain narrow in scope and fragmented across individual legislative files, limiting their ability to capture cross-sectoral impacts or cumulative regulatory burdens (Stefopoulou et al. 2025).

This fragmentation shows that siloed engagement produces information that is difficult to aggregate and compare, reducing its value for policy learning and evidence-based decision-making. Consequently, it leads to repetitive consultation fatigue among stakeholders, alongside limited insight for policymakers into how different regulatory initiatives interact. There is also a wide variation in consultation quality across different policy areas. For instance, some provide complete details on who contributed and how feedback influenced outcomes. In contrast, others offer little clarity on how stakeholder input was assessed or used (Meyers 2024). This inconsistency erodes trust in consultations, making them appear as mere procedural steps rather than genuine evidence-gathering tools.

A more effective approach would be to adopt a holistic consultation architecture, in which, instead of organising engagement around individual acts, the Commission could introduce thematic consultation windows focused on related initiatives. This would allow stakeholders to highlight interaction effects, cumulative costs, and shared implementation challenges in a structured way. Moreover, a wide range of digital tools can support this shift if used more strategically. In line with Organisation for Economic Co-operation and Development (OECD) findings (2023), consultation platforms can generate higher-quality input when they prioritise structured, comparable data rather than relying primarily on free-text submissions. Enhancing digital consultations to capture standardised cost estimates and compliance indicators could reduce administrative burden while improving the usefulness of the collected information.

Finally, early-stage consultations are significantly more influential than those held after drafting has begun, because when stakeholders are involved in defining the problem rather than merely reacting to fixed proposals, the resulting policies are more effective and better targeted. Making early consultation the default would strengthen the evidence base of EU lawmaking without slowing the process.

Making EU law simpler and easier to implement

Legislative complexity remains a persistent challenge for EU legislation. *The EU Regulatory Quality Index 2025* finds that even where IAs identify administrative costs, this information rarely leads to simpler legal instruments or lower compliance obligations.

Instead, the growing reliance on delegated and implementing acts often adds layers of rules without sufficient scrutiny of their cumulative effects (Stefopoulou et al. 2025).

This finding is consistent with related research on EU regulatory design, as the extensive use of secondary legislation can generate legal ambiguity and uneven implementation, particularly when delegated powers are broad and poorly constrained (Sabel and Zeitlin 2010). While delegated acts can enhance flexibility, insufficient oversight and limited cost -benefit assessment undermining legal certainty.

Furthermore, international evidence points in the same direction: the OECD has repeatedly noted that regulatory complexity translates directly to higher compliance costs, delayed market entry, and inconsistent enforcement, with disproportionate effects on smaller firms (OECD 2023). When obligations are spread across primary legislation, secondary acts, and guidance documents, ensuring compliance becomes harder and more expensive.

To address these problems, a shift towards simplicity by design is required. Regulatory instruments should be chosen with a view to minimise administrative steps and legal ambiguity from the outset. Clear criteria should govern the use of delegated and implementing acts, and mandatory cost assessments for secondary legislation should be introduced.

Digital-by-default implementation tools can also offer a practical route to simplification. OECD (2023) shows that automated reporting systems, interoperable compliance tools, and standardised data requirements can significantly reduce administrative burden and interpretation errors when embedded in legislative design. Designing laws with implementation systems in mind would improve both compliance and enforcement outcomes.

Finally, regulatory stocktaking must regain momentum. Sunset clauses and explicit simplification targets help prevent the accumulation of obsolete or overlapping rules and encourage regular review (Meyers 2024). Without such mechanisms, regulatory complexity is likely to continue growing regardless of improvements to new legislation.

Conclusion

Strengthening the Better Regulation Framework is not about slowing down EU policymaking or limiting the Union’s capacity to act. It is about ensuring that regulation delivers tangible benefits at the lowest possible cost. The evidence reviewed here shows that the EU’s main challenge is not a lack of tools, but persistent weaknesses in the application of evidence, consultations, and simplification mechanisms in practice (Stefopoulou et al. 2025; Meyers 2024).

When urgency becomes routine, consultations are fragmented and legislative complexity continues to grow. The result is regulations that are harder to implement, more costly to comply with, and less trusted by those they are intended to serve. By refocusing the Better Regulation Framework on simplification by design, proportionality, and consistently high standards of evidence, the European Commission can strengthen both the effectiveness and legitimacy of EU law, while supporting competitiveness, innovation, and compliance on the ground.

References

Kopp, A. (2024) EU impact assessments and deep uncertainty: COVID-19 lessons for better regulation. Brussels: Centre for European Policy Studies. https://betteregulation.lumsa.it/sites/default/files/sites/default/files/publications/Kopp_Deep%20Uncertainty%20and%20Impact%20Assessments.pdf.

Meyers, Z. (2024) Better regulation in Europe: An action plan for the next Commission. London: Centre for European Reform. https://www.cer.eu/publications/archive/policy-brief/2024/better-regulation-europe-action-plan.

OECD (2023) *Regulatory Policy Outlook 2023*. Paris: OECD Publishing. https://www.oecd.org/en/publications/serials/oecd-regulatory-policy-outlook_9070f424.html.

Sabel, C. F. and Zeitlin, J. (2010) *Experimentalist Governance in the European Union: Towards a New Architecture*. Faculty Books, Columbia Law School.

Stefopoulou, E., Karkatsoulis, P., Saravakos, C., Filios, I., Goto, D. (2025) EU Regulatory Quality Index 2025. Brussels: EPICENTER. https://www.epicenternetwork.eu/publications/eu-regulatory-quality-index/.

von Prollius, M. and Saravakos, C. (2025). EU Regulatory Observatory: The SME relief package: Reducing the regulatory burden on Europe's SMEs. Brussels: EPCIENTER. https://www.epicenternetwork.eu/wp-content/uploads/2025/07/EU-Regulatory-Observatory-The-SME-Relief-Package-Reducing-the-regulatory-burden-on-Europes-SMEs-1-2.pdf.