

Streamlining and Modernising the EU Better Regulation Toolbox

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The ERIF May 2026 Commentary on the Commission Communication “**A Simpler, Clearer and Better Enforced EU Rulebook**” (COM(2026) 380) set out our broad assessment of the Communication. This Insight Note translates that assessment into operational recommendations for the Better Regulation Toolbox, impact assessment templates, evaluation practice, and governance. Its central message is that Better Regulation should move away from an increasingly compliance-heavy process towards a more agile, integrated, and outcome-oriented framework. If implemented well, this would support competitiveness and innovation, while making EU rules clearer, more enforceable, and easier for citizens and businesses to navigate.

Current Toolbox Limitations

The current Better Regulation Toolbox is methodologically strong but too fragmented in practice. Separate tools on competitiveness, SMEs, the single market, and competition policy often address overlapping issues—costs, administrative burden, market access, and innovation incentives—without producing a genuinely integrated assessment. A similar problem affects sustainability analysis, where environmental, social, regional, and SDG dimensions are too often treated in parallel rather than within one coherent framework. The result is a process that can become overly procedural, repetitive, and insufficiently focused on the policy choices that matter most.

The framework is also not adaptable enough where flexibility and discipline are most needed. Under urgency procedures, proposals may proceed with limited impact assessment or consultation, while substantial legislative amendments are rarely assessed for their effects on costs, implementation, or enforceability. Consultation practice, though strong by international standards, can still impose unnecessary burdens through overlapping requests, lengthy questionnaires, and poorly timed windows. At the same time, evaluation findings and simplification efforts are not yet used systematically enough to shape new initiatives.

Against this backdrop, the 2026 Communication rightly calls for a Better Regulation system that is simpler by design, more proportionate in its analytical requirements, more disciplined in consultation practice, and better equipped to manage the regulatory stock over time. The recommendations below show how that ambition could now be reflected in the Toolbox.

Priority Areas for Streamlining and Integration

Simplicity-by-Design in Policy Formulation

The Commission should embed a “simplicity by design” checkpoint early in the policy cycle. This means updating the Toolbox to require that each new initiative clearly articulates goals, obligations, and interactions with existing rules in a straightforward, user-friendly way.

[Regulatory discipline should be reinforced through the Toolbox:](#)

- Proposed measures should explicitly justify EU-level action (subsidiarity) and be proportionate in scope.
- The Commission’s internal IA templates and Tool #1 (Principles & procedures) should be revised to prompt drafters to focus on core objectives and refrain from unnecessary implementing details. In practice, this means limiting the use of complex delegations and long, technical annexes only to where they are strictly needed.
- The choice of legal instrument should also undergo scrutiny. The Toolbox should encourage the choice of Regulations over Directives in single market matters to avoid fragmented national transposition (gold-plating) and ensure clear, uniform obligations. Revisions to the guidelines can formalise this by requiring an explicit check on the risk of divergent implementation and gold-plating for each option, and by favouring regulatory approaches that minimise such risks.

Unified Impact Modules for Economic, Sustainability, and Innovation Analysis

To reduce duplication and improve coherence, the Toolbox should be reorganised around broader impact modules that reflect how regulation is experienced in practice and how trade-offs are actually made.

- **Business & Competitiveness Impact Module:** Merge currently separate economic tools (competitiveness, SMEs, single market, etc.) into one integrated analysis of costs, administrative burdens, market impacts, and SME competitiveness. This unified module would reflect how businesses experience regulation – comprehensively rather than in silos – and sharpen the narrative around investment conditions and innovation capacity in proposals.
- **Sustainability & SDG Impact Module:** Replace parallel social, environmental, regional, and SDG assessments with a single sustainability impact template that covers environmental, social, territorial cohesion, and SDG alignment in one coherent section. The Communication’s “do no significant harm” principle and SDG mapping should be integrated across these aspects, allowing trade-offs to be managed within one narrative rather than separate chapters.
- **Innovation & Future-Proofing Module:** Consolidate innovation impact (current Tool #22) with strategic foresight and future-oriented regulatory approaches into a dedicated Innovation & Future-Proofing section. This module should include a systematic Innovation Stress Test¹ for each initiative, assessing how it affects emerging technologies, new business models, investment incentives, and the EU’s capacity to scale innovation over time. It should also examine whether future scenarios, regulatory sandboxes, phased implementation, or other adaptive tools could improve resilience and flexibility. By embedding anticipatory thinking and innovation stress-testing firmly in the IA template, this would respond to the Communication’s call for future-proof regulation in a way that is innovation-friendly and adaptable to change.

¹ https://www.eriforum.eu/uploads/2/5/7/1/25710097/innovation_stress_test_for_eu_legislation.pdf

Process and Governance Enhancements

Focused and Proportionate Impact Assessments

- The Commission should apply a more rigorous proportionality filter to impact assessments. Revised guidance should introduce an early scoping “matrix of key impacts” to identify which economic, social, environmental, or other effects are likely to be significant and therefore require deeper analysis. Major legislative proposals should continue to receive full assessments, while narrower amendments should be covered by shorter, more focused analyses. The Regulatory Scrutiny Board should mirror this approach through full opinions for major initiatives and lighter recommendations for streamlined assessments. Even simplified assessments should still quantify significant costs and benefits, including through standardised tools such as the EU Standard Cost Model. This would make impact assessments shorter, more disciplined, and more decision-relevant without weakening analytical rigour.
- Consultation processes should be integrated and simplified. For each initiative, the Commission should, where possible, adopt a coordinated “consult once” approach, using a single call for evidence or questionnaire rather than multiple overlapping exercises. Consultation documents should be shorter and focused on key questions, and timelines should be more practical—for example by avoiding major holiday periods and allowing shorter windows where stages are combined. Participants should also receive clearer feedback, including notification when consultation summaries are published. This would maintain openness while reducing consultation fatigue.
- The Better Regulation framework should pay greater attention to enforcement and implementation from the outset. New guidance should include an enforceability checklist asking, for example, whether appropriate national authorities and sanctions are in place and whether there are mechanisms to detect implementation problems early. Designing proposals so they are easy to implement, monitor, and enforce—and preferably difficult to circumvent—would improve compliance, legal certainty, and practical effectiveness.
- “Regulatory deep cleaning” should become a routine part of the Better Regulation cycle. The 2026 Action Plan, with its 12 priority areas for simplification and consolidation, shows the value of regular legislative stock-takes. Evaluation guidance should therefore require services to look systematically for outdated, overlapping, or unnecessarily burdensome provisions whenever an impact assessment or REFIT evaluation is carried out. The Toolbox should also promote review and, where appropriate, sunset clauses, with services expected to justify their absence. This would make simplification and stock management a continuous discipline rather than an occasional exercise.
- Modernising the Toolbox also requires better use of digital and AI-enabled tools. The Commission’s acquis management tool, upgraded EdiT system, and digital-ready policymaking framework should be embedded more clearly in Better Regulation guidance so that services can identify overlaps, inconsistencies, and digitalisation opportunities at an early stage. AI-supported analysis could also help process consultation evidence, legal materials, and implementation data, provided it is used with appropriate safeguards and oversight and does not replace human judgment. Used well, these tools would improve coherence, evidence gathering, and compliance monitoring across the policy cycle.

Recommendations

ERIF recommends that the forthcoming revision of the Better Regulation guidelines, Toolbox, impact assessment and evaluation templates, and related governance arrangements give effect to the following priorities.

1. Embed “Simplicity by Design” in the Toolbox. Revise the guidance so that every initiative is designed for clarity from the outset, with stronger discipline on subsidiarity, proportionality, and instrument choice, and with a preference for approaches that minimise complexity, gold-plating, and unnecessary layering.

- 2. Consolidate overlapping impact assessment tools.** Replace multiple parallel requirements with three integrated modules covering business and competitiveness, sustainability and SDG impacts, and innovation and future-proofing, including an explicit innovation stress test, so analysis becomes more coherent, less repetitive, and better aligned with how regulation is experienced in practice.
- 3. Introduce a key impact matrix for proportionate analysis.** Require each initiative to begin with a short scoping matrix identifying the impacts most likely to be significant, so major proposals receive full analysis, while narrower amendments are assessed in a focused and proportionate way.
- 4. Expand and calibrate RSB oversight.** Apply scrutiny more broadly through a two-tier model, with full opinions for major initiatives and lighter quality checks for more limited proposals, while enabling earlier engagement on design and complexity issues.
- 5. Streamline stakeholder consultation and feedback.** Move towards a coordinated “consult once” model with shorter, more targeted exercises, more practical timelines, and clearer feedback loops to reduce consultation fatigue while maintaining broad and meaningful participation.
- 6. Institutionalise continuous improvement mechanisms.** Strengthen the role of evaluation, review clauses, sunset clauses, and stock reviews so that simplification, consolidation, and the removal of outdated rules become a routine part of the Better Regulation cycle.
- 7. Embed enforcement considerations in ex-ante analysis.** Update impact assessment guidance so that implementation, compliance, enforceability, and the risk of national divergence are considered systematically at the design stage, not only after adoption.
- 8. Harness digital and AI tools in the Toolbox.** Fully integrate digital-ready policymaking, acquis-mapping tools, and appropriately safeguarded AI-supported analysis into the Better Regulation framework to improve evidence gathering, coherence checks, compliance monitoring, and overall efficiency.