



CSO open letter: Better Regulation for everyone

To: President of the European Commission Ursula von der Leyen
Commission Secretary-General Ilze Juhansone
Commissioner for Interinstitutional Relations Maroš Šefčovič

We welcome the European Commission's intention to make EU policymaking smarter, more effective and more responsive to today's challenges. But we are concerned about the direction a revision of the Better Regulation framework may take. Expediency and efficiency can not come at the cost of democratic values, fundamental rights and evidence-based policymaking. The goal must be to enable regulation that helps address challenges to humankind, that is timely, effective, efficient, fair and proportionate, as well as participatory, transparent and duly evidence-based. This means that evidence-based decision-making should never be foregone, and neither should democratic participation, so that EU laws always reflect the complexity of reality and the multiplicity of stakeholders affected, while also being future-oriented.

In a world of increasing complexity and urgent geopolitical, environmental and social challenges, evidence-based decision-making is more important than ever. The Commission should therefore reaffirm its commitment to prepare impact assessments for all decisions with significant economic, environmental, social and fundamental rights. Exceptions due to "political urgency" should only be applied in clearly-defined, highly exceptional cases and applied in a predictable, non-arbitrary manner, and based on necessity and proportionality in line with international Human Rights standards. Political pressure or compressed timetables cannot, in themselves, justify derogations from the Better Regulation rules.

As highlighted by the Ombudsman in her [recommendation](#) of 25 November 2025, the Commission should ensure a predictable, consistent and non-arbitrary application of the Better Regulation rules. This includes systematically recording decisions to exempt legislative proposals from impact assessments or consultation requirements, clearly identifying who requested and granted such exemptions and on what grounds, and explaining these choices in the explanatory memorandum accompanying each proposal. Where derogations are justified, the Commission should establish clear procedures to ensure that even urgent legislative proposals still comply with the Treaty-based principles for transparency, evidence-based decision-making and inclusive participation, as consistently required by the case law of the EU courts.

The European Ombudsman's finding of maladministration in relation to Omnibus I should be understood as a warning signal. It points to the need for targeted improvements in the application and guidance of the **Better Regulation guidelines** – not lowering standards. Using Better Regulation reform to weaken consultation or impact-assessment requirements would increase legal uncertainty, expose EU decisions to legal challenges, and ultimately undermine the quality and implementability of EU law. Involvement in setting regulations is not just about being heard; it is also about helping all sectors of society prepare for the future and furthers, rather than hinders, European innovation.



The Commission committed itself to upholding dialogue with civil society and respecting related principles in its Civil Society Strategy; this needs to be implemented through clear procedures under the Better Regulation guidelines. **The revision of the Better Regulation framework must implement the 10 guiding principles for dialogue with civil society, as outlined in the Civil Society Strategy (p. 6) through the development of ad hoc guidelines.**

Furthermore, the Commission should strengthen existing public consultation processes; the involvement of selected stakeholders does not replace the need for the public to be consulted as well, via a transparent and open process such as the 'Have your say' portal. Any revision of the Guidelines should reflect a progression, not regression, in implementation of EU values (Art. 2 TEU). Any regression would clash with the new EU civil society strategy, which outlines the importance of CSOs in the policymaking process and calls to empower, support and protect civil society. The requirement to consult civil society arises from the EU Treaties and international law requirements (Article 10 and 11 TEU, Article 8 Aarhus Convention, etc.). The current Better Regulation guidelines only establish procedures to fulfil these requirements. Abandoning some of these detailed rules would expose the Commission to potential liability before the EU courts.

To ensure a holistic approach to impact assessments, they should always incorporate intergenerational fairness. Intergenerational fairness (IGF) is a horizontal legal principle that considers long-term risks and challenges. To foster long-term sustainability of EU laws, **the revised framework should include in impact assessments and evidence-gathering an assessment of the proposals' impacts on intergenerational fairness.** This assessment would provide valuable insight into planning the legislative agenda and evaluating the implementation of existing legislation, and avoiding the unsustainable practice of short-termism in policymaking.

All EU policymaking should integrate the precautionary principle (Article 191 TFEU), the UN Sustainable Development Goals and the 'Do no harm' principle in all its policies, and impact assessments should have these principles and goals at their core. Impact assessments are supposedly value-neutral, but in practice have long been criticised for giving more prominence to the (easier-to-quantify, short-term) estimates of compliance cost than the (more diffuse and long-term) benefits to people, nature, and the environment - the result is a bias in how the regulatory burden is calculated. A revision of the Better Regulation framework should address these methodological shortcomings.

The Commission is reminded that better regulation does not mean less regulation (nor deregulation). This proposed revision of the Better Regulation framework seems focused on "reducing regulatory burdens" on economic actors. We caution against the capture of the word 'burden' in this context as a replacement for the narrow economic and administrative burdens of industrial operators. The social and environmental benefits of legislation are often given insufficient attention in the current Better Regulation process, and there is a prime focus on economic costs. **Impact assessments should shift towards an analysis of the burden of policy action or inaction on society and nature, and not equate "burden" with**



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"operational costs" of economic actors. Short-term and quantifiable business compliance costs should not be prioritised over longer-term societal and environmental benefits; the Commission should review its framing and differentiate between "burdens" and legitimate responsibilities of certain actors in society.

The undersigned CSOs,

The European Environmental Bureau,
Democratic Society,
Defend Democracy,
Deutsche Umwelthilfe e.V.
Eco-union,
ECOLISE
Climate Action Network (CAN) Europe,
ClientEarth,
Demos Helsinki,
ChemSec,
Youth and Environment Europe,
Revo,
HDRI,
An Taisce – the National Trust for Ireland,
Deutscher Naturschutzbund,
Child Rights International Network (CRIN),
Transparency International EU,
World's Youth for Climate Justice,
The Good Lobby,
Green Legal Impact,
ÖKOBÜRO,
Jesuit European Social Centre (JESC),
Sunce,
Global 2000,
Environmental Justice Network Ireland (EJNI),
Electra Energy,
Movimento Europeo Italia,
REC Albania,
Clean Air Action Group (Levegő Munkacsoport),
Lobby Control,
Opportunity Green,
ZERO - Association for the Sustainability of the Earth System,
Notre Affaire à Tous,
Naturmonumenten,
Humanists International,
SÜDWIND e.V.,
Ecologistas en Acción,



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European Federation of Police Unions (EU.Pol),
PowerShift,
Corporate Europe Observatory,
ASVIS – Italian Alliance for the Sustainable Development,
Forum Faire Handel,
2CelsiusFrance Nature Environnement,
Assocation Justice and Environment,
ENSIE - European Network of Work Integration Social Enterprises,
CorA-Netzwerk für Unternehmensverantwortung,
Association of Ethical Shareholders Germany,
Mani Tese ETS,
Seas At Risk,
Finnish Development NGOs Fingo,
World Fair Trade Organization - Europe asbl,
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