

The Board of Swedish Industry and Commerce for Better Regulation's (NNR's) Response to the European Commission's Call for Evidence - Communication on Better Regulation (2026)

About the Board of Swedish Industry and Commerce for Better Regulation (NNR)

The Board of Swedish Industry and Commerce for Better Regulation (NNR) represents the Swedish business community on issues related to better regulation. Our tasks include advocating and promoting more effective and less costly rules and regulations, reduced regulatory costs, relevant disclosure of information and a reduced disclosure burden for companies. NNR organizes and coordinates the business community's better regulation efforts on the national, European and international levels. NNR takes the initiative to dialogues with the Swedish Parliament, the Government and EU level representatives and carries out development projects for more effective rules and an effective application of regulations. This focused area of activity makes NNR unique among business organizations in Europe. The Board of Swedish Industry and Commerce for Better Regulation (NNR) was formed in 1982 and is a politically independent non-profit organization that is wholly financed by its members. Our members include 27 Swedish business organizations and trade associations that represent approximately 300,000 companies. More information on NNR is available at www.nnr.se.

General comments

NNR welcomes the European Commission's initiative to prepare a new Communication on Better Regulation as announced in the 2026 Commission Work Programme.

A central principle guiding NNR's input is that sound policymaking must be transparent, inclusive, and based on evidence. Experience from the previous term of office has shown that rushing legislative processes under the pretext of urgency, by shortening consultations or bypassing thorough impact assessments, rarely leads to effective outcomes. On the contrary, insufficient analysis and limited stakeholder involvement often result in unclear rules, implementation challenges, and the need for subsequent corrections. This not only increases regulatory burdens but also undermines the very objectives the legislation aims to achieve and damages the confidence in the EU decision-making processes and the rule of law. Ensuring quality from the outset by properly applying better regulation tools, such as comprehensive impact assessments and meaningful stakeholder engagement, ultimately saves time, resources, and provides credibility and trust.

These concerns are closely linked to Article 5 of the Treaty on European Union, which states that Union action must respect the principles of subsidiarity and proportionality, the latter requiring that the content and form of Union action do not exceed what is necessary to achieve the Treaties' objectives. The accompanying Protocol further obliges EU institutions to ensure continuous compliance with these principles. It also requires the Commission to consult widely, except in cases of exceptional urgency, and to provide detailed justifications, including financial

and administrative impacts, demonstrating that the objectives are better achieved at Union level and that any resulting burdens are minimised and proportionate.

Against this background, we find the Commission's indications that it may lower analytical standards for time-sensitive initiatives to respond quickly to pressing needs particularly worrying, especially when such initiatives involve new legislation. We increasingly see examples of legislation pushed through at high speed, justified by the need for urgent EU action, but which have failed to provide rules that are manageable for the concerned companies, give legal certainty and fulfil the objectives that the EU has set for itself. While we have no objection to the instrument as such, the growing number of Omnibus proposals amending recently adopted EU law even before it enters into force clearly illustrates the seriousness of the above-mentioned shortcomings that should have been addressed from the outset. A satisfactory resolution requires strict adherence to the procedures and proportionality requirements laid down in the Treaty. An overly broad invocation of a "sense of urgency" to justify deviations from these rules constitutes a misuse that undermines the rule of law and should be reserved only for truly exceptional cases of substantial and clearly justified urgency.

A basic condition for achieving effective regulation is that all institutions must take full responsibility and actively strive for better regulation, supported by a strong and genuine commitment to compliance. Since the Interinstitutional Agreement on Better Lawmaking, concluded in 2016, has not led the Parliament and the Council to assume greater responsibility or to consistently apply the principles and tools of better regulation, a revision of the IIA is necessary. It is therefore high time to update the agreement and ensure that all institutions take on a stronger role in improving regulatory quality.

Priorities for such a revision should include mandatory impact assessments for substantial amendments introduced by the co-legislators to the Commission's proposals, as well as a shared responsibility among the three institutions to reduce regulatory burdens for companies. This should involve establishing stable fast-track procedures for burden-reduction measures (such as omnibus packages or similar tools) and limiting new regulation while keeping regulatory costs to a minimum in relation to the intended purpose. Clear rules on the transparency of informal trilogues between the three institutions should also be introduced.

Through the comments above and below NNR aims to contribute to the Commission's ongoing call for evidence and the questions asked.

Please see also listed at the end of the paper examples of other important better regulation issues that we find need continued focus and further development. We refer also to our recommendations on the NNR's agenda for the EU's work on Better Regulation 2024-2029¹.

¹ [NNRs-agenda-for-the-EUs-work-on-better-regulation.pdf](#)

COMMENTS

1. Strengthening Stakeholder Engagement and Improving Access to Clear and Coordinated Regulatory Information

NNR does not share the view that extensive and meaningful consultations in themselves create problematic “fatigue”. Although a once-only approach may be appropriate in a few specific and well-defined cases, it should always be assessed with great care on a case-by-case basis. The main rule, however, should always be robust, inclusive and well-timed consultations carried out early and throughout the regulatory process. Such engagement should be seen as an investment in effective and future-proof EU legislation, as well as an important means of strengthening trust.

High-quality stakeholder engagement remains essential to achieving evidence-based and balanced EU legislation. While new consultation formats such as implementation dialogues and reality checks are welcome further developments regarding stakeholder engagement can still be made and several structural issues still need to be addressed.

Timing, duration and predictability – Consultations must take place early on and throughout the legislative process, including ex-post evaluations, to ensure that stakeholder input meaningfully informs all stages of policymaking. It should be clarified that one objective of the consultation process besides identifying the impacts should be to discuss the problem and identify additional policy options that may not have been obvious to the decisionmakers.² The discussion and design of the options should also include those options that were raised or favored by relevant stakeholder groups and are likely to emerge in the political discussions of the legislators. A prerequisite for this to be efficient is a genuinely open mindset from the Commission side, particularly in the early phase. Any sense of “consultation fatigue” is instead linked to the perception that the Commission, at the time of consulting, has already determined the way forward, leaving stakeholders with the impression that their contributions have little real influence on the proposals.

Consultations must be launched at times with deadlines that enable broad participation and impact. NNR stresses that launching consultations during holiday periods or with short deadlines limits stakeholders’ ability to provide high-quality input and disadvantages SMEs. Consultation processes must furthermore be more predictable, and public consultations should be communicated well in advance to leave sufficient time for stakeholders to gather and consolidate data for their replies. Consultations are sometimes also carried out by Commission services after the adoption by the Commission which raises questions about their purpose and impact.

Avoiding overlapping consultations - NNR has noted recurring cases where different consultation channels on the same initiative are being used and run in parallel without clear coordination, sometimes also across different Commission services. This does not improve policymaking;

² [OECD Regulatory Policy Outlook 2025 | OECD](#)

instead, it creates confusion and reduces clarity. A more coordinated, centralized and predictable approach is needed.

Non-representative consultations must not be used as evidence in impact assessments - According to NNR's members, there have been cases where ad-hoc polling tools, including Slido surveys in limited workshop settings, were treated as formal evidence in impact assessments despite their non-representative nature.

Increased transparency on consultations and how input is used - The criteria for selecting participants in targeted consultations should be made more transparent. The Commission's website ought to clearly indicate which targeted consultations are planned and when they will take place. All relevant stakeholders should be contacted simultaneously. Further clarity is needed also regarding how stakeholders' input has been used, on what basis contributions are taken into account, and why certain views have been disregarded.

Improving the design of the questionnaires used for consultation - Consultation instruments must allow all stakeholders to express alternatives and nuanced positions. Questionnaires must not constrain responses or frame issues in ways that suggest predetermined outcomes as this undermines trust and frames and reduces the quality of the evidence gathered.

In many consultations, surveys are difficult for businesses and organisations to complete and often do not allow business stakeholders from different sectors to fully express their views. We therefore recommend more roundtable discussions with relevant experts, notably business and trade associations, as these formats make it easier to convey concerns and viewpoints in a coherent and comprehensive manner.

Surveys remain useful for gathering broad data from all Member States. To make them more effective, the Commission and its consultants should seek stakeholder feedback on survey design before launch. Business and trade associations can help improve both data quality and response rates.

Improving access to clear and coordinated regulatory information - To strengthen Better Regulation, Member States and the Commission should improve businesses' access to clear, coordinated and practically useful information on regulatory requirements. Companies today lack an overview of the full regulatory landscape, making it difficult to understand how different rules and requirements interact. More structured and comprehensive information would increase clarity and predictability.

As part of this the Commission should develop consolidated and regularly updated material that shows how legislative frameworks connect and how requirements apply in practice. A systematic *No Wrong Door* approach would also help ensure that businesses can use a single-entry point and be directed to the right authority.

Inspiration can be drawn from the UK's Regulatory Innovation Office, which shows how stronger central coordination and clearer responsibilities can improve compliance and reduce administrative burdens, and additional insights can also be drawn from OECD analyses

highlighting the importance of coherent information structures, transparent methods and systematic knowledge sharing.

A more integrated and accessible system for regulatory information and guidance would greatly enhance companies' ability to comply with the multitude of rules they are today regulated by.

Consideration of the RSB's role in consultation processes - It could be considered whether a review of the RSB might lead to improvements in the consultation process, including with the business community. However, any additional tasks assigned to the Board must not come at the expense of its essential role in conducting an independent review and assessing the quality of impact assessments and ex post evaluations.

2. Improving Impact Assessments and Competitiveness Checks

Evidence-based policymaking is essential to avoid disproportionate, costly EU rules, impractical to implement or difficult to enforce, making high-quality regulatory impact assessments indispensable.

High-quality impact assessments must be made of all regulatory proposals that may have significant impact at all stages of the legislative process and by all EU institutions, including EU's downstream legislation (delegated and implementing acts).

Independent scrutiny of the quality of impact assessments remains very important - The Regulatory Scrutiny Board's independent scrutiny and opinions on the quality of the impact assessments remain important to strengthen and ensure the high quality of the Commission's impact assessments (and ex post evaluations) including its competitiveness checks and SME tests.

Mandatory impact assessments on substantial amendments by the co-legislators - To achieve competitive and effective EU legislation impact assessments must be made also by the co-legislators of their proposed substantial amendments to the Commission's proposals.

Stronger analysis needed of the problem and alternative solutions, competitiveness checks and cumulative impacts - More rigorous analysis is needed of the problem and more emphasis being put to explore alternative solutions to new or amended legislation, including the impacts to business, to avoid the buildup of new regulatory burdens on businesses affecting even more negatively European businesses' competitiveness. The cumulative regulatory burden must also be considered in the IAs when contemplating new regulations.

NNR supports the mandatory application of competitiveness checks in impact assessments. Experiences from BusinessEurope's benchmarking exercise of a selection of competitiveness checks³ and by NNR's members though show that some further improvements are needed particularly regarding the analysis of international competitiveness and capacity to innovate. Stronger interservice cooperation and further engagement with stakeholders (market players)

³ [Benchmarking competitiveness checks used in selected EU impact assessments 2023-2024 - BusinessEurope](#)

during the conduction of the competitiveness checks would further increase the quality of the competitiveness checks.

Impact assessments and simplification measures

Although burden reduction measures mostly are corrective measures on previous regulatory mistakes and identified in dialogue with business it must be secured that burden reduction measures really lead to simplification for businesses. The benefits and costs to business of the simplification measures must thus be assessed.

3. Delegated and Implementing Acts

Experience by NNR's members that is perceived as particularly problematic is the increased delegation of powers from the Council and the Parliament to the Commission, addressed through delegated or implementing acts.

The lower transparency and consultation requirements for the development of such acts, combined with the frequent absence of impact assessments even when the acts have significant effects, weaken the overall quality of this legislation. According to NNR, these acts increasingly contain political elements and new legislative approaches rather than focusing on the non-essential technical details they are meant to address, which in turn gives them substantial consequences for businesses. Limited transparency and insufficient opportunities for stakeholder participation further increase the risk that the resulting regulations become ineffective, overly costly, duplicative, or difficult for companies to implement. The NNR therefore urges the European Commission to improve transparency, ensure early stakeholder involvement in the preparation of delegated and implementing acts, and conduct impact assessments for those acts that have substantial effects, including on the Single Market.

The NNR has in its recommendations for an improved decision-making process for delegated acts and other downstream legislation⁴, in addition to the above, addressed the need for thorough scrutiny by the Council and the European Parliament with regards to delegated legislation, both delegated and implementing acts. NNR also refers to, and supports, BusinessEurope's recommendations for improvements in the process regarding delegated and implementing acts.

4. Ensuring High-Quality Implementation

Implementation is one of the most critical but least prioritized elements of Better Regulation. When considering new or amended common EU rules the Member States and the Commission should jointly ensure that they are fit for purpose and cost-effective and can be transposed to national legislation in a cost-effective manner that supports the internal market. EU Directives should also be implemented in a manner that does not fragment the internal market, prevent competitiveness or give rise to unnecessary costs and burdens. It must also be ensured that the application of EU Regulations is consistent, effective and efficient. Higher priority should also be given by the Commission to ensuring proper implementation and enforcement of existing

⁴ [NNRs recommendations delegated acts](#)

legislation before proposing further amendments, as inadequate application of current rules often leads to unnecessary new initiatives and increased regulatory complexity.

Realistic implementation and transition periods - Realistic implementation periods are a key factor to help achieve an effective and efficient implementation with legal certainty. Many recent legislative acts, however, have imposed extremely short, or non-existent, implementation periods. This forces businesses into costly rapid adjustments, often without the necessary technical specifications being available. One example is Directive (EU) 2024/825 on empowering consumers for the green transition, which provides no transition whatsoever. As a result, companies must comply immediately once the rules enter into force, forcing abrupt and unplanned adjustments. This will lead to substantial costs for affected businesses, costs that could easily have been avoided, or at the very least significantly reduced, with a reasonable adaptation period.

Measures to prevent gold-plating and fragmentation and facilitation by the Commission
Divergent national implementation creates internal market barriers that hinders growth and competitiveness.

Member States need to take greater responsibility for avoiding national barriers, particularly by counteracting the over-implementation of EU directives and ineffective application of EU regulations. They should be transparent about how directives are implemented and avoid, or clearly justify, any deviations and their consequences. The Commission can support this through clear guidance developed in cooperation with the business community.⁵

To avoid barriers within the Single Market and to facilitate the exchange of experiences on effective implementation and application, workshops on upcoming transposition processes should be organized. We recommend that the Commission take the initiative to arrange such workshops and invite the Member States.

The Commission can furthermore highlight strong national examples on implementation, for example how some Member States use implementation councils to identify risks of gold-plating, ensure consistent application of EU law and anticipate the impact on businesses of new initiatives. The Commission can also highlight national evaluations of EU legislation as examples of models that support better EU-level reviews and simplification.

Impatience or poor implementation are not reasons for new rules

Impatience and weak enforcement can create the illusion that existing laws are inadequate. When rules are poorly or inconsistently implemented, policymakers may wrongly assume the legislation itself is flawed and push for new laws, as seen with the Digital Fairness Act. This cycle is reinforced when legislation isn't given enough time to show results, such as the Digital Services Act, which already covers issues that the DFA aims to address.

⁵ [Transparent transposition - a BusinessEurope strategy paper - BusinessEurope](#)

Other Better Regulation work of importance

- Fulfilment of the COM's goals to reduce administrative burdens to business and continued focus on the reduction of regulatory burdens, extension of the reduction work and goals to other compliance costs to business
- Secure that new regulation and regulatory costs are minimized
- Strengthening Evaluation and Future-Proofing

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