
German Chamber of Commerce and Industry

Statement

Communication on Better Regulation 2026 (Call for Evidence)

The European Commission (Commission) is planning on publishing a Communication on Better Regulation in Q2 2026. For this reason a [Call for Evidence](#) (CfE) has been launched on the 7th of January 2026.

A. Outline of main facts

The CfE poses three guiding questions to be answered:

1. How could the Commission better reconcile the need for evidence-based policies and urgent action in the conduct of its better regulation activities?

Better regulation should be a priority in the ordinary legislative procedure – from the Commission to the European Parliament (EP) and the Council of the European Union (Council). Lawmaking and the resulting laws have to reach a quality which make omnibus initiatives obsolete in the future. More time should be attributed to high-quality impact assessments (IA) and all instruments should be coherently applied without skipping steps in the process.

2. How could the Commission ensure a holistic approach to stakeholder consultations with a view to implementing a more efficient and effective manner to gathering essential information, including possibly across policy field?

Transparency in the consultation process is key. Furthermore, a focus should be put on the quality and availability of data. If no data is available, the corresponding initiative should be deferred.

3. What practical steps could be undertaken to make EU laws simpler and easier to implement in practice?

Tools to be introduced range from sunset clauses for technical elements to digital checks, from a coherent application of the innovation test to longer transitioning periods as well as IAs for amendments of the EP and the Council.

B. Detailed explanation

How could the Commission better reconcile the need for evidence-based policies and urgent action in the conduct of its better regulation activities?

Since 2015 the EU has introduced various steps for ensuring that laws are made well, from IAs to the one-in-one-out mechanism (OIOO), the introduction of the regulatory scrutiny board (RSB) or various forms of consultations. However, the feeling of over-regulation, excessive regulatory burden and impractical laws has pivoted in the German business community (see [Unternehmensbarometer 2024](#)). This has gone so far that the implementation of laws had to be postponed (e.g. European Union Deforestation Regulation, EUDR) through lengthy and unforeseeable procedures or that laws had to be heavily amended shortly after having been passed (see omnibus packages). Whilst businesses welcomed the omnibus initiatives, it is obvious that these kind of quick-fixes should not become the norm. Instead, practical and proportionate laws should become the priority from the beginning.

The DIHK advises against reducing certain steps in the better regulation approach. As the instruments still to this date remain inconsistently applied or rather lack harmonized application (e.g. [SME-Test Benchmark 2024](#)), the impact of the laws is not properly assessed. Perpetuating this analytical gap by skipping parts of the IA or by or passing over the RSB's demand for improvements will not improve the quality of the regulation, but bears many risks.

Additionally, the amount of passed laws in the last years has increased, making it almost impossible for citizen's or businesses to take part in the large amount of consultations. Keeping this fast pace increases the risk of insufficient IAs and incoherent laws which put unnecessary burden on regulated subjects like businesses. Regulatory activity should thus be limited to the strictly necessary.

Furthermore, the RSB has repeatedly highlighted in its [annual report](#), that the data quality is poor in most of the IAs and evaluations they review. More time for the conduct of IAs could support the collection of viable data. Consequently, the topic of this consultation should rather be how to thoroughly apply the better regulation agenda across all Directorate Generals and institutions, this includes the EP and the Council as well.

How could the Commission ensure a holistic approach to stakeholder consultations with a view to implementing a more efficient and effective manner to gathering essential information, including possibly across policy fields?

First of all the transparency of consultations as well as public information on how the feedback is weighed and used needs to be improved in order for stakeholders to engage further and in a more detailed manner. Since 2021, the Commission's sharing of consultation results has declined every year. Full data sharing dropped from 72.6% in VDL I to 15.1% in VDL II, while consultations with no published data rose from 17.9% to 47.9%.¹ In addition, more time is needed

¹¹ See [EU Commission Transparency Analysis 2017-2025](#) kindly provided by Adam Urosevic

to allow associations to thoroughly consult their members. Moreover, a vast amount of data is already publicly available through existing reporting requirements and public registries which can be used for IAs on new regulation.

If generally there is no data available or to be gathered, the law should be deferred. Laws based on an insufficient amount of information can cause negative external effects or lead to laws being so impractical that they cannot be implemented (see omnibus packages).

Reliable, coherent and functioning legislation is particularly important for long-term investment decisions and thus an integral part of any competitiveness agenda of the EU. If companies lose confidence in legislators due to constantly changing policies, this has a negative impact on the European economy.

What practical steps could be undertaken to make EU laws simpler and easier to implement in practice (for example as regards the legal instruments, the use of delegated and implementing acts or the application of digital tools, etc.)?

Some concrete suggestions are:

- 1) The **thorough application** of all elements of the IA, including the SME test and innovation check, for all new legislation is of similar importance.
- 2) The newly introduced **reality checks and implementation dialogues** with practitioners are to be **scaled-up** as their reception has been quite positive so far. They could be further strengthened by applying a more structured implementation perspective during the existing processes. For instance, a **customer journey-type analysis** could be used to systematically structure the feedback.
- 3) The more frequent use of **sunset clauses** for technical elements in legislation (e.g. checking the validity of thresholds in correspondence with inflation) would lead to laws being more up to date.
- 4) Upgrading the OIOO mechanism to a “**one in, two out**” principle.
- 5) Consultations should only be launched once **all translations are available**.
- 6) Technical measures should be taken to ensure that consultation questionnaires can be downloaded as PDF files in languages **other than English**. This was not the case, for example, in the second round of consultations on the revision of the EU procurement directives in November 2025.
- 7) The online **questionnaire** and the PDF questionnaire should be **identical**. Experience from the second consultation round on the revision of the EU procurement directives in November 2025 showed that the order of the answers in the online questionnaire had changed compared to the PDF document downloaded at the beginning of the consultation period and that one column of answer categories had been omitted.

- 8) **Longer transition periods** of the implementation of laws at enterprise level should be granted. This is particularly true given that IT systems often cannot be made available in a timely manner by the Commission or national authorities (e.g. [EUDR](#) or [Carbon Border Adjustment Mechanism](#)).
- 9) EU laws should be evaluated regularly in a transparent manner within reasonable timeframes using clearly defined, **measurable criteria**. If the desired objectives are not achieved, it must be possible to make adjustments or, if necessary, **repeal laws in a timely manner**. Existing regulations such as the CSDDD, EUDR, and CBAM must be evaluated holistically in terms of their effects on imports and exports.
- 10) The **EP** as well as the **Council** should introduce instruments that support the quality of laws during the informal trilogue. When introducing **amendments**, members of Parliament and the Council generally need to be **aware of costs** related to their suggestions and choose implementable policy options. With each amendment the following assessment should be submitted and made public by the respective party as a part of their amendments:
 - ✓ Implementation costs rise vis-à-vis the proposal.
 - ✓ Implementation costs decrease vis-à-vis the proposal.
 - ✓ Implementation costs remain unchanged vis-à-vis the proposal.

The instruments at Commission level are only functional if the EP and the Council adhere to **similar standards** or include SME friendly provisions in the law-making process.

Finally, the Commission's IA needs to be updated when the informal trilogue is finished, in order to measure the actual costs of implementation of the final compromise. In case of excessive deviation from the original IA, the lawmakers should be instructed to ease the burden accordingly before the final publication of the law.

The current state of affairs is proof of the need for change with regards to the importance of better regulation as a key location factor. The DIHK Economic Survey ([Fall 2025](#)) supports said sentiment: only 15% of companies expected an improvement of the economic situation whilst 25% anticipated a deterioration. According to the businesses surveyed key burdens are high labor costs (56%), weak domestic demand (58%), and **unfavorable economic policy conditions** (57%); only 20% plan to increase investment. One in three is cutting back on investments while one in four expects job losses. Consequently, the EU should work on laws that are recognized worldwide for their good functioning in practice instead of overburdening itself and its economy with too detailed regulation that cannot be enforced whilst causing a disadvantage on the global level-playing field to European enterprises.

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Who we are:

The 79 Chambers of Commerce and Industry (IHKs) are incorporated under the umbrella of the German Chamber of Commerce and Industry (DIHK). Our joint aim: to obtain the best conditions for successful business.

The DIHK represents the interests of the entire commercial economy in dealings with decision makers, administrations and the public at federal and European level. Several million companies representing trade, industry and services are legal members of an IHK, ranging from kiosk owners to DAX companies. DIHK and IHKs therefore provide a platform for a whole range of corporate concerns. We group them together in an organised procedure on a statutory basis to formulate the general interest of the commercial economy and thus contribute to the formation of opinions in economic policy.

Our statements are based on economic policy positions and position papers adopted by the DIHK taking into account the comments received by the DIHK from IHKs and their member companies prior to the submission of the statement.

The DIHK also coordinates the network of 150 German Chambers of Commerce Abroad, delegations and representative offices of the German economy in 93 countries.

The DIHK is registered with the European Union's Transparency Register under registration number 22400601191-42.