

Better Regulation in the European Union, by Claire A. Dunlop (University of Exeter) and Claudio M. Radaelli (European University Institute, Florence)

This recent chapter, introducing the foundations, recent trends and challenges facing the EU's Better Regulation agenda, appears in the *Handbook of Regulatory Authorities*, edited by Martino Maggetti, Fabrizio Di Mascio and Alessandro Natalini, and published by Edward Elgar in 2022.

The history and politics of Better Regulation:

- Concerns for the quality of regulations at the EU level originated with Member States in 1992, at the Edinburgh European Council, led by Germany, the Netherlands and the United Kingdom. Business organisations have also been supportive of the developments, especially regarding the simplification of the regulatory environment. A patchwork approach to simplification and improvement of legislation slowly developed.
- A new wave of calls for regulatory reform came in the early 2000s, culminating in the publication of the Mandelkern report. The latter recommended that the Commission develop a comprehensive policy on regulatory reform, that would include elements such as impact assessments and stakeholder consultation.
- The Commission answered with a White Paper on Governance, followed by the 2002 Commission Communication, the first strategic document to tackle the topic comprehensively. The latter includes standards on consultation, and regulatory impact assessment (RIA) in the policy process. The EU's form of RIA is unique, as it assesses the three dimensions of economic, environmental and social effects together.
- In 2015 the Juncker Commission adjusted better regulation by:
 - Setting the goal of closing the policy cycle, (making *ex post* evaluation as activity to precede any work on new proposals, i.e., 'evaluate first')
 - Improving the flow of stakeholder consultations at different steps
 - Turning the Impact Assessment Board into the Regulatory Scrutiny Board
 - Finalising a new inter-institutional agreement on better law-making
 - Publishing methodological templates for activities related to better regulation (i.e., the toolbox)
 - Withdrawing proposals that had stalled or become outdated.
- The Commission published a mid-term review of the better regulation agenda and a taking-stock communication in 2019. The main achievements are the strong emphasis on consultation, the role of regulatory impact assessment in policy formulation, the attempts made to include *ex post* legislative evaluation into the policy cycle, and the increased capacity of the Regulatory Scrutiny Board.

Challenges facing Better Regulation

- Despite the existence of inter-institutional agreements on Better Regulation, the Commission has deployed the tools more intensively than the European Parliament and the Council. Member States and the Commission are not always on the same page when it comes to the choice and specification of how to use the tools, and whether the political aim is to improve on regulatory quality or to reduce the quantity of rules.
- The article identifies several challenges for the Von der Leyen Commission in its development of Better Regulation. One is the implementation of the one in one out principle, designed to offset regulatory burden. Specifically, the challenge will be to see how this principle works in practice, while implementing the Green Deal, given that the latter is potentially incompatible with the idea of removing regulatory burdens. A second

challenges faces the integration of foresight within the Better Regulation framework, especially since the COVID-19 pandemic and Brexit demonstrated the limitations of such exercises.

- In concluding, the article argues that the sustainable development goals (SDGs) should become metrics to measure coherence and integration between the Better Regulation tools. They are good indicators to measure the overall policy coherence, and the real-world progress achieved in creating 'quality' regulation that addresses the SDGs.