Better Regulation Forum | RCC Regulatory Chain Control

SME CONNECT / BETTER REGULATION FORUM

WORKING PAPER / OCTOBER 2026

BETTER REGULATION AS REGULATORY CHAIN CONTROL (RCC)

A practical framework for better EU laws, meaningful participation, coherent implementation and accountable regulatory outcomes

By the Members of the SME Connect Better Regulation Forum

For discussion with the European Parliament, the European Commission, Member States and other actors in the EU regulatory chain

CORE PROPOSITION

Europe's challenge is not simply to regulate less or more, but to make better laws and deliver better results. Legitimate political objectives should be translated into rules through reliable evidence, meaningful involvement of those affected, proportionate and SME-feasible design, coherent implementation and transparent review. Regulatory chain control is the method for preserving these qualities from policy inception to practical application and for strengthening trust in European lawmaking.

ONE REGULATORY CHAIN / FOUR ACCOUNTABILITY FUNCTIONS

EVIDENCE	RESPONSIBILITY	RESPONSE	VERIFICATION
Trace the obligation	Identify the owner	Correct or explain	Measure results

COMPANION PUBLICATION / RCC PRACTICAL CASES HANDBOOK: 12 DOSSIERS

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1. Executive Summary

The European Union faces a double task. It must remain capable of acting in a geopolitical, technological and economic environment that requires common European responses. At the same time, it must ensure that its rules are evidence-based, coherent, proportionate, practically implementable and capable of delivering their intended results. These objectives are not in conflict. European capacity to act will remain legitimate and effective only if the lawmaking process combines political responsibility with meaningful participation, clear institutional responsibility and realistic implementation.

COM(2026) 380 materially raises the policy baseline. It commits the Commission to simplicity and enforcement by design, more proportionate impact assessment, broader Regulatory Scrutiny Board review, regulatory deep cleaning that includes delegated and implementing acts, action against gold-plating and targeted sunset clauses. The Commission's answer of 9 July 2026 to priority question P-002214/2026 also clarifies the escalation path after negative Board opinions and the baseline used for administrative-cost reduction targets. In parallel, the European Parliament's resolution P10_TA(2026)0063 of 10 March 2026 reinforces Better Law-Making as a shared responsibility across the full lawmaking cycle and calls for stronger evidence, ex-post evaluation, scrutiny of delegated and implementing acts, greater RSB transparency, earlier parliamentary information and action against unnecessary gold-plating. Together, these commitments materially strengthen the 2026 baseline, but they do not by themselves allocate responsibility for cumulative effects across the full regulatory chain.

A joint September 2026 simplification initiative supported by Austria, Czechia, Denmark, Germany, Estonia, Italy, Latvia, Lithuania, Hungary, Poland, Portugal, Slovenia and Slovakia, circulated as Council document 13399/26, adds a Member-State signal. It converges with this paper on proportionality, acquis coherence, implementation feasibility, evaluation and interoperable reporting; it is not a formal Council position. RCC adds a traceable link between evidence, a competent decision and outcome verification. The companion RCC Practical Cases Handbook (October 2026) examines twelve deliberately selected dossiers: eight documented regulatory situations and four prospective tests. Together they illustrate implementation readiness, cumulative or transmitted burdens, procedural workability and the effectiveness of legal protections. They are not a representative sample of EU regulation and do not establish that RCC would have prevented past problems. Their value is to identify testable control points, decision owners and review criteria.

The central Better Regulation problem is no longer confined to drafting individual legal acts. The real burden increasingly emerges across a regulatory chain: political agenda-setting, impact assessment, legislative negotiation, secondary rule-making, agencies, technical standards, guidance, national implementation, enforcement and the indirect transmission of obligations to companies that were not necessarily primary addressees. Businesses, especially SMEs, experience the cumulative effect of this chain, not just the original legal act. A material obligation is operationally ready only when affected companies and implementing authorities can comply with or apply it on the relevant date with legal certainty, usable guidance, functioning systems and proportionate effort.

This changes the Better Regulation question. It is not enough to ask whether a proposal pursues a legitimate objective or formally includes an impact assessment. The decisive questions are whether affected people can contribute practical evidence while choices are still open; whether the full process remains coherent, proportionate and feasible for SMEs; and whether the final rules achieve their intended results.

> **IMPLEMENTATION PRINCIPLE: MODULAR FIRST, COMPATIBLE BY DESIGN**
>
> Each targeted RCC check can help on its own. Simple common fields for legal source, responsible actor, evidence and review enable future connection. Coordination and AI are options; repetitive checks, circular referrals and extra RCC workload must be counted and reduced.

The risk is that political objectives legitimately adopted by the legislator are distorted, multiplied or administratively expanded during later implementation. A basic act may be politically balanced, but secondary measures, technical standards, agency guidance, national implementation or indirect compliance transmission may create a practical burden that differs materially from the original legislative compromise. This gap between political intent and administrative effect is the core problem addressed by this paper.

From the perspective of the SME Connect Better Regulation Forum, the purpose of this paper is to contribute to better European lawmaking: better-informed decisions, more meaningful involvement of those affected, rules that are feasible to implement, and regulatory outcomes that are effective, predictable and more widely trusted. The paper does not restate the Commission's programme. It identifies where quality can still be lost in the legislative and implementation process, links each failure point to a practical Better Regulation instrument and assigns institutional responsibility.

Regulatory Chain Control (RCC) links political objectives, existing assessments, institutional responsibility, implementation and verified outcomes across the regulatory life cycle. It first reuses the evidence and safeguards already available. An enhanced dossier check is activated selectively when an unresolved material risk can inform an identifiable lawful decision or review milestone. A concise Issue-and-Options Note records the practical evidence, competent recipient, possible response and verification point, including RCC's own costs. Mandatory gates andadditional scrutiny rights discussed in this paper are proposed future reforms, not powers already created by a voluntary pilot. Traceability and the Burden-Migration Test follow obligations into secondary, national and private compliance channels.

The proposed response is organised around nine priorities:

Purpose. EU Better Regulation should evolve from assessment of individual proposals into control of the full regulatory chain—from policy inception and legislative negotiation through secondary rule-making, national implementation, enforcement and review. The objective is not deregulation, but rules that are evidence-based, proportionate, coherent, SME-feasible, enforceable and effective in practice.

1. Test necessity before drafting. Require a Front-End Regulatory Restraint, Coherence and Subsidiarity Check for economically relevant initiatives. It should compare no new action, better use or enforcement of existing rules, and new intervention; test EU added value and instrument choice; identify cumulative obligations across portfolios; and state which existing requirements or workstreams will be simplified, consolidated, withdrawn or deprioritised. For every major new reporting or compliance obligation, the check should also review existing obligations in the same policy field for consolidation, simplification, reuse or repeal before an additional layer is created; this complements, rather than replaces, the targeted One-in, Two-out discipline for recurring administrative costs.

2. Build practical evidence into design. Use staged, representative stakeholder participation at inception, design testing, high-impact secondary rule-making and implementation review. Publish a concise response and reality-check matrix, adapt consultation formats for smaller organisations, and use user-testing, pilots, prototypes, regulatory sandboxes where appropriate or controlled implementation where uncertainty remains high.

3. Make SME feasibility and competitiveness decision gates. Operationalise the existing SME and competitiveness check, supported by a mandatory Think Small First Gate. Critical findings should trigger redesign—such as thresholds, de minimis rules, simplified compliance tracks, once-only reporting, standard templates, phased application, realistic transition periods and safeguards against indirect burden transmission—or a published political override. For material obligations, an Implementation Readiness Gate should additionally verify that essential definitions, guidance, templates, data standards, digital interfaces and competent-authority arrangements are sufficiently complete and stable before application. Where material effects may differ significantly across the Union, the assessment should also make relevant

distributional effects between Member States visible and cover small mid-caps where appropriate, without diluting the specific Think Small First focus on SMEs.

4. Control cumulative and recurring burdens. Create a Commission-wide obligation inventory and assign a designated political lead and an auditable stewardship function for cross-cutting portfolios. Pilot a targeted One-in, Two-out rule for verified recurring administrative costs, supported by DG-level ledgers, common measurement methods, controls against double counting and annual disclosure of gross new costs, offsets, pending debits and realised savings. Burden control should distinguish the existing stock of obligations from the flow of new obligations, so that simplification of the stock is not obscured by simultaneous new burdens entering the system.

5. Extend scrutiny beyond the basic act. Assess substantial co-legislator amendments under a common method, including scope extensions and new reporting or compliance costs. Apply a Material-Impact Screen to delegated and implementing acts, technical standards, agency guidance and comparable instruments based on practical effect rather than legal form. Positive screens should trigger an evidence base, SME and coherence assessment, stakeholder and implementation-authority input, legal-basis review and structured parliamentary information. Use Implementation Impact Notes and, for major files, Implementation Compliance Statements to verify alignment with legislative intent.

6. Discipline legislative shortcuts and package reform. Accelerated initiatives with significant effects should be accompanied before adoption by an Urgency and Evidence Note and a short, non-blocking parliamentary scrutiny window. Omnibus packages should follow a binding quality protocol showing aggregate net effects, obligations removed or created, remaining secondary burdens, SME impacts, indirect burden transmission and national implementation risks; significant individual changes should receive separate analysis. Simplification packages should not be used to introduce unrelated substantive policy changes without separate justification and assessment on their own merits.

7. Ensure transparent and coherent implementation. Member States should publish standardised Gold-Plating Prevention and Impact Notes for economically relevant measures involving substantial national discretion. EU oversight should distinguish gold-plating, divergent enforcement, incompatible administrative systems and private over-compliance, using enforcement, transparency, interoperability and safeguards appropriate to each source of burden.

8. Strengthen institutional accountability. Expand the Regulatory Scrutiny Board's role in coherence, cumulative burden, SME feasibility, secondary-measure effects and implementation risks, with transparent escalation when the College proceeds after repeated negative opinions. Anchor shared responsibilities in a revised Interinstitutional Agreement, give Parliament a graduated control ladder consistent with existing legal bases, establish national early-warning systems and require proportionate Better Regulation duties for agencies.

9. Measure outcomes and force review. Establish obligation-level, independently quality-controlled burden measurement and a public Regulatory Chain Dashboard linking each major file to secondary measures, responsible services, implementation tools, expected and realised costs and savings, and review clauses. Use ex-post implementation reviews and targeted sunset or renewal clauses for temporary, experimental, crisis or urgency-based obligations, requiring evidence of necessity, proportionality, effectiveness and SME impact before continuation. Burden accounting should distinguish burdens actually removed from the existing stock, new burdens introduced, future burdens avoided or reduced before application, and forecast versus realised savings. Periodic sectoral reviews of the regulatory stock should use the same evidence base to test whether obligations remain necessary, coherent and fit for purpose and whether they should be modernised, consolidated, simplified or repealed.

Cross-cutting control logic. Across these priorities, Regulatory Chain Control applies one common discipline: each material control point should identify the trigger for scrutiny, the evidence required, the

responsible actor, the consequence of a critical finding and the review point. Significant obligations should remain traceable from political objective and legal basis to practical implementation and realised effect, while claimed simplification should be tested against burden migration across the regulatory chain. The architecture is risk- and materiality-based: not every file should trigger every instrument. Routine or low-impact measures should remain light-touch, while stronger controls should apply only where material economic, SME, implementation or democratic effects justify them. Existing procedures should be reused, connected or consolidated wherever possible rather than duplicated.

Practical feasibility. Regulatory Chain Control does not depend on creating an entirely new regulatory system. Several of its building blocks are already used in Member States: Germany combines mandatory compliance-cost assessment with independent scrutiny and a One-in, One-out burden-control rule; the Netherlands has made early independent regulatory-burden scrutiny a permanent part of the legislative process; Denmark uses explicit principles against unnecessary overimplementation of EU rules and a follow-or-explain mechanism for better-regulation recommendations; and Austria combines impact assessment with systematic ex-post evaluation and targeted use of time limits. None of these systems constitutes Regulatory Chain Control as proposed here. Their relevance is that they demonstrate that key components of the architecture are workable in practice and can be connected rather than invented from scratch. See Annex I and the Selected References for the official source basis.

Sweden provides a particularly instructive miniature example of this chain-oriented logic: its Better Regulation Council scrutinises the quality of regulatory impact assessments, its Simplification Council focuses on burdens in the existing regulatory stock, and its Implementation Council analyses forthcoming EU legislation ahead of negotiations and supports implementation. The lesson is not to replicate the Swedish institutional model at EU level, but that differentiated control functions can cover different stages of one regulatory chain without creating a single super-regulator.

The conclusion is practical: better laws require evidence and participation before key choices are fixed, decision gates before avoidable complexity is created, measurable correction when tests fail, and review of whether the intended results are achieved. Institutional reform is the means, not the end. The paper is a problem-and-solution framework for better lawmaking and implementation, not a general call for deregulation.

2. Political Premise: Capacity to Act Requires Better Steering, Participation and Learning

The European Union has historically been a project of market opening, legal simplification and economic integration. The Single Market, common standards, mutual recognition, the reduction of national barriers and common rules for cross-border economic activity demonstrate that European law can reduce fragmentation and strengthen economic freedom.

This achievement remains central. Europe still needs common rules where cross-border problems, digital markets, geopolitical risks, energy challenges, sustainability objectives or industrial transformation require European responses. The question is therefore not whether the Union should regulate. The question is how it regulates.

EU action should begin with the policy objective and evidence, not with a predetermined legislative form. Before drafting new legislation, the Commission should test whether better enforcement of existing law, mutual recognition, common standards, guidance, co-regulation, economic incentives, information measures or interoperable digital tools could achieve the objective with lower cumulative burden. This regulatory-restraint test should not prefer non-legislative tools automatically: alternatives must also be

assessed for legal certainty, enforceability, democratic accountability and the risk of shifting obligations indirectly to SMEs.

In recent years, the density of regulation has increased in ways that are not always sufficiently steered at portfolio level. Individual objectives may be legitimate. In combination, however, parallel dossiers often generate overlapping reporting duties, multiple data requests, inconsistent timelines, delayed guidance, complex national implementation and significant compliance costs.

This shifts the Better Regulation debate. It should no longer be treated as a narrow administrative agenda or as a debate about the quantity of rules alone. It is a question of the quality of European decisions, the ability of affected actors to contribute relevant evidence, democratic responsibility, implementation capacity and economic resilience. A Union that pursues ambitious goals must also demonstrate that it can translate them into coherent, proportionate and workable law.

This reform agenda is not directed against European ambition. It is a condition for making that ambition operational. Faster and more effective European policy requires procedures that use practical knowledge early, prevent political objectives from losing coherence and economic viability during implementation, and create the transparency and predictability on which trust and acceptance depend.

3. Core Problem: Loss of Control Along the Regulatory Chain

The central problem is not the individual legal act. The central problem is the potential loss of control between political intent and practical effect.

The legislator defines a political objective. That objective is translated into a Commission proposal, supported by impact assessment, modified in the legislative process, further specified through delegated or implementing acts, interpreted through agencies and technical standards, implemented nationally, enforced administratively and finally operationalised within companies through documentation, evidence, audit and reporting duties.

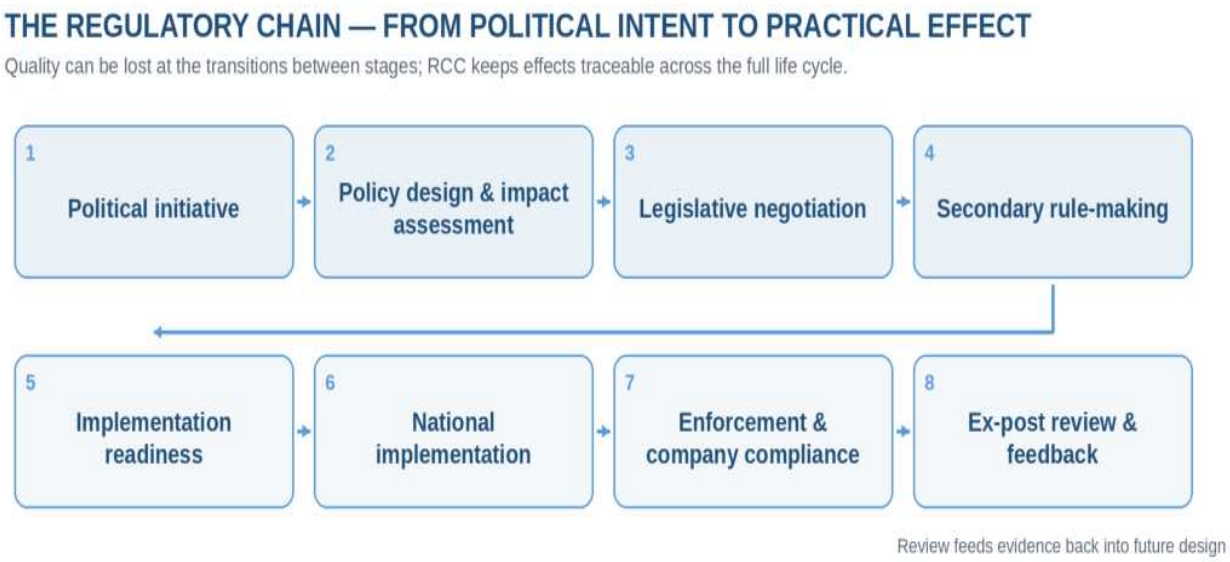
At each stage, the original political balance may shift. Burden therefore emerges cumulatively rather than at a single point. A basic act may be balanced, but secondary rule-making may make it over-complex. A Union rule may be intended to harmonise, but national implementation may fragment. An SME-sensitive provision may exist formally, but indirect compliance transmission may make it ineffective in practice. An Omnibus package may promise simplification but create uncertainty if it lacks a credible net-burden calculation.

Two levels of responsibility must therefore be distinguished. Responsibility at each institutional stage concerns the individual act, amendment, secondary measure, guidance or national implementation decision; in most cases, that responsibility is identifiable. Distributed system stewardship concerns the integrity of the regulatory outcome across those individual steps: whether cumulative effects remain visible, material drift from legislative intent is detected and an appropriate response is triggered by the competent actor. A regulatory chain can therefore have a responsible actor at every link while still lacking effective stewardship of the cumulative outcome.

Regulatory Chain Control does not resolve this gap by centralising decision-making. It preserves the existing allocation of competences while connecting responsible actors through regulatory traceability, materiality triggers, evidence, consequences and review.

Better Regulation must therefore do more than assess the quality of a proposal. It must secure the integrity of the entire regulatory chain.

This perspective changes the reform agenda. The relevant question is not only whether a legal act was assessed before adoption. The relevant question is whether its later specification and application remain aligned with the legislative purpose, the political compromise and the principles of proportionality, competitiveness and Think Small First.



4. Strategic Test for Good EU Regulation

An EU regulatory measure should be considered good regulation only if it satisfies eight requirements.

Requirement	Operational meaning
Necessity and instrument choice	A new binding measure should be used only where the objective cannot be achieved adequately through existing law, better enforcement, mutual recognition, standards, co-regulation, incentives, information measures or interoperable digital tools. The chosen instrument should deliver the objective with the lowest cumulative burden consistent with effectiveness and legal certainty.
Evidence and meaningful participation	The evidence base should combine analytical data with representative practical input while design choices remain open. Institutions should explain how material stakeholder evidence affected the proposal. Participation informs political decisions; it does not replace them.
Coherence	The measure must fit into the existing and planned EU regulatory framework. It should not duplicate data requirements, reporting duties or policy objectives already addressed elsewhere.
Proportionality	Regulatory effort, compliance costs, adaptation costs and administrative burden must be proportionate to the expected regulatory benefit. Equal formal obligations may have unequal practical effects on smaller companies.

STRATEGIC TEST FOR GOOD EU REGULATION

Requirement	Operational meaning
Competitiveness	The measure should not unnecessarily restrict investment, innovation, scaling, productivity or international competitiveness. Competitiveness is a test of the long-term viability of regulatory choices.
SME feasibility	Think Small First requires that rules be designed from the perspective of smaller companies with limited administrative, legal and digital capacity. Later exceptions are not a substitute for SME-fit design.
Democratic controllability	Substantial practical burdens should not be moved into technical or administrative layers without parliamentary visibility. The legislator must be able to verify that its compromise is preserved during implementation.
Implementation readiness, outcomes and review	Obligations, deadlines, guidance, data standards, digital tools, supervision and remedies must allow consistent application. Material obligations should not be treated as operationally ready until essential implementation tools are sufficiently complete and usable. The measure should define intended outcomes and review points so that institutions can correct unintended effects.

These eight criteria are the operational standard of the reform proposal. They connect necessity, evidence and participation, legal quality, economic reality, implementation readiness, outcomes and democratic responsibility.

5. Five Structural Deficits in the Legislative and Implementation Process

The following deficits identify where current procedures can fail, the practical consequence and the corresponding correction developed in Section 9. They cover not only institutional control, but also whether practical evidence reaches decision-makers early enough to improve the rule.

Sectoral and stakeholder evidence discussed later in this paper illustrates how several of these failure points can occur simultaneously in implementation; it is used as practical evidence, not as a proxy for the European economy as a whole.

FIVE STRUCTURAL DEFICITS — PROBLEM, PRACTICAL EFFECT, RCC RESPONSE

Structural deficit	Practical consequence	RCC correction
Portfolio coherence gap	Duplicate data requests, overlapping duties, inconsistent timelines	Front-End Check + obligation inventory + portfolio stewardship
Weak operationalisation of Think Small First	SME infeasibility is detected too late	SME & Competitiveness Check + Think Small First Gate
Late and uneven stakeholder involvement	Practical implementation evidence arrives after key design choices	Staged participation + implementation reality checks
Under-controlled secondary rule-making	Burden or complexity shifts into technical and implementation layers	Material-Impact Screen + Implementation Readiness + compliance statement
Gold-plating, divergence and private over-compliance	Fragmentation and burdens beyond the intended regulatory design	Gold-Plating Note + interoperability + burden-migration safeguards

The response is targeted to the failure point; RCC does not apply every control to every file.

5.1 Insufficient Portfolio Coherence Within the Commission

The Commission already has inter-service consultation, Secretariat-General coordination, collegiality, Better Regulation guidelines, impact assessments and the Regulatory Scrutiny Board. COM(2026) 380 adds commissioner-level responsibility for regulatory deep cleaning and annual reporting. The Commission's parallel administrative-reform debate nevertheless points to persistent DG silos and the need to stop or deprioritise work. The institutional problem is therefore not the absence of coordination tools, but the absence of an auditable stewardship function for cumulative effects across portfolios.

Different Directorates-General may pursue legitimate objectives according to their own sectoral logic while collectively creating duplicate data requests, inconsistent definitions, overlapping reporting duties and incompatible implementation calendars. File-by-file quality control cannot by itself reveal this portfolio effect.

The obligation inventory should therefore map not only legal acts and responsible services, but also recurring business data objects such as product, packaging, material, supplier, safety and sustainability data. This would make visible when substantially identical information is requested repeatedly under different legal bases, formats or administrative systems and where once-only reuse is feasible.

The European Parliament's 2026 Better Law-Making resolution reinforces this direction by calling for a mapping of existing financial and non-financial legislation and administrative obligations affecting companies as a basis for assessing costs, overlaps and opportunities for harmonisation. Better Regulation should therefore include a Commission-wide obligation inventory covering material administrative and

compliance obligations, including reporting and data duties, secondary acts, implementation deadlines and overlapping policy objectives. For cross-cutting portfolios, a designated political lead should be accountable for making cumulative effects visible and ensuring that material findings trigger an appropriate response, while each DG remains responsible for the quality of its own file.

Portfolio coherence should also distinguish the stock of existing obligations from the flow of new obligations. Simplification of the stock is not durable if new obligations entering the system recreate or exceed the burdens removed; both should therefore be visible in the same horizontal monitoring framework.

Before opening a new initiative, the responsible services should show which existing obligations or workstreams will be consolidated, simplified, withdrawn or deprioritised. This stop-doing discipline is the organisational counterpart of regulatory restraint and should be verified in the Front-End Check.

5.2 Weak Operationalisation of Think Small First

Think Small First is politically recognised but institutionally under-operationalised. In practice, regulation is often designed around the implementation capacity of larger companies. SMEs are then relieved ex post through transition periods, exceptions or guidance. This is methodologically wrong.

Think Small First is not a communication principle. It is a design principle.

The rule should be that a proposal is not mature for the next procedural stage if, in practice, it requires a small company without specialised legal, sustainability, IT or compliance departments to carry an unrealistic administrative burden.

An SME Test that merely documents burdens is not sufficient. It must trigger redesign. Critical findings should lead to thresholds, de minimis rules, simplified compliance tracks, once-only reporting, standard templates, realistic transition periods, or safeguards against the unintended transmission of obligations to SMEs not formally within the scope of the rule.

This is not only SME policy. It concerns the quality of EU regulation as such. If a rule can only be efficiently complied with by large companies using specialised departments, external consultants and complex data systems, it undermines the premise of a Single Market that allows smaller companies to participate fairly.

5.3 Late and Uneven Stakeholder Involvement

EU consultation can be extensive in formal terms and still fail to improve a proposal. Input may be requested after the preferred solution is largely fixed, framed at too general a level to reveal implementation problems, or dominated by actors with greater resources. Smaller businesses, self-employed people, local implementers and smaller associations often face the greatest capacity constraints precisely when practical evidence is most needed.

This creates two risks. First, legal and technical choices are made without sufficient knowledge of data availability, operational processes, sector differences or national enforcement conditions. Second, stakeholders may see consultation as a procedural exercise rather than a meaningful opportunity to improve the rule, weakening both implementation quality and acceptance.

Better Regulation should therefore use staged and representative participation: at inception, during design testing, before high-impact secondary measures and during implementation review. Institutions should publish a concise response matrix explaining which material concerns were accepted, mitigated or rejected and why. For measures with complex practical interfaces, user-centred drafting and user-testing of draft acts should be used before obligations are finalised. Participation should improve evidence and accountability; it should not replace the responsibility of the institutions to decide.

5.4 Secondary Rule-Making and Implementation: An Under-Controlled Effects Space

A significant part of practical regulatory effect does not arise from the basic act, but from later specification. This includes delegated and implementing acts, committee procedures, technical standards, guidance, soft law, FAQs, agency practice, risk assessments and national enforcement practice.

COM(2026) 380 recognises this problem. It includes delegated and implementing acts in regulatory deep cleaning, calls for strictly necessary empowerments and reports that approximately 30% of planned secondary acts for 2026 were deprioritised. This is a useful restraint signal, but it remains a one-year stock exercise; it does not yet establish a permanent, transparent and impact-based control mechanism for secondary measures.

This layer is often treated as technical. For companies, however, it determines the real burden. Data formats, evidence requirements, deadlines, testing procedures, digital interfaces, documentation duties and supervisory expectations are frequently specified only at this stage.

As a result, a politically balanced basic act may become stricter, more complex or detached from its original legislative purpose during implementation. Secondary rule-making should therefore be controlled not only by legal form, but by material effect. Where later measures produce significant market, SME, investment or implementation effects, they should be subject to a Material-Impact Screen.

The objective is not to politicise technical expertise. The objective is to make practical effects visible. Where technical specification creates major economic consequences, it must be assessed against the same principles as the basic act: coherence, proportionality, competitiveness, SME feasibility and democratic controllability.

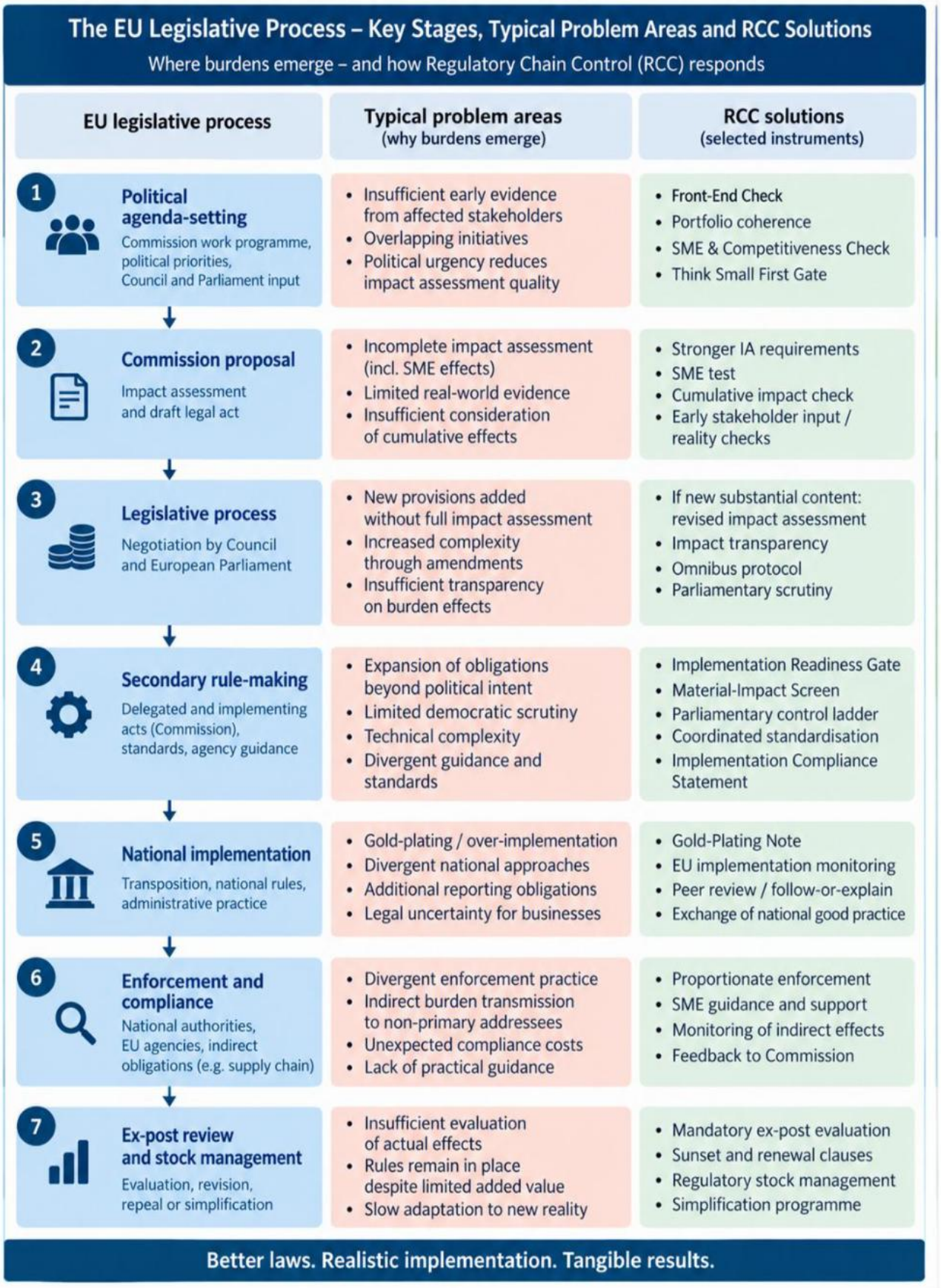
5.5 Gold-Plating, Enforcement and Private Over-Compliance: Distinct Burden Sources

Implementation creates several legally distinct burden sources. Gold-plating should retain a precise meaning: national rules or administrative requirements introduced when EU law is implemented or applied that go beyond what the relevant EU measure requires. It should not be conflated with stricter enforcement, divergent administrative procedures, incompatible digital systems or private over-compliance. Where an addition exceeds the discretion permitted by EU law, the issue is incorrect transposition or application; where discretion exists, the question is whether the national choice is justified and proportionate.

For SMEs, this implementation layer may matter more than the legislative text itself. Businesses experience EU law through forms, audits, questionnaires, certificates, reporting interfaces, platform requirements, administrative interpretations and data fields. A common European rule can therefore become different practical compliance regimes across Member States.

Prevention should begin before national implementation. For directives and other measures leaving material national choices, the legislative process and final act should make the intended degree of harmonisation and the limits of national discretion as clear as possible. Timely, non-binding Commission guidance should address recurring interpretation and implementation questions before national deadlines, without altering the legal act. Member States should distinguish EU requirements from national additions through standardised compliance tables or equivalent implementation statements and justify material additions under a proportionate comply-or-explain approach.

Better Regulation must continue after adoption, with the remedy matched to the source: enforcement for incorrect transposition or application; transparency and review for national additions; guidance and coordination for avoidable divergence; interoperability for administrative systems; and safeguards against unnecessary private burden transmission. The common test is whether implementation preserves legitimate national discretion while strengthening, rather than fragmenting, the Single Market.


The EU Legislative Process – Key Stages, Typical Problem Areas and RCC Solutions
Where burdens emerge – and how Regulatory Chain Control (RCC) responds
EU legislative process
Typical problem areas (why burdens emerge)
RCC solutions (selected instruments)
1
Political agenda-setting
Commission work programme, political priorities, Council and Parliament input
• Insufficient early evidence from affected stakeholders
• Overlapping initiatives
• Political urgency reduces impact assessment quality
• Front-End Check
• Portfolio coherence
• SME & Competitiveness Check
• Think Small First Gate
2
Commission proposal
Impact assessment and draft legal act
• Incomplete impact assessment (incl. SME effects)
• Limited real-world evidence
• Insufficient consideration of cumulative effects
• Stronger IA requirements
• SME test
• Cumulative impact check
• Early stakeholder input / reality checks
3
Legislative process
Negotiation by Council and European Parliament
• New provisions added without full impact assessment
• Increased complexity through amendments
• Insufficient transparency on burden effects
• If new substantial content: revised impact assessment
• Impact transparency
• Omnibus protocol
• Parliamentary scrutiny
4
Secondary rule-making
Delegated and implementing acts (Commission), standards, agency guidance
• Expansion of obligations beyond political intent
• Limited democratic scrutiny
• Technical complexity
• Divergent guidance and standards
• Implementation Readiness Gate
• Material-Impact Screen
• Parliamentary control ladder
• Coordinated standardisation
• Implementation Compliance Statement
5
National implementation
Transposition, national rules, administrative practice
• Gold-plating / over-implementation
• Divergent national approaches
• Additional reporting obligations
• Legal uncertainty for businesses
• Gold-Plating Note
• EU implementation monitoring
• Peer review / follow-or-explain
• Exchange of national good practice
6
Enforcement and compliance
National authorities, EU agencies, indirect obligations (e.g. supply chain)
• Divergent enforcement practice
• Indirect burden transmission to non-primary addressees
• Unexpected compliance costs
• Lack of practical guidance
• Proportionate enforcement
• SME guidance and support
• Monitoring of indirect effects
• Feedback to Commission
7
Ex-post review and stock management
Evaluation, revision, repeal or simplification
• Insufficient evaluation of actual effects
• Rules remain in place despite limited added value
• Slow adaptation to new reality
• Mandatory ex-post evaluation
• Sunset and renewal clauses
• Regulatory stock management
• Simplification programme
Better laws. Realistic implementation. Tangible results.

6. Cross-Cutting Risk: Urgency, Omnibus Packages and Procedural Shortcuts

The Commission's 2026 framework now provides minimum requirements for accelerated pathways, including an urgency assessment, evidence gathering where feasible, RSB involvement for significant initiatives and, in exceptional cases, an analytical staff working document no later than three months after adoption. This is a material improvement, but post-adoption analysis cannot retroactively test whether the original instrument choice or burden distribution was proportionate. The remaining issues are therefore the timing of evidence and interinstitutional accountability when normal safeguards are derogated.

The European Ombudsman's inquiries into three Commission legislative initiatives treated as urgent found procedural shortcomings that, taken together, amounted to maladministration. In her September 2026 remarks to Parliament's JURI Committee, the Ombudswoman warned that a vague reference to "political context" could make urgent procedures the norm rather than the exception.

Under the Treaties, the Commission retains responsibility for preparing and submitting its proposals. Parliament should therefore not be given an undefined veto over the Commission's internal preparatory procedure. However, for initiatives with significant expected effects, derogations should trigger a pre-adoption Urgency and Evidence Note to Parliament and Council under a revised Interinstitutional Agreement or an equivalent political commitment.

The note should permit a short, non-blocking parliamentary scrutiny window. The competent committee could request specified minimum checks and a reasoned Commission response before adoption. A binding objection right should be used only where the Treaties or the relevant basic act already provide one, or where a clear legal basis is created.

This disciplines the exception without blurring institutional responsibility. The stronger the deviation from the regular Better Regulation path, the stronger the duty to document urgency, disclose the available evidence and state when missing analysis will be completed.

Omnibus packages are similarly ambivalent. They can remove overlaps and restore coherence, and the Commission's commitment to wider impact assessment and RSB review should apply at package level. Proportionality remains essential: a package need not reproduce a full impact assessment for every minor technical amendment, but it must demonstrate its aggregate net effect and identify any individual change with significant impacts requiring deeper analysis. Omnibus must reduce complexity, not accelerate uncertainty.

7. Target Architecture: Better Regulation as Governance of the Regulatory Chain

The reform approach treats Better Regulation as a quality and steering architecture for the full regulatory life cycle. It maps each recurrent failure point to a control instrument, a responsible actor and a verifiable output. Regulatory chain control is the method; the objective is better-informed lawmaking, meaningful participation, coherent implementation and regulatory outcomes that work in practice.

Such an architecture must begin before a legislative solution is politically fixed. The Union should test whether action is necessary, whether existing rules or better enforcement already address the objective, whether less regulatory alternatives are credible, whether parallel files create cumulative burdens and whether EU action delivers genuine added value. Evidence from affected stakeholders and implementation authorities should inform this test while the choice of instrument is still open. This Front-End Regulatory

Restraint, Coherence and Subsidiarity Check is the first control point because errors at this stage become politically costly to correct later.

Before adoption of a Commission proposal, this check should be complemented by staged stakeholder participation and implementation reality checks, a robust impact assessment, an integrated SME and Competitiveness Check, a One-in, Two-out burden-control assessment where relevant, and a mandatory procedural Think Small First Gate. This ensures that a proposal is not only legally defensible and politically desired, but also informed by practical experience, economically viable, administratively manageable and feasible for smaller companies.

Control must not end with the legislative proposal. Much real regulation is created only later through delegated and implementing acts, technical standards, guidance, agencies and enforcement practice. For secondary rule-making and comparable instruments, a Material-Impact Screen should therefore be used. The decisive criterion should not be the formal legal form of a measure, but its practical effect on markets, SMEs, investment and implementation.

Special requirements apply when regular Better Regulation safeguards are shortened. The Commission's accelerated pathway should be complemented by a pre-adoption Urgency and Evidence Note and a short, non-blocking parliamentary scrutiny window established interinstitutionally. Any binding objection mechanism must remain tied to a clear Treaty or legislative basis.

Implementation itself must also become part of the control architecture. For material obligations, an Implementation Readiness Gate should verify before application that essential definitions, guidance, templates, data standards, digital interfaces, relevant secondary measures and competent-authority arrangements are sufficiently complete, stable and usable. For economically relevant legal acts, the Commission should use an Implementation Compliance Statement to explain how later measures preserve the purpose, objective and political compromise of the basic act. At national level, a Gold-Plating Prevention and Impact Note should make visible whether and why Member States go beyond EU requirements, what costs this creates and whether Single Market fragmentation may follow.

After entry into force, an Ex-post Implementation Review should assess whether regulation works as politically intended. It should measure not only formal transposition, but actual administrative burden, secondary effects, national deviations, indirect transmission of obligations and SME feasibility.

Across the entire architecture, three institutional anchors and one cross-cutting evidence channel are required. The Commission must steer portfolios across DG boundaries. The RSB's expanded review should be matched by transparent escalation and quality control of cumulative and implementation effects. Parliament should act earlier and more structurally as the democratic scrutiny and legislative-intent safeguard, using differentiated instruments consistent with the applicable legal basis. Meaningful stakeholder participation should provide practical evidence at inception, design, secondary rule-making and review, without replacing institutional decision-making.

> **DISTINGUISH PILOT PRACTICE FROM FUTURE REFORMS**
>
> Voluntary RCC pilots may examine one material gap within existing competences; they create no mandatory gate, veto or new review right. The procedural gates described here are possible future reforms requiring separate lawful authorisation and evidence of net benefit. The twelve cases identify testable control points, not established RCC results. Where there is no lawful decision or review route, or the additional work outweighs expected value, the check should stop.

7.1 Control Logic: Traceability, Consequence and Burden-Migration Prevention

The added value of Regulatory Chain Control is not another catalogue of Better Regulation tools. It is the control logic connecting them. At every material control point, five elements should be explicit: the trigger for scrutiny, the evidence required, the responsible actor, the consequence of a critical finding and the point

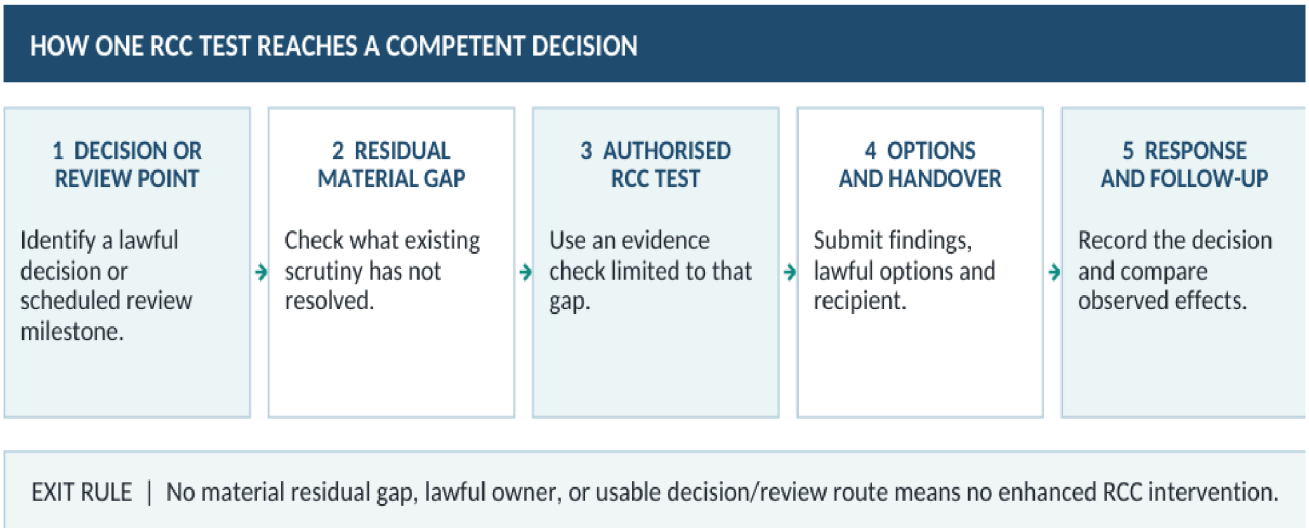
at which the result will be reviewed. A test without a consequence, or a reporting requirement without clear institutional responsibility, cannot provide effective control.

Regulatory traceability should apply to major files and significant obligations. A material obligation should remain traceable from its policy objective and legal basis through the basic act, secondary measures and responsible authority to the affected actors, expected burden, national implementation, realised burden and review point. This allows institutions to identify where a requirement was created, amplified, shifted or corrected and prevents material obligations from becoming detached from their original rationale or institutional responsibility.

Burden reduction should also be tested against migration across the chain. A simplification, offset or repeal should count as a realised reduction only where the obligation has actually disappeared or become less costly in practice, rather than being transferred to secondary legislation, national administration, certification, contractual questionnaires, platforms or comparable private compliance channels. This Burden-Migration Test connects ex-ante simplification claims to ex-post verification.

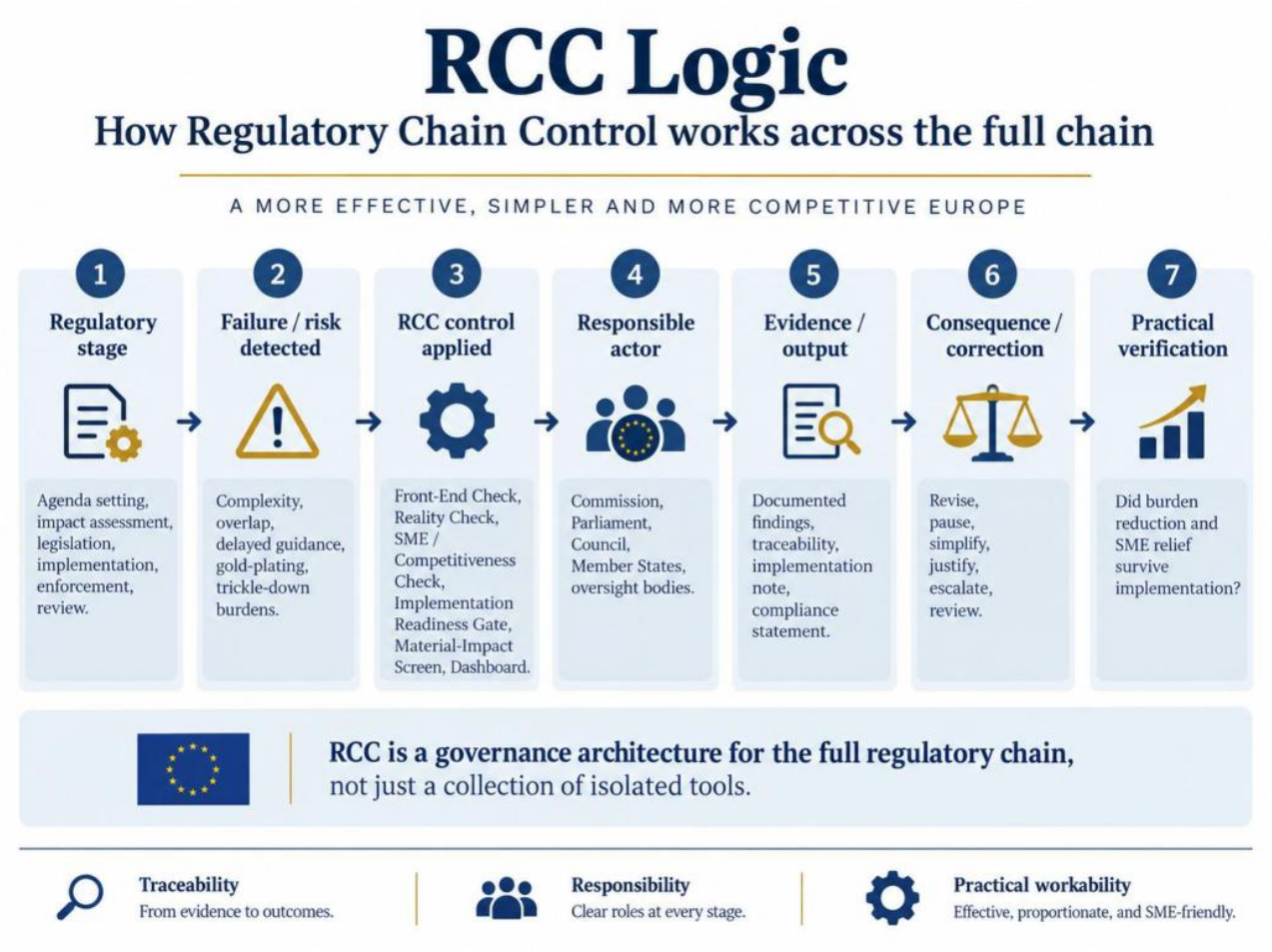
Where material and foreseeable burden migration is identified, the competent institution should assess and explain a proportionate response. This should not prohibit legitimate due diligence, contractual risk management or necessary supply-chain information exchange. Depending on the legal basis and sector, possible tools include clearer identification of the legal basis and purpose of a request, recognised standard information sets, acceptance of equivalent declarations, once-only or "report once, verify many times" solutions, reasoned-request requirements, targeted safe harbours, direct-supplier limits or value-chain cut-offs where legally justified.

Distributed stewardship without centralisation. RCC distinguishes responsibility for each decision from visibility over cumulative effects. Commission services, co-legislators and Member States retain their respective legal competences. A shared obligation map, a named owner, a concise Issue-and-Options Note and a recorded handover can expose gaps across stages without transferring decision rights. Individual RCC checks remain independently useful; common evidence fields and review points make later links feasible. A bounded pilot should start only where ordinary scrutiny leaves a material gap and an authorised actor can use the result. The purpose is to prevent duplicate checks and circular referrals, not create an extra routine gate or automatic veto.



INTEGRATION WITHOUT ANOTHER PROCEDURAL GATE

Independent controls remain valid. Link only decision-relevant evidence and handovers; do not add automatic reviews, duplicate forms or a new veto.



How to read the RCC logic

The four diagrams illustrate complementary levels of the same Regulatory Chain Control architecture.

The first diagram (p. 18, "RCC Logic") presents the basic control sequence: identify the regulatory stage and material risk, select the appropriate RCC instrument, assign responsibility, document the evidence, determine a proportionate corrective response and verify practical outcomes.

The second diagram (p. 19, "RCC Logic in Detail") applies this sequence to recurring problems across the regulatory chain. It connects legislative and implementation stages with specific RCC instruments, responsible institutions and the common control logic.

The third diagram (p. 21, "RCC at EU Level – Building on National Experience") illustrates how existing national Better Regulation mechanisms provide practical building blocks for RCC. These examples demonstrate transferable functions, not institutional models to be copied directly at EU level.

The fourth diagram (p. 22, "RCC in the EU legislative process") shows where eight RCC checks can be integrated into the EU regulatory lifecycle, drawing on existing EU mechanisms, institutional recommendations and Member State practices.

One framework, four views: p. 22 locates eight possible RCC checks (WHEN); p. 19 lists ten finer risk and actor situations (WHERE); p. 18 shows seven steps for one targeted test (HOW); and five record fields preserve the decision (WHAT). Controls are selective, not automatic, and create no new legal powers.

RCC Logic in Detail

How the legislative process maps onto the RCC control architecture

A MORE EFFECTIVE, SIMPLER AND MORE COMPETITIVE EUROPE

Legislative stage	Main failure addressed and RCC control	Lead responsibility	Linked RCC Logic step(s)
1 Political initiative	**Premature lock-in and untested alternatives →** Front-End Regulatory Restraint, Coherence and Subsidiarity Check	Commission; RSB where mandate is extended; Parliament and Council visibility	1 - 2
2 Policy design and consultation	**Late, generic or unrepresentative input →** Stakeholder Participation and Implementation Reality-Check Protocol	Commission; affected stakeholders; Member States and implementation authorities where relevant	1 - 2
3 Commission proposal	**Under-assessed design and SME infeasibility →** Impact assessment; Simplicity and Enforcement by Design; SME and competitiveness check as a decision gate; Think Small First Gate	Commission; RSB	3 - 4
4 Burden creation	**Cumulative recurring obligations →** targeted One-in, Two-out burden account	Commission; DGs; Better Regulation quality control; Parliament scrutiny	3 - 4
5 Legislative negotiation	**Unassessed co-legislator amendments →** common-method assessment of substantial amendments, including scope expansion and new reporting or compliance costs	Parliament and Council	3 - 4
6 Secondary rule-making	**Burden shifted into technical layers →** Material-Impact Screen for delegated acts, implementing acts, agencies and standards	Commission and agencies; applicable RSB review; Parliament information and existing legal rights	5 - 6
7 Procedural shortcut	**Safeguards shortened without timely evidence →** Urgency and Evidence Note and short, non-blocking scrutiny window	Commission; Parliament; Council	5 - 6
8 Implementation readiness & implementation	**Operational infrastructure unavailable or implementation departs from legislative intent →** Implementation Readiness Gate + Implementation Compliance Statement	Commission; implementing authorities; Member States where relevant	5 - 6
9 National transposition	**National additions and fragmentation →** standardised Gold-Plating Prevention and Impact Note	Member States; national parliaments; Commission monitoring	5 - 6
10 Post-entry review	**Forecast savings not realised →** Ex-post Implementation Review, net burden assessment and public Regulatory Chain Dashboard	Commission; independent quality control; Parliament scrutiny	7

How to read this figure

This figure translates the high-level RCC Logic into operational application across the EU regulatory chain. It shows where recurrent problems arise, which RCC control responds, who carries lead responsibility, and how each element links back to the 7-step RCC Logic framework.

Traceability | Responsibility | Practical workability | Implementation realism

7.2 Practical Feasibility: Building on Existing Regulatory Practice

Independent comparative evidence. The OECD's Better Regulation Practices across the European Union 2025 reaches a closely related diagnosis. It argues that Better Regulation needs to be embedded across the whole EU policy cycle and identifies continuing weaknesses around substantive co-legislator amendments, Member-State participation in Council negotiations, transposition and implementation, gold-plating, ex-post evaluation and the pooling of evidence across institutions. Regulatory Chain Control adds an operational response to this full-cycle problem by linking material risks to evidence, responsible actors, consequences and review.

Why this route. The practical case for Regulatory Chain Control is therefore not that the Union needs another layer of general procedure. The more proportionate route is to connect and sharpen mechanisms that already exist in parts of the EU and national systems, apply them only where material effects justify scrutiny, and make their outputs consequential. This reduces institutional disruption, allows early testing within existing Better Regulation practice and preserves the Treaties' allocation of responsibilities.

International experience. RCC builds on established international approaches to regulatory governance. New Zealand's regulatory stewardship, Australia's whole-of-government framework and Canada's regulatory lifecycle approach demonstrate the value of continuous oversight beyond individual legislative proposals, consistent with OECD principles. RCC adapts this experience to the EU's multi-institutional system by linking evidence, material control points, institutional responsibility, proportionate corrective action and outcome verification across the regulatory chain, without altering existing decision-making competences.

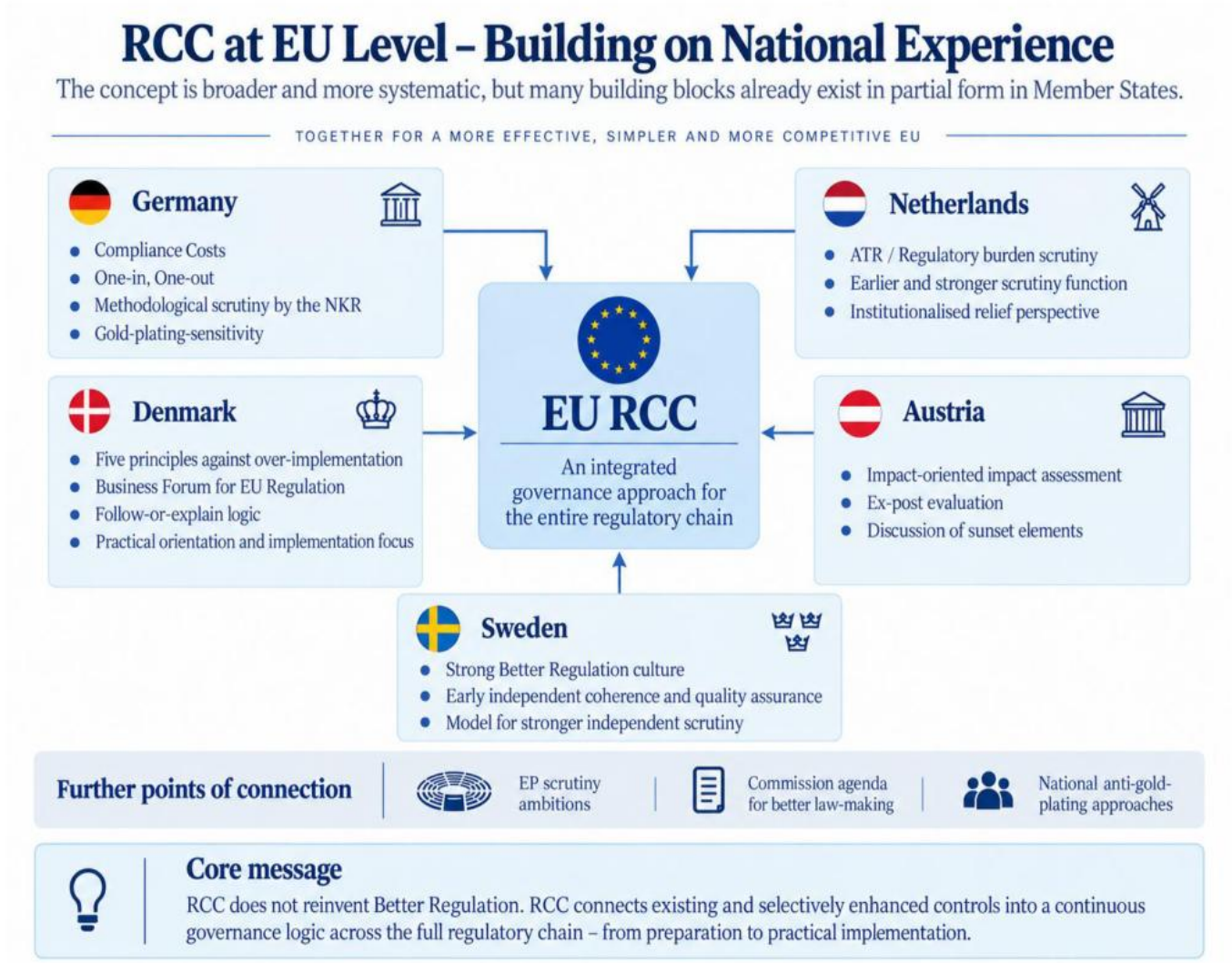
National precedents. Germany, the Netherlands, Denmark and Austria illustrate different parts of the proposed architecture: quantified burden measurement and independent quality control; early independent scrutiny of regulatory burden and workability; structured prevention of unnecessary overimplementation and follow-or-explain feedback; and impact assessment combined with ex-post evaluation and targeted sunset logic. These are not models to copy mechanically, and none operates the full Regulatory Chain Control architecture. They show, however, that its principal building blocks can function in real legislative and administrative systems. Annex I summarises the transferable lessons and the limits of comparison. The official source basis is set out in Annex I and the Selected References.

Sweden provides a particularly relevant chain-oriented precedent. The Swedish Better Regulation Council scrutinises the quality of regulatory impact assessments; the Simplification Council targets burdens in the existing regulatory stock; and the Implementation Council analyses forthcoming EU legislation ahead of negotiations and makes recommendations on implementation. Sweden's 2026 Better Regulation non-paper also calls for a stronger Regulatory Scrutiny Board mandate, impact assessment as an evidence base throughout the legislative process, proportionate assessment of major co-legislator amendments, improved stakeholder feedback and earlier implementation planning. The transferable lesson is not the institutional model as such, but that ex-ante quality control, stock simplification and EU implementation scrutiny can operate as complementary functions across different stages of the regulatory chain.

Finland provides a complementary quality-control precedent. Its independent Council of Regulatory Impact Analysis reviews selected government proposals and their regulatory impact assessments, may also examine significant decree-level provisions or EU legislation, and requires reviewed government proposals to state how the Council's opinion was taken into account. The OECD also reports that the Council has a mandate to review ex-post evaluations. For RCC, the transferable lesson is a non-veto model in which independent scrutiny is linked to a visible reasoned response and can connect ex-ante assessment with later evaluation.

> **TRANSFER PRINCIPLE FOR A FEASIBLE EU PILOT**
>
> New Zealand illustrates defined agency stewardship; Germany and the Netherlands illustrate independent burden scrutiny; Finland shows a documented response to review findings; and Sweden shows complementary lifecycle functions. These are transferable elements, not ready-made EU competences. RCC should combine them selectively through one competent sponsor, an existing decision point and a demonstrated net benefit. See Sections 12.2-12.3 (pp. 47-49) and Annex II (p. 64).

Estonia provides a different implementation precedent. Its X-tee infrastructure enables secure, interoperable data exchange between information systems, while the 2026 Economic Growth Plan aims to standardise 150 frequent reports and information obligations that create high administrative burden and to move reporting towards automated, reusable data transmission from company systems. The RCC lesson is that simplification can target the compliance architecture itself: authoritative data should be reusable across legitimate administrative purposes, reducing duplicate requests and parallel interfaces rather than merely shortening individual forms.



Council-side horizontal monitoring. A Danish Presidency discussion paper on the economic consequences of EU legislation proposed recurrent horizontal monitoring of the flow of new EU legislation and its costs and benefits, potentially through ECOFIN, while leaving substantive negotiations on individual files with the competent Council formations. The institutional lesson for Regulatory Chain Control is not that ECOFIN should become a new regulatory controller, but that horizontal stewardship can coexist with dossier-specific responsibility and make cumulative effects visible across policy areas.

The same paper also underlines an important methodological limit: aggregated cost figures cannot by themselves establish that EU regulation is excessive, because regulatory benefits may be material but difficult to monetise and cost estimates differ in method, baseline and time horizon. RCC therefore treats cost transparency as an accountability tool, not as a presumption against regulation.

RCC in the EU legislative process: where it fits and where examples already exist

RCC checks before, during and after EU legislation, drawing on EU mechanisms, recommendations and Member State practices.

Existing EU mechanism — Already in place in EU institutions

EU institutional recommendation or request — Call for improvement (not yet fully implemented)

Member State practice / transferable approach — Existing in Member States (illustrative)

Stage	EU regulatory life cycle (including the OLP)	RCC integration (what happens at this stage)	EU institutions and Member States (existing examples and precedents)	Key takeaways
1	**Commission preparation** Problem definition, evidence and options	**RCC Check 1** at the earliest stage (Commission)	☑ Are the problem, drivers and objectives clearly defined (incl. SME impacts)? ☑ Is EU action necessary and the urgency justified? ☑ Is the evidence base robust and up to date? **Output: RCC Scoping Note and initial evidence gaps**	**Commission Better Regulation Guidelines** (impact assessments) **European Ombudsman (2026):** urgent derogations and document evidence (OLR) **Germany:** NKR independent cost/digital checks **Denmark:** mandatory problem definition and evidence base **Sweden:** ex-ante analyses and early consultation	• RCC builds on existing impact assessment practice. • Member State examples show value of clear problem definition and independent scrutiny.
2	**Commission proposal** Draft legal act with impact assessment	**RCC Check 2** with the proposal (Commission)	☑ Are affected groups (incl. SMEs) consulted in a balanced way? ☑ Are economic, social and environmental impacts analysed? ☑ Are alternative options, including non-legislative options, assessed? **Output: RCC Consultation and Impact Review**	**Commission stakeholder consultations** (Better Regulation) **Netherlands:** ATR assessment of EU proposals **Austria:** structured stakeholder consultation **Finland:** independent impact assessment council	• RCC strengthens consultation and analysis, in line with EU guidance and Ombudsman recommendations.
3	**Parliament/Council scrutiny** Examination of the Commission proposal	**RCC Check 3** in committees (EP and Council)	☑ Are substantial amendments assessed (incl. SME impacts)? ☑ Is the evidence base updated if the scope changes significantly? ☑ Are new risks or burdens identified and analysed? **Output: RCC Amendment Impact Assessment**	**European Parliament** (2026) Better Law-Making resolution (P10_TA(2026)0063) **Council document 13999/26:** substantial amendments (13 Member States) **Germany:** NKR review of major amendments **Sweden:** structured analysis of amendment impacts **Poland:** ex-post evaluation for rushed procedures	• RCC provides a systematic assessment of substantial changes, as called for by Parliament and 13 Member States.
4	**Negotiations and compromise** Trilogue negotiations and final text	**RCC Check 4** during trilogues (EP, Council, Commission)	☑ Are major changes re-assessed? ☑ Are new risks or burdens for SMEs identified and mitigated? ☑ Is the final text consistent with the original objectives? **Output: RCC Trialogue Note and updated impact assessment**	**2016 Interinstitutional Agreement:** assessment of substantial amendments **Sweden:** continuous regulatory scrutiny in negotiations **Denmark:** proposals against gold-plating (over-implementation) **Ireland:** whole-of-government oversight (Regulatory Impact Assessment Unit)	• RCC supports evidence-based compromises and helps maintain coherence with original objectives.
5	**Adoption** Formal adoption by Parliament and Council	**RCC Check 5** before adoption (EP and Council)	☑ Are review clauses or sunset clauses included? ☑ Is there flexibility to adjust if problems arise in implementation? ☑ Is the final text proportionate and consistent with RCC findings? **Output: RCC Adoption Checklist and monitoring plan**	**Co-legislators can provide scrutiny and review clauses** (standard practice) **France:** mandatory review clauses in key laws **Spain:** systematic evaluation planning **Austria:** explicit sunset clauses in selected areas	• RCC ensures built-in flexibility and a clear basis for future review.
6	**Delegated/ implementing acts** Detailed rules and implementation provisions	**RCC Check 6** for delegated acts (Commission + EP/Council scrutiny)	☑ Are delegated/implementing acts proportionate to the mandate? ☑ Are new burdens for SMEs avoided? ☑ Is there adequate scrutiny by Parliament and Council? **Output: RCC Delegated Act Review**	**Article 290 TFEU:** Parliament/Council scrutiny of delegated acts **Germany:** systematic review of delegated regulation (also sectoral) **Austria:** ex-post review of delegated/technical rules **Netherlands:** systematic ex-post evaluations	• RCC improves control of delegated acts and prevents "regulatory creep" that can create unexpected burdens.
7	**National implementation** Transposition and application in Member States	**RCC Check 7** in national implementation (Member States)	☑ Is implementation as simple and digital as possible (e.g. once-only)? ☑ Are administrative burdens for SMEs monitored and addressed? ☑ Are divergences between Member States identified and reduced? **Output: RCC Implementation Report (national level)**	**Estonia: X-Road** interoperable data exchange **Commission evaluations + Regulatory Scrutiny Board** (Better Regulation) **Sweden:** simplified implementation and SME test **Denmark:** digital-by-default implementation **Austria:** "Rechtscheck" and administrative burden reduction programmes **Lithuania:** SME-friendly transposition guidelines	• RCC helps ensure simple, coherent and digital implementation across Member States, drawing on proven national practices.
8	**Evaluation and review** Ex-post evaluation and possible revision	**RCC Check 8** in implementation and review (Commission + EP/Council)	☑ Are real-world impacts (incl. SME effects) evaluated? ☑ Is the evidence used for future regulatory decisions? ☑ Should the act be revised, simplified or repealed? **Output: RCC Evaluation Report and follow-up actions**	**Commission evaluations + Regulatory Scrutiny Board** (Better Regulation) **European Ombudsman (2026):** use of evidence for future decisions **Netherlands:** systematic ex-post evaluations **Germany:** post-adoption cost remeasurement (NKR) **Sweden:** systematic simplification of existing rules (Simplification Council) **Poland:** ex-post evaluation of regulatory costs **Slovenia:** SME-test and simplification programme	• RCC closes the loop by ensuring that lessons learned are used for future legislation and simplification.

7.3 Practical Case Evidence: Twelve-Dossier Synthesis

The companion RCC Practical Cases Handbook (October 2026) applies a common evidence-and-decision protocol to eight documented regulatory situations and four prospective assessments. This is a deliberately selected diagnostic sample, not a representative measure of EU regulatory failure or proof that RCC caused a past correction.

WHAT THE TWELVE CASES HELP TO TEST

CONTROL RISK	ILLUSTRATIVE DOSSIERS	INCREMENTAL RCC OUTPUT
Readiness before application	IVDR; AI Act; DPP; EUDR	Compare capacity, standards, digital systems and practical tasks with dates. Readiness/options note.
Coherence and burden transmission	PPWR; CSRD; EUDR; CBAM	Map each duty to its legal source and cost bearer. Role-specific map and verified burden test.
Procedural workability	EFSA / Novel Foods; EU Guarantee Label; Biotech Act	Identify genuine process constraints, baseline remedies and feasible alternative designs.
Enforcement and realised outcomes	Late Payments; CBAM; IVDR	Compare formal rights and corrections with company outcomes and protected policy benefits.

A case may illustrate more than one risk. Prospective tests do not imply that harm has occurred. The existing EU or national control is always the comparator.

TWO DIFFERENT INSTITUTIONAL DECISION PATHS

A DOCUMENTED | IVDR CERTIFICATION

Ordinary process

Commission monitoring and notified-body evidence; Regulation (EU) 2024/1860 ultimately adjusted transition provisions.

Possible RCC contribution

Before a Commission correction proposal, DG SANTE could assemble a cohort-based readiness and supply-risk options note.

Decision / limit

Commission may propose; Parliament and Council change statutory dates. No past RCC action or effect is claimed.

B PROSPECTIVE | BIOTECH ACT

Ordinary process

COM(2025) 1022 is under joint SANT/ITRE committee scrutiny (2025/0406(COD)).

Possible RCC contribution

On request, the committee could test the practical 106-to-75-day clinical-trial route before fixing a position.

Decision / limit

The co-legislators retain the vote and amendment choice. The pilot provides evidence, not a new veto or committee power.

Decision rule: use RCC only if ordinary controls leave a material gap, a competent actor can respond and the expected evidence justifies the extra workload. Measure benefits, costs and any burden migration.

CHAPTER 8 | CONCEPTUAL GOVERNANCE

8. Making RCC Work as a System

Why continuity, proportionate coordination and reusable evidence may add value - without requiring a new regulator.

8.1 The Governance Problem

A good assessment is not yet a well-governed regulatory chain. EU lawmaking already has impact assessments, consultations, scrutiny, legal review and implementation monitoring. Each can provide valuable evidence at its own stage. The problem RCC addresses is more specific: a material finding about one obligation may not travel reliably to the next decision, especially when the legal text changes, secondary rules are prepared or implementation begins.

Consider an SME whose practical compliance task was tested during preparation of a proposal. The task may be altered by a legislative amendment, expanded by technical guidance or interpreted differently by national authorities. Later, a purchaser or service provider may request additional data as a private condition of doing business. An institution looking only at its own stage may reasonably miss whether an earlier concern was resolved, merely moved to another actor or reappeared in a different form.

Where time and capacity are lost

The cost is not limited to SME compliance. Commission services, parliamentary staff, Council participants, national authorities and stakeholders can spend time retrieving the same sources, re-establishing which version is operative, repeating consultations or routing an issue to an institution unable to remedy it. RCC therefore asks a practical question: what is the smallest additional control that would help the competent decision-maker use existing evidence at the right moment?

The proposed answer - continuity, not a command centre

Stewardship would preserve a traceable record of a dossier and its unresolved obligations; steering could connect relevant actors when the evidence crosses boundaries; and selective activation would prevent every signal from generating a new review. None of these functions transfers political choices or legal powers to a central RCC authority. A single reality check remains possible without any coordinating arrangement, shared platform or AI.

What changes for the next decision-maker

An early SME finding is not an instruction to stop a proposal. It becomes a usable item of evidence: which obligation was tested, which practical step failed, whether the issue has been corrected and who may lawfully respond if it recurs. For a legislative amendment, the relevant service could ask whether an existing assessment still covers the revised obligation; for implementing guidance, it could ask whether the proposed workflow is achievable. In each case, the question is limited to the decision at hand. The control should close once the finding is dealt with, rather than become another standing reporting obligation.

TESTABLE PROPOSITION

A connected system could reduce repeated retrieval, misdirected referrals and late rework, while making SME workability and policy outcomes more visible. This is a hypothesis to test against ordinary procedures, including the administrative and technical cost of RCC itself.

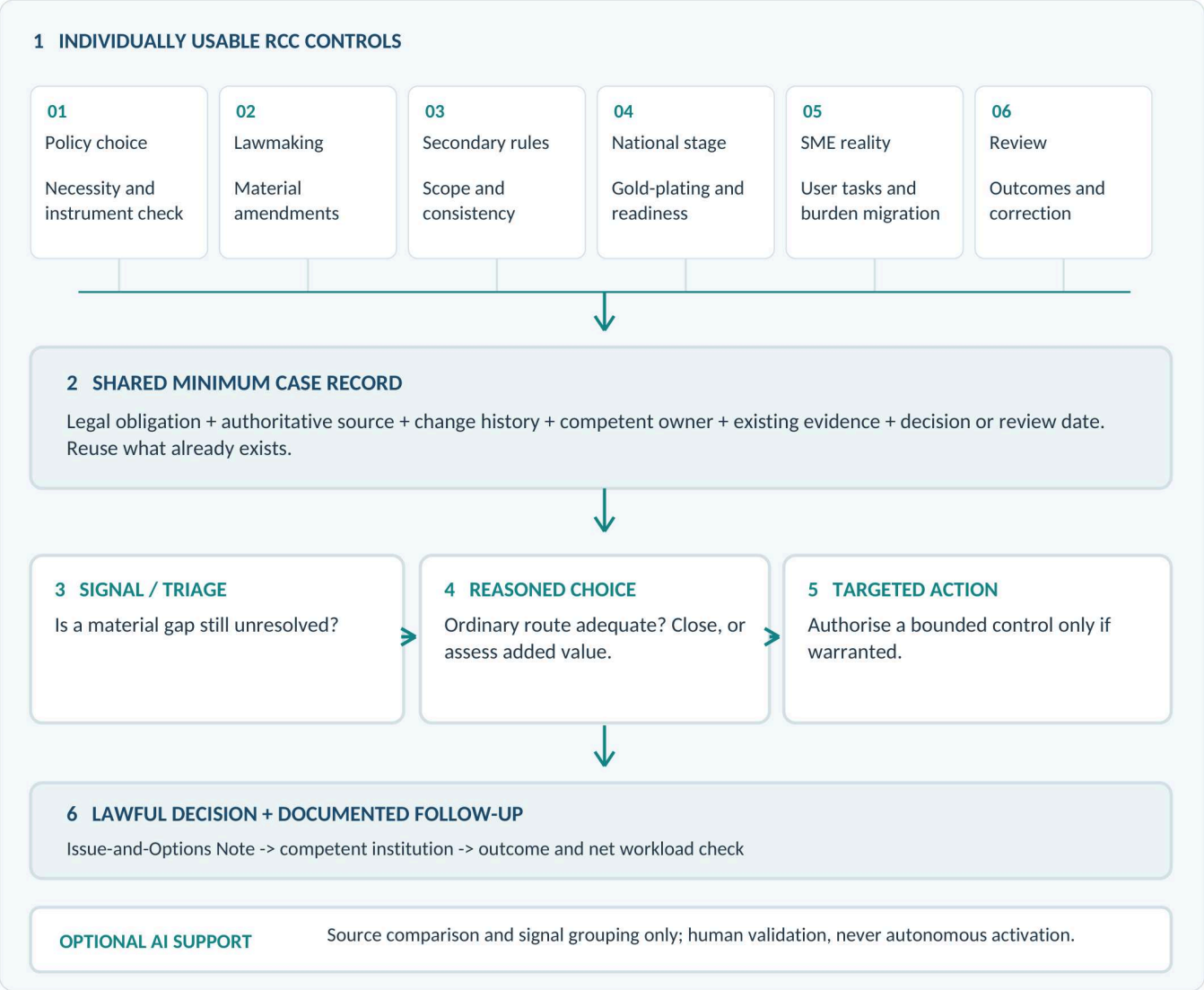
MODULAR SYSTEM DESIGN

8.2 From Useful Controls to Connected Evidence

The diagram is an information-flow proposal. Its arrows do not establish a new hierarchy or automatic procedural gate.

An RCC module can be used alone. System compatibility means that, if cooperation later proves valuable, a small source-linked record can be reused rather than recreating the assessment. The figure distinguishes individual controls, a minimum case record and an authorised response.

RCC SYSTEM MAP | FROM MODULAR CONTROLS TO CONNECTED DECISIONS



Read from top to bottom. The six regulatory stages do not become six mandatory checks. A material issue moves forward only when the ordinary process leaves a gap, an identifiable competent actor can respond and the expected benefit justifies a bounded test. AI appears only as an optional support tool, outside the authorisation chain.

The minimum record is an information discipline, not a central EU database: it can be a short document or existing case file recording the legal source, the affected task, evidence, owner and a review date.

STEWARDSHIP

8.3 Keep the Dossier and Its Open Questions in View

A proposed continuity function across regulatory stages - not authority to decide matters assigned to another institution.

Regulatory stewardship means maintaining an informed view of how a regulatory system works beyond the adoption of its initial legal text. Within RCC, a modest version would focus on a selected dossier: what the competent institutions intended, which obligations actually result, what implementation evidence has emerged, and which material questions remain open. The steward does not own every legal act or decision in the chain. The function is to ensure that relevant findings remain accessible and that a responsible actor can decide what, if anything, to do with them.

What continuity requires in practice

A useful dossier record would identify the authoritative legal act and version, linked delegated or implementing measures where relevant, the actor legally responsible at each stage, an SME-facing task or public-authority duty, and the source of any critical finding. It would distinguish an EU requirement from national administrative practice and private contractual requests. The record should also state whether the concern has been answered, passed to the lawful decision-maker or reserved for a specified review point.

Why this may save rather than add work

When a later amendment or implementation issue arises, staff should be able to retrieve the earlier evidence and decision history rather than reopen the whole inquiry. An unresolved SME obstacle identified before adoption, for example, could become an explicit readiness question when technical guidance is prepared. This would be a reason to reuse the earlier evidence, not an obligation to repeat the SME test at every stage. Stewardship succeeds when it supports a timely decision and avoids unnecessary information requests.

No prerequisite for partial implementation

A Commission DG may run one readiness check, a Member State may test an implementation form, and a parliamentary service may use an amendment-impact note within its own remit. Each is a possible RCC application even if there is no shared steward. A cross-stage owner, common record format or more durable arrangement should be introduced only where real pilot experience demonstrates added value and a sound legal route.

A practical handover

If an assessment identifies uncertainty about a documentation requirement, the record can specify the official source, the affected SME task and the review point at which guidance is expected. When a subsequent technical measure is drafted, the next competent team can see the unresolved question without initiating a fresh general survey. If that team lacks authority to fix the underlying duty, the case record should identify the lawful route rather than imply that the steward can decide for it. A recorded explanation that no follow-up is needed is also a valid closure.

STEWARDSHIP IS NOT SUPERVISION

The stewardship role may track a finding and its status; it cannot direct Parliament or Council, compel a national authority outside a lawful framework, veto legislation or turn private requests into EU obligations.

STEERING AND SELECTIVE ACTIVATION

8.4 Coordinate Only Where the Gap Is Material

Steering is one institutional option; activation is a separate, legally bounded decision to undertake extra work.

Steering addresses a different problem from stewardship. It is the practical coordination of evidence, timing and handovers among actors that already have separate responsibilities. A lead Commission service may need to ask whether an implementation concern belongs to its own file, a national application measure or the scope of a delegated act. Steering can help send the evidence to the right place and avoid parallel requests. It does not allow one service to manage Parliament, Council or Member State decisions.

Who might organise coordination?

For an individual Commission dossier, the responsible DG could maintain the working record and, where a horizontal problem genuinely arises, seek help from the Secretariat-General or other competent services through existing arrangements. Parliament, Council and national administrations would decide independently whether and how to use the evidence within their procedures. Other configurations, including local application without coordination and voluntary exchange, remain possible. A binding new handover duty would require its own authority; this paper does not assume one.

Activation is deliberately selective

A signal from an SME, authority, Parliament or technical specialist should first be checked against evidence that already exists. The competent owner asks: Is the alleged gap material? Is it still unresolved? Is there a decision or review point at which the finding could be used? Can a short targeted test answer it without disproportionate work? Where ordinary procedures already cover the issue, a documented decision not to activate is an appropriate outcome, not a failure of RCC.

A useful handover ends in a lawful choice

If a bounded check proceeds, it should produce a concise Issue-and-Options Note identifying sources, practical effects, possible responses, competence and uncertainty. The authorised institution may clarify guidance, improve an administrative process, refer an issue or use the relevant legislative procedure if the legal duty itself must change. Nothing in this route suspends ordinary legislative deliberation automatically; it provides earlier, more intelligible evidence for decisions already entrusted to competent bodies.

This distinction matters most under political time pressure. Urgent or omnibus files may leave less time to repeat impact analysis, but urgency does not automatically justify a new RCC layer either. A short evidence note may be preferable to a full reassessment. The proportionate route should preserve meaningful parliamentary scrutiny and timely decisions while identifying which uncertainties merit later evaluation. Steering is successful when it clarifies responsibility and reduces work, not when it becomes an additional approval queue.

THE NO-EXTRA-PROCEDURE RULE

If no material gap, lawful response route or defensible additional value can be identified, RCC should close the signal, record the reason and avoid a second assessment. See the operational criteria in sections 12.2-12.3 (pp. 47-49).

SELECTED COMPARATIVE PRACTICE

8.5 Functions Already Used - Not an Existing EU RCC

National experience gives credible precedents for individual functions, while institutional powers remain jurisdiction-specific.

MECHANISM	ESTABLISHED FUNCTION AND TRANSFER LIMIT
New Zealand Regulatory stewardship	Public-service agency chief executives have statutory stewardship responsibilities for the regulatory systems linked to their legislation. The relevant lesson is planned monitoring and later review, not an EU-wide power to direct regulators. [G1-G2]
Germany Nationaler Normenkontrollrat (NKR)	An independent body reviews regulatory compliance-cost methodology, relevant alternatives and digital execution, with a statutory remit that includes EU-related preparation and implementation. It demonstrates bounded quality scrutiny, not an EU veto. [G3]
Sweden Complementary councils	The Better Regulation Council reviews the quality of impact analyses; separate Simplification and Implementation Councils address burden reduction and EU-rule implementation. Specialist functions can complement one another without a single controller. [G6]
Netherlands ATR	Since January 2026 an independent advisory college has a permanent statutory role, including earlier scrutiny of major regulatory proposals and possible EU-related advice. Early attention to burden is transferable; the Dutch mandate remains national. [G4]
Denmark EU and Better Regulation Forum	The business forum makes simplification and implementation recommendations under a governmental follow-or-explain approach. The lesson is a structured answer to evidence, not an automatic cross-institutional obligation to act. [Danish Ministry 2019; G11]

What transfers - and what does not

Together these examples support lifecycle ownership, independent scrutiny, differentiated expertise and reasoned responses. They do not demonstrate a functioning EU-wide RCC architecture, guaranteed savings or a legal basis for new EU powers. Each proposed function must be tested against EU procedures and competence boundaries.

OPTIONAL AI SUPPORT

8.6 Faster Evidence Work, Human Legal Judgment

A bounded analytical aid for approved users - not autonomous legal interpretation, review activation or burden measurement.

A connected regulatory chain can be followed with ordinary documents, existing administrative systems and human analysts. AI is optional. It becomes worth testing only if a well-defined task involves substantial repetition, such as locating the same obligation across several official versions, comparing textual changes or grouping many similar implementation signals. In these situations, a tool might shorten document retrieval and prepare a source-linked draft for expert examination. It does not tell an institution what law means or whether a political objective should change.

One realistic assisted task

Suppose a Commission team receives several reports that a small supplier is being asked for different versions of the same product data. An approved tool could compare the current EUR-Lex text, a relevant implementing measure and published guidance, then prepare a table of exact passages and apparent changes. A human policy and legal reviewer must check the legal hierarchy, applicability, dates, addressees, translations and whether the request is actually imposed by public law or arises from private supply-chain practice.

The tool should not infer that every difference in wording creates a new duty: consolidated texts, transitional dates and binding legal amendments may have different authority, and a familiar term can have different definitions in related instruments. Nor could software calculate the real cost of a compliance task from legal text alone. That requires a task-level baseline and evidence from affected businesses or authorities. Where a detected change has no practical relevance, the reviewer should record the false alert and end the inquiry rather than invite unnecessary consultation.

HUMAN-CONTROLLED WORKFLOW | A POSSIBLE PILOT

1 DEFINE	Competent service sets the task, authoritative sources, lawful use and manual baseline.
2 COMPARE	Approved software retrieves passages and flags candidate differences with citations.
3 VERIFY	Named reviewers reject false matches, interpret duties and validate actual SME tasks.
4 DECIDE	Only the competent actor decides whether a question warrants a targeted follow-up.

Safeguards and net-benefit test

A pilot needs controlled access, confidentiality and data protection, provenance, error logging and identifiable reviewers. Measure omissions, false alerts, correction time, specialised review and IT costs against the same task performed manually. If AI adds unmanageable verification work, creates unsupported citations or cannot safely handle the evidence, return to the ordinary workflow. See section 12.5 and Annex III. [A1-A7]

SYSTEM VALUE

8.7 What Changes When the Pieces Connect

One hypothetical dossier shows how independently useful checks could reinforce one another without compulsory integration.

Illustrative case, not a documented regulatory failure. A small manufacturer preparing to supply an EU market must provide product information under a European legal framework. During implementation, national practice and a private customer questionnaire appear to demand overlapping fields. The precise legal origin of each request is initially unclear. An RCC reality check could identify the source of each field, the responsible actor, the business task and the evidence required to decide whether any duplication is avoidable.

A modular result is valuable on its own

The competent service might compare the law, current guidance and one actual SME workflow, then clarify instructions within its authority. That limited intervention could resolve the matter. It does not need a cross-institutional steering group, AI system or new procedural gate. The SME should not be asked to reconstruct information that the public authority already holds, unless a justified legal or evidentiary need remains.

When a connected route could add more

Suppose the same unclear requirement also appears in a later technical rule or national implementation review. Stewardship could preserve the original findings and version history; steering might route the unresolved element to the authority empowered to address it; selective activation would prevent another complete assessment if the evidence already answers the question. An approved AI comparison might assist an analyst with locating textual changes, but all conclusions and decisions remain human and lawful.

Measure legislative-process relief, not merely another report

The test is whether this continuity avoided repeated briefing notes, parallel evidence calls, uncertain referrals, rushed corrections or unnecessary SME submissions, while improving the legal and operational quality of the eventual outcome. A realistic evaluation must count staff time spent on the RCC record, coordination, data handling, AI verification and follow-up. It must also protect the substantive policy objective: better and more workable laws, not indiscriminate removal of obligations.

The result may also be a reasoned decision to preserve the existing rule unchanged. A properly tested obligation can be necessary to protect consumers, workers, safety or the environment, even when compliance takes effort. RCC should distinguish such necessary costs from avoidable repetition, uncertainty or burden shifting. Its value lies in clearer options and accountable decisions, not in a predetermined outcome or an automatic claim that fewer requirements always mean better regulation.

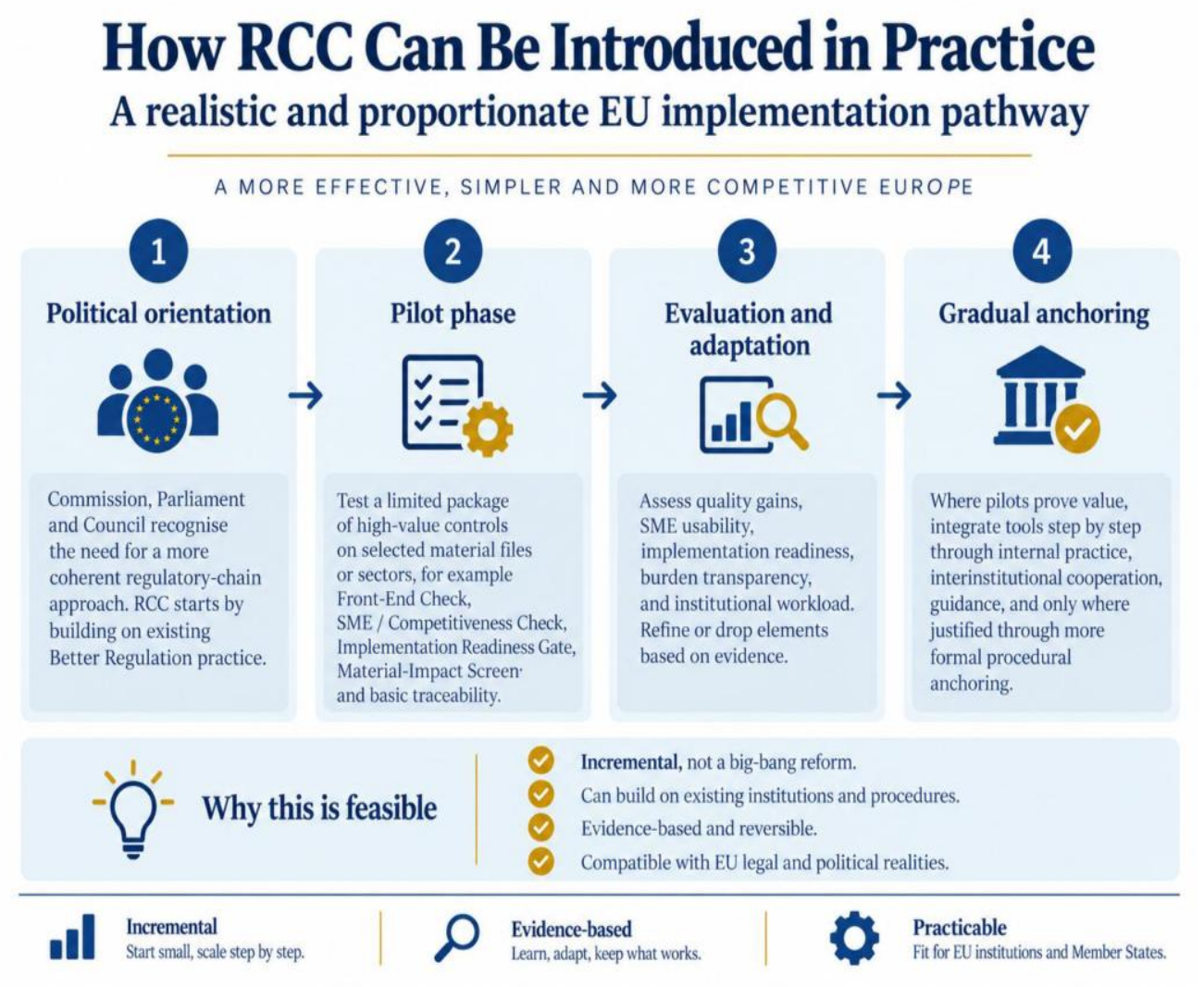
THE TEST FOR A CONNECTED RCC SYSTEM

An integrated route is justified only where it gives a competent decision-maker materially better, earlier evidence or demonstrably reduces total work compared with independent controls. Where that is not shown, retain useful individual modules and do not formalise the extra layer. Chapter 12 sets out the bounded pilot and decision rules.

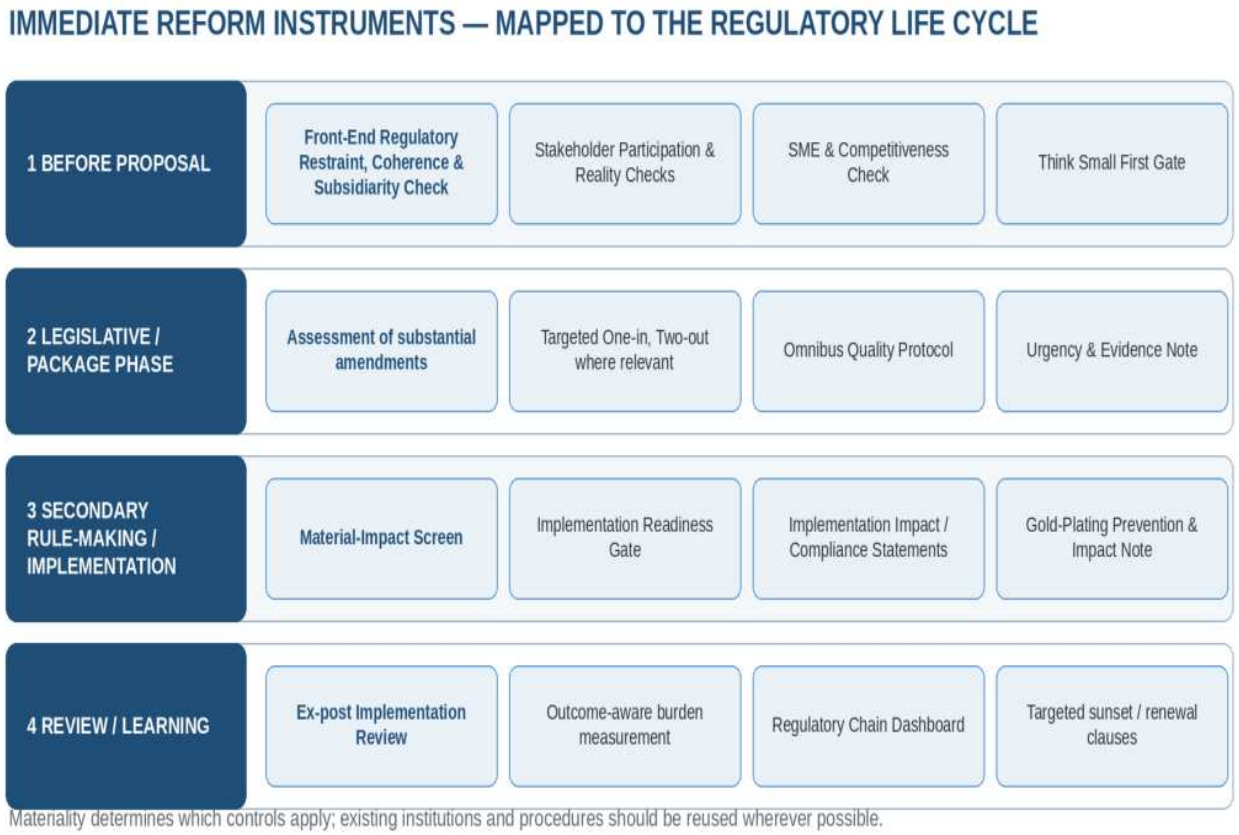
9. Immediate Reform Instruments

VOLUNTARY PILOTS FIRST | BINDING RULES ONLY IF JUSTIFIED

Initial RCC pilots may be run only by a competent sponsor within existing powers and at a real decision or review point. They reuse ordinary assessment, consultation and monitoring, adding a bounded test only where a material gap remains. A short record connects the obligation, evidence, possible responses, lawful recipient and verification of outcomes, including RCC costs. The instruments in this chapter are candidate tools, not compulsory stages for voluntary pilots. Future mandatory gates, new review rights or standing reporting duties would require separate approval and an appropriate legal basis. Tests without additional value should be discontinued.



A pragmatic implementation pathway: RCC is designed to be introduced progressively rather than through a single large institutional reform. The first step is to build political agreement around the need for a more coherent regulatory-chain approach and to test a limited number of high-value controls within existing Better Regulation structures. Their effects on regulatory quality, SME feasibility, implementation readiness, transparency and institutional workload should then be evaluated before wider use. Where individual mechanisms demonstrate clear added value, they can be refined and anchored step by step through existing Commission practice, interinstitutional cooperation, guidance or—only where necessary and legally justified—more formal procedural arrangements. The implementation principle is therefore incremental and evidence-based: test what can work within existing competences, learn from practice, and formalise only where experience demonstrates that stronger anchoring is needed.



9.1 Front-End Regulatory Restraint, Coherence and Subsidiarity Check

Before any economically relevant initiative is politically fixed, the Commission should be required to publish a Front-End Regulatory Restraint, Coherence and Subsidiarity Check. It should begin with three options: no new action, better use or enforcement of existing instruments, and new intervention. Where intervention is needed, it should compare legislative and less regulatory approaches and explain why the chosen instrument achieves the objective with the lowest cumulative burden consistent with effectiveness and legal certainty.

The alternatives assessment should cover, where relevant, mutual recognition, standards, guidance, co-regulation, economic instruments, information measures and digital interoperability. These options must not become hidden regulation: the check should examine enforceability, transparency, accountability and indirect burden transmission through contracts, platforms, certification or private compliance practice.

Subsidiarity should be given renewed operational force as a test of regulatory effectiveness. It does not mean that action should automatically remain at national level. Where a problem is genuinely cross-border, national rules fragment the Single Market or common action can achieve a clearly better result, regulation at European level may be the more proportionate and effective solution.

European action must, however, deliver genuine European added value. A common EU rule should not result in 27 substantially different compliance systems, administrative formats or enforcement approaches. Where harmonisation is justified, the choice and design of the EU instrument should provide sufficiently clear and operational common rules to prevent national implementation from recreating the fragmentation that EU action was intended to remove.

The check should therefore address three linked questions: whether new intervention is necessary; whether the Union can achieve the objective more effectively than Member States acting separately; and whether the proposed instrument can create a coherent European framework in practice. The result should be published

at the inception stage so that regulatory restraint, subsidiarity and instrument choice can be scrutinised before political lock-in.

The Front-End Check should also state whether relevant existing legislation has been sufficiently implemented and evaluated to provide a reliable evidence base for further intervention. Where that is not yet the case, the Commission should explain why additional action is justified before those effects are fully known. For material initiatives, an expanded RSB mandate should provide independent quality control of the coherence, evidence and cumulative-burden aspects of the Front-End Check. A critical finding should trigger reconsideration or redesign, or a transparent and reasoned College decision to proceed; it should not operate as an automatic veto.

Consistent with an evaluate-first discipline, every major new reporting or compliance obligation should be preceded by a review of existing obligations in the same policy field. The Front-End Check should identify which requirements could be consolidated, simplified, reused through once-only mechanisms or removed before another obligation is added. This policy-field review tests necessity and coherence in the existing regulatory stock. The targeted One-in, Two-out pilot proposed in Section 9.4 would serve a different purpose: testing whether verified new recurring administrative costs are offset by genuine burden reductions. Both should remain subject to assessment of regulatory benefits and policy outcomes.

9.2 Stakeholder Participation and Implementation Reality Checks

Stakeholder participation should be treated as an evidence and design function, not as validation after the political solution has been chosen. For economically relevant initiatives, the Commission should use a staged protocol: early problem definition and option testing; targeted design testing, including user-centred drafting and user-testing where relevant; consultation on high-impact secondary measures; and post-legislative implementation reality checks before formal evaluation.

Participation should be proportionate and representative. It should include affected businesses of different sizes, including micro-enterprises, one-person companies and self-employed people where relevant, as well as workers, consumers, civil-society actors, sector experts, national administrations and enforcement authorities according to the subject matter. Consultation formats and response periods should take account of the limited capacity of smaller organisations.

For major initiatives, the Commission should publish a concise Stakeholder Response and Reality-Check Matrix. It should identify the principal implementation concerns, the evidence received, the resulting design change or mitigation, and the reasons for not following material proposals. Where uncertainty remains high, pilots, prototypes, regulatory sandboxes where legally appropriate, digital testing or controlled implementation phases should be used before obligations are applied at scale. For material obligations, the exercise should also ask what data, systems, staff, lead times, supplier or customer coordination, external verification and transition arrangements would be required for compliance in practice.

9.3 SME and Competitiveness Check as a Decision Gate

The SME and competitiveness check introduced in 2023 is now a mandatory annex to impact assessments. The reform question is therefore not whether to create or combine parallel checks, but whether the existing check functions as a genuine decision gate. It should assess SME feasibility, competitiveness, innovation capacity, administrative and compliance costs, investment effects and the cumulative impact of major legislative packages rather than treating each file in isolation.

The check should cover direct and indirect costs, data availability, digital implementability, external advisory costs, international competitiveness, start-up and scale-up effects, unintended transmission of obligations to non-addressee SMEs and national enforcement feasibility. It should draw on representative evidence from micro-enterprises, SMEs, self-employed people and relevant sectoral or social stakeholders, rather than relying only on average company models. A critical SME finding should trigger redesign through

the Think Small First Gate or a published reasoned override, converting assessment into consequence without creating an additional procedural layer.

For initiatives likely to have materially asymmetric effects across the Union, the check should also identify significant economic, fiscal or administrative distributional effects between Member States where these may affect implementation feasibility, competitiveness or Single Market coherence. The assessment should cover small mid-caps where relevant, while preserving the distinct Think Small First focus on micro-enterprises and SMEs.

The check should also test whether formal SME exemptions or simplified obligations are likely to remain effective in practice, or whether substantially equivalent information requirements are foreseeably transmitted back to smaller firms through customer, platform, certification or supply-chain requests.

Proportionality should be assessed at two levels. Data proportionality asks how much information an undertaking must provide. System proportionality asks how many separate registrations, accounts, interfaces, deadlines, representatives or administrative relationships it must establish and maintain. A shorter form is not meaningful simplification if the number and complexity of parallel compliance relationships remain unchanged.

Ireland's enhanced SME Test provides a complementary national precedent for operationalising Think Small First. Major new measures with direct or indirect SME impacts are subject to a structured SME assessment, completed tests are published, and mitigation options include templates, reduced thresholds and exemptions where appropriate and proportionate. RCC goes further by linking a critical SME finding to redesign or a reasoned override, but the Irish model demonstrates the practical feasibility of a visible, mitigation-oriented SME test.

9.4 Targeted One-in, Two-out Discipline for Recurring Administrative Burdens

The European Parliament's 2026 resolution considers the current One-in, One-out approach inadequate and calls for a more ambitious cost-based approach with independent and transparent monitoring. As a testable first step, this paper proposes a stricter offset pilot limited to clearly defined recurring administrative costs, especially reporting, documentation, notification and data-submission obligations with material SME effects. It should complement, not replace, cost-benefit analysis and should not operate as a mechanical deregulatory quota.

Where a new initiative creates such a burden, the Commission should identify existing recurring administrative costs in the same field or affecting the same business group to be removed or reduced by an amount equivalent to twice the quantified new cost. If a same-field offset is not feasible, a transparent burden debit should be entered and cleared within a defined period. Counting the number of obligations is insufficient; the unit must be verified recurring cost.

Implementation requires a credible control system. Each initiative should include a quantified burden statement using a common methodology, and each Directorate-General should maintain a ledger of new costs, offsets, pending debits and realised savings. The RSB or a strengthened Better Regulation function should verify comparability, additionality and protection against double counting. Annual simplification, implementation and enforcement reporting should disclose net effects, while Parliament should receive an auditable burden account. A Burden-Migration Test should determine whether claimed offsets represent real reductions or merely reappear in secondary measures, national implementation or private compliance practice.

The pilot must be limited carefully. It should not prevent necessary rules for safety, fundamental rights, health, security or environmental protection, nor invite the repeal of unrelated safeguards. Its function is narrower: to discipline the accumulation of recurring administrative costs. This bounded offset pilot does not narrow the wider duty to measure administrative, compliance and implementation costs across the

regulatory chain. After two annual cycles, the pilot should be reviewed against both burden reduction and regulatory outcomes.

9.5 Think Small First Gate

For each economically relevant initiative, a mandatory procedural Think Small First Gate should assess whether the rule is feasible for a smaller company without specialised compliance structures. The relevant question is not whether a requirement can be fulfilled abstractly, but whether it can be met with realistic resources, available data, workable timelines and proportionate costs.

If essential data are inaccessible, timelines unrealistic, evidence requirements non-standardised, or guidance and digital interfaces unavailable before obligations apply, the proposal should be redesigned. Where the Commission nevertheless proceeds, the College should publish a reasoned override explaining why no less burdensome SME solution can achieve the objective. Major obligations should also be tested for realistic transposition and application dates and, where justified, phased application or grandfathering.

9.6 Redesign Consequences for Critical SME Findings

Where the SME and competitiveness check or Think Small First Gate identifies a critical feasibility problem, redesign should be the default response; otherwise the assessment records a problem without correcting it. A published political override should be reserved for cases where the responsible institution concludes that no less burdensome design can achieve the objective.

Redesign consequences may include simplified compliance tracks, thresholds, de minimis rules, proportionate transition periods, phased application or grandfathering where justified, once-only reporting, standard templates, voluntary SME standards, sector-specific solutions, guidance and digital interfaces available before obligations apply, and safeguards against unintended transmission of duties to SMEs outside the formal scope.

9.7 Implementation Readiness Gate

For material obligations, application readiness should be tested separately from legal adoption. The gate should verify that essential definitions, guidance, templates, data standards, relevant technical standards, digital interfaces, relevant secondary measures and competent-authority arrangements are sufficiently complete, stable, accessible and usable for representative users, including SMEs.

The test should be practical. It should ask whether representative businesses can identify the applicable obligation, obtain the required data, use the relevant system, complete the process, coordinate with suppliers or customers and demonstrate compliance within realistic lead times. Where material elements are missing or materially revised close to application, the responsible institution should adopt corrective measures, phased application or an adjusted application date where legally possible, or publish a reasoned explanation of why implementation can proceed without disproportionate legal uncertainty. Enforcement practice should take objective public-sector readiness failures into account within the limits of the applicable legal framework.

The gate is not a general suspension right and does not give stakeholders a veto over legislation. It is a consequence mechanism for identifiable implementation deficits: the stronger the material gap between the legal obligation and the operational infrastructure required to comply, the stronger the duty to correct, phase or explain.

9.8 Material-Impact Screen

A Material-Impact Screen should apply to delegated acts, implementing acts, technical standards, agency guidance and comparable instruments. The decisive criterion should be practical effect, not legal form.

Triggers should include new data duties, significant compliance costs, technical standards, market access effects, investment effects, broad SME exposure, indirect compliance transmission or significant national implementation risks. Where the screen is positive, an evidence base, SME impact assessment, coherence check, targeted stakeholder and implementation-authority input, legal basis assessment and parliamentary information should be mandatory.

9.9 Omnibus Quality Protocol

Omnibus procedures should follow a binding quality protocol proportionate to the package. A package-level assessment should include a Burden and Coherence Matrix, a list of obligations removed, simplified, postponed or newly introduced, remaining secondary burdens, national implementation risks, a net burden calculation, an SME module and indirect compliance transmission. It need not reproduce a full assessment for every minor technical change, but any amendment with significant impacts should be analysed separately.

Omnibus must not be a label. It must prove net simplification. A package that merely postpones, relocates or reclassifies burdens does not meet the standard of credible simplification.

Simplification packages should not become vehicles for unrelated new policy initiatives or substantive obligations. Where a package introduces a material new policy choice, that element should be separately identified, justified and assessed on its own merits rather than being treated as simplification by label.

9.10 Urgency and Evidence Note with Parliamentary Scrutiny Window

Where accelerated procedures are used or the Commission derogates from normal Better Regulation standards, it should transmit an Urgency and Evidence Note to Parliament and Council before adoption whenever significant effects are expected. The note should explain the grounds and evidence for urgency, the procedural steps shortened, available evidence, stakeholder input, SME and competitiveness effects, proportionality, and the timetable for any post-adoption analysis, review or sunset clause.

The Note should also identify who requested and authorised each derogation, including where it originated at senior administrative or political level, and specify how stakeholders could comment on sufficiently developed policy options and when supporting evidence was made available to the co-legislators and the public.

The Commission remains responsible for deciding how to prepare its proposal. The interinstitutional safeguard should therefore be a short, non-blocking committee scrutiny period with a right to request defined minimum checks and receive a reasoned response. Objection or confirmation rights should apply only where a Treaty provision, the basic act or a revised interinstitutional framework supplies a clear legal basis.

Where an important ex-ante safeguard is exceptionally omitted, a defined compensating review obligation should be considered, proportionate to the materiality of the measure and the evidence gap created. Poland provides a national functional precedent: for certain acts governing business activity, omission of public consultation requires an OSR ex post within two years of entry into force. The RCC transfer lesson is the compensating-control principle, not the national two-year rule.

9.11 Secondary Rule-Making and Implementation Control

COM(2026) 380 already calls for strictly necessary empowerments and includes delegated and implementing acts in regulatory deep cleaning. The next step is to bring high-impact secondary rule-making and implementation permanently within the Better Regulation architecture. Delegated acts, implementing acts, technical standards, guidance and administrative formats should not be treated as purely technical follow-up where they create significant economic effects.

The Commission should therefore introduce a Secondary Rule-Making and Implementation Control Mechanism. Measures creating new reporting duties, data requirements, compliance formats, market-access effects or relevant SME burdens should be accompanied by a concise Implementation Impact Note covering the legal mandate, practical effects, administrative costs, proportionality, SME feasibility and consistency with the basic act.

For economically relevant legislation with significant implementation effects, the Commission should also provide an Implementation Compliance Statement assessing whether the implementation framework as a whole preserves the purpose and political compromise of the basic act, avoids regulatory over-extension and remains feasible for SMEs.

Parliamentary scrutiny must follow the legal basis and the type of instrument. High-impact secondary measures should trigger structured early information. Any additional committee review should be non-binding and should not disturb statutory adoption timelines unless the basic act provides otherwise. For delegated acts, Parliament's formal rights are the objection and revocation mechanisms provided under Article 290 TFEU and the basic act. For implementing acts, Parliament's scrutiny is limited to Article 11 of Regulation (EU) No 182/2011 and any rights in the basic act. Further control rights require legislative or interinstitutional anchoring.

Where a basic act provides for delegated powers, the co-legislators should set scrutiny periods and any extension mechanism in proportion to the complexity and likely material effects of the delegated measures, supported by early access to relevant impact and implementation evidence.

Implementation readiness also includes timing. Delegated and implementing acts, guidance, technical standards and administrative formats with material compliance effects should be available sufficiently early for stakeholders to prepare and, wherever feasible, before the corresponding obligations apply. Their costs and implementation effects should feed into the overall burden assessment. The objective is not to delay implementation, but to ensure that secondary rule-making remains evidence-based, proportionate, predictable and democratically accountable.

9.12 Gold-Plating Prevention and Impact Note

For economically relevant directives and other EU measures that leave material national implementation choices, Member States should publish a standardised Gold-Plating Prevention and Impact Note. The note should map national provisions against the EU act, distinguishing requirements mandated by EU law from choices made within national discretion and from additional national requirements. For each material addition, it should identify whether EU law permits it and explain its legal basis and objective, the alternatives considered, the businesses affected—especially SMEs—the expected costs and benefits, the possible cross-border and Single Market effects, and measures to limit private over-compliance.

Prevention should begin before transposition or implementation. Commission proposals and the adopted act should state as clearly as possible the intended degree of harmonisation, any Member State options and the limits of national discretion. Timely, non-binding implementation guidance, explanatory templates and transposition or implementation roadmaps should address recurring questions before national deadlines, without altering the act or prejudging authoritative judicial interpretation.

Member States should publish compliance tables or equivalent implementation statements linking material national provisions to their EU basis. Where they introduce requirements beyond what the EU act mandates, a proportionate comply-or-explain statement should explain why the requirement is legally permitted, necessary and proportionate, why less burdensome alternatives are insufficient, and when it will be reviewed. Measures that may fall outside the discretion permitted by EU law should be treated as possible incorrect transposition or application and addressed through the appropriate compliance and enforcement process.

A common EU reference framework, developed by the Commission with Member States and relevant stakeholders, should classify recurrent forms of gold-plating and support comparable assessment. The notes and tables should inform the Commission's Simplification Platform, implementation dialogues, relevant Single Market Enforcement Task Force work and ex-post reviews. Identified instances of unnecessary gold-plating should also be published in the Commission's annual implementation reports. Recurrent unnecessary divergence should trigger common guidance, technical alignment or targeted legislative correction; possible breaches of EU law should be addressed through enforcement.

These instruments should not create a presumption that higher national standards are unlawful or undesirable. Their purpose is to prevent avoidable fragmentation, make responsibility for additional requirements transparent and correct unnecessary burdens before they become embedded in national compliance systems.

9.13 Targeted Sunset and Renewal Clauses

COM(2026) 380 has now endorsed sunset clauses where appropriate and proposes standardised language. The reform question is therefore not whether the EU should use them, but when they should be required and how renewal should be justified. For selected regulatory obligations, the default should be expiry unless the legislator or competent institution confirms, on evidence, that continuation remains necessary, proportionate and effective.

This approach must be used carefully. A general expiry rule for all legislation would create legal uncertainty and would be inappropriate for core internal market rules, rights-based frameworks, safety law or long-term investment regimes. Sunset clauses are most suitable for crisis measures, pilot regimes, experimental regulatory frameworks, temporary reporting obligations, transitional administrative burdens, delegated empowerment packages or measures adopted under urgency where evidence was necessarily incomplete.

Austrian experience remains a useful comparative reference because it demonstrates time limits and active evaluation, but it should not be copied mechanically. At EU level, the relevant lesson is to require active renewal for exceptional, experimental or temporary obligations rather than to impose general expiry across the acquis.

An EU renewal clause should include a fixed review date, objective evaluation criteria, an evidence report, stakeholder input, assessment of SME effects, administrative burden data and a decision on continuation, amendment or expiry. Renewal should use the level of legal authority required by the basic act and should not occur through informal administrative continuation. The burden of justification would shift: those wishing to maintain the obligation would have to demonstrate that it still works and remains proportionate.

Targeted sunset clauses would therefore complement, not replace, Better Regulation. They would make temporary complexity genuinely temporary and ensure that exceptional measures do not become permanent by institutional inertia.

10. Long-Term Structural Reforms

10.1 Regulatory Scrutiny Board (RSB) as Coherence, Competitiveness and SME Gatekeeper

The Commission has already extended RSB quality control to a wider range of assessments. The next step should be to strengthen its functional independence, transparency and mandate for acquis coherence, cumulative burden, SME feasibility, secondary-measure effects, national implementation risks and the quality of burden-reduction calculations. For material initiatives, this should include early quality control of the Front-End Check, in particular instrument choice, cumulative overlap and whether the evidence from implementation or evaluation of existing rules is sufficient to justify further intervention.

This direction also has explicit Member State support. Sweden's February 2026 non-paper called for the RSB mandate to be reviewed and strengthened in response to a changing regulatory landscape. RCC takes the functional lesson — stronger independent quality control — without adopting Sweden's specific organisational suggestion of a business branch within the Board.

Germany provides a relevant functional precedent for separating regulatory responsibility from independent scrutiny of regulatory burden. Federal ministries remain responsible for their regulatory proposals and for estimating the resulting compliance costs, while the independent National Regulatory Control Council (Normenkontrollrat — NKR) reviews the plausibility and methodological quality of those estimates. The institutional setting is different from that of the EU and should not be transferred mechanically. The underlying governance principle is nevertheless relevant: responsibility for developing regulation and independent scrutiny of its measured burden effects need not rest with the same body.

The RSB should therefore also assume a stronger and more clearly independent role in EU burden accountability. The Commission necessarily remains responsible for collecting information from its services, calculating regulatory and administrative-cost effects and explaining its regulatory and simplification policies. However, the institution responsible for initiating and administering a substantial part of EU regulation should not also be the sole judge of whether the resulting administrative burden has increased or fallen.

The RSB, or another appropriately independent Better Regulation quality-control function, should have formal responsibility for the independent validation of the Commission's aggregate annual burden reporting and major burden-reduction claims. This should include scrutiny of methodology, baselines, attribution of costs and savings, comparability across policy areas, controls against double counting, the distinction between forecast and realised savings, and verification that claimed burden reductions have not merely migrated into secondary measures, national implementation or private compliance requirements.

The Commission should continue to provide the underlying data, calculations and policy explanations, while the independent reviewer should issue its own assessment of the integrity and credibility of the annual burden account. That assessment should be published alongside the Commission's reporting and transmitted to Parliament and Council. The purpose is not to transfer regulatory or political responsibility from the Commission to the RSB, but to separate responsibility for regulation from independent measurement and verification of its burden effects.

Under the procedure described by the Commission on 9 July 2026, a negative opinion requires resubmission; after two negative opinions, only the Commissioner for Implementation and Simplification may ask the College to decide whether to proceed. The European Parliament's 2026 resolution calls for Parliament to be properly and timely informed whenever the RSB issues a negative opinion. Accordingly, negative opinions and the Commission's follow-up should be transmitted promptly; when the College proceeds after repeated negative opinions, the reasons, unresolved risks and corrective measures should be published and transmitted to Parliament. This strengthens transparency and scrutiny without turning the RSB or Parliament into an independent veto over Commission initiative.

10.2 Interinstitutional Anchoring

The strengthening of the RSB and the new control mechanisms should be anchored in a revised Interinstitutional Agreement or an equivalent institutional framework. A purely internal Commission commitment is insufficient if Better Regulation is to apply across the full legislative and implementation process.

Interinstitutional anchoring would also clarify that Better Regulation is not a Commission-only responsibility. It concerns the Commission, Parliament, Council and Member States because burdens emerge throughout the whole lawmaking and implementation path.

> **PROPOSED RCC REVIEW REQUEST | NOT AN EXISTING RSB POWER**
>
> An amended RSB remit could permit reasoned requests for RCC screening, without automatically requiring another review. Parliament and Council would use their own procedures. See Section 12.3 (pp. 48-49).

10.3 Permanent Framework for Secondary Rule-Making and Implementation Oversight

In the long term, the Union should establish a permanent framework for oversight of secondary rule-making and implementation effects. Better Regulation should not end with the adoption of a legislative proposal. It should accompany the full regulatory cycle, including delegated acts, implementing acts, technical standards, agency guidance, supervisory expectations, national implementation and practical compliance effects. This requires a shift from formal classification to material effects. The level of scrutiny should not depend only on whether a measure is formally a delegated act, an implementing act, guidance or technical input. It should depend on whether the measure produces significant practical consequences for businesses, SMEs, investment, administrative burden, market access or national implementation.

A permanent framework should include a Secondary Measures Register for economically relevant legal acts. This register should identify planned and adopted delegated acts, implementing acts, major guidance documents, technical standards and agency outputs linked to a basic act. It should indicate their legal basis, expected timeline, affected obligations and likely practical effects.

An upgraded RSB or Better Regulation function should be able to review high-impact secondary measures. The European Parliament should receive regular implementation briefings for major files, including information on secondary measures, guidance, agency input, national implementation risks and unintended burdens for SMEs. Ex-post evaluations should assess not only whether a legal act achieved its policy objective, but whether secondary measures and implementation practice increased complexity, created unnecessary administrative burden, generated divergent national application or shifted obligations in practice to actors not intended to bear them.

The Commission's annual simplification, implementation and enforcement reports and the Regulatory Deep Cleaning Action Plan provide a starting point. They should be connected to a public Regulatory Chain Dashboard for major files showing the basic act, planned secondary measures, implementation instruments, agency involvement, administrative obligations, review clauses, expected and realised burden effects, and responsible DGs. For significant obligations, the Dashboard should preserve regulatory traceability by linking the policy objective and legal basis to secondary measures, the responsible authority, affected actors, expected and realised burden, national implementation and the review point. This would convert aggregate reporting into file-level accountability and expose implementation risks before they become political failures. Where appropriate, verified digital and AI-assisted tools could support monitoring and early detection of implementation gaps, divergence or non-compliance, subject to applicable legal, security and fundamental-rights safeguards.

The Dashboard and related digital infrastructure should follow once-only and interoperability principles and should connect existing evidence, registers and reporting systems rather than create a new reporting layer for businesses. Where authoritative digital compliance infrastructures - such as recognised registers or, where applicable, Digital Product Passports - contain legally required standardised information, that information should be reusable and verifiable for legitimate purposes rather than recollected through duplicative bilateral requests, subject to appropriate access controls, data protection and protection of trade secrets.

Estonia's X-tee and data-based reporting programme illustrate the underlying implementation principle at national scale: digitalisation should reduce duplicate interfaces and enable controlled reuse of authoritative data rather than simply digitising repeated requests. The transfer lesson for the EU is functional, not technological: interoperability and once-only reuse should be designed into compliance systems while respecting legal basis, access controls, data protection and trade-secret safeguards.

> **OPTIONAL AI-ASSISTED REGULATORY INTELLIGENCE**
>
> Machine-readable legal data and approved institutional tools could help map linked obligations, compare amendment status and flag duplicate requests. Automated analysis cannot establish legal interpretation or actual SME costs on its own. A named officer must verify sources, institutional responsibility and practical evidence. Test reliability and total staff effort on one dossier before scaling. See Section 12.5 (pp. 53-54) and Annex III (p. 65).

10.4 Independent and Outcome-Aware Burden Measurement

The Commission's target is to reduce recurrent administrative costs by 25% overall and 35% for SMEs. Its answer to P-002214/2026 states that Eurostat approximated a EUR 150 billion baseline, yielding an aggregate target of EUR 37.5 billion. This provides political scale, but not yet an obligation-level inventory capable of showing where costs arise and whether they actually disappear.

Stock-and-flow control. Simplification should be assessed against both the stock of existing obligations and the flow of new obligations entering the regulatory system. A reduction in existing burdens cannot be presented as durable relief if new obligations introduced during the same period recreate or exceed the burdens removed. The Danish Presidency's 2025 horizontal exercise illustrates the type of overview that can make this relationship visible, while its own methodological caveats show why aggregated figures must be interpreted carefully.

A single, transparent methodology should underpin cost estimates across policy areas. Credible measurement should disaggregate burdens by DG, legal act and individual obligation; distinguish direct from indirect and recurring from one-off costs; identify the company-size group affected; and show whether the burden originates in the basic act, a secondary measure, national implementation or private compliance transmission. Gross new costs and realised savings should be reported separately.

Each Commissioner's annual report and the Commission overview report should use common milestones through 2027 and disclose assumptions, adoption and application status, the timing of expected savings and controls against double counting. Forecast savings should be clearly distinguished from savings observable in practice. The consolidated annual EU burden account should then be subject to independent validation by the RSB, or another appropriately independent Better Regulation quality-control function, rather than relying solely on self-assessment by the services responsible for the underlying regulatory measures.

Independent validation should cover the methodology, consistency and completeness of the annual burden account and test whether reported reductions are additional, comparable and supported by evidence. The independent assessment should be published alongside the Commission's report and should identify material methodological reservations, unresolved data gaps or cases in which claimed savings cannot yet be verified as realised. Parliament and Council should receive both the Commission's account and the independent assessment, allowing political scrutiny to distinguish policy claims from independently validated results.

Measurement integrity requires separate categories for: (i) burdens actually removed from the existing stock; (ii) new burdens introduced; (iii) future burdens prevented or reduced before application; and (iv) forecast versus realised savings. Avoided future cost should not be reported as a realised reduction of existing burden. Costs should be presented alongside regulatory benefits and disclosed methodological uncertainty, so that burden transparency does not become a proxy for assuming that regulation lacks value.

Independent quality control should sample major estimates and verify that burdens were removed rather than shifted to secondary acts, national implementation, contractual questionnaires, certification demands or platform rules. Under the Burden-Migration Test, a forecast saving should be reported as realised only when the relevant obligation has disappeared or become less costly in practice for the affected actors. Burden accounts should be published alongside the policy outcomes and regulatory benefits achieved, so that simplification does not become a proxy for weakening enforcement or substantive protection. Independent verification should also draw on structured sectoral burden monitoring and anonymised practical cases, with the sample, methodology and representativeness made clear, to identify where obligations are unclear, duplicated, transmitted or operationally unworkable.

10.5 European Parliamentary Early-Warning Rights

The European Parliament should be informed earlier and more structurally about secondary measures with significant practical effects. This direction is reinforced by Parliament's 2026 resolution, which calls for systematic information and consultation throughout the entire lawmaking cycle, timely information after negative RSB opinions, a stronger parliamentary role in ex-post evaluation and effective scrutiny of delegated and implementing acts. Relevant information should include Material-Impact Screen results, evidence notes, SME and competitiveness assessments, stakeholder response matrices and reality-check findings, critical agency or standardisation effects, Implementation Compliance Statements, critical RSB opinions, assessments of substantial amendments, and the annual deep-cleaning and burden dashboard.

Such rights would not turn Parliament into the executive. They would ensure that democratic scrutiny applies where practical regulatory effects are actually created.

10.6 National Early-Warning Systems

Member States should systematically assess EU work programmes and new initiatives before Council positions are formed. National parliaments and economic ministries should examine subsidiarity, proportionality, duplicate regulation, SME burden, gold-plating risks, competitiveness, national implementability and enforcement capacity.

Before national Council positions are finalised, Member States should consider a cross-government coherence and burden screen for economically significant initiatives, covering overlap with existing EU and national rules, subsidiarity, cumulative SME effects and implementation capacity. The result should inform the national negotiating position and the work of the Permanent Representation, but should not operate as an automatic national veto or displace the political responsibility of the competent government and Council formation.

National involvement should not begin only after implementation or after gold-plating criticism arises. It should start where political positions on EU initiatives are formed. Consistent with Parliament's 2026 resolution, national parliaments should receive earlier access, where feasible, to draft initiatives, background analyses and impact-assessment material and should be able to scrutinise significant delegated and implementing acts from the perspective of subsidiarity and proportionality.

10.7 Better-Regulation Duties for Agencies

Agencies should be more clearly embedded in the Better Regulation architecture where their work creates practical compliance effects. Where agency guidance, technical opinions or supervisory expectations materially shape compliance, the relevant basic act, agency governance framework or Commission mandate should require a proportionate impact note.

This is not political control of technical expertise. It is methodological control of effects. Technical expertise should make visible which practical duties, costs and implementation risks follow from its outputs.

10.8 Competitiveness Mainstreaming

Competitiveness should become a horizontal criterion of Better Regulation. This does not replace climate, social, consumer, safety or security objectives. It ensures that every economically relevant initiative is assessed for investment, productivity, innovation, industrial resilience, international competitiveness and SME capacity.

The integrated SME and Competitiveness Check is the operational mechanism for this. Competitiveness should not appear only in general political communications. It should be measurable in concrete lawmaking.

10.9 Periodic Sectoral Acquis Review and Defined Review Points

The regulatory stock should be reviewed periodically by sector using the obligation inventory and stock-and-flow burden account. Reviews should test whether obligations remain necessary, coherent and fit for purpose; whether they should be modernised, consolidated, simplified or repealed; and whether reporting or procedural requirements still deliver sufficient added value. This is not deregulation by default: the test is whether the acquis continues to meet its objectives with the least avoidable complexity. Findings should feed future Front-End Checks, portfolio stewardship and simplification priorities.

Economically material legislation should normally include a defined review point. Five years after application can serve as a benchmark unless a sector-specific evidence cycle provides a better interval; it is not a rigid universal deadline. Reviews should assess realised benefits, administrative and compliance costs, competitiveness, effects on SMEs and, where relevant, small mid-caps, implementation divergence and sustained simplification. Targeted sunset and renewal clauses (Section 9.13) remain reserved for temporary, experimental, crisis or urgency-based obligations.

11. Role of the European Parliament

The European Parliament is not merely a recipient of better information. Within the limits of the Treaties, it should serve as the democratic scrutiny and legislative-intent safeguard for the regulatory chain: verifying whether the political balance agreed by the legislator remains visible when rules are specified and implemented.

Regulatory Chain Control builds on a direction that the European Parliament itself has already endorsed. Parliament's resolution P10_TA(2026)0063 calls for systematic information and consultation throughout the entire lawmaking cycle, a stronger parliamentary role in ex-post evaluation, timely information on negative RSB opinions and effective scrutiny of delegated and implementing acts. Regulatory Chain Control translates this political direction into differentiated scrutiny at the points where regulatory effects are shaped: when Better Regulation safeguards are shortened, substantial obligations are specified after the basic act, critical RSB findings are overridden, Omnibus packages claim net simplification, or implementation risks emerge.

The strengthened parliamentary role should therefore serve four functions. First, Parliament should protect legislative intent. Delegated and implementing acts, guidance, agency practice and national implementation should not materially alter the balance reached in the ordinary legislative process or create burdens that the legislator did not intend, including for SMEs not formally targeted by a rule.

Second, Parliament should act as a procedural discipline authority without assuming the Commission's executive role. Where normal safeguards are derogated for a significant initiative, Parliament should receive the evidence before adoption and be able to request minimum checks and a reasoned response through an interinstitutionally agreed procedure.

Third, Parliament should scrutinise the secondary and implementation layer according to both material effect and legal form. Structured information can apply across instruments, but formal objection, revocation or scrutiny rights must be exercised through Article 290 TFEU, Article 11 of Regulation (EU) No 182/2011 and the relevant basic act, or be created through an appropriate legislative basis.

Fourth, Parliament should also apply Better-Regulation discipline to its own work. The common methodology proposed by the Commission should identify substantial amendments, including extension of scope to micro-companies or SMEs, new reporting or compliance costs and significant public expenditure. Such amendments should receive a concise impact and cost assessment where appropriate. The need is not merely procedural: in its judgment of 4 October 2024 in Republic of Lithuania and Others v European Parliament and Council (Joined Cases C-541/20 to C-555/20), the Court of Justice annulled a provision

added during legislative negotiations because the co-legislators had not demonstrated that they had sufficient information to assess its proportionality.

What should be strengthened is therefore not a general veto over the Commission, but a graduated scrutiny architecture consistent with institutional balance. Lower-risk measures require visibility; significant effects require evidence and a reasoned response; binding intervention remains limited to rights conferred by the Treaties or the relevant legal instrument.

In practical terms, Parliament should receive Urgency and Evidence Notes for significant derogations, critical RSB opinions and the Commission's response, early information on high-impact secondary measures, Implementation Compliance Statements, package-level Omnibus matrices, assessments of substantial amendments, and regular reporting on deep cleaning, gold-plating and indirect burden transmission.

Parliament should not manage implementation. Its role is to ensure that evidence, legislative intent and cumulative effects remain visible when practical obligations are shaped. Used in this way, parliamentary scrutiny strengthens regulatory-chain integrity without displacing executive responsibility.

Parliamentary Control Ladder

The following ladder translates the strengthened parliamentary role into differentiated instruments. It avoids a one-size-fits-all model and links the level of parliamentary involvement to the practical effect of the measure.

Level	Trigger	Parliamentary instrument	Purpose
Level 1: Visibility	Identifiable practical effects	Structured notice; impact summary; evidence access	Early visibility without delaying routine work
Level 2: Scrutiny	Significant economic, SME, administrative or implementation effects; critical RSB finding; Omnibus claim	Committee questions; request for minimum checks; short scrutiny period	Verify evidence, proportionality, SME feasibility and coherence
Level 3: Procedural control	Urgency, procedural shortcut, no full impact assessment, or high-impact secondary measure	Formal request for minimum checks; reasoned Commission response; use of existing objection or scrutiny rights where the legal basis provides them	Discipline exceptional procedures without creating an undefined parliamentary veto
Level 4: Legislative-intent protection	Implementation may alter the legislative compromise or create unintended SME burdens	Implementation Compliance review; corrective-action request; follow-up report or resolution	Protect the legislator's compromise during implementation

This ladder does not replace the ordinary legislative procedure or transfer executive responsibility to Parliament. It defines where Parliament should receive visibility, request evidence and use existing legal rights. It does not create a general power to suspend Commission procedures or implementing measures.

CHAPTER 12 | SECTION 12.1 | PRACTICAL APPLICATION

12. Operationalising RCC

From the 2026 Better Regulation Agenda to Practical Application

12.1.a The 2026 Baseline and Remaining Operational Gaps

The Commission's **COM(2026) 380** and Parliament's resolution **P10_TA(2026)0063** reinforce a common direction: more workable rules, stronger evidence, implementation quality, ex-post evaluation and scrutiny that extends beyond the initial proposal. A broader impact-assessment system, however, does not guarantee deeper review or an answer when an obligation changes further down the chain.

The EPRS has raised questions about the depth of scrutiny under the Commission's proposed two-tier approach. RCC's response is therefore **not more assessments by default**; it is traceable evidence, proportionate escalation and a documented decision by the actor legally competent to act.

A joint initiative supported by **13 Member States**, circulated as Council document **13399/26** for the September 2026 General Affairs Council, calls for stronger coherence, subsidiarity, implementation feasibility, interoperability and evaluation. Its suggested European Implementation and Consolidation Year could support time-limited stocktaking. It is **not a formal Council position or an endorsement of RCC**.

ILLUSTRATIVE MEASUREMENT ARCHITECTURE

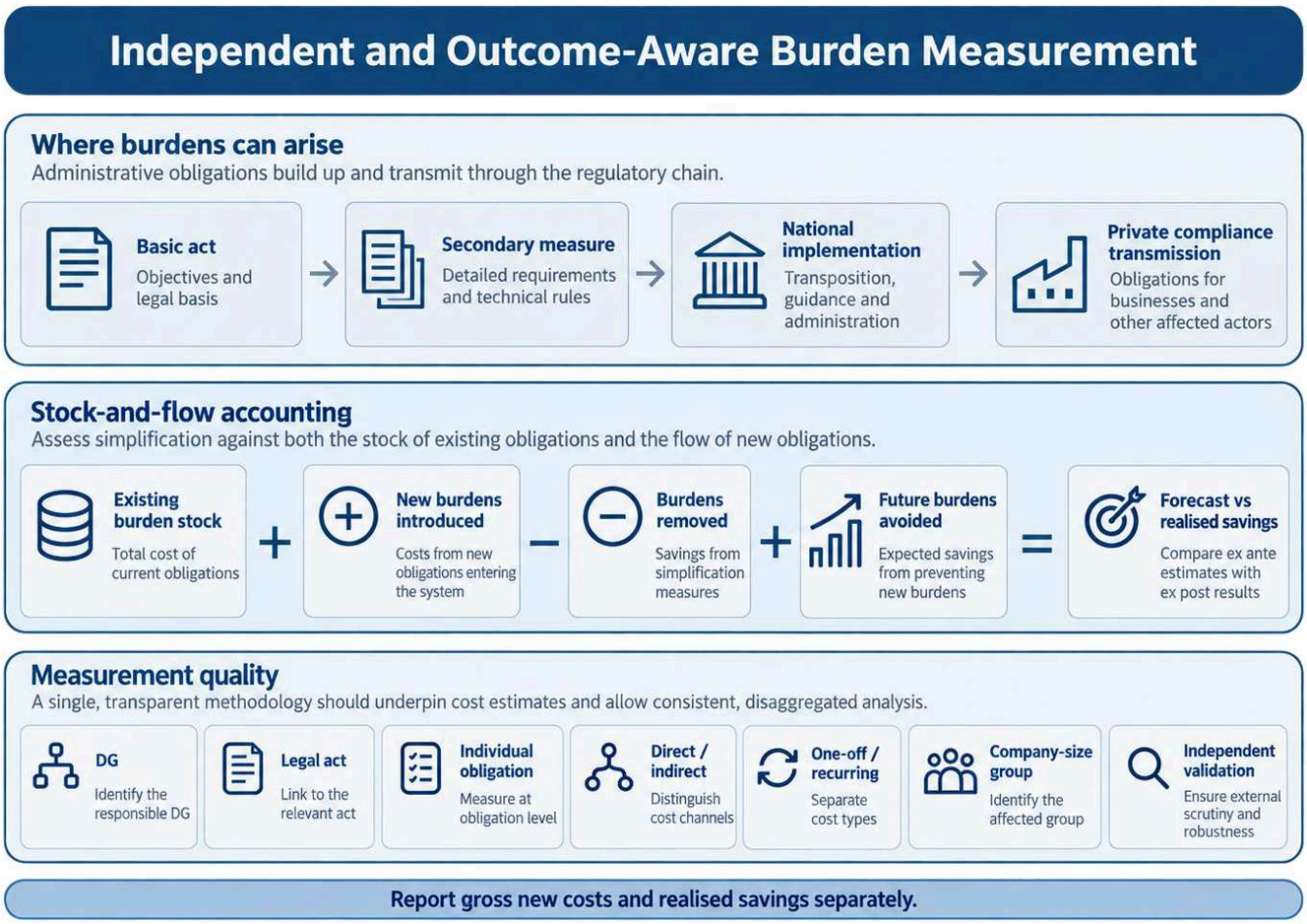
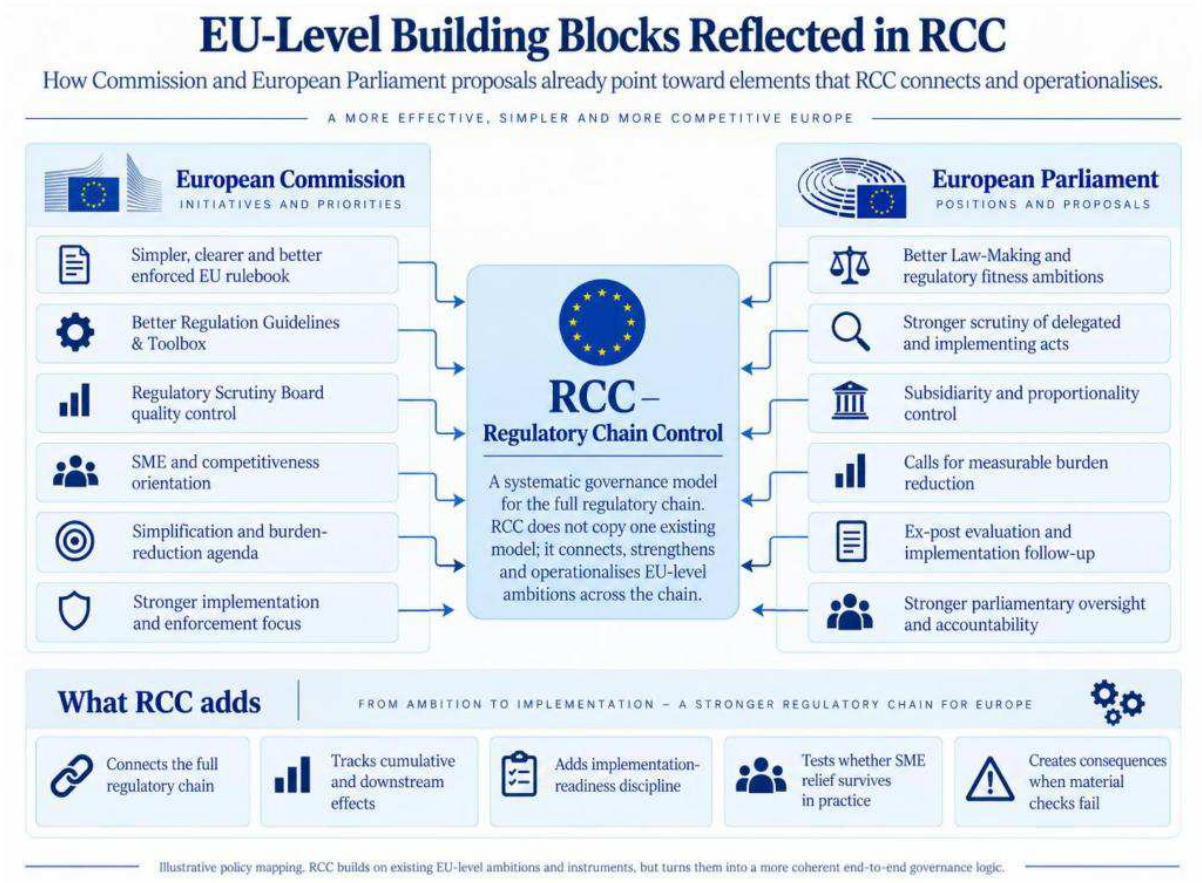


Illustration retained: source-linked accounting of gross costs and realised savings.

SECTION 12.1 | CURRENT EU BASELINE

12.1.b The Gap Between Tools and Decisions

Existing EU mechanisms already cover important parts of the chain; RCC proposes a connective decision logic.



SIX PRACTICAL QUESTIONS LEFT OPEN

1. Is a new EU instrument necessary before political lock-in?
2. Does practical evidence arrive early enough to improve the design?
3. Who retains visibility of cumulative, cross-DG obligations?
4. What follows from a critical SME or scrutiny finding?
5. Who checks secondary measures and indirect burden transmission?
6. Who verifies claimed results and savings after application?

What RCC adds: an identifiable obligation, a materiality threshold, the evidence already available, a competent owner, the consequence of a finding and one later review point. The arrangement proposed in Chapter 8 can help connect these functions; an individual RCC check remains possible without it.

SIGNAL AND SCREENING

12.2 Selective Activation, Not Automatic Scrutiny

A signal starts a question, not a second legislative procedure or an automatic right to demand review.

RCC should be activated only when **ordinary impact assessment, consultation, scrutiny or monitoring leaves a material gap** that can be addressed at a real decision or review milestone. The competent sponsor decides whether a bounded additional check is useful and lawful; a reasoned decision **not** to activate is a legitimate outcome.

ONE MATERIAL QUESTION | FOUR PROPORTIONATE STEPS

01 SIGNAL

Record the obligation, legal stage, affected user task, source and verifiable concern.

02 SCREEN

Reuse existing evidence; identify the unresolved material risk and decision window.

03 AUTHORISE / CLOSE

Competent actor authorises one bounded check or documents why no addition is needed.

04 HAND OVER

One Issue-and-Options Note goes to the lawful recipient; record response and follow-up.

WHO MAY ALERT THE DOSSIER OWNER?

Within existing channels, a Commission service, parliamentary committee, Council-related actor, national authority, SME, sector specialist or other affected stakeholder may supply verifiable evidence. **Only a legally competent actor may authorise, carry out or decide upon a review.** No signal gives its originator a veto, an enforceable response right or the power to suspend a legal deadline.

SCREEN	EVIDENCE / DECISION TEST
Material	A foreseeable impact, implementation gap, cumulative cost or demonstrable unresolved risk is significant enough to matter.
Not already answered	Existing procedures or published evidence do not adequately dispose of the concrete question.
Timely and lawful	A named competent decision-maker has an actual milestone and usable options within the relevant legal instrument.
Net-value prospect	The expected benefit justifies additional official, stakeholder, technical and SME effort; alternatives were considered.

EXIT RULE | NO AUTOMATIC GATE

If no material residual gap, lawful owner, reliable evidence or usable decision route exists, record the reason and stop. Duplicate signals should reuse one evidence set instead of multiplying requests. This is a central test of legislative-process relief.

SECTION 12.3 | INSTITUTIONAL RESPONSIBILITY

12.3.a Stewardship and Lawful Coordination

Stewardship retains visibility and follow-up; steering coordinates only where it reduces friction within existing mandates.

The practical need is **not** a new EU authority. Each institution keeps its legal responsibilities. A limited RCC control record helps the dossier owner identify who can resolve an issue, what has been checked already and how the result reaches the correct decision point.

ACTOR	ROLE / CURRENT COMPETENCE BOUNDARY
Lead Commission DG	Owns the Commission-side dossier; may approve a bounded test, clarify evidence, coordinate services or make a proposal within its mandate.
Secretariat-General	May support cross-DG consistency or evidence consolidation where useful; does not direct Parliament or Council.
Parliament and Council	Use evidence, amendments, requests and scrutiny through their respective procedures and rights; no RCC-induced obligation to accept a Commission route.
Regulatory Scrutiny Board	Exercises independent quality scrutiny within its authorised remit. Any additional review-request or response function would require explicit approval or legal anchoring.
Member States and authorities	Provide national implementation and enforcement evidence, decide issues within national competences and existing EU requirements.
SMEs and stakeholders	Supply representative, verifiable user evidence. Participation neither substitutes for political choice nor creates a right to initiate or block legal procedures.

THREE DISTINCT FUNCTIONS

Stewardship = continuity and an accountable dossier owner. **Steering** = proportionate cooperation and handover among competent actors. **Activation** = a bounded decision to examine one material residual gap. The lead-DG/Secretariat-General configuration is **one possible option**, not a condition for partial RCC implementation.

TWO PRACTICAL HANDOVER SITUATIONS | ILLUSTRATIVE ONLY

WITHIN THE COMMISSION

An SME implementation question touches the basic act and guidance maintained by different services. The lead DG reuses one evidence record and seeks coordination where it can clarify the lawful response.

ACROSS INSTITUTIONS

A question about a material legislative amendment is sent through the appropriate parliamentary or Council channel. No Commission-originated RCC check can compel an institutional decision.

SECTION 12.3 | COMPETENCES AND HANDOVER

12.3.b Evidence Must Reach the Right Decision

An RCC pilot attaches evidence to existing routes; it does not replace the ordinary legislative procedure.

Commission preparation precedes ordinary EU lawmaking. Parliament and Council exercise their own rights in the legislative process; delegated and implementing measures, national execution and ex-post review follow different rules. A Commission-side pilot cannot unilaterally change those procedures, create parliamentary powers, amend binding obligations or suspend their application.

REGULATORY STAGE	LAWFUL RECIPIENT AND AVAILABLE RESPONSE
Commission preparation	Commission lead services can use evidence to refine a proposal, impact assessment, guidance or internal choice.
Parliament / Council	Evidence may reach the co-legislators through lawful or agreed channels. Amendments and requests follow each institution's procedures.
Delegated / implementing measures	The relevant Commission services and competent actors must respect the specific enabling provisions and control mechanisms.
National implementation	Competent authorities may clarify administration or supply field evidence; legal or policy changes require the correct level of authority.
Review and evaluation	An authorised service may verify actual burden and effectiveness, then recommend proportionate correction or explain non-action.

ONE DOCUMENTED HANDOVER | ISSUE-AND-OPTIONS NOTE

Identify the legal obligation and current text; cite the evidence and its provenance; distinguish EU, national and private requirements; state workable options and their legal limits; name the recipient, decision window and an outcome measure. A dated note is advisory evidence, **not** a new institutional instruction.

Handling non-intervention: the competent recipient may rely on ordinary scrutiny, clarify technical administration, request more evidence, refer a statutory change to the legislator or explain why intervention would be disproportionate. A voluntary RCC pilot may record this answer but cannot impose interinstitutional response duties.

DIFFERENT PROBLEMS REQUIRE DIFFERENT REMEDIES

TECHNICAL OR GUIDANCE DEFECT

Where law permits, a competent service may clarify guidance, update support material or improve data exchange without changing a binding obligation.

BINDING LAW OR LEGISLATIVE CHOICE

Altering an obligation, statutory date or a co-legislator power requires the relevant Treaty, legislative or formal institutional process.

BOUNDED DOSSIER PILOTS

12.4 One Control Record, Not a Parallel Layer

The pilot tests one unresolved question in an identifiable dossier, using existing scrutiny and voluntary evidence channels.

A pilot needs a **competent sponsor**, a live decision or scheduled review point, a material residual issue, a feasible source set, affected users and a counterfactual against ordinary practice. The twelve-dossier companion Handbook suggests potential selection tracks; they are not approved pilots or proof of achieved RCC outcomes.

STAGE	WHAT ACTUALLY HAPPENS
1. Scope	Select a material question after checking ordinary assessments, consultation and monitoring; name source, stage and legal owner.
2. Test	Map legal, administrative and user obligations; run targeted reality checks, keeping EU, national and private sources distinct.
3. Decide	Prepare an Issue-and-Options Note with legal and technical choices; refer it to the competent actor without new decision rights.
4. Verify	At the agreed review date, compare realised burden, policy protection and staff/SME workload with the usual workflow.

THREE POSSIBLE PILOT TRACKS | NOT PROJECT APPROVALS

A LEGISLATIVE CHOICE

A substantial amendment or evidence gap before a meaningful political decision, for example a Biotech Act question.

B TECHNICAL READINESS

A material implementation or system milestone, such as selected AI Act support steps or a product-specific DPP.

C TRANSMITTED BURDEN

A narrow enforcement or supply-chain question, such as Late Payments or an EUDR information request.

Burden-migration lens. A legal exemption can fail to reduce work if requests move to supplier questionnaires, certification, platforms or national filing. The sector-specific IVSH Bureaucracy Monitor 2026 reports that 85% of respondents experienced at least occasional customer/supply-chain requirements and 55% found their legal basis opaque. **This is diagnostic sectoral evidence, not an EU-wide prevalence estimate.**

REUSE FEEDBACK | DO NOT REOPEN EVERY POLITICAL COMPROMISE

Seek only proportionate evidence from affected businesses, workers, consumers, competent authorities or specialists. Correct ambiguity, readiness defects and avoidable duplication early when lawful; any binding change must follow the applicable formal procedure.

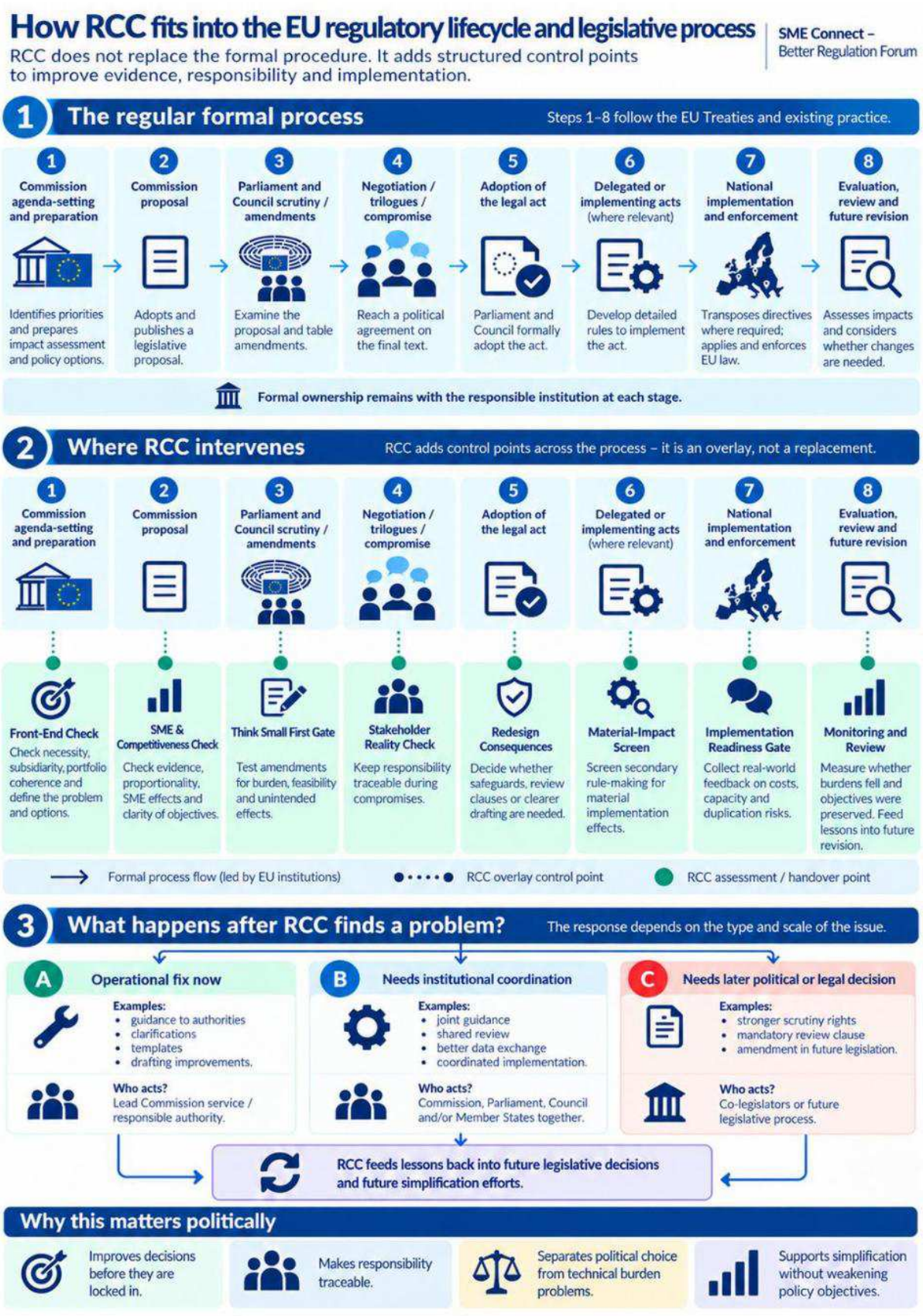
Where RCC can add evidence without changing the formal procedure

Simple overview of where RCC can provide evidence and what the legal boundary remains at each stage.

#	EU stage / formal process	RCC input or output	Who can decide / legal boundary
1	**Commission preparation (before OLP)**	Scoping note on necessity, subsidiarity, alternatives and SME effects; urgency justification if safeguards are shortened.	Commission owns drafting and consultation. RSB quality scrutiny only within its mandate.
2	**Commission proposal**	Traceable impact, stakeholder and implementation summary identifying unresolved material risks.	Commission adopts the proposal; Parliament and Council then exercise their legislative powers.
3	**Parliamentary and Council scrutiny**	Optional concise assessment of substantial amendments, including new SME duties, costs and changed scope.	Each co-legislator chooses its position within existing procedures. No automatic RCC approval or veto.
4	**Negotiations / trilogues**	Updated consequences note if the compromise materially changes scope, costs or feasibility.	Negotiators and institutions act under their mandates; RCC provides evidence, not an additional negotiation vote.
5	**Legislative adoption**	Implementation readiness issues, review clauses and outstanding risks recorded for follow-up.	Parliament and Council adopt the act. Changes to binding text require the lawful legislative route.
6	**Delegated and implementing measures**	Material-Impact Screen on technical obligations and consistency with the basic act.	Art. 290 TFEU delegated-act objection/revocation differs from Art. 291 implementation and comitology; rights follow the legal basis.
7	**National implementation / application**	Role-by-role obligation mapping, national-choice notes, digital usability and burden-migration tests.	Member States and competent authorities act within EU and national law; RCC gives them no new power.
8	**Ex-post evaluation and revision**	Measured compliance costs, policy benefits and redirected burdens; options for correction or repeal.	Competent Commission, national and legislative actors determine follow-up through normal procedures.

Political handover example

Where an amendment adds significant SME reporting, a voluntary RCC note may document the costs and alternatives. Parliament and Council may revise, seek evidence or proceed; RCC cannot dictate a vote, delay the OLP or reopen adopted law.


How RCC fits into the EU regulatory lifecycle and legislative process
RCC does not replace the formal procedure. It adds structured control points to improve evidence, responsibility and implementation.
SME Connect – Better Regulation Forum
1 The regular formal process
Steps 1–8 follow the EU Treaties and existing practice.
1 Commission agenda-setting and preparation
Identifies priorities and prepares impact assessment and policy options.
2 Commission proposal
Adopts and publishes a legislative proposal.
3 Parliament and Council scrutiny / amendments
Examine the proposal and table amendments.
4 Negotiation / trilogues / compromise
Reach a political agreement on the final text.
5 Adoption of the legal act
Parliament and Council formally adopt the act.
6 Delegated or implementing acts (where relevant)
Develop detailed rules to implement the act.
7 National implementation and enforcement
Transposes directives where required; applies and enforces EU law.
8 Evaluation, review and future revision
Assesses impacts and considers whether changes are needed.
Formal ownership remains with the responsible institution at each stage.
2 Where RCC intervenes
RCC adds control points across the process – it is an overlay, not a replacement.
Front-End Check
Check necessity, subsidiarity, portfolio coherence and define the problem and options.
SME & Competitiveness Check
Check evidence, proportionality, SME effects and clarity of objectives.
Think Small First Gate
Test amendments for burden, feasibility and unintended effects.
Stakeholder Reality Check
Keep responsibility traceable during compromises.
Redesign Consequences
Decide whether safeguards, review clauses or clearer drafting are needed.
Material-Impact Screen
Screen secondary rule-making for material implementation effects.
Implementation Readiness Gate
Collect real-world feedback on costs, capacity and duplication risks.
Monitoring and Review
Measure whether burdens fell and objectives were preserved. Feed lessons into future revision.
Formal process flow (led by EU institutions)
RCC overlay control point
RCC assessment / handover point
3 What happens after RCC finds a problem?
The response depends on the type and scale of the issue.
A Operational fix now
Examples:
• guidance to authorities
• clarifications
• templates
• drafting improvements.
Who acts?
Lead Commission service / responsible authority.
B Needs institutional coordination
Examples:
• joint guidance
• shared review
• better data exchange
• coordinated implementation.
Who acts?
Commission, Parliament, Council and/or Member States together.
C Needs later political or legal decision
Examples:
• stronger scrutiny rights
• mandatory review clause
• amendment in future legislation.
Who acts?
Co-legislators or future legislative process.
RCC feeds lessons back into future legislative decisions and future simplification efforts.
Why this matters politically
Improves decisions before they are locked in.
Makes responsibility traceable.
Separates political choice from technical burden problems.
Supports simplification without weakening policy objectives.

SECTION 12.5 | OPTIONAL ENABLER

12.5.a AI-Assisted Regulatory Intelligence

AI may help compare documents and prepare evidence; it neither activates a legal review nor decides the legal answer.

The relevant chain spans EU texts, legislative amendments, technical instruments, dated guidance, national application and sometimes privately transmitted requests. Approved, source-linked tools may help identify connections and prepare a draft **Obligation Map**. They are optional aids to competent reviewers and cannot establish actual SME costs or legal validity by themselves. [A1-A3]

SOURCE TO DECISION | FOUR HUMAN-GOVERNED CHECKS

01 VERIFIED INPUT

Authoritative text, version, applicability date, status of guidance and actual user-task evidence.

02 AI ASSISTANCE

Collate files, compare provisions and flag related text or possible duplicates with citations.

03 HUMAN GATE

Check legal source, addressees, omissions, competence, dates and data sensitivity.

04 LAWFUL DECISION

Only competent people decide to investigate, change, refer, explain or review.

WHAT AI CAN SUPPORT - AND WHAT IT CANNOT ESTABLISH

TASK CLASS	CONDITION / LIMIT
Near-term bounded work	Document collation, legal-version comparisons, search support, duplicate-signal grouping and preparation of consistent record fields.
Higher-risk exploratory work	National divergence and indirect private requests may require legally accessible evidence, specialist interpretation and representative user testing.
Not an AI-only determination	Actual SME time or cost, realised savings, causal regulatory effects, legality, proportionality or whether legislation should proceed.

EVIDENCE BOUNDARY

Commission GPT@EC and AI4DRPM illustrate selected forms of assistance or prototyping, not a live legally authoritative EU-wide monitor. No central platform, autonomous control trigger or new reporting duty is a prerequisite for RCC. [A1-A7]

ILLUSTRATIVE MICRO-TASK | A SOURCE-LINKED CHANGE NOTE

An approved comparison tool could identify a change between two official versions, link both passages and draft a question for a reviewer. The reviewer checks entry into force, addressees, legal hierarchy, the obligation's current status and whether the difference is material. The benefit to test is **less duplicate retrieval and comparison work**, not automated legal interpretation.

SECTION 12.5 | EVALUATE BEFORE SCALING

12.5.b A Bounded AI Pilot and Clear Stop Rules

Compare the same regulatory task with and without AI before recurring deployment, procurement or new data demands.

A competent service could choose **one dossier, one source-linked obligation and one decision point**: for example, comparing an EUDR information duty with current official guidance, or tracing an AI Act requirement across relevant measures. These are hypothetical test tasks, not completed RCC interventions or evidence of a defect.

EVALUATION DIMENSION	MEASURABLE TEST
Baseline and scope	Specify the exact authoritative sources, manual workflow, legal owner, review milestone and permitted evidence.
People and safeguards	Assign policy/legal reviewers and technical support; protect confidentiality, personal data, security, trade secrets and record integrity.
Source and answer quality	Check missing duties, amendment status, incorrect legal links, unsupported citations, false alerts and misclassification.
Full resource cost	Include tools, preparation, checking, correction, legal and IT support, procurement and extra SME/authority work.
Decision relevance	Document whether the validated output improved a lawful decision or reduced avoidable work versus business as usual.
Go, redesign or stop	Do not extend use where accuracy, confidentiality, reviewer effort or total cost undercuts its defensible added value.

ILLUSTRATIVE OUTPUT | NO INVENTED RESULTS

An approved tool might draft a source-linked obligation map and flag repeated information requests. A named reviewer checks every material claim against official texts and one practical SME task. Only validated evidence may inform an Issue-and-Options Note; report correction workload and uncertainty as well as any benefit. Annex III (p. 65) provides further exit criteria.

MINIMUM PILOT REPORT | MEASURE THE WORK THAT AI ADDS

QUALITY OR COST ITEM	REPORT WITHOUT ASSUMING SAVINGS
Coverage and false alerts	Material source links found or missed; false positives and unsupported legal citations.
Reviewer workload	Manual baseline time compared with corrections, verification and specialist review.
Decision usefulness	Whether the validated output altered an informed option or avoided a real duplicate request.

ILLUSTRATIVE APPLICATIONS

12.6 Two Possible RCC Dossier Checks

The cases show testable questions, not completed interventions, demonstrated failures or predetermined political outcomes.

APPLICATION A | AI ACT: CAN AN SME COMPLETE THE COMPLIANCE ROUTE?

TEST ELEMENT	ILLUSTRATIVE DESIGN
Legal context	Regulation (EU) 2024/1689, as amended by Regulation (EU) 2026/1744: relevant high-risk Annex III duties apply from 2 December 2027; Annex I product-related duties from 2 August 2028. A small recruitment-AI provider is an illustrative user.
Targeted reality check	Before a relevant milestone, DG CNECT / AI Office could test classification, documentation, risk management, standards and conformity steps with willing providers and competent national authorities. Record usable tools, time, fees and uncertainty.
Lawful response / review	Competent services could clarify guidance or coordinate support within their mandates. Changes to binding duties or dates require the applicable procedure; review feasibility alongside safety and fundamental-rights protection.

APPLICATION B | EUDR: WHERE DO DOWNSTREAM REQUESTS ORIGINATE?

TEST ELEMENT	ILLUSTRATIVE DESIGN
Legal context	Regulation (EU) 2023/1115, as amended by Regulation (EU) 2025/2650, has principal application dates of 30 December 2026 and, for specified eligible micro/small operators, 30 June 2027, subject to the timber exception. Roles differ; a private customer request is not necessarily a legal EU duty.
Targeted reality check	Before a relevant milestone, DG ENV and participating national authorities could map one cocoa transaction. Separate EU duties, national practice and private questionnaires; count fields, data reuse, repeat requests and staff time.
Lawful response / review	Competent services could clarify guidance or lawful interfaces. Private over-collection may call for voluntary standard data sets; retain environmental safeguards and verify actual SME workload.

COMMON LESSON

Select a material unresolved gap and a real decision route. The competent sponsor may use a single RCC tool; cross-institutional steering and AI support are optional. The companion twelve-dossier Handbook supplies case evidence and important source limitations.

SECTION 12.7 | FROM PILOT TO INSTITUTIONAL LEARNING

12.7.a Evaluate, Cooperate, Formalise - If Justified

These are possible stages of institutional maturity, not fixed dates, legal commitments or a promise of savings.

RCC should begin with a **voluntary, bounded test** within an existing mandate. Further integration is warranted only where repeated applications show better-informed decisions, fewer duplicated assessments or referrals, and a measurable net benefit after counting RCC's own administrative and technical cost.

OPTIONAL PHASE	PRIORITY / ROUTE	EVIDENCE BEFORE EXTENSION
SHORT TERM Selective dossier pilot	One competent sponsor reuses existing assessment, stakeholder and implementation evidence, applies a materiality screen, records one review point and closes the case when ordinary controls suffice.	Lawful ownership; unresolved material question; representative evidence; bounded staff and SME effort; no new veto or suspension.
MEDIUM TERM Voluntary cooperation	Compare pilots and improve templates; share records across services or institutions where agreed and useful, especially for amendments, urgent procedures and secondary measures.	Documented corrections or better reasons, timely decisions, no duplicated requests, transparent responsibility and full costs.
LONG TERM Selective formalisation	Only if repeated evaluation justifies it, consider guidance, agreed arrangements or legally authorised changes to duties, scrutiny and interoperable evidence sharing.	Explicit competence and legal basis for any binding change; independently checkable effects; periodic review of RCC itself.

RELIEF FOR THE LEGISLATIVE PROCESS IS AN OUTCOME TO VERIFY

Measure repeated requests, parallel assessments, misrouted referrals, elapsed time to a competent decision, late changes, stakeholder submissions and the additional RCC workload. A correction made through another procedure is not automatically caused by RCC. Record baseline, attribution limits and policy benefits.

WHAT A CREDIBLE PILOT REVIEW MUST DISTINGUISH

DECISION VALUE

Did the competent actor receive relevant material evidence early enough to use it, and was any action lawful?

ADMINISTRATIVE NET COST

Were duplicate checks or referrals avoided after including the time spent on RCC itself?

REAL SME EXPERIENCE

Did obligations, actual effort and burden migration improve without compromising policy objectives?

EVIDENCE LIMITS

Which results are observed, which are uncertain, and what may have occurred without RCC?

SECTION 12.7 | PROPORTIONATE SCALE-UP

12.7.b Choose the Lightest Lawful Route

There is no obligatory lead-DG / Secretariat-General steering model and no requirement to integrate all RCC tools at launch.

POSSIBLE ROUTE	LEGAL AND PRACTICAL BOUNDARY
A | LOCAL CONTROL	A DG, national authority or parliamentary service uses one permitted RCC check within its own process; modest setup and limited cross-chain visibility.
B | COORDINATED DOSSIER	One Commission lead DG owns a selected file. The Secretariat-General assists on horizontal coordination only where useful and authorised.
C | VOLUNTARY EXCHANGE	Commission, Parliament, Council or national actors may share evidence through agreed channels without directing one another.
D | FORMAL ANCHORING	Only after demonstrated need and proper authority: revised guidance, protocols or legal changes. Binding duties, expanded RSB powers and deadlines cannot be presumed.

MINIMUM CHARTER BEFORE STARTING A PILOT

PROBLEM AND BASELINE

What material gap persists after ordinary controls? Which repeated steps or stalled referrals can be measured?

COMPETENCE AND TIME

Who may authorise the test, who can lawfully remedy the issue, and when can the evidence affect a decision?

RESOURCE DISCIPLINE

Use existing records first. Specify legal review, official and stakeholder time, data/IT needs and confidentiality.

COUNTERFACTUAL AND EXIT

Would the same outcome arise under existing procedures? Retain, redesign or stop based on verified net benefit.

Institutional boundary. A critical finding should reach the actor empowered to respond, not halt lawmaking automatically. Solutions may be technical, administrative, voluntary or legislative, depending on their legal source. An RCC module can function independently; broader integration should proceed only where experience verifies less friction and more reliable outcomes. See Annex II (p. 64).

AFTER THE PILOT | THREE LEGITIMATE DECISIONS

CONTINUE

Evidence supports distinct net value with bounded workload.

REDESIGN

A useful signal exists, but the method duplicates or burdens.

STOP

No sufficient gap, lawful route or defensible additional value.

13. Conclusion: Better Laws Through Regulatory Chain Control

The European Union needs the capacity to act, but that capacity must produce laws that work. Better Regulation should be judged by the quality of decisions, the feasibility of rules and the results achieved in practice, not by the number of initiatives adopted or repealed.

COM(2026) 380 and Parliament's resolution P10_TA(2026)0063 move EU Better Regulation in the right direction. The unresolved problem is operational: commitments to simplicity, evidence, scrutiny, deep cleaning and stronger assessment can still fail if no institution or agreed mechanism provides stewardship of cumulative effects, if critical findings have no consequence, or if burdens migrate into secondary measures and national implementation. The September 2026 joint Member-State simplification initiative, circulated as Council document 13399/26, adds a further political signal in the same direction.

The doctrine proposed here is regulatory chain control. It is a means of preserving evidence, participation, proportionality, legislative intent and implementation quality from policy inception to review. At each material control point, institutions should be able to identify the trigger for scrutiny, the evidence required, the responsible actor, the consequence of a critical finding and the point at which results will be reviewed. Significant obligations should remain traceable from their policy objective and legal basis to their realised implementation effect.

For the Commission, this requires a front-end necessity and instrument-choice test, staged stakeholder participation and reality checks, a cross-DG obligation inventory, accountable portfolio stewardship and auditable reporting of new and removed burdens. For the RSB, it requires quality control of cumulative, SME and implementation effects and transparency when the College proceeds despite repeated negative opinions.

For Parliament and Council, regulatory chain control requires assessment of substantial amendments and differentiated scrutiny consistent with the applicable legal basis. For Member States, it requires transparent explanation of national additions and early identification of fragmentation and enforcement risks.

Think Small First should operate as a procedural gate: critical SME findings must lead to redesign or a published political override. High-impact secondary measures should be screened by material effect, and implementation should be tested against legislative intent. Material obligations should also pass an Implementation Readiness Gate so that essential guidance, data standards, interfaces and responsible arrangements are sufficiently in place before application.

Urgency and Omnibus procedures should remain available, but exceptions must be evidenced and simplification claims must show aggregate net effects. Temporary or experimental burdens should continue only after an evidence-based renewal decision at the legally appropriate level.

This approach is not deregulation by default, nor does it give stakeholders a veto over political choices. It is a discipline for using evidence and practical experience, choosing the least burdensome effective instrument, preserving substantive policy objectives and ensuring that rules can be understood, applied and enforced in practice.

The next step is to test, not presume, RCC's added value. The twelve-case Handbook identifies possible controls, not proven RCC successes. Each authorised pilot needs a documented residual gap, a lawful decision or review point, practicable options and a comparison with ordinary procedures. Success means better-informed action or explanation, preserved policy protection and more workable SME compliance without shifting burdens. RCC's own administrative costs must be measured; duplicated or low-value controls should not be scaled.

OPERATIONAL IMPLICATION | PROGRESSIVE INTEGRATION, LESS PROCEDURE

RCC can begin with a single lawful check and later connect evidence, obligations, institutional ownership, decisions and review. A lead-DG/Secretariat-General activation route is one workable proposal, not an obligatory architecture; alternatives remain possible. The test of systemic value is fewer duplicative assessments, lost referrals and implementation dead ends - with recorded staff and stakeholder costs. AI is optional, human-validated and never a decision-maker. Scale only verified net benefit.

Better Regulation Forum | RCC Regulatory Chain Control

Supporting Members of SME Connect Better Regulation Forum

IVSH Association of the German cutlery and housewares industry

seldia The European Direct Selling Association

food supplements europe

TAE Taxpayers Association of Europe

ZPP Związek Przedsiębiorców i Pracodawców

EWS Europäischer Wirtschaftssenat e.V. Wirtschaftskompetenz für Europa

eea European Enterprise Alliance

Note on SME Connect's institutional role

Responsibility for the content of this working paper rests with the members of the SME Connect Better Regulation Forum. SME Connect acts solely as a politically neutral network, moderator and convening platform; it does not adopt common positions on legislation, intervene in political negotiations or advocate on behalf of its members.

Members remain independent in the positions and interests they advance.

EU Transparency Register: 465361845122-87 | Contact: office@smeconnect.eu

ANNEX I | COMPARATIVE PRACTICE

National Precedents and Transferable Governance

Existing national mechanisms illustrate selected RCC functions; none is a ready-made EU-wide RCC system. The comparison tests what each mechanism contributes and where differences in legal competence limit transfer.

I.1 How to use the comparison

The OECD 2025 review identifies persistent weaknesses across the EU policy cycle, including substantial amendments, implementation planning, prevention of unnecessary gold-plating and ex-post evaluation. This context supports a chain-wide diagnosis; it does not prescribe RCC or prove its effects.

The country profiles below distinguish established national practice from the limited functional lesson that may inform EU pilots. They do not imply equivalent mandates for the Commission, Parliament, Council, the RSB or Member States.

I.2 Selected national mechanisms

Austria

ESTABLISHED PRACTICE	RCC RELEVANCE AND TRANSFER LIMIT
Austria uses Wirkungsorientierte Folgenabschätzung (impact assessment) for federal measures, with systematic internal ex-post evaluations reported to the National Council. Selected Austrian legislative instruments also use time limits or sunset logic rather than a universal expiry rule.	Links ex-ante assessment to later outcome review and shows that temporary rules can be made genuinely reviewable. Transfer limit: evaluation quality varies; time limits are suited to selected temporary, crisis or experimental measures, not all EU legislation.

Denmark

ESTABLISHED PRACTICE	RCC RELEVANCE AND TRANSFER LIMIT
Denmark adopted five principles to avoid unnecessary overimplementation of EU business regulation. Its Business Forum for EU and Better Regulation brings business, consumer, labour and expert views into simplification and implementation, with government follow-or-explain responses.	Illustrates prevention of overimplementation, structured feedback and responses to external recommendations. Transfer limit: follow-or-explain is political accountability, not a legal veto; national implementation choices are distinct from EU-level legislative control.

Estonia

ESTABLISHED PRACTICE	RCC RELEVANCE AND TRANSFER LIMIT
Estonia uses X-tee as an interoperable data-exchange layer. The 2026 Economic Growth Plan aims to standardise 150 high-burden reports and information obligations and extend reusable, data-based reporting from company systems.	Demonstrates once-only reuse and interoperability as implementation architecture, reducing duplicated interfaces rather than merely shortening forms. Transfer limit: Estonia's integrated national digital infrastructure cannot be transferred mechanically to the multi-level EU environment.

Finland

ESTABLISHED PRACTICE	RCC RELEVANCE AND TRANSFER LIMIT
The independent Council of Regulatory Impact Analysis reviews selected government proposals and their impact assessments, may examine significant decrees or EU legislation and requires proposals to explain how opinions were taken into account. OECD reports an ex-post review mandate.	Shows non-veto independent scrutiny linked to a reasoned response and potential learning across ex-ante and ex-post review. Transfer limit: the Council is advisory and works within a national executive system.

Germany

ESTABLISHED PRACTICE	RCC RELEVANCE AND TRANSFER LIMIT
Federal ministries quantify compliance costs under a common methodology; the independent National Regulatory Control Council (NKR) checks the plausibility and methods of estimates. Since 2015, the Federal Government has also used a One-in, One-out approach to business compliance costs.	Shows that obligation-level burden estimates, independent scrutiny, departmental responsibility and offset discipline can operate together. Transfer limit: a single national executive is not equivalent to the EU's Commission, co-legislators and Member States.

Italy

ESTABLISHED PRACTICE	RCC RELEVANCE AND TRANSFER LIMIT
Italy combines ex-ante Regulatory Impact Analysis (AIR) and selective Regulatory Impact Verification (VIR) under DPCM No. 169/2017. Significant rules may be examined in biennial review plans; open consultations can inform which measures are reviewed and how evidence supports correction.	Illustrates a forward-planned, evidence-based review pipeline rather than only reacting after problems become politically salient. Transfer limit: EU scheduling must fit multi-institutional legislative and implementation responsibilities.

Lithuania

ESTABLISHED PRACTICE	RCC RELEVANCE AND TRANSFER LIMIT
Since 2023, state bodies have assessed administrative burden and wider compliance costs for draft measures that create or change business obligations, including adaptation, training, external services, materials and investment. The Ministry of the Economy and Innovation monitors regulatory burden and an institutional One-in, One-out objective.	Shows how accounting can capture more than information obligations while remaining institutionally attributable. Transfer limit: EU-wide measurement needs comparable definitions, attribution rules and safeguards against double counting between institutions and Member States.

Netherlands

ESTABLISHED PRACTICE	RCC RELEVANCE AND TRANSFER LIMIT
The Adviescollege toetsing regeldruk (ATR) became a permanent statutory independent advisory body from 1 January 2026. It assesses workability, alternatives and burdens early in legislative development and may advise on EU-related and national proposals.	Supports early scrutiny of necessity, less burdensome alternatives and practical workability. Transfer limit: an advisory national body cannot be mapped onto the Commission's initiative, EU RSB quality control or interinstitutional balance.

Poland

ESTABLISHED PRACTICE	RCC RELEVANCE AND TRANSFER LIMIT
Polish ex-ante Regulatory Impact Assessment (OSR) includes plans for ex-post review, with indicators, methods, sources and resources. Where subsequent evaluation identifies a corrective need, findings can inform later amendment. For certain business laws, omitting consultation triggers an OSR ex post within two years.	Demonstrates an evaluation-and-correction loop and compensating review when a normal safeguard is exceptionally omitted. Transfer limit: the EU must apply any analogous principle within its own institutional competences and legal bases, not copy the Polish deadline.

Portugal

ESTABLISHED PRACTICE	RCC RELEVANCE AND TRANSFER LIMIT
Decree-Law No. 85/2026 created the State Simplification and Technology Network to coordinate shared public-sector IT architecture, interoperability and data policy, including prior authorisation for some strategic projects. A 2026 general interoperability regime aims to operationalise once-only data exchange.	Demonstrates cross-government governance and ex-ante coordination for implementation infrastructure. Transfer limit: the EU may adapt the function but cannot transplant Portugal's national administrative structure.

Slovakia

ESTABLISHED PRACTICE	RCC RELEVANCE AND TRANSFER LIMIT
The Unified Methodology for Selected Impacts includes the 1in2out principle (since 2021), a virtual regulatory account for proposers, a gold-plating register and a systematically updated register for ex-post evaluation of selected existing regulations.	Illustrates links between cost offsets, institutional ledgers, gold-plating transparency and later review. Transfer limit: the 1in2out formula and register design operate within a single national executive and should not be copied mechanically to the EU.

Slovenia

ESTABLISHED PRACTICE	RCC RELEVANCE AND TRANSFER LIMIT
Slovenia uses the MOPED system for economic and competitiveness impact assessments. Its SME Test addresses direct, indirect and administrative costs and prompts SME-specific alternatives, such as targeted exemptions, longer transitions, simplified duties, lower fees or electronic interactions. The ministry performs interministerial quality control.	Demonstrates a design-oriented SME test with practical mitigation options and quality scrutiny. Transfer limit: an EU Think Small First gate would have to fit Commission, RSB and co-legislator responsibilities.

Sweden

ESTABLISHED PRACTICE	RCC RELEVANCE AND TRANSFER LIMIT
The Better Regulation Council examines impact-assessment quality; the Simplification Council identifies burdens in the existing stock; and the Implementation Council assesses upcoming EU rules ahead of negotiations and makes implementation recommendations.	Shows separate but complementary ex-ante quality, stock simplification and EU implementation scrutiny. Transfer limit: differentiated councils within one national setting are not a template for a cross-institutional EU command structure.

I.3 Source basis and Council-level convergence

The country profiles draw on official national government and parliamentary sources, supplemented by OECD (2025) where indicated. Ireland's enhanced SME Test is cited separately in the main text and reference register. The bibliography below records the public sources and relevant dates.

Council document 13399/26 (September 2026) records a simplification initiative supported by 13 Member States. It advances simplicity by design, workability, subsidiarity, review of existing obligations, interoperability, scrutiny of significant amendments and stronger ex-post evaluation. It also proposes a European Implementation and Consolidation Year. This is not a formal Council position and does not endorse RCC.

PRACTICAL TRANSFER PRINCIPLES

Start with existing institutions and instruments, applying stronger scrutiny only when material risks warrant it.

Keep information, independent advice and reasoned responses distinct from binding legal veto rights.

Pilot and compare the net additional value, then retain, adapt, formalise or discontinue on evidence.

Preserve each institution's legal competence; connection across the chain must not imply an EU super-regulator.

I.4 Functional read-across for EU design

CONTROL FUNCTION	ILLUSTRATIVE PRECEDENTS	DESIGN CAUTION
Evidence and cost integrity	Germany, Lithuania, Netherlands	Comparable estimates and independent review help. Do not invent new EU scrutiny powers.
SME workability and participation	Denmark, Finland, Slovenia	Practical evidence needs a visible response; advisory findings are not legal vetoes.
Implementation and digital reuse	Estonia, Portugal, Sweden	Connect data and implementation functions without assuming one EU technical or command system.
Ex-post learning and correction	Austria, Italy, Poland, Slovakia	Schedule proportionate review and correction; preserve each authority's legal decision rights.

ANNEX II | GOVERNANCE FEASIBILITY

Stewardship, Activation and Institutional Options

A governance proposal for linking useful RCC instruments, not a prescribed EU command structure or a new statutory source of power.

II.1 Functional precedents and their limits

PRECEDENT	FUNCTION	TRANSFER LIMIT
New Zealand [G1-G2]	Agency-level stewardship of regulatory systems, central support for system-wide standards and planned review.	Different legal and constitutional framework; does not confer an EU RSB or interinstitutional mandate.
Germany [G3]	Independent NKR review, including specific, legally defined parliamentary referral routes.	No unlimited right for any actor to compel a new independent review.
Netherlands [G4]	Permanent ATR advice, early burden and workability scrutiny, and requests from parliamentary chambers.	Independent advice does not constitute EU dossier ownership or a veto.
Finland [G5]	Selective review of impact assessments and a visible, reasoned follow-up by the responsible body.	Non-binding expert scrutiny; ministries and legislators remain responsible.
Sweden [G6]	Differentiated checks for new impacts, the stock of burdens and forthcoming EU implementation.	Complementarity does not imply a single multi-institutional EU control hierarchy.
EU and Council [G7-G11]	Existing Commission procedures, RSB scrutiny, parliamentary processes and Council horizontal monitoring.	Each institution retains its own mandates; monitoring is not an RCC activation power.

II.2 Three implementation levels

01 Stand-alone checks

Apply a selected RCC method through an existing DG, agency, parliamentary or national procedure.

02 Coordinated dossier pilot

A competent owner authorises triage, shares an evidence base when lawful and hands off to the responsible decision-maker.

03 Formal anchoring, if justified

Consider stronger administrative or interinstitutional mechanisms only when results show net value and a lawful mandate exists.

> **SELECTION AND STOP RULE**
>
> The lightest lawful route should address a material evidence gap, without duplicating ordinary review or consultation.
>
> Record actual staff hours, additional contributor costs, decision relevance, duplication prevented and a review point. Close low-value checks.
>
> An enhanced RSB request right, binding institutional response or altered legislative deadline requires an appropriate legal basis.

ANNEX III | IMPLEMENTATION TEST

Optional AI Assistance: Feasibility and Exit Criteria

RCC can operate without AI. Approved tools may support one defined task if a manual comparator, legal review and full cost assessment are available.

III.1 Minimum one-dossier pilot design

CONTROL ELEMENT	REQUIRED CHECK OR RECORD
Authority and scope	A competent DG or service authorises one obligation, one upcoming decision or review point and one accountable reviewer.
Manual comparator	Record how existing legal analysis, consultation and implementation monitoring perform the identical task before AI assistance.
Verified source base	Use applicable authenticated legal texts, amendment history and authorised tools. Do not presume lawful access to national or private records.
Human resources and full cost	Assign a legal/policy reviewer and proportionate technical support; count set-up, licensing, verification, operating and contributor time.
Human legal validation	Check provenance, addressees, amendment status, dates, institutional competence and uncertainty; reject fabricated or unsubstantiated claims.
Decision handover	AI may draft an Obligation Map or Issue-and-Options Note; only a named human sponsor approves a test or final communication.
Outcome scorecard	Compare omissions, false alerts, correct source references, decision usefulness, staff time, cost and directly observed SME compliance evidence.
Stop / scale	Discontinue or redesign when risks, errors, extra workloads or costs exceed measurable benefit over ordinary practice.

III.2 Non-negotiable constraints

Legal and technical: applicable data-protection rules, access rights, confidentiality, security, record keeping and auditability. Institutional: the Commission, RSB, Parliament and Council keep their existing mandates; an AI alert is not a legal trigger or autonomous verdict. Empirical: real SME workload, shifted burdens and regulatory benefits require direct evidence, not model estimates. [A1-A7]

> **EXIT DECISION**
>
> Move beyond a prototype only when independent human checking demonstrates reliable sources, acceptable accuracy, decision relevance and better net performance than the non-AI comparator.
>
> If these conditions fail, stop the AI component. RCC remains operational without it.

REFERENCE REGISTER | DOCUMENTATION

Selected References and Source Register

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Source status, scope and transfer limits

G1 is enacted New Zealand legislation; G3-G6 illustrate selected national mechanisms. G7-G9 indicate existing institutional boundaries; G10-G11 concern horizontal monitoring and not an independent RCC activation mandate. A1 and A3 concern infrastructure, A2 a prototype, A4 a related application, and A5-A7 governance and methodological safeguards. No automated EU-wide RCC system or completed RCC pilot is claimed.

Companion evidence and document navigation

SME Connect Better Regulation Forum, RCC Practical Cases Handbook (October 2026; 61 pages): twelve non-representative dossiers, eight documented regulatory situations and four prospective assessments. The examples identify possible checks and decision paths, not results caused by RCC.

AI ASSISTANCE DISCLOSURE

MILA X Intelligence, based on ChatGPT, supported preparation of this paper. Responsibility for substantive claims and proposals rests with the members of the SME Connect Better Regulation Forum.