The Politics of Simplifying an Elephant

Drivers of EU Legislative Complexity

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Summary

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EU legislation has become very difficult to understand, but simplifying it is not an easy task. This invites the further question as to why legislative acts are not made simpler, more readable and easier to apply in the first instance. A large part of European public opinion is in favour of simplification as the complexity of European regulation has reached unprecedented levels. After 19 out of the 27 heads of member states signed a letter on simplification addressed to the president of the European Council on 20 October 2025, one might expect that addressing this issue would be a fait accompli. These 19 heads of state represent the vast majority of the member states, and in terms of their combined voting power they represent much more than the 65% majority required for the Council to adopt legislation. But despite the passing of a series of 'omnibuses' aimed at rapidly simplifying several pieces of legislation at the same time, the process is not moving forward quickly. Were the reverberations of this letter not loud enough? Why is the debate on simplification not moving quickly to achieve the same aims?

This policy brief examines the debate on simplification and explains why the main problem lies not so much in the intricacy of the legislation itself but rather in the policy approaches associated with it. It examines the underlying reasons that have led to such complexity in European legislation and suggests measures that could be taken to make simplicity an achievable feature of the EU *acquis communautaire*.

Keywords *Acquis communautaire* – Drafting of EU laws – Simplification

The simplification debate

Notwithstanding the letter sent on 20 October 2025 by 19 heads of state or government to the president of the European Council urging legislative simplification,[1] views on the process are strongly divided. There may be many voices in favour of the swift adoption of omnibus legislation, but they are confronted by concerns that this may weaken the EU regulatory system. The opinion that 'under the pretext of simplification, the Union is implementing a fast-track deregulation that weakens both democratic form and substantive ambition'[2] is not universal, however. While on the surface the notion of simplification suggests a neutral, technical ambition to make laws more transparent, more accessible and less burdensome—albeit acknowledging that there is a political aspect to simplification, which is far from straightforward—the situation reflects deeper ideological divides about what Europe stands for, how it should be governed and what kind of society it aims to shape. For some, simplification promises to restore efficiency and transparency. For others, it conceals a political agenda of deregulation or even policy rollback.[3]

EU legislative complexity

The complexity of EU legislation is an objective fact. It should not be measured by the sheer number of secondary legislative acts—directives, regulations and implementing measures. These have increased only slightly in number, thanks (among other reasons) to the Junker Commission, which established the principle of 'one in, one out'. Secondary legislation has also become more selective—in order to be 'big on big things'. However, even if the number of proposed legal acts has not increased substantially, their average length has grown. Under the Prodi Commission, the average act ran to about 4,500 words; under the first von der Leyen Commission, the average was about 8,600 words.[4] Preambles have

[1] C. Stocker et al., Letter from 19 heads of state and government to the president of the European Council, 20 October 2025, *Euractiv*, n.d.

[2] S. Todeschini, 'The Great EU Reversal: Fast-Track Deregulation and the Erosion of Europe's Sustainability Ambition With the Omnibus I Regulation', *European Law Blog*, 27 October 2025.

[3] L. Cater, M. Gros and J. Weizman, 'EU Unveils Another Plan to Roll Back Green Rules', *Politico*, 10 December 2025.

[4] J. Scott Markus and K. Sekut, *Simplifying EU Law: A Cumbersome Task With Mixed Results*, Bruegel (23 September 2024), 5.

expanded to an even larger extent and the number of recitals preceding the implementing provisions has increased threefold—from 1,305 words under the Prodi Commission to 4,054 during the first von der Leyen Commission.

Many recitals now contain normative statements and paraphrases of the operative provisions. Take, for example, the Corporate Sustainability Due Diligence Directive's recital 39:

> In order to ensure that due diligence forms part of companies' policies and risk management systems, and in line with *the relevant* international framework, *companies should integrate* due diligence into *their relevant* policies and risk management systems and at *all relevant* levels of operation, and have in place a due diligence policy.[5] Emphasis added.

The frequent use of the word 'should' in the recitals blurs the line between explanation and guidance with an operative obligation, while the use of 'relevant' leaves ambiguity as it can be subject to more or less stringent interpretation.

Some of the recitals contain superfluous statements, for example, recital 41 of Directive 2022/2464, which contains the following:

> Sustainability reporting standards should be coherent with other Union law. Those standards should in particular be aligned with the disclosure requirements laid down in Regulation (EU) 2019/2088, and they should take account of underlying indicators and methodologies set out in the various delegated acts adopted pursuant to Regulation (EU) 2020/852, disclosure requirements applicable to benchmark administrators pursuant to Regulation (EU) 2016/1011 of the European Parliament and of the Council, the minimum standards for the construction of EU Climate Transition Benchmarks and EU Paris-aligned Benchmarks, and of any work carried out by the EBA in the implementation of the Pillar III disclosure requirements of Regulation (EU) No 575/2013.[6]

This states the obvious—that coherence with EU law is not a choice—and makes general reference to several other EU acts, thus increasing the density of references between different legal texts.

[5] European Parliament and Council Directive (EU) 2024/1760 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859 (Text with EEA relevance), OJ L2024/1760 (5 July 2024), 9.

[6] European Parliament and Council Directive (EU) 2022/2464 amending Regulation (EU) no. 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting (Text with EEA relevance), OJ L322 (16 December 2022), 15.

Take another example from the Corporate Sustainability Due Diligence Directive, recital 41:

> *A significant change* should be understood as a *change* to the status quo of the company's own operations, operations of its subsidiaries or business partners, the legal or business environment or any other substantial shift from the situation of the company or its operating context.[7] Emphasis added.

The wording used here does not provide clear guidance or sufficiently clarify the obligations arising from this directive, confirming that the language in which EU legal acts are drafted has become more complex and less transparent, thereby making compliance more difficult. This may also affect their implementation, as evidenced by studies that have identified a relationship between the increasing number of infringement procedures and 'a measure of complexity that incorporates various aspects such as the level of detail, readability, conceptual breadth, interdependence of legal provisions, and the embeddedness of the directive in the legal landscape'.[8]

Thus the complexity of the structure and the drafting procedures are more of an issue than the sheer volume of legislation. The drafting process, furthermore, is subject to substantial asymmetry of influence from big businesses and adept lobbying. Small and medium-sized enterprises (SMEs) have much less say. Ensuring that the views of small, locally operating and inexperienced companies are expressed and recognised by policymakers is difficult in reality. They are numerous but voiceless—even their associations at the European level are of little help. Such organisations may produce analyses, but these are too often insufficiently specific, providing too little evidence of impact and offering few concrete suggestions on how to better address the issues under consideration within the legislative process.

Stakeholder consultations are frequently dominated by those companies well represented in Brussels, their associations, professional advocacy firms and non-governmental organisations, thereby marginalising businesses that are heavily affected but lack comparable representation. It is therefore vital that the legislators themselves take a closer look at the situations of these companies in order to better reflect their particular needs in the proposed legislative acts. However, this

[7] European Parliament and Council Directive (EU) 2024/1760 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859, OJ L2024/1760 (5 July 2024), 10.

[8] M. Haag, S. Hurka and C. Kaplaner, *Policy Complexity and Implementation Performance in the European Union* (2024), 2.

does not always happen. For example, the impact assessment accompanying the Carbon Border Adjustment Mechanism (CBAM) Regulation states:

> Overall, this indicates that a CBAM would result in relatively higher compliance costs for SMEs compared to large enterprises. As mentioned above, the exact degree of difference between the two groups could not be quantified based on the currently available data.[9] Emphasis added.

The fact that there is not enough available data de facto means that the impact on these companies is of no interest. This should be compared to the compliance costs estimated by the same document:

> Based on estimates of the transaction costs of the [Clean Development Mechanism], and similar carbon policy frameworks, the transaction costs for monitoring emissions at a single installation are quantified at EUR 10,200 per year. If the monitoring scope is narrowed to individual production processes rather than the entire installation, the costs are estimated to double to EUR 20,400 per year per non-EU installation.[10]

For big importers relying on supplies from one foreign installation, such costs are a negligible fraction of the overall import value, but for SMEs importing small volumes, the threshold of the CBAM might be prohibitive. The impact assessment minimises this problem by stating:

> The fact that a CBAM applies to imports of a few basic materials and basic material products results in large businesses being the main mainly impacted ones. Therefore, the practical impact of import related measures would have little practical impact on SMEs, even though this impact would be relatively higher than for large businesses if compared on the amount imported.[11]

The limited consideration given to the situation of small companies appears to explain the disproportionately low threshold for CBAM application—it originally included imports as small as €150 in value (this was changed by omnibus[12] to those over 50 tonnes in weight). This runs counter to the Commission's long-

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[9] European Commission, *Impact Assessment Report, Accompanying the Document Proposal for a Regulation of the European Parliament and of the Council Establishing a Carbon Border Adjustment Mechanism*, Commission Staff Working Document, SWD (2021) 643 final, part 2/2, 83.

[10] Ibid.

[11] Ibid.

[12] European Parliament and Council Regulation (EU) 2025/2083 amending Regulation (EU) 2023/956 as regards simplifying and strengthening the carbon border adjustment mechanism (Text with EEA relevance), OJ L2025/2083 (17 October 2025), 7.

standing recognition of the importance of addressing the specific needs of SMEs, which 'due to their smaller size, . . . suffer disproportionately from legislative and administrative burdens as they have more limited resources and expertise to tackle often complex rules and regulations. It is therefore necessary to assess how their special needs can be taken into consideration in the context of simplification.'[13]

Omnibuses are themselves complicated instruments of simplification. In order to achieve the intended outcome they should also be subject to the same principles of 'better legislation', otherwise they may introduce further confusion instead of clarifying matters. The first blow to the simplification process has already occurred:[14] the issue of asymmetry of influence is also present in the drafting of omnibuses. Big players, powerful lobbies and well-organised interests can use simplification as an opportunity to pass on their views with greater success.[15] Smaller companies might not even know which of the given omnibuses addresses those problems which affect their daily business.

Legal experts have long noted that complexity breeds uncertainty and litigation.[16] Businesses—especially SMEs—often struggle to comply with overly detailed EU regulations, particularly in areas such as product safety, data protection and environmental compliance. Simplification, therefore, is framed as a way to reduce 'red tape' and enhance competitiveness, aligning with the emphasis on the single market's dynamism. The aim should be to make EU law simpler, less costly and more effective, emphasising evidence-based policymaking and cost–benefit assessments. From this perspective, simplification is not about abandoning goals but ensuring that the rules designed to achieve them remain proportionate and comprehensible.

Simplification is therefore clearly justified, a view endorsed by the European Commission.[17] Plain language, the consolidation of legal acts and the digital accessibility of legal information are legitimate aspects of 'better law-making'. In this sense, simplification should be understood as clarification rather than policy change. By striving for efficiency, simplification implicitly redefines what is considered 'good' public policymaking. 'Governance, competitiveness, and legitimacy come

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[13] European Commission, *Implementing the Community Lisbon Programme: A Strategy for the Simplification of the Regulatory Environment*, Communication, COM (2005) 535 final (25 October 2005), 3.

[14] *The Good Lobby*, 'EU Simplification Agenda Took Its First Blow', 27 November 2025.

[15] *Euractiv*, 'Counterinsurgency: How Europe's Business Lobby Retook the Berlaymont', 2 December 2025.

[16] M. Cappelletti, *The Judicial Process in Comparative Perspective* (Oxford: Clarendon Press, 1989), 102.

[17] European Commission, *A Simpler and Faster Europe. Communication on Implementation and Simplification* (2024).

together in the better regulation agenda'.[18] However, even this simple approach has political overtones. It is therefore *difficult to distinguish between arguments in favour of genuine improvements in law quality and politically motivated changes to the European regulatory framework*.

The politics of simplifying legislation

Advocates of legislative simplification, often associated with centre–right and liberal orientations, see the proliferation of prescriptive rules as one of the weaknesses of modern governance. Legislation is necessary because it addresses problems created by market failures, particularly in areas, such as the environment, health, safety and consumer protection. In these areas the rationale for government intervention has seldom been challenged. As Majone notes '[h]ere the issue is not deregulation, but rather how to achieve the relevant regulatory objectives by less burdensome methods'.[19] But correcting market failures through regulation can bring additional problems, which must also be corrected, multiplying the legislative interventions. '[J]ust as the market fails in certain circumstances to serve the public interest, so does public regulation'.[20] And so, in addition to 'market failure', we can have a form of 'regulatory failure' too.[21]

Sustainability-oriented politicians, experts and activists express significant concern[22] that simplification may become a euphemism for deregulation. Their fear is not purely rhetorical as simpler rules mean a less-dense regulatory framework. From their point of view, deregulation has negative connotations, being something unwanted that moves society and the economy away from the desired state prescribed by the regulators. From their perspective, simplification thus risks undermining the EU's ability to shape and enforce social and environmental sustainability. Environmental law is inherently complex because ecological systems and social interactions are complex. The precautionary principle, enshrined in

[18] C. M. Radaelli and A. C. M. Meuwese, 'Better Regulation in Europe: Between Public Management and Regulatory Reform', *Public Administration* 87/3 (2009), 639.

[19] G. Majone, *Regulating Europe* (London: Routledge, 1996), 2.

[20] Ibid., 17.

[21] Ibid.

[22] European Environmental Bureau, 'Commission's 2026 Work Programme: Europe Cannot Deregulate Its Way Out of Crisis', Press Release, 21 October 2025.

Article 191 of the Treaty on the Functioning of the EU, requires the formulation of detailed regulatory frameworks to manage uncertainty. Simplifying such laws may reduce their precision or weaken enforcement. The most evident example of such complexity is the European Green Deal. It encapsulates integrated and cross-sectoral regulation on the environment, energy, agriculture, transport, finance and so on. Simplification, even if interpreted as 'streamlining' or 'cutting red tape', might fragment these interconnections.[23] Environmental groups such as the European Environmental Bureau have warned that regulatory simplification could lead to 'regulatory thinning'—a reduction in the density and strength of the rules necessary to ensure compliance and accountability.[24] From such a perspective, the focus is not on removing deficiencies in the legal texts, reducing excessive barriers or making obligations proportional to aims, but on opposing any reduction in the breadth of the already achieved regulatory intervention. European public support for addressing environmental issues has been, and still is, significant; however, in the longer run over-prescriptive obligations might turn the tide of public opinion. Therefore, even for the most dedicated green movements, it should be clear that legislative complexity might be detrimental to retaining public support.

A balance between protection and flexibility

The digital and artificial intelligence domains create similar anxieties. Simplifying privacy and data-protection frameworks, such as the General Data Protection Regulation, could expose citizens to new risks. Civil society organisations fear that simplification in these sectors could prioritise innovation over ethics and human rights. This aligns with wider concerns that simplification may shift the balance between protection and flexibility in favour of economic interests. For ecological and human rights movements, then, simplification is not a neutral process of editing legislative texts but a potential political act of retreat. The suspicion is that simplification is often invoked by those seeking to dilute ambitious policies under the guise of efficiency. In public perception, protecting privacy in the European style requires heavy and frequent user consent. However, despite the dense regulatory fabric, some online users remain insufficiently protected, and the gap

23 M. Pahle, D. Sultani and G. Zachmann, *Defragmenting European Union Climate Policy*, Bruegel, Policy Brief 03/2026.

24 European Environmental Bureau, *Simplification or Deregulation? Environmental Policy Risks in Better Regulation* (Brussels, 2021).

between legal obligations and the everyday practices of online platforms is wide.[25] From the opposing viewpoint, overly detailed requirements are not helpful for rapid innovation in these areas.

The progressive regulatory tradition in Europe views legislation not merely as a tool for market functioning, but as a vehicle for promoting social values. In this view, the complexity of European law reflects the ambition to embed social justice, environmental sustainability and workers' rights in market integration. Simplification, if understood as removing detailed prescriptive norms, threatens to erode these features of the EU model. Rules on labour rights, consumer protection, health and safety, and anti-discrimination constitute a form of public control over the markets. Simplification, by contrast, is often associated with deregulation[26] and privatisation—a shift from all-embracing public governance to self-regulation and market discipline. Deregulation pressures—often framed as simplification or ensuring market efficiency—are considered corrosive to the European social model.[27] Simplifying complex regulatory regimes may therefore remove the legal safeguards that protect workers, consumers and the environment. After regulatory rollback in such areas, restoring stronger intervention becomes difficult. As Scharpf notes '[s]ince European re-regulation does depend on high levels of consensus, it tends to be blocked by conflicts of interest among national governments, or may at best reach solutions on the level of the lowest common denominator'.[28]

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[25] Interface, *Mind the Gap: Age Assurance and the Limits of Enforcement Under EU Law* (13 October 2025), 34.

[26] In the critical view of Wolfgang Streeck, 'Deregulation as a programme for growth has the considerable political advantage that no one can seriously expect it to work miracles in the short term—and that, if miracles do not appear in the long term either, it can always be argued in a less than perfect world that the dose was not large enough'; W. Streeck, *Buying Time: The Delayed Crisis of Democratic Capitalism* (Verso, 2013), 134.

[27] C. Joerges, 'The European Social Model: Between Competitive Modernisation and Inclusive Governance', in C. Joerges and J. Falke (eds.), *Karl Polanyi, Globalisation and the Potential of Law in Transnational Markets* (Oxford: Hart Publishing, 2006).

[28] F. W. Scharpf, *Governing in Europe: Effective and Democratic?* (Oxford University Press, 1999), 85.

Opposition to policy rollback

Moreover, some pro-European scholars frequently refer to the 'Brussels Effect'—the EU's capacity to project its regulatory standards globally[29] through its detailed and rigorous rules, which have led non-EU companies and jurisdictions to adopt similar standards across data protection, chemical safety and other areas. Simplification could weaken this soft power. If EU laws become less specific and demanding, their external influence may diminish. Furthermore, from this perspective, stress is also placed on the societal function of prescriptive legislation. Detailed rules reflect collective European choices about how societies should live and what they value. Simplification may reduce the visibility of such choices by delegating discretion to technocratic bodies or private actors.

In summary, for supporters of regulation, complexity is not inherently negative; it can represent the normative nature of the ambition of European integration. Simplification, in the eyes of such EU supporters, risks undermining the normative depth of European law—its capacity to articulate and enforce shared social goals. Professor Alberto Alemanno, a French scholar of EU law and public interest regulation, has criticised recent legislative simplification packages and omnibus revisions as a form of 'de-governing' of Europe, meaning the erosion of the EU's ability to govern markets, protect citizens and set ambitious norms. He argues that simplification, as currently practised, often operates as disguised deregulation. Measures are presented as merely technical, administrative or editorial, but in substance may remove obligations, relax standards or limit enforcement mechanisms. The process allows policymakers to revise or dilute existing rules without publicly acknowledging a shift in political priorities. Thus, simplification is opposed as it is interpreted as a rhetorical device that masks policy rollback.[30]

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[29] A. Bradford, *The Brussels Effect: How the European Union Rules the World* (New York: Oxford University Press, 2020).

[30] A. Alemanno, 'The Dark Side of EU Deregulation', *Project Syndicate*, 11 February 2025.

Simplification as the repatriation of powers

At the opposite end of the spectrum, simplification is interpreted in yet another way: as a vehicle to limit Brussels's authority. From this point of view, the EU's dense regulatory framework embodies bureaucratic overreach—an intrusive apparatus that dictates to member states how to organise their economies and societies—and simplification can serve as the 'repatriation of powers'. The political declaration of the Europe of Sovereign Nations—a political group in the European Parliament—states, 'We advocate the maintenance of a common market but seek to reduce bureaucracy and firmly oppose the building of a European unitary state'.[31] Simplification, understood as the devolution of regulatory power, thus becomes a tool of re-sovereignisation, as complex EU legislation masks political interference and erodes democratic accountability at the national level. From this perspective, simplification should mean less Europe, not better Europe. The 'bureaucratic machinery' of the Commission, with its detailed legislative proposals and implementing acts, is seen as alien to national traditions and disconnected from citizens. 'Encroachment . . . expands the powers of the EU at the expense of the member states, potentially limiting their ability to take decisions freely. Its functioning, on the other side, tends to bypass the nation and empower "technocrats" with no visible national allegiances or democratic legitimacy'.[32] The emphasis for this group, therefore, is on restoring national flexibility in many areas, including industrial policy, the environment and digital regulation—fields where European harmonisation constrains national priorities. This approach equates simplification with political de-integration. It assumes that regulatory density equals centralisation, ignoring the fact that much of the EU's complexity stems from efforts to accommodate national diversity. Simplification, if pursued from the perspective of renationalisation, might produce legal fragmentation, the opposite of clarity. Still, this framing resonates with a broad public frustrated by the perceived EU technocracy. It links simplification to subsidiarity, the principle that decisions should be taken as closely as possible to the citizens, but interprets it in a politically exclusive way.

31 Europe of Sovereign Nations, 'Political Declaration'.

32 M. Lorimer, *Europe as Ideological Resource: European Integration and Far Right Legitimation in France and Italy* (Oxford Academic, 2024), 100.

Procedural and institutional sources of legislative complexity

Amid these ideological clashes, the genuine issue of legislative complexity often remains obscured. In reality, the expansion of EU legal complexity is driven not only by ideology but also by structural and procedural dynamics.

First, multilevel governance inherently generates complexity. This is a by-product of the EU's political diversity of member states and European institutions, amplified by its incremental, multilevel and consensus-driven governance. Each directive is a compromise among 27 states, as well as multiple institutions and interest groups, resulting in dense, negotiated formulations that attempt to reconcile divergent national and sectoral expectations. Each directive or regulation is thus the outcome of lengthy negotiations between the Commission, the Council and the Parliament, alongside interest groups, national administrations and expert communities. The result is a text that embodies compromise through detailed exceptions, cross-references and recitals.

Second, the translation of political ambition into legal precision inevitably lengthens texts. The EU legal order operates across multiple languages and legal traditions; clarity in one system may require elaboration in another. Legal drafters thus overly specify to avoid ambiguity, leading to verbosity and redundancy.

Third, successive reforms often layer new rules atop existing ones rather than replacing them. This accretion of norms, evident in fields such as state aid, environment and climate, data protection or agricultural policy, creates cumulative complexity. Consolidation and codification are rare because political actors prefer to amend rather than repeal, preserving complexity.

Fourth, modern governance increasingly addresses cross-cutting challenges, such as climate change, artificial intelligence or digital transformation, that transcend sectoral boundaries. This leads to interlinked legislative frameworks, where one regulation depends on another's definitions and procedures. Such interdependence enhances coherence at a systemic level but makes the law difficult to navigate for practitioners and citizens.

'Better regulation' initiatives have to find a balance between the political content and a clear, understandable and easy-to-follow form of legal act. They must also ensure inclusiveness and respect differences in applicability to unequal legal

subjects. This is particularly important as better policymaking may tilt the balance from the political to the administrative sphere, potentially marginalising public deliberation.[33] However, the normative power of Europe only appeals if the EU is successful in achieving a high level of norms, combined with effectiveness and competitiveness. The legitimacy of EU regulation is based on output and on its capacity to deliver.[34] Therefore, the call for simplification is urgent and legitimate. The problem lies not in the ambition or normative content of EU law, but in its architecture. Simplification could be discussed in parallel with political choices, but it should not become a victim of political arguments in Europe.

Recommendations for enduring legislative simplicity

The focus should shift from simplification to de-complexification: making the law intelligible and manageable without diluting its substance. What should be applied is the principle of proportionality, which provides a methodology or legal procedure for judging whether legislation that pursues a particular policy objective is legitimate and compatible with universally accepted values. This could be provided by assessing

(a) the legitimacy of the objective pursued by the measure restricting a right;

(b) the existence of a rational link or proportionality between the objective pursued and the measure;

(c) the existence of a justifiable necessity, that is, the existence or absence of alternatives, namely less restrictive measures that would achieve the same objective; and

(d) the guarantee of a balance, that is, weighing up the social benefits and the detrimental effects on the right caused by the measure.[35]

If we are serious about making the EU *acquis communautaire* simpler, we should not only address the complexity of existing acts, but also concentrate

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33 C. Radaelli, 'Measuring Policy Learning and Regulatory Quality', *European Journal of Political Research* 48/3 (2009).

34 Majone, *Regulating Europe.*

35 P. Pałka and J. Czarnocki (eds.), *Proportionality in EU Digital Law: Balancing Conflicting Rights and Interests* (Oxford: Hart Publishing, 2024), 3.

on forthcoming ones. If EU legislation is to become less complex for good, it means that co-legislators should be required to make a continual effort to produce simpler and clearer pieces of legislation, aided by built-in mechanisms of recurrent verification. If the discussion on simplification is to be fruitful, it must detach the debate concerning political choices from the structural, linguistic and procedural clarity of the existing and future *acquis communautaire*. It should also move away from omnibus bills, as these affect several EU legal acts at the same time, which is far from making laws clearer and better understood. Simplifying by making changes to several different acts at the same time might be efficient for experienced lawmakers, but for regular citizens the diverse content of the omnibus acts adds to the complexity of the *acquis communautaire*.

In the letter demanding simplification, the heads of state and government proposed three specific approaches: *review*, *reduce* and *restrain*. This adds an important element to the whole debate: simplification is not only about past acts, but should also affect forthcoming ones. It should become an organic process leading to the creation of simpler, clearer and better-worded legislation as an eminent feature of the European system.

Systematic approach

Therefore, simplification should start with a systematic review of the *acquis communautaire*. There is no other way to verify and detect excessive complexities than to carry out a systematic review of what has already been legislated in the EU. This should not be the task of EU officials alone, but should involve experts from national governments and lawyers from academia, think tanks and even the private sector. The outcome should not be limited to the removal of outdated provisions, but should also re-evaluate what is still valid and should be retained or simplified. This review process should lead to two different undertakings. First it should look back and propose *codification* and *consolidation* where possible. These are practical avenues for legislative acts in the same policy area. Codification merges successive amendments into a single text, improving accessibility. The EU has occasionally done this, for instance in customs law or public procurement, but the practice remains limited. Systematic codification could strengthen transparency and legal certainty without changing substantive rules.[36] Consolidation would go beyond a specific area by integrating similar approaches and instruments across matters that are both closely related and legislated by the EU.

[36] D. Chalmers and L. Barroso, ‘Codification and Coherence in EU Law’, *European Law Review* 44/3 (2019).

A continuous process of simplifying

The second outcome of such a systematic review should consist of proposals to improve the legislative process, including an obligation to ensure clear legislative drafting and obligatory regulatory impact assessments (RIAs), prepared before, during and after legislation is finalised. Preparing RIAs should ensure the full application of the proportionality principle, including evaluating the costs of compliance relative to the degree of achievement of the specific aims of the regulation. While RIAs are already required and must accompany all Commission legislative proposals, their preparation should extend beyond internal administrative processes and include experts with specialist knowledge of the relevant regulatory domains.[37] Amendments proposed in both the Council and the European Parliament may substantially change the balance of costs and benefits, or the distribution of obligations and related expenses. Therefore, the rule should be to request an RIA for any proposed amendment of the Council and the European Parliament. The impact of introduced changes should also be assessed after negotiations between legislators and before final votes. And it could also be a good rule to re-evaluate the practical effects of a given regulation a year or two after its entry into force.

The use of plain language and consistent definitions is central to simplification. The *Joint Practical Guide for the Drafting of EU Legislation*[38] encourages concise style and logical structure. Yet the results are far from a success. Legal linguistics research highlights that clarity across languages requires coordination among translators and drafters from the earliest stages.[39] Meaningful simplification also depends on continuous assessment. The Regulatory Fitness and Performance Programme and its online platform have introduced feedback loops that allow stakeholders to report excessive burdens.[40] In practice, however, this feedback rarely produces immediate changes, as even limited legislative revisions need to secure sufficient political support.

It is thus necessary to focus on a crucial conceptual distinction between simplifying form (the presentation and coherence of law) and simplifying substance (the reduction of obligations). The former is normatively unproblematic. True

[37] As Radaelli and Meuwese note, 'Since RIA is often performed by civil servants, here we have a case in which the bureaucrat is transformed into an analyst'; Radaelli and Meuwese, 'Better Regulation in Europe', 649.

[38] European Parliament, Council and Commission, *Joint Practical Guide for the Drafting of EU Legislation* (Luxembourg: Publications Office of the European Union, 2015).

[39] S. Šarčević, *Multilingual Law: A Framework for Analysis and Understanding* (Edward Elgar, 2017).

[40] See European Commission, 'REFIT – Making EU Law Simpler, More Efficient and Future-Proof'.

simplification should clarify pathways of compliance, not remove them. Ultimately, simplification must respect the EU's uncontested principles: environmental protection, human rights and social justice. However, in real life there is also the question of unevenness among those who are obliged to undertake the practical steps. For some, particularly small entities, the same obligations may represent excessive burdens. It is up to legislators to make sure that implementation does not impose excessive costs proportionate to achievement of the objective of the given legal instrument. Here, application of the proportionality principle is crucial.

It should be noted that delaying the entry into force of legal obligations does not amount to simplification. Such postponement does not alleviate the compliance burden and may, in fact, create additional uncertainty and inconvenience for those who have already prepared to implement the obligations as originally required.[41]

Very often, the increased complexity of legal acts is compensated for by facilitation instruments, including digital and technical tools. These help to ensure accessibility and usability, but they may also provide an excuse for not crafting rules that are intelligible and ambitious, practicable and effective, and proportionate and comprehensive. Digital tools can improve the user experience without altering the legal content. The EUR-Lex platform already provides searchable databases of EU legal acts, but artificial intelligence could further assist in cross-referencing and summarising complex legislation. Facilitation is not, by its very nature, equal to simplification; rather it makes it easier to operate in compliance with complex legislation without reducing its burdens. Tools backed by artificial intelligence might be useful but they can also mislead users.

[41] A. Bertram, 'Deregulating to No Avail: How the Omnibus Package Falls Short in Simplifying Key EU Green Deal Instruments', *Intereconomics* 60/3, 173.

Final remarks

The debate on the simplification of legislation is, paradoxically, one of the most complex political discussions in European governance. Beneath the surface of administrative efficiency lies a contest over the meaning of Europe itself. Debates on simplification are focusing less and less on improving the quality of legislation and more and more on disputes over how the EU is governed.

For the political centre in the EU, simplification embodies rational governance: clearer, leaner and more predictable laws that facilitate growth and innovation. For ecological and Social Democratic actors, it raises alarms about deregulation and loss of normative ambition, a step away from the high standards that have defined the European model. For sovereigntists, it offers a chance to reduce Brussels's reach and restore national control.

Each of these positions captures part of the truth. EU legislation is indeed excessively complex, often to the detriment of effectiveness and legitimacy. But simplification does not mean dismantling the regulatory state. The true challenge lies in addressing why complexity arises. The real task, therefore, is not to simplify Europe's mission, but to simplify its delivery instruments. Codified, coherent and comprehensible laws can coexist with ambitious goals. Simplification should not mean less Europe, but a better-articulated Europe: one that speaks more clearly, acts more coherently, and remains faithful to its democratic and normative aspirations.

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