

Nucleareurope response to the Call for Evidence: Communication on Better Regulation

In recent years, there has been a growing tendency within the European Commission to move forward with legislative proposals without undertaking robust impact assessments nor stakeholder consultations.

Whilst we recognise the importance of being able to develop and adopt legislation quickly, particularly in times of crisis, bypassing such procedures should be restricted to exceptional circumstances (in line with the Treaties) and not become the norm.

In order to ensure a policy framework which is both sound and fit for purpose, it must be based on evidence. It is therefore essential that all impacted stakeholders have the opportunity to provide evidence-based input on practical challenges through transparent consultation processes. This will strengthen the quality of the legislation being implemented and reduce uncertainty for companies which are, for example, investing in and driving the energy transition. This is essential particularly for those industries with long investment cycles.

Formal public consultations via the "Have your say" platform are best conducted early on in the scoping phase of new legislation, to ensure they can contribute to the development of new legislation. At the same time, this should not lead to the exclusion of valuable input which is provided at a later stage of the formal consultation process.

Furthermore, targeted stakeholder workshops can bring additional added value to the formal public consultations, where necessary. In the interest of transparency, (technical) stakeholder workshops should be publicly and clearly communicated, including a list of invited parties. Recent initiatives aimed at targeting only a limited group of stakeholders on policy that has a cross-sectoral impact should therefore be avoided.

Concrete example: Observations from the European Ombudsman regarding the Omnibus I proposal (which we believe apply to other files as well). Omnibus I overlooked key Better Regulation principles by rushing changes to corporate sustainability rules (CSRD, CSDDD) and was based on input from a selected group of stakeholders.



In terms of practical steps that could be undertaken to make EU laws simpler and easier to implement we would like to draw attention to the fact that the increased use of delegated and implementing acts in EU energy legislation over the past ten years has led to significant market uncertainty and delayed national implementation. Going forward, we recommend that the Commission and the co-legislators limit the use of secondary to strictly technical aspects.

In addition, the current legislative mandate has already produced a high number of non-legislative action plans. These generate significant 'informational noise' leading to market uncertainty as stakeholders tend to wait and see if new legislative initiatives are proposed (thereby delaying investment decisions or the adaptation of business strategies). We would welcome coherence from the Commission on how they intend to use such action plans.

Finally, the recent trend of using terms like "act", "omnibus", "pact" makes it hard for stakeholders to understand what the nature of the proposals is and how they will apply on national level. More clarity is needed by using the established terminology of the treaties (regulations, directives).