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Strengthening Democratic  
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*Policy Brief | April 2026*

# **Speed vs. Legitimacy in EU Policymaking: A False Choice**

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Following the EU leaders' retreat at the picturesque Alden Biesen Castle, Commission President von der Leyen outlined sweeping reforms to be delivered by 2027.<sup>1</sup> The narrative is clear: EU policymakers need to act fast or the EU risks falling behind. Under this pressure, democratic safeguards are increasingly treated as obstacles rather than essentials. This misses the point: good governance is not an onerous liability but ensures high-quality policy decisions and maintains public trust. The Commission's ongoing review of the Better Regulation Guidelines is the chance to prove that speed and democratic legitimacy are compatible, not competing objectives.

### The speed vs legitimacy fallacy

In recent EU policymaking, established governance practices have increasingly been sidelined in the name of "urgency" and simplification. Since 2024, requirements to conduct impact assessments and stakeholder consultations when preparing legislation, enshrined in the Commission's Better Regulation framework, have been disregarded across 10 "omnibus" proposals, with further ones announced.<sup>1</sup> Accordingly, in November 2025, the European Ombudsman found that the Commission had bypassed its own Better Regulation Guidelines<sup>2</sup> when revising major sustainability legislation.

Normalising this practice is dangerous. High-quality policy and democratic trust depend on respecting and "living" core governance principles, such as accountability, transparency and public participation.<sup>3</sup> If the Commission treats democratic governance as dispensable whenever urgency calls for speed, upcoming reforms meant to strengthen the

European project could deepen its democratic deficit.<sup>4</sup> At a moment when the EU needs maximum legitimacy to carry European societies through far-reaching reforms, it risks alienating citizens through exclusion.

But playing speed against legitimacy is misleading: they are not opposing objectives. Procedural efficiency can go hand in hand with strong democratic governance. The ongoing review of the Commission's Better Regulation Guidelines offers an opportunity to ensuring this complementarity, while preventing "urgency" from being instrumentalised as a pretext to circumvent foundational elements of good governance.

*"In the rush to streamline EU policymaking, we must remember that democratic safeguards are not luxuries of calm times.*

*They are foundation of legitimate and efficient policymaking, particularly during turbulent times."*

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## Reconciling efficient policymaking and democratic legitimacy

We suggest two concrete actions<sup>5</sup> the Commission can undertake to safeguard and develop good democratic governance in the context of the review of the Better Regulation framework.

First, it should transform the scattered public participation landscape into a coherent system, with clear quality standards. Currently, mechanisms range from public consultations to citizens' panels to strategic dialogues, creating fragmentation that produces opacity rather than engagement.<sup>6</sup> It undermines meaningful participation and risks "participation washing"<sup>7</sup>, i.e., symbolic public engagement to legitimise rather than genuinely inform decisions. The resulting confusion drives the "stakeholder fatigue" the Commission itself has identified.<sup>8</sup>

To enhance clarity, the Commission could provide an inventory of existing participation mechanisms. Further on-wards, this inventory could provide the basis for establishing a digital platform to enhance access to these participation mechanisms.

Importantly, the Commission should also define minimum quality standards applicable across all participation mechanisms. Firmly established in international law<sup>9</sup> and supported by academic research<sup>10</sup>,

four key elements concern: (a) inclusiveness and accessibility by ensuring balanced stakeholder representation; (b) transparency by making all relevant information comprehensively publicly available; (c) deliberation by fostering genuine dialogue; and (d) accountability through explaining how participation outcomes have been used.



Second, the Commission should define the scope and mandatory minimum standards of expedited procedures applicable under specific circumstances. The scope of such expedited procedures should be clearly limited to targeted revisions of existing technical legislation and non-legislative initiatives. In case of unforeseen, exigent circumstances, expedited procedures could also be applied to other policy proposals. However, such "exigent" circumstances should be pre-defined (e.g., war, major natural disasters, major financial crises) and invoking them should require explicit and public justification, enabling review and accountability.

Even under expedited timelines, minimum standards of good governance must apply. These should include simplified impact assessments examining key trade-offs, streamlined calls for evidence of minimum 10 days with advance notice, and targeted stakeholder consultations ensuring transparent balanced participation.

Safeguarding such minimum standards is not a procedural luxury but essential for pre-serving the double-benefits of good governance also under expedited procedures: legitimacy and effective policymaking that supports successful implementation.

These reforms reinforce each other. A functional participation system

makes expedited procedures feasible because stakeholders know how to engage quickly. Clear criteria for acceleration protect the participation system from routine circumvention.

The European project is at a crucial crossroads. Deciding on its future path is too important to use procedural shortcuts that breed cynicism and resistance. The Commission must demonstrate with its revision of the Better Regulation framework that properly designed procedures can reconcile speed and democratic legitimacy. Without appropriate safeguards, acceleration risks becoming not the solution to Europe's challenges, but another source of its democratic malaise.

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## References

- [1] European Commission (2026, February 12th). "Statement by President von der Leyen with President Costa following the informal EU leaders' retreat". *Press Corner*. Available at: [https://ec.europa.eu/commission/presscorner/detail/en/statement\\_26\\_405](https://ec.europa.eu/commission/presscorner/detail/en/statement_26_405)
- [2] European Ombudsman (2025). Case 983./2025/MAS. "The European Commission's failure to comply with its 'Better regulation guidelines' in preparing a legislative proposal on corporate sustainability reporting and due diligence". Available at: <https://www.ombudsman.europa.eu/en/opening-summary/en/205174>
- [3] Addink, H. (2019). *Good Governance: Concept and Context*. Oxford University Press. <https://doi.org/10.1093/oso/9780198841159.001.0001>
- [4] Follesdal, A., & Hix, S. (2006). Why There is a Democratic Deficit in the EU: A Response to Majone and Moravcsik. *JCMS: Journal of Common Market Studies*, 44(3), 533–562. <https://doi.org/10.1111/j.1468-5965.2006.00650.x>
- [5] European Commission. (2026). "Feedback on initiative 16232 – Communication on better regulation [Stakeholder feedback F33370888]". *European Commission Have Your Say*. [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/16232-Communication-on-better-regulation/F33370888\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/16232-Communication-on-better-regulation/F33370888_en)
- [6] Oberthür, S. et al. (2025). Reinforcing EU climate and democratic governance: Enhancing public participation and deliberation. GreenDeal-NET, Policy Paper, May 2025, available at: [www.greendealnet.eu/Paper-EU-climate-democratic-governance](http://www.greendealnet.eu/Paper-EU-climate-democratic-governance)
- [7] Schewe, L., Otto, S. & Oberthür, S. (2025, May 20). The EU's strategic dialogues — are they just 'participation washing'? *EUobserver*. <https://euobserver.com/63989/the-eus-strategic-dialogues-are-they-just-participation-washing/>
- [8] European Commission (2026). "Communication on better regulation", *European Commission Have Your Say*. [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/16232-Communication-on-better-regulation\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/16232-Communication-on-better-regulation_en)
- [9] UNECE (1998), Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention). Available online: [https://treaties.un.org/doc/Treaties/1998/06/19980625%2008-35%20AM/Ch\\_XXVII\\_13p.pdf](https://treaties.un.org/doc/Treaties/1998/06/19980625%2008-35%20AM/Ch_XXVII_13p.pdf)
- [10] Reed, M. S. (2008). Stakeholder participation for environmental management: A literature review. *Biological Conservation*, 141(10), 2417–2431. <https://doi.org/10.1016/j.biocon.2008.07.014>