

Corso di competenze trasversali  
Sustainable development and climate Awareness:  
Training EU citizens and companies - S.A.R.A.  
a.a. 2025/2026

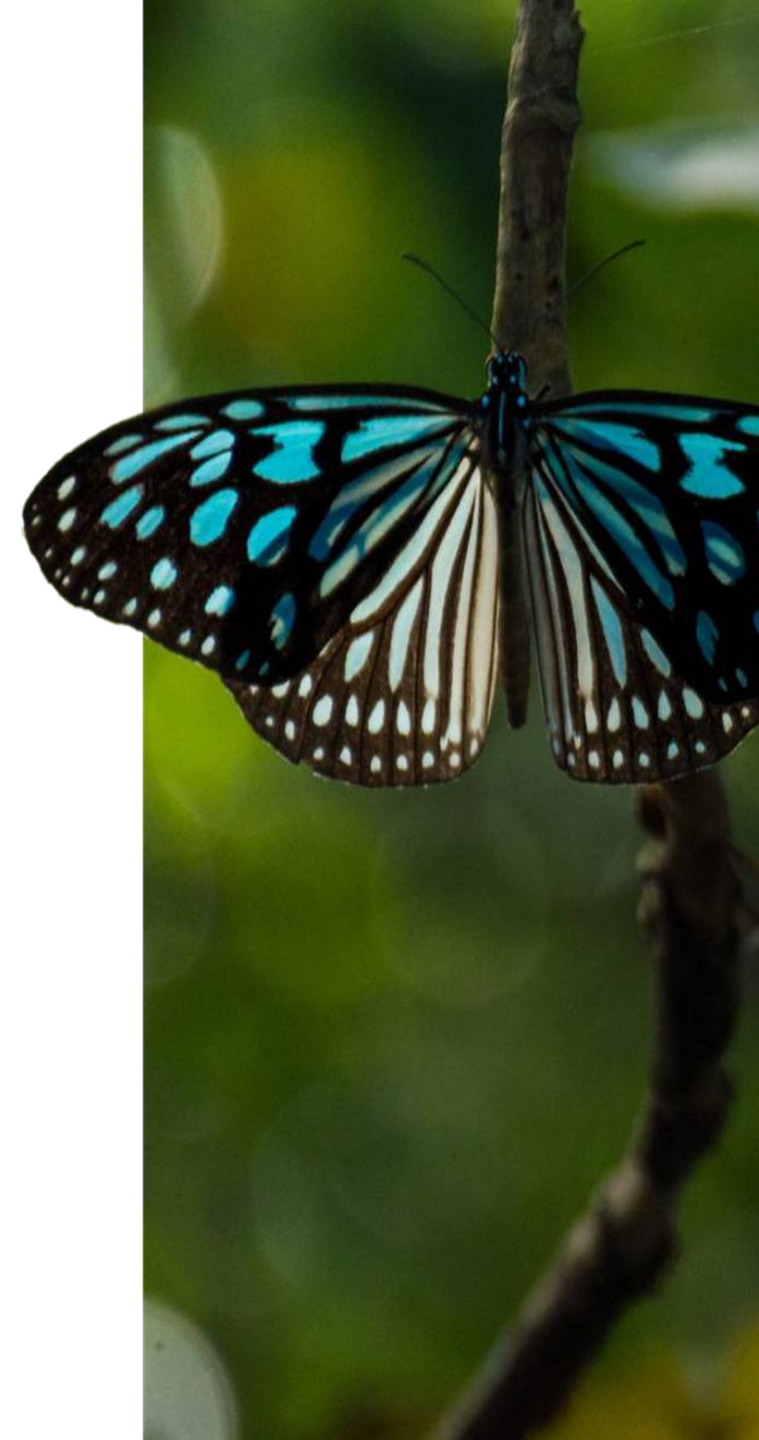


# EU REGULATORY SIMPLIFICATION: OMNIBUS I AND OMNIBUS VIII

Prof.ssa Celeste Pesce  
Università degli Studi di Bari  
5 marzo 2026



Funded by  
the European Union



# EU Omnibus era

From the perspective of the European Union, 2025 can be remembered as the year of *systematic regulatory simplification*.

Since February 2025, EU Commission has presented ten simplification proposals to the EU co-legislators.

**Procedural-wise**, simplification or deregulation takes place via *omnibus* legislative technique.

**Political-wise**, the main objective is simplifying EU legislation



**PECUCS**  
Participation of European Citizens  
in the Union's Climate Strategy



Funded by  
the European Union



UNIVERSITÀ  
DEGLI STUDI DI BARI  
ALDO MORO  
DIPARTIMENTO DI GIURISPRUDENZA

Corso di competenze trasversali  
Sustainable development and climate Awareness:  
Training EU citizens and companies - S.A.R.A.  
a.a. 2025/2026

# The *Omnibus* packages

NAME	AREA
<i>Omnibus I</i>	SUSTAINABILITY
<i>Omnibus II</i>	INVESTMENTS
<i>Omnibus III</i>	COMMON AGRICULTURAL POLICY
<i>Omnibus IV</i>	SMALL MID-CAPS AND DIGITALISATION
<i>Omnibus V</i>	DEFENCE READINESS

NAME	AREA
<i>Omnibus VI</i>	CHEMICALS
<i>Omnibus VII</i>	DIGITAL
<i>Omnibus VIII</i>	ENVIRONMENT
<i>Omnibus IX</i>	AUTOMOTIVE INDUSTRY
<i>Omnibus X</i>	FOOD AND FEED SAFETY

# Focus on sustainability and environmental measures

- Simplification measures in sustainability and environmental matters are designed in packages I and VIII to make European economy **more competitive and more prosperous**.
- □ *Omnibus I* (Presented in February 2025, approved in December 2025): a comprehensive package of legislative initiatives that opens to **regulatory simplification** and reduces several administrative burdens for businesses. It fits into the broader context of the *Competitiveness Compass*.
- □ *Omnibus VIII* (Presented in December 2025, yet to be approved): acceleration of environmental assessments for the granting of permits, simplification of industrial emission standards and obligations related to extended producer responsibility.



Funded by  
the European Union

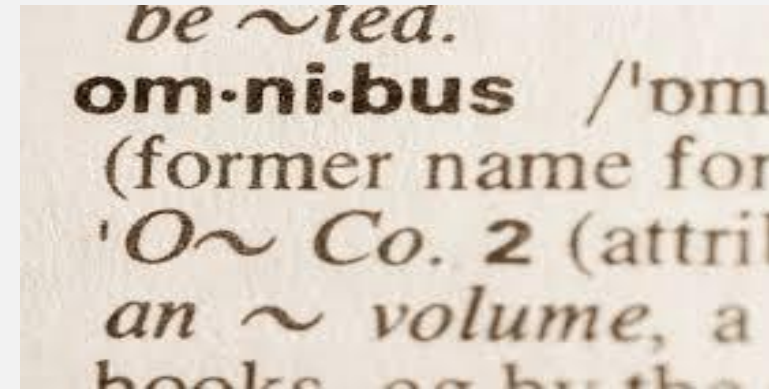


Corso di competenze trasversali  
Sustainable development and climate Awareness:  
Training EU citizens and companies - S.A.R.A.  
a.a. 2025/2026

# An analysis of the *omnibus* tool

From Latin, *Omnibus* means «**for all**», reflecting the instrument's capacity to modify several acts into a unified package.

In EU order, an *omnibus* regulation or directive is a single legislative instrument that simultaneously amends multiple legal acts in force across different policy domains.



The tool has been recalled by Union in its *Competitiveness Compass* to establish a framework for **systematic regulatory** simplification through *omnibus* legislation

→ *EU Simplification Agenda*: 2025 *Omnibus* packages are the first deliverables

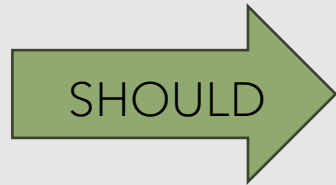
# An analysis of the *omnibus* tool



According to Regulatory Fitness



*Omnibus* instruments streamline EU legislation, remove complexity whilst preserving the purpose



*Address FORM, not SUBSTANCE*  
*Strengthen coherence without shrinking scope*

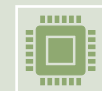
# The use of the *omnibus* tool



The Commission has **distorted** the *omnibus* method



It has resorted to it to change the **substance** and the **purposes** of the regulations concerned



It has bundled modifications across multiple policy domains into singular legislative packages, **altering** the procedural architecture through which regulatory change occurs

This method is a **critical point** in the light of EU **principles** governing environmental decision-making process



Funded by  
the European Union



Corso di competenze trasversali  
Sustainable development and climate Awareness:  
Training EU citizens and companies - S.A.R.A.  
a.a. 2025/2026

# The use of the *omnibus* tool

The reforms embrace environmental protection, corporate governance, workers' rights, financial transparency but they are adopted with a streamlined procedure in which impact and factual assessments, democratic confrontation or targeted consultation with affected stakeholders, empirical field studies are **completely lacking**.

The timeline of the reforms undertaken reflects political convenience rather than extremely necessity

# Compatibility with the principle of subsidiarity

The *omnibus* technique does **not** seem to run counter to the principle of subsidiarity: intervention has been well-linked to the achievement of a Union objective in a uniform manner on its territory.



The proposals use the principle not to allocate a function at one level rather than another, but to validate a mechanism aimed at ensuring a “coordinated” exercise of environment competences between national authorities and the EU institutions.



National parliaments are **unlikely** to express a negative opinion on compliance with the principle of subsidiarity nor, if approved, will they push governments to challenge measures for violating the principle under Article 263 TFEU.



**PECUCS**  
Participation of European Citizens  
in the Union's Climate Strategy



Funded by  
the European Union



**UNIVERSITÀ  
DEGLI STUDI DI BARI  
ALDO MORO**  
DIPARTIMENTO DI GIURISPRUDENZA

Corso di competenze trasversali  
Sustainable development and climate Awareness:  
Training EU citizens and companies - S.A.R.A.  
a.a. 2025/2026

The EU Court of Justice reminds that EU institutions exercise their wide discretion in a manner that provisions are appropriate to meet the aims pursued by the legislation at issue.

Some procedural requirements (e.g. impact assessments and public consultation) foreseen by EU Treaties, Commission's Better Regulation Toolbox, the inter-institutional Agreement on Better Law-Making aim not only to involve public in EU decision making process but also to allow EU institutions concerned to make well-informed decisions.

The recent EU Court's **proportionality** case law has turned comprehensive factual assessments into a procedural requirement, so that the absence of any impact/factual assessment, even if not mandatory procedural-wise, constitutes an infringement of Article 5 (4) TEU.

# The compatibility with the principle of proportionality



# The compatibility with the principle of proportionality

- The measures proposed, where adopted, may be appealed under Art. 263 TFEU by privileged subjects as they breach the principle of proportionality and essential procedural requirements.
- The **Parliament** could intervene by bringing an action for annulment for breach of the principle of proportionality, in defence of procedural and participatory guarantees completely disregarded by the Commission's proposals.

N. B. → Even before the EU Court of Justice intervenes, the co-legislators, particularly Parliament, may block the legislative procedures, aimed to adopt *omnibus* proposals, as Article 296 TFEU affirms that, when considering draft legislative acts, they shall refrain from adopting acts not provided for by the relevant legislative procedure in the area in question.

# Omnibus VIII sustainability vs competitiveness



It falls behind the ambitions expressed with the publication of the *Green Deal*, where the link between the environment and competitiveness was aimed at just and resilient growth.



EEA has criticized the package because regulatory efficiency risks causing a regression in environmental matters.

The principle of no regression aims to prevent a regression of current legislation, ensuring continuity and effectiveness at the level of environmental protection thus achieved.

The EU Court of Justice has so far neither affirmed its scope nor clarified its operation. Therefore, the principle cannot be invoked in relation to environmental simplification.

# Omnibus VIII sustainability vs competitiveness



Competitiveness lies at the core of the EU's internal and external market policy, even though the EU Treaties emphasize sustainable development.

Competitiveness functions as the key instrument the Union relies on in times of crisis to relaunch European integration and collective well-being, guiding green transition reforms and enabling broader action within the scope of its exclusive competences.

# Omnibus VIII sustainability vs competitiveness

- History-wise, the relationship has so far played an important role in the EU integration process.
- Principles-wise, Environment and competitiveness could still strike a good balance through EU principle of consistency, set out in Article 7 TFEU.

Union must ensure consistency between its policies and activities, taking all its objectives into account and in accordance with the principle of conferral of powers

- EU acts must aim to make the European market more sustainable and competitive.
- Then EU can combine its environmental objectives with the flexibility needed to sustain its competitiveness, consistent with the highly competitive social market economy model (Article 3(3) TEU)



Funded by  
the European Union



Corso di competenze trasversali  
Sustainable development and climate Awareness:  
Training EU citizens and companies - S.A.R.A.  
a.a. 2025/2026