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# SOFT LAW AND THE IMPLEMENTATION PROBLEMS OF THE BOLOGNA PROCESS

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*At European level the implementation of both the Bologna process and of the Lisbon Strategy have been promoting the development of policy implementation tools. In this paper, we discuss the tools of policy implementation and how they contribute to changing the European higher education systems towards the establishment of a European Higher Education Area (EHEA), a goal of the Bologna process. Empirical data is used to assess how far the use of soft law mechanisms has been effective for the implementation of the Bologna process at institutional level, including its coordination capacity.*

**Keywords:** Bologna process, European Higher Education Area, European policy of regulation/coordination

## 1. Introduction

In the Community method of governance of the EU that implies passing European legislation (Amaral & Veiga, 2012), the European Commission (EC) has the monopoly for initiating legislative procedures and plays a major role in taking member states to court for failing to implement decisions. The Council of Ministers decides in most cases by qualified majority voting, the European Parliament plays an active role and the European Court of Justice (ECJ) ensures the uniform interpretation of Community Law (Wallace, 2000). In the Community method, there is delegation of power from the nation states to the EC, which may result in what is known as «agency loss» in the literature on delegation (Schäfer, 2004).

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Schäfer recognises that «the Community Method delegates considerable power to the Commission and the ECJ and offers ample opportunity to act independently of their principals» (*ibidem*: 3). Consequently, being difficult for the principal to control the activities of the agent (Pollack, 1997), over the years the EC, with the support of the European Court of Justice, has been able to increase considerably its competencies and area of influence.

In the early 1990s, national governments decided to oppose further expansion of the European Commission competencies that was apparently opening the way to what seemed to be an unlimited erosion of the sovereignty of the nation state (Dehousse, 2002: 2). This reaction brought about the revival of the subsidiarity principle in the 1992 Maastricht Treaty with the famous «double negative» formulation of the principle in article 3b of the Treaty:

In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community. (European Union, 1992: 6)

When the Lisbon strategy was adopted (European Council, 2000), it was recognised that policies in areas protected by the subsidiarity principle needed to be coordinated at European level although the Community method could no longer be used because member states were not willing to delegate further powers to the EC. As policy-making tool, the Portuguese government proposed to retrieve the procedures already implemented and applied with the Employment Strategy – European guidelines, national action plans, peer review and naming and shaming – that were presented as a quasi-novelty under the name of «open method of coordination» (OCM). This tool involves:

- fixing guidelines for the Union combined with specific timetables for achieving the goals which they set in the short, medium and long terms;
- establishing, where appropriate, quantitative and qualitative indicators and benchmarks against the best in the world and tailored to the needs of different Member States and sectors as a means of comparing best practice;
- translating these European guidelines into national and regional policies by setting specific targets and adopting measures, taking into account national and regional differences;
- periodic monitoring, evaluation and peer review organized as mutual learning processes. (European Council, 2000: §37)

OMC avoids transferring power to the EC, thus avoiding agency loss. As member states remain in control of politics, they are not confronted with the principal-agent problem (Schäfer, 2004) while the nonbinding character of soft law protects them from undesirable

consequences. And when deciding to implement unsavoury policies, they can always use Brussels as a scapegoat.

These EU policy-making dynamics impact the implementation of education policies at various levels of analysis. The next section reviews soft law instruments and coordination problems. The section that follows analyses the impact of EU policy implementation at institutional level in the case of the Bologna process. The paper concludes with a discussion of preliminary research findings on the implementation of the Bologna process in seven HEIs located in four higher education systems – Germany, Italy, Norway, and Portugal.

## 2. Education policies at national level: soft law and coordination problems

We have seen that the EU is increasingly using «soft law» instruments in matters of national political sensitivity, allowing member states to avoid additional delegation of power to the EU. Although the OMC has allowed the European Union to have some influence on areas that have been considered the preserve of member states (Dehousse, 2002: 6), the EU pays the price of being too weak to guarantee efficient policy coordination (*ibidem*: 15). In an area of national political sensitivity, the EU does not have the power to pass European legislation required for policy implementation, which depends on legislation produced by each member state, in line with the national context.

The OMC is used in areas of national political sensitivity where, unlike the case of economic policy, convergence is not imperative (*ibidem*: 10). Some authors argue that «the central aim of coordination is to encourage national reforms, convergence being seen as a side-effect rather than as an end in itself» (Biagi, 2000: 159), or «most coordination processes are aimed at initiating or facilitating reforms to be conducted *at the national level*» (Dehousse, 2002: 10). And Hemerijck considers that «the objective is not to achieve common policies, but rather to share policy experiences and practices» (2002: 40). Therefore, it may well happen that, «as harmonisation is not the goal and legislation is not the method, the effectiveness of open coordination could be frustrated» (Idema, 2004: 192).

The OMC aims at allowing each state to take steps to protect «national differences while accepting commonly agreed guidelines and taking inspiration from “best practices” abroad» (Hemerijck, 2002: 40). OMC leaves policy implementation completely in the hands of national governments while the Commission is charged with assessing the policies and progress of the member states (European Commission, 2005). OMC complies with the principle of subsidiarity, respecting national contexts. It pleases politicians as it offers them the possibility to «shift blame for unpopular decisions to the EU» (Mosher, 2000: 7) or «as a source of legitimation and

blame-sharing in order to advance their own domestic agenda» (Zeitlin, 2005a: 451) and «focuses on processes instead of outcomes (thereby leaving future possible negative outcomes to future governments)» (Kröger, 2004: 6).

The fact that no formal sanctions are foreseen (Radaelli, 2003; Trubek & Trubek, 2005), as well as the use of what is in general a broader rather than detailed definition of objectives, leaves ample room for interpretation and implementation in the member states (Kröger, 2004). Musselin argues that this allows member states to use «more offensive forms of re-nationalisation, by which governmental actors re-nationalise the process, not so much by taking control over the European measures but by using them to tackle domestic objectives or problems» (2009: 185).

The OMC's difficulties in ensuring effective coordination are also the result of the low degree of accuracy of «naming and shaming» mechanisms that are based on analysis of national action plans and national reports, both of them produced by national governments. As argued by Zeitlin (2005b: 17), governments use OMC as «an exercise in symbolic politics where national governments repackage existing policies to demonstrate their apparent compliance with EU objectives».

However, despite its apparent weakness, the OMC is capable of producing results and promote changes. «Open coordination can contribute to a disciplined policy cycle because it creates an external expectation of periodic target setting and evaluation in the form of action plans» (Idema, 2004: 188), while «a more subtle or creeping way of stimulation can result from common language-use through the European interactions» (*ibidem*: 190). Zeitlin argues there is enough evidence, at least in some areas, to illustrate substantive political change that contributed not only to «broad shifts in national policy thinking», but also «to specific changes in individual Member States' policies» (Zeitlin, 2005b: 20).

In principle, the OMC was supposed to stimulate the bottom-up input of stakeholders through civil society, stimulating domestic learning and reinforcing its democratic legitimacy by fostering the participation of local actors, regional governments, social actors, and parliaments (Idema, 2004). Unfortunately, the OMC has not so far produced results in this area, as neither parliaments nor civil society are involved in the discussion and evaluation of National Action Plans (NAPs), and only a very limited number of local and national policy makers are involved in peer reviews (*ibidem*).

It is interesting to compare the OECD policy implementation methods with those of the EU open method of coordination. Hemerijck and Visser (2003) compared the OECD's Job Study and the European Union's Employment Strategy (EES), both aiming at improving the poor employment performance of member states in the late 1990s. They found that they embody quite different mimicking strategies, conditions and procedures, with varying consequences for domestic learning and reform (2003: 29). The OECD hires country specialists to

prepare and examine their own data on policies, outputs, and outcomes, and the report can be finished almost entirely «without the co-operation of member states, though publication is occasionally preceded by tough negotiations with national officials» (*ibidem*: 38-39). The EES relies on cooperation from member states, even for data collection (the National Action Plans) and the organisation of peer review (*ibidem*). Therefore, the OECD reports may induce «the perception that undertaking reform involves conflict with policy objectives concerning equity and social cohesion» (Elmeskov, 1998). «[The EES] is therefore more contextualised by domestic concerns. While the OECD's learning from others tells how it should be, learning with others in the EES tells what is feasible» (Hemerijck & Visser, 2003: 39).

We will now examine the implementation of the Bologna process for understanding how national higher education policies relate to EU level policies. A number of authors (Musselin, 2009; Gornitzka, 2007; Krücken, 2005; Witte, 2006) recognise that the implementation of Bologna entails what Musselin designates re-nationalisation processes, as national authorities use Bologna to achieve other objectives. And Musselin adds:

Similar to many other European, international or global processes, the Bologna reform is confronted with specific institutional contexts in the country where it is implemented. There is therefore no automatic and similar declination of this reform in each country: when the same measures are «applied» on different national settings, the latter incorporate the European measures and transform them into a specific national mixture (...)

The local adaptations, national translations and side effects attached to each domestic implementation weaken the convergence potential of Bologna. (2009: 186, 198)

A recent progress report entitled *The Bologna Process Independent Assessment* (European Commission, 2010) was presented at the 2010 Bologna Ministerial Anniversary Conference, held at Budapest and Vienna. This report concludes that in general all countries have passed legislation to introduce and regulate elements of the Bologna process and most «architectural» elements of the European Higher Education Area (EHEA) have been implemented (European Commission, 2010). However, not only have countries implemented Bologna at considerably different speeds – some have shown considerable progress across all the action lines while others have still to start on some of them –, they also used different interpretations of Bologna to answer different national contexts.

There are explanations for the lack of convergence of the OMC type processes. Not only sanctions are not foreseen for laggards, but also the «naming and shaming» instruments are rather crude as they are based on national action plans and national reports prepared by the relevant ministries. And ministries will obviously try to avoid presenting too negative accounts of their own activity. It has been argued that open coordination «allows for window dressing: the process by which open coordination remains an administrative formality of dressing-up existing policy» (Idema, 2004: 192).

In the case of the Bologna process, «naming and shaming» is based on the stocktaking reports. The successive biannual scorecards present an increasingly green picture (very good and excellent performances), reminding us of an Irish landscape, with lots of green almost everywhere, only a few scattered reds (little progress) to be seen. Colours are based on national reports that in many cases are more of a marketing exercise than a critical analysis of progress (see Veiga & Amaral, 2009 for a more detailed analysis). Indeed, many national reports carefully avoid presenting a critical picture of national implementation progress thus making difficult any eventual shaming, a task made even more difficult by the frequent use of «weasel words» (Amaral & Neave, 2009) and the «general texts of presidency conclusions and rather open targets» (Idema & Kelemen, 2009: 113).

The 2005 stocktaking report (Bologna Follow-up Group, 2005) concluded that very good progress had been made on achieving the targets in the three priority action lines set by the Conference of Ministers in the Berlin Communiqué (2003): quality assurance, degree system, and recognition. However, the report also identified a number of important gaps in those areas. In 2005, 43 countries participated in the first stocktaking exercise, 28 of which were given «green or light green» and no one was given the red colour for the item «Quality assurance»; there were 31 «green or light green» countries and only two red ones for the item «The two cycle degree system», 34 «green or light green» countries and no red one for the item «Recognition of degrees and periods of study».

The 2007 report (Bologna Follow-up Group, 2007) presented an even greener picture. The main conclusions were that there had been good progress in the Bologna process since Bergen, the outlook for achieving the goals of Bologna by 2010 was good, although there were still some challenges to be faced. The report concluded that stocktaking worked well as an integral part of the Bologna process strategy. Out of the total 48 countries participating in the exercise, there were 34 «green and light green» countries and no red one on the item «Stage of implementation of the first and second cycle», 42 «green and light green countries» and only three red ones on the item «Access to the next cycle» and 13 «green and light green countries» and only one red on the item «Implementation of national qualification frameworks».

The 2007 Trends report (EUA, 2007) used for the first time both quantitative and qualitative research with substantial effort being dedicated to the local level where implementation was now taking place. The report was substantially more critical than previous reports in the series and raised several implementation problems. Its conclusions were far more critical than the very green picture presented by the scorecard seemed to indicate. This raised questions about the adequacy of the indicators being used. It was therefore without surprise that the 2009 scorecards (Bologna Follow-up Group, 2009) suddenly lost some of its green colour, with a lot more of red to be seen. The report explained this was the result of using more demanding indicators:

Whereas in 2005 it was sufficient to show that work had been started, and for the 2007 stocktaking it was often enough that some work towards achieving the goals could be demonstrated or that legislation was in place, in 2009 the criteria for the indicators were substantially more demanding.

(...) The overall picture for the whole EHEA is not as «green» in 2009 as it was in the two previous stocktaking reports in 2005 and 2007. (Bologna Follow-up Group, 2009: 6)

The 2009 report (*ibidem*) included again 48 countries. There were 41 «green and light green» countries and one red on the item «Stage of implementation of the first and second cycle»; 44 «green and light green countries» and no red ones on the item «Access to the next cycle», and 12 «green and light green countries» and nine red ones on the item «Implementation of national qualification frameworks». However, while announcing that there had been further progress in the Bologna process since London, the report also acknowledged that not all the goals of the Bologna process would be achieved by 2010.

It is also interesting to compare the results of the Bologna stocktaking exercise that classifies the performance of countries by awarding colours with those of the Lisbon scorecard that classifies countries as «heroes» and «villains». Just to give an example, in the 2009 Lisbon stocktaking report, Portugal was awarded green or light green on every item, which means that apparently the country was doing very well in the implementation of higher education policies. However, the Lisbon scorecards branded Portugal as villain in the items «Bringing people into the workforce» (rigid labour markets and underperforming education systems) and «Upgrading skills» (fewer than 20% of young people graduate with an university degree). This demonstrates that there is also some inconsistency in the use of indicators for the same area (education) in different contexts.

All this sheds some light on the Bologna implementation strategy. On the one hand, the objectives of Bologna have increased in quantity and refinement, and some even argued this was aimed at keeping the impression of progress, of successful implementation (like riding a bicycle, if you stop, you fall). On the other hand, the Bologna process lived off the notion of successful progress towards its final objectives, without reflection on inconsistencies or unintended effects its progress might produce. Reports were in general uncritical, presenting results in a triumphal mode, while implementation difficulties at local level were ignored as they might distract from the ultimate objective of shaping the EHEA, whatever this shape might be. However, as stocktaking proved incapable of producing efficient implementation and when other instruments questioned its optimistic conclusions, its indicators were made progressively more demanding, trying to eliminate inconsistencies between policy goals and practices at national and institutional levels.

Therefore, it remains to be seen if the coordination difficulties of soft law policies can deal with the apparent large diversity of national implementation policies to create a coherent

policy framework in the long term and the convergence of the Bologna process. For Musselin, this will not be possible «unless the same aspects are addressed in the same way in each country, but there is poor evidence of that» (2009: 198).

### **3. Soft law and embedding at institutional level**

The implementation of Bologna offers a fascinating opportunity to examine multi-level governance processes as its final implementation depends on the workings of autonomous institutions, the universities. And «domestic institutions play a key role in absorbing, rejecting, or domesticating Europe» (Bulmer & Radaelli, 2004: 9). This raises the question of determining how far soft law processes can be embedded or mainstreamed within domestic institutional contexts (Armstrong, 2003 as cited in Idema, 2004: 181). And Neave argues «the test of “embeddedness” does not lie at the systems level, rather at the institutional level» (Neave, 2004).

Our analysis of the institutional level is based on data collected using a questionnaire handed out in 2008 to academic staff, students and administrative and management staff from seven comprehensive European universities (Veiga, 2010). The seven higher education institutions that accepted to participate in the survey are located in Germany, Italy, Norway, and Portugal. The contribution of each university was 30 academics and 60 students, per scientific area, and 20 administrative and management staff. These numbers give a well-balanced representation of the constituencies of universities in the selected scientific areas: law, history, medicine, and physics.

Respondents were asked to rate each statement according to a four-point rating ordinal scale to force an option (from «disagree» to «agree», from «no change» to «large change», from «no impact» to «major impact», from «not implemented» to «fully implemented», and from «no activity» to «high activity», depending on the specific question). Respondents could also declare «no opinion» if issues were recognizable but they had no opinion, and could state «do not know» if issues were totally unfamiliar.

The questionnaire included three distinct parts:

- a) the Bologna process as a policy process
- b) the views on the implementation of the Bologna process in the university
- c) the views on changes in the teaching/learning and research processes.



TABLE 1  
**Breakdown of the answers**

	Sample	Number of responses	Response rate
<b>By institution</b>	<b>2695</b>	<b>947</b>	<b>&gt;35%</b>
A-PT	385	304	±79%
B-PT	385	267	>69%
C-IT	385	113	>29%
D-IT	385	82	>21%
E-GE	385	63	>16%
F-NO	385	88	±23%
G-NO	385	30	±8%
<b>By disciplinary field</b>	<b>2520</b>	<b>872</b>	<b>&gt;34%</b>
Law	630	231	±37%
Physics	630	226	±36%
History	630	212	±34%
Medicine	630	203	±32%
<b>By the three Estates</b>	<b>2695</b>	<b>947</b>	<b>&gt;35%</b>
Academic staff	840	321	>38%
Student	1680	551	±33%
Admin. & manag. staff <sup>1</sup>	175	75	±43%
<b>PT: Portugal; IT: Italy; GE: Germany; NO: Norway</b>			

In total, 947 respondents replied to the questionnaire, which corresponds to a response rate of 35%.

The aim of the questionnaire's first section was to perceive how the constituencies of universities were aware of Bologna as a policy process. They were asked questions about dimensions related to Bologna's drivers, objectives, focuses, and changes, taking the perspective of each national higher education system. The second part of the questionnaire aimed at understanding how the different constituencies assessed the implementation of Bologna in their own university. The third and last part of the questionnaire focused on changes in the teaching, learning, and research processes as perceived by the academic staff. The aim of this section was to understand how academics assessed changes in teaching and learning processes resul-

<sup>1</sup> Administrative and management staff included staff in Academic affairs units, Quality units, International offices, Informatics and information systems units placed in central administration and at middle management level (e.g., faculty/school or departmental level).

ting from the implementation of Bologna. In this paper we present the research findings related to aspects that are important for the governance of the Bologna process.

Academics are centrally positioned in higher education institutions and they read changes and adapt to sustain their positions (Becher & Trowler, 2001: 164), which emphasises the process of local interpretation that conditions change. In this process, academics try to ensure they will not lose privileges or their professional prerogatives (Martin, 1999). Therefore, academics are not passive, rather they can be actively involved in using coping strategies, even voicing discontent with the status quo, or leading policy reconstruction aimed at reinterpreting and reforming policies interfering with their institutional life (Trowler, 1998). Henkel (2000) refers to collective resistance in the form of deliberate distortion of policy requirements (e.g., into compliant paper-chasing) or even of «wilful misunderstanding», while Kogan (1999) speaks of the opportunities created by «constructive ambiguity».

Students as clients or consumers are placed in a peripheral, volatile, and ephemeral position regarding higher education. In the Portuguese context, studies about the involvement of students in evaluation processes (Cardoso, 2009) indicate they were not involved in decision-making and evaluation processes because, among other reasons, the academic staff and the administrative and management staff were seen as more representative of academic authority and management, respectively. Consequently, students are not very motivated to get involved in processes and institutional dynamics within higher education institutions (*ibidem*). This position contrasts with the role of (some) students acting as consultative members of the Bologna process in representation of the European Students' Union (ESU). However this role does not provide evidence, it creates a stimulus to their active participation in university structures. Students do not sustain convincingly their intellectual interests and it is difficult to grasp their perception about the university (Clark, 1983). Then, students are often (in)voluntary excluded from institutional dynamics.

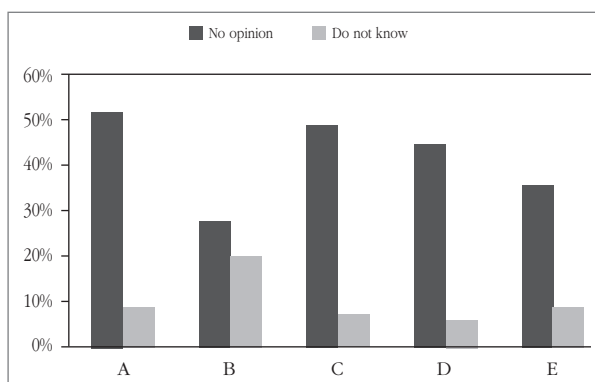
The administrative and management staff originally tended to be in the periphery of higher education institutions, but, as they created and spread routines and procedures related to their professional activity, they moved to the centre (*ibidem*). With the rise of New Public Management, the administrative staff see themselves as essential professional contributors to the successful functioning of the contemporary university and consider that the present complexity of their job is no longer compatible with the amateur approach of «a senior professor of patriarchal structure (...) with the role assumed by people who were good at that sort of thing and also had established academic reputations» (interviewee quoted in Henkel, 2000: 236).

The first part of the questionnaire enquired respondents about the implementation process at system level. The very high percentage of «no opinion» and «do not know» answers about perceptions on Bologna as a policy process (motivations, goals, targets, focuses, and changes) is probably the most disturbing result as it shows a very low level of awareness about the

Bologna process. Questions about rationales (*political rationales*), strategic objectives (e.g., *establishment of EHEA*), targets (*administrative reform*), focus of the reforms (*removal of barriers to facilitate the mobility of citizens*), and policies (*mobility of European students and staff*) collected a very high percentage of suspended opinion (see Figure 1). As these subdimensions are at the core of the Bologna process, the results show a very low level of embedding of the political process by the *«pays réel»*, to use Neave's terminology (Neave, 2004).

FIGURE 1

**Bologna motivations, goals, targets, focuses and changes**



- A – Motivations of the Bologna process – In your HE system the implementation of Bologna is strongly motivated by political considerations
- B – Strategic goals of the Bologna reforms – In your HE system recent reforms are being implemented to establish the EHEA
- C – The targets of Bologna reforms – In your HE system the implementation of Bologna is an administrative reform (degree structure, ECTS, etc.)
- D – The focus of Bologna reforms – In your HE system the implementation of Bologna is focused on removal of barriers to facilitate mobility
- E – Changes resulting from the implementation of Bologna – In your HE system the implementation of Bologna has changed the mobility of European students and staff

Furthermore, the low awareness about Bologna as a policy process may be understood by factors affecting the implementation process as identified in the literature (Cerych & Sabatier, 1986). The analysis of rationales and strategic objectives as perceived by the *pays réel* demonstrates lack of consistency and clarity, which does not facilitate policy implementation. This undermines the degree of institutional commitment to the various objectives linked to the EHEA, such as increasing mobility, employability, competitiveness, and attractiveness.

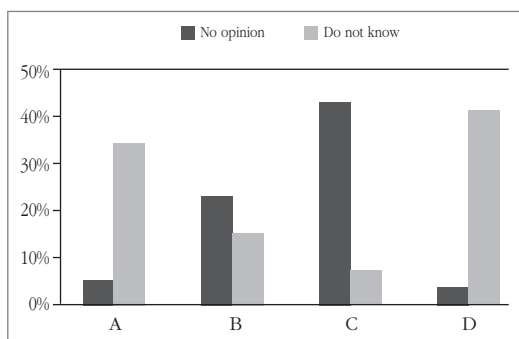
The objectives of Bologna, as in most policies, are multiple, conflicting, and vague (*ibidem*) and they have been progressively changed as successive ministerial conferences added more and more additional objectives to give an impression of dynamism. A good example of shifting goals leading to lack of clarity of political purposes is the analysis of mobility that lies at the very heart of the Bologna process and was reflected in the vagueness of answers to questions related to

changes in mobility as result of implementing the Bologna process. This may be the result of a shift of the fundamental nature of mobility activities within the EHEA. The traditional concept of mobility as established by European programmes such as Erasmus and Socrates, which have promoted the mobility of European students for a period of studies, is being replaced with the notion of the attractiveness of higher education systems for students from other continents and regions. The new objectives are related to competitiveness and attractiveness of the EHEA where *economic* rationales, the *development of competitive European HE market*, and *internationalisation* are interlinked. It is also interesting to note that the rated answers provided a wide range of contradictory views between groups of respondents. Few elements were consensual, suggesting dispute of arguments and different perceptions about external pressures.

The second part of the questionnaire aimed at understanding how the university constituencies assessed the implementation of Bologna in their own university. The first section (Figure 2) analysed the impacts of European and national initiatives, the European dimension, and changes in the university.

FIGURE 2

**Impact of European and national initiatives, European dimension, and changes in the individual university**



- A – Impact of European initiatives – What is the influence of Trends reports by the European University Association on the implementation of Bologna?
- B – Impact of national initiatives – What is the impact of the legal framework on the implementation of Bologna?
- C – The European dimension of the Bologna process – Does the convergence of the degree structure reflect the European dimension in your university?
- D – Changes in the university resulting from the implementation of Bologna – Did the implementation of Bologna change the benchmarking activities in your university?

The percentages of «no opinion» and «do not know» continued to be rather high, but not so high as for the first part of the questionnaire (Figure 1). This might be explained by implications that the implementation of the policy decisions have for the grassroots of higher education institutions, i.e., they are more aware of the implementation problems at their own institution than at system level. However, the level of «no opinion» and «do not know» in some

areas was still disturbing. This was the case about the perceived impact of *international reports, the legal framework, the convergence of the degree structure with other European degree structures, and benchmarking activities.*

The second section analysed the awareness about the degree of implementation of different dimensions of the Bologna process (degree structure, pedagogic reform, diploma supplement, credit system, and quality assurance mechanisms). Some results reveal substantial contradictions in the answers given by respondents. For example, 56% of the respondents perceived the level of implementation of pedagogic reform as fully implemented or moderately implemented. However, this percentage was only 30% for the implementation of the Diploma Supplement and 35% for the implementation of the ECTS. This is mainly the result of the contribution of the answers from the academic staff that did not give much relevance to the Diploma Supplement and the credit system.

The survey also enquired about the level of fulfilment of the objectives set for the degree structure, the Diploma Supplement and the credit system, and the objectives of internal mechanisms for quality assurance and its degree of implementation (Table 2).

TABLE 2  
**Awareness of the implementation and impact of some dimensions of the Bologna process**

Dimension	Expression of a rated opinion	Opinion suspended
Awareness of the implementation of Bologna	Pedagogic reform (38% fully implemented)	Credit system (43% No opinion)
Impact of the Bologna degree structure	Increase mobility of students (38% major impact)	Increase mobility of students (18% No opinion)
Impact of the Diploma Supplement	Increase mobility of students and graduates (26% major impact)	Enhanced the attractiveness of European higher education systems to foreigners (32% Do not know)
Impact of the credit system	Improvement of the comparability of European higher education systems (35% major impact)	Improvement of the comparability of European higher education systems (18% No opinion)
Quality assurance	To progress on accreditation (27% agree)	To enhance European dimension (26% No opinion)
Internal quality systems	Assessment of teaching quality (33% fully implemented)	Assessment of research quality (23% Do not know)

The perceived impacts of the Bologna degree structure on *mobility* and of the credit system on *comparability* address two objectives of the EHEA, mobility and comparability; however, research findings also reveals incongruities. The rise of student mobility noted as a major impact of both the implementation of the degree structure and the Diploma Supplement also received the highest level of opinion suspended. The views about the full implementation of the pedagogic reform clash with the lack of awareness about the implementation of the credit system. The impact of the credit system on comparability is viewed with scepticism.

Awareness about transformation, changes, and impacts addresses the impact of *European programmes*, the changes in *internationalisation* and *quality* policy areas and in *recognition procedures of European and foreign degrees*, the setting up of *support structures* aiming to *improve information/communication systems*, the recognition of large changes in *pedagogies*, the major impact of *competencies definition* and *learning objectives* in the Bologna degree structure.

Interesting results were the perception of negative impacts related to increased *control by central administration* and the lowering of the *level of job satisfaction* resulting among other aspects from increased bureaucracy and less time available for research.

The analysis of the level of awareness about the implementation of Bologna identified at least two issues lost in translation in the trajectory of policy implementation – increasing employability and relevance of lifelong learning. Answers on the perceived impacts of the *Bologna degree structure* placed employability after everything else. The *differentiation of profile of qualifications* was not perceived with great interest and the *development of students' professional competencies* obtained the highest share of partially disagreeing answers. And although respondents recognized changes in *lifelong learning* resulting from the implementation of Bologna, its connection with the *credit system* was not established clearly.

The last part of the questionnaire was reserved to the academic staff and enquired about changes in the teaching, learning, and research processes as perceived by them. It is interesting to notice that the percentage of «no opinion» and «do not know» answers decreased substantially when compared with the initial parts of the questionnaire. However, the perceived relevance of both the Diploma Supplement and the credit system by academics remains surprising. The worth of Diploma Supplement to improve the information given to stakeholders lacks awareness since 38% of academics «do not know» about that potential. The perceived relevance of the credit system was also unexpected as the component that gathered higher agreement (*fostering the adoption of the ECTS grading system*) also received more «no opinion».

## 4. Conclusions

We can present some conclusions. The first conclusion is that the implementation of higher education policies using soft law is successful in promoting change, but has difficulties in effective coordination. The absence of sanctions and the lack of clarity and consistency of policies, together with re-nationalisation processes, contribute to convergence difficulties.

The second conclusion is that the «naming and shaming» mechanisms of Bologna were designed to spread the gospel by giving a permanent impression of successful advance towards the intended objectives, which has not made them suitable for putting effective pressure over the national governments to ensure a reasonable level of convergence. And, even if there was a real intention of using effective shaming mechanisms, it is debatable how far this effectiveness could be achieved (Idema & Kelemen, 2006).

The third conclusion is that there is still a low level of embeddedness of the Bologna process at institutional level, as demonstrated by the high level of «no opinion» and «do not know» answers given by respondents to questions that are at the core of the Bologna process. The level of suspended opinion increased when questions addressed levels more removed from the daily life of institutions, such as those related to the European level or the system, and decreased when they entered the realm of the core activities of universities.

The dimensions covered in the survey also elicited a wide range of contradictory views between groups of respondents. Few elements were consensual (e.g., cultural rationales, reduction of public expenditure, governance reform, perceived impact of Bologna degree structure, etc.) suggesting dispute of arguments and different perceptions about external pressures depending on the university, the Estate and the discipline.

At last, our findings confirm the marginal role of students, who in general were responsible for the highest percentage of suspended opinion. They were the least involved in the implementation process, which might be explained by the criteria used to select the students that did not privilege the choice of unionised students.

Recent developments around the future of the Bologna process are also interesting. Apparently there is no intention to assess the real degree of embeddedness of the Bologna process by researching how far its objectives were fulfilled before deciding to move on. Questions such as «Are most students entering the labour market after completing the first cycle?», «Is the second cycle becoming an instrument of lifelong learning instead of a component of the initial training?», «Do employers see the first cycle as granting employability?», «Did Bologna increase student and graduate mobility?», and «Is the European higher education area efficient in attracting students from outside Europe?» have remained largely unanswered, except for a number of «soft» reports paid by the Commission. The only independent report

was made by the European Students Union (ESU, 2009), which concludes there is a «distinctly “d  j   vu” feeling that strongly reflects a lack of progress with many aspects of the Process» while implementation remained «an “   la carte” menu that member countries were using to hand-pick the reforms and action lines they wanted to work on, and turning a blind eye to the rest» (*ibidem*: 7), thus confirming the coordination difficulties of the OMC.

The *Draft motion for a European Parliament Resolution on the role of the European institutions to the consolidation and progress of the Bologna process* (European Parliament, 2011) is supported on a report (appended in the same Draft motion as *Explanatory Statement*) written by Enrico Berlinguer, the Italian Minister of Education who signed the Sorbonne declaration and organised the Bologna meeting. Berlinguer’s report recognises there are still a number of implementation problems and bottlenecks that were not unravelled until the 2010 deadline. What is interesting is the fact that the draft motion

points out that the Bologna Process 2012 Biannual Ministerial Meeting in Bucharest must take into account that the creation of EHEA has determined the conditions for *a joint competence of the EU and the Member States on the issue of higher education*. (European Parliament, 2011, emphasis added)

Thus the possible consequence of the political recognition of the frailties of the OMC to ensure coordination is apparently leading to further creeping competence of the Commission, an opportunity this agent will not ignore.

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