Both the implementation of the Bologna process and of the Lisbon strategy share the common use of soft law tools rather than the traditional methodology of European legislation. This methodology leaves implementation to the member states fully respecting the principle of subsidiarity. For politicians, it has the advantage of allowing some governments to shift the blame of unpopular domestic agendas to the OMC processes or the EU.

As these soft law procedures lack the enforcing power of hard law it remains to be seen how far they can produce results when compared to other (less or more) formalised forms of coordination in complex, multi-level, and functionally interdependent governance systems. Zeitlin states that some authors are strongly critical of the OMC’s “alleged lack of substantive impact on the Member States. And Hemerijck recognises some convergence of employment and social policy objectives, which might be the result of common concerns over social polarisation. In the case of Bologna, there has been considerable change in all the higher education systems of the signatory countries, although it is difficult to discern the direction of change and its implications for achieving the EHEA.

It is possible that although soft law mechanisms are not efficient for strict coordination, they are quite capable of inducing change with eventual convergence being a by-product rather than an end in itself. Indeed, the intended convergence is not of institutions and concrete solutions but of objectives and performances (Netherlands Council for Social Development 2004). Therefore, it is not surprising that the draft executive summary of the Trends V Report refers to a large number of implementation problems and inconsistencies at local level.

In the case of Bologna, apparently, the benchmarks used do not provide a clear picture of reality and the stocktaking exercise does not measure real progress, either because benchmarks are not well chosen or because ministers tend to present optimistic views of national achievements. The second problem is that stocktaking is mainly based on implementation at national level that overvalues the passing of legislation, apparently assuming a naive faith in the linearity of policy implementation.

The implementation of the Bologna process lives off the notion of successful progress towards its final objectives, without reflection on inconsistencies or unintended effects its progress might produce. Reports are in general uncritical, presenting results in a triumphal mode, while implementation difficulties at local level are ignored as they might distract from the ultimate objective of shaping the EHEA, whatever this shape might be. However, the final configuration of EHEA depends on the aggregate results of the reforms of national higher education systems and not so much on the communication flow the policy implementation tools provide. Therefore, it remains to be seen if the coordination difficulties of soft law policies can deal with the present wave of transformation flooding European higher education to create, in the long term, a coherent policy framework.