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REPORT

on institutional and legal implications of the use of 'soft law' instruments
(2007/2028(INI))

Committee on Legal Affairs

Rapporteur: Manuel Medina Ortega

Draftsman(*): Philip Dimitrov, Committee on Constitutional Affairs

(*) Enhanced cooperation between committees – Rule 47 of the Rules of Procedure

PR_INI

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(*) Enhanced cooperation between committees - Rule 47 of the Rules of Procedure

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on institutional and legal implications of the use of 'soft law' instruments (2007/2028(INI))

The European Parliament,

– having regard to the EC Treaty, and in particular Articles 211, 230 and 249 thereof,

– having regard to Rule 45 of its Rules of Procedure,

– having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on Constitutional Affairs, the Committee on the Internal Market and Consumer Protection and the Committee on Culture and Education (A6-0259/2007),

A. whereas the notion of soft law, based on common practice, is ambiguous and pernicious and should not be used in any documents of the Community institutions,

B. whereas the distinction between *dura lex*/*mollis lex*, being conceptually aberrant, should not be accepted or recognised,

C. whereas so-called soft law instruments, such as recommendations, green and white papers or Council conclusions, do not have any legal value or binding force,

D. whereas 'soft law' does not provide full judicial protection,

E. whereas extensive recourse to 'soft law' instruments would signify a shift from the unique Community model to that of a traditional international organisation,

F. whereas there is currently a dispute as to how to make the regulatory function of the European Union more efficient with regard to both 'soft law' and 'hard law',

G. whereas in *Van Gend en Loos* the Court of Justice of the European Communities held that the Treaty "is more than an agreement which merely creates mutual obligations between the Contracting States. ... [T]he Community constitutes a new legal order of international law for the benefit of which the States have limited their sovereign rights, albeit within limited fields, and the subjects of which comprise not only Member States but also their nationals. ... Community law therefore not only imposes obligations on individuals but is also intended to confer upon them rights which become part of their legal heritage. These rights arise not only where they are expressly granted by the Treaty, but also by reason of obligations which the Treaty imposes in a clearly defined way upon individuals as well as upon the Member States and upon the institutions of the Community"[1],

H. whereas, consequently, Community law may be distinguished from public international law by reason of the fact that it is binding, not only on States but on individuals, who derive legally enforceable rights from it, and involves a set of institutions, including the European Parliament, which is directly elected by Union citizens; whereas, moreover, the

[1] Case 26/62 *Van Gend & Loos* [1963] ECR 1.

European legal order is based on democracy and the rule of law, as Article 6 of and the preamble to the EU Treaty make clear,

I. whereas this means that the EU institutions may only act in accordance with the principle of legality, that is to say, where a legal basis confers competence and within the limits of their powers, and whereas there is a European Court to ensure that they do so,

J. whereas where the Community has legislative competence, the proper way to act is through the adoption of legislation by the democratic institutions of the Union, Parliament and the Council, in so far as this still appears necessary having due regard to the principles of subsidiarity and proportionality; whereas it is only by means of the adoption of legislation through the institutional procedures laid down in the Treaty that legal certainty, the rule of law, justiciability and enforceability may be secured, and whereas this also entails respect for the institutional balance enshrined in the Treaty and allows for openness of decision-making,

K. whereas, in general, where the Community has competence to legislate, this precludes the use of "soft law" or "[r]ules of conduct that are laid down in instruments which have not been attributed legally binding force as such, but nevertheless may have certain – indirect – legal effects, and that are aimed at and may produce practical effects"[1], which have been used historically to alleviate a lack of formal law-making capacity and/or means of enforcement and as such are typical of public international law,

L. whereas, where the Treaty expressly provides for them, soft law instruments are legitimate, provided that they are not used as a surrogate for legislation where the Community has legislative power and where Community-wide regulation still appears necessary having due regard to the principles of subsidiarity and proportionality, since this would also constitute a breach of the principle of conferred specific powers, and whereas this applies a fortiori to Commission communications purporting to interpret Community legislation; whereas preparatory instruments, such as green and white papers, also constitute a legitimate use of soft law, in common with notices and guidelines published by the Commission in order to explain how it applies competition and state-aid policy,

M. whereas such instruments, which can be used as interpretative or preparatory tools for binding legislative acts, should neither be treated as legislation nor be given any norm-setting effectiveness,

N. whereas such a situation would bring confusion and insecurity to a field in which clarity and legal certainty should prevail, in the interests of the Member States and of the citizens,

O. whereas, as well as respecting the right of initiative of the Commission, Parliament also upholds its own right to invite the Commission to make a legislative proposal (Article 192 of the EC Treaty),

[1] Linda Senden, "Soft Law, Self-Regulation and Co-Regulation in European Law: Where do they meet?", EJCL, Vol. 9, 1.1.2005.

P. whereas the open method of coordination can be of service in promoting the achievement of the internal market but it is regrettable that the involvement of Parliament and the Court of Justice therein is very weak; whereas, because of this democratic deficit in the so-called open method of coordination, it should not be misused to replace the Community's lack of legislative competence and in this way to impose de facto obligations on the Member States that are tantamount to legislation but arise outside the legislative procedures laid down in the Treaty,

Q. whereas Article 211 of the EC Treaty provides that "[i]n order to ensure the proper functioning and development of the common market, the Commission shall formulate recommendations ... on matters dealt with in this Treaty, if it expressly so provides or if the Commission considers it necessary", but, according to Article 249, fifth paragraph, recommendations have no binding force and, according to the Court, are "measures which, even as regards persons to whom they are addressed, are not intended to produce binding effects"[1] and do not create rights upon which individuals may rely before a national court[2], and whereas Article 230 of the EC Treaty precludes the annulment of recommendations, since they are not binding,

R. whereas, none the less, the Court has held that such acts "cannot ... be regarded as having no legal effect. The national courts are bound to take recommendations into consideration in order to decide disputes submitted to them, in particular where they cast light on the interpretation of national measures adopted in order to implement them or where they are designed to supplement binding Community provisions"[3],

S. whereas it is possible that the recommendations, if used without sufficient care, may result in certain acts of the Commission being *ultra vires*,

T. whereas Article I-33 of the Constitutional Treaty contains a similar provision to Article 211 of the EC Treaty, but adds that "When considering draft legislative acts, the European Parliament and the Council shall refrain from adopting acts not provided for by the relevant legislative procedure in the area in question",

U. whereas in 2005 the Commission adopted a recommendation on the cross-border management of copyright for legitimate online music services on the basis of Article 211 of the EC Treaty, described as "a soft-law instrument ... designed to give the market a chance to move in the right direction" and ostensibly designed to flesh out the existing directives on copyright in the information society[4] and on rental right and lending right and on certain rights relating to copyright[5], and whereas, since its main aim is to encourage multi-territorial licensing and recommend how it should be regulated, the Commission is putting particular policy options into effect by soft-law means,

V. whereas the Commission has contemplated or seems to be considering acting by recommendation in other areas in which the Community has legislative competence, including the regulation of copyright levies and caps on auditors' liability,

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[1] Case C-322/88 *Grimaldi* [1989] ECR 4407, paragraphs 13 and 16.
[2] *Grimaldi*, paragraph 16.
[3] *Grimaldi*, paragraph 18.
[4] Directive 2001/29/EC (OJ L 167, 22.6.2001, p. 10).
[5] Directive 92/100/EEC (OJ L 346, 27.11.1992, p. 61), as amended.

W. whereas, in addition, the contract law project remains still in the nature of soft law,

X. whereas, where the Community has legislative competence but there seems to be a lack of political will to introduce legislation, the use of soft law is liable to circumvent the properly competent legislative bodies, may flout the principles of democracy and the rule of law under Article 6 of the EU Treaty, and also those of subsidiarity and proportionality under Article 5 of the EC Treaty, and may result in the Commission's acting *ultra vires*,

Y. whereas soft law also tends to create a public perception of a 'superbureaucracy' without democratic legitimacy, not just remote from citizens but actually hostile to them, and willing to reach accommodations with powerful lobbies in which the negotiations are neither transparent nor comprehensible to citizens, and whereas this may raise legitimate expectations on the part of third parties affected (e.g. consumers) who then have no way of defending them at law in the face of acts having adverse legal effects for them,

Z. whereas the better-legislation agenda should not be subverted in order to allow the Community executive effectively to legislate by means of soft-law instruments, thereby potentially undermining the Community legal order, avoiding the involvement of the democratically-elected Parliament and legal review by the Court of Justice and depriving citizens of legal remedies,

Za. whereas no procedure is laid down for consulting Parliament on the proposed use of soft-law instruments, such as recommendations and interpretative communications,

1. Considers that, in the context of the Community, soft law all too often constitutes an ambiguous and ineffective instrument which is liable to have a detrimental effect on Community legislation and institutional balance and should be used with caution, even where it is provided for in the Treaty;

2. Recalls that so-called soft law cannot be a substitute for legal acts and instruments, which are available to ensure the continuity of the legislative process, especially in the field of culture and education;

3. Stresses that each EU institution, including the European Council, must consider both legislative and non-legislative options when deciding, on a case-by-case basis, what action, if any, to take;

4. Considers the open method of coordination to be legally dubious, as it operates without sufficient parliamentary participation and judicial review; believes that it should therefore be employed only in exceptional cases and that it would be desirable to consider how Parliament might become involved in the procedure;

5. Deplores the use of soft law by the Commission where it is a surrogate for EU legislation that is still necessary per se, having due regard to the principles of subsidiarity and proportionality, or where it extrapolates the case-law of the Court of Justice into uncharted territory;

6. Urges the institutions to act by analogy with Article I-33 of the Constitutional Treaty by

refraining from adopting soft-law instruments when draft legislative acts are under consideration; considers that, even under existing law, the requirement arises from the principle of the rule of law under Article 6 of the EU Treaty;

7. Urges the Commission to make a particular effort to guarantee transparency, visibility and public accountability in the process of adopting non-binding Community acts, as well as to increase the use of impact assessment in the decision-making process;

8. Calls on the Commission to give special consideration to the effect of soft law on consumers and their possible means of redress before proposing any measure involving soft-law instruments;

9. Is of the opinion, as regards Commission communications, that green and white papers do not give rise to any direct legal obligations; takes the view, however, that the adoption of consultation papers and political declarations of intent should not be seen as implying any legal obligation to enact the corresponding regulations;

10. Is of the opinion that Commission interpretative communications serve the legitimate purpose of providing legal certainty but that their role should not extend beyond that point; considers that, when they serve to impose new obligations, interpretative communications constitute an inadmissible extension of law-making by soft law; maintains that, when a communication lays down detailed arrangements not directly provided for by the freedoms established under the Treaty, it is departing from its proper purpose and is thus null and void[1];

11 Is of the opinion that communications satisfying the criteria referred to above should consequently be issued only in those cases where Parliament and the Council, in other words the legislature, have instructed the Commission to draw up the necessary interpretative communications; considers that translating the Treaty into reality is the responsibility of the legislature and that its interpretation is the responsibility of the Court of Justice;

12. Is of the opinion that standardisation and codes of conduct are important elements of self-regulation; considers, however, that standardisation must not lead to overregulation and hence constitute an additional burden for small and medium-sized enterprises in particular; believes, therefore, that the legal bases concerned should incorporate built-in safeguards against overregulation;

13. Points out that, whereas it is legitimate for the Commission to make use of pre-legislative instruments, the pre-legislative process should not abused and unduly protracted; considers that, in areas such as the contract-law project, a point must come where the Commission decides whether or not to use its right of initiative and on what legal basis;

14. Emphasises that Parliament, as the only democratically elected Community institution, is not currently consulted about the use of so-called soft-law instruments, such as Commission recommendations, based on Article 211 of the EC Treaty, and interpretative communications and other documents of a similar nature;

[1] Case C-57/95 *France* v *Commission* [1997] ECR I-1672, at p. 1651.

15. Considers that interinstitutional agreements can produce legal effects only on relationships between EU institutions and that they therefore do not constitute soft law defined in terms of a legal effect in relation to third parties;

16. Calls on the Commission to develop, in cooperation with Parliament, a modus operandi that guarantees the participation of the democratically elected bodies including, possibly, by means of an interinstitutional agreement, and thus more effective monitoring of the need for the adoption of 'soft-law' instruments;

17. Calls on the Commission to consult with Parliament on how Parliament may be consulted before the Commission adopts soft-law instruments, in order to enable proposed soft-law measures to be scrutinised and to avoid any misuse of powers on the part of the executive; accordingly proposes opening talks on concluding an interinstitutional agreement on this subject; considers that such an agreement should in particular aim to resolve the contradiction that has arisen as a result of the rules in Articles 211, 249(5) and 230 of the EC Treaty and in the case-law of the European Court of Justice, when the Court requires the national courts to take due account in current legal disputes of recommendations which are per se non-binding under the Treaty;

18. Reiterates the importance of Parliament participating, as the main representative of the interests of EU citizens, in all decision-making processes, in order to help reduce their current mistrust in European integration and values;

19. Stresses that the expression of soft law, as well as its invocation, should be avoided at all times in any official documents of the European institutions;

20. Instructs its President to forward this resolution to the Council and the Commission, and to the parliaments of the Member States.

3.5.2007

OPINION OF THE COMMITTEE ON CONSTITUTIONAL AFFAIRS (*)

for the Committee on Legal Affairs

on the institutional and legal implications of the use of 'soft law' instruments
(2007/2028(INI))

Draftsman (*): Philip Dimitrov Dimitrov

(*) Enhanced cooperation between committees – Rule 47 of the Rules of Procedure

SUGGESTIONS

The Committee on Constitutional Affairs calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

A. whereas the European Union must respect the principle of proportionality (Article 5.2 TEC) and, therefore, refrain from resorting to legislation unnecessarily,

B. whereas the use of 'soft law' is a widely tried and tested alternative to, or preparation for, legislation in the European Union,

C. whereas, as well as respecting the right of initiative of the Commission, Parliament also upholds its own right to invite the Commission to make a legislative proposal (Article 192 TEC),

D. whereas 'soft law' instruments, which have not been attributed legally binding force as such, but which, nevertheless may have certain - indirect - legal effects, have proved capable of effectively regulating some areas of community activity, in the context of, and under the conditions laid down in, the EU Treaties,

E. whereas it is possible that the recommendations, if used without sufficient care, may result in certain acts of the Commission being ultra vires,

F. whereas Parliament strongly supports the Interinstitutional Agreement on better law-making of 2003,

G. whereas there is currently a dispute as to how to make the regulatory function of the European Union more efficient with regard to both 'soft law' and 'hard law',

H. whereas 'soft law' does not provide full judicial protection,

I. whereas extensive recourse to 'soft law' instruments shall signify a shift from the unique Community model to that of a traditional international organisation,

J. whereas 'soft law' instruments are to be used as preparatory instruments for binding legislative acts, subject to being replaced when the appropriate legislative will is arrived at; and whereas they assist in the interpretation and enforcement of Community legislation,

K. whereas as 'soft law' constitutes a widely accepted interactive form of EU regulatory policy along with coordination, cooperation, negotiation and hierarchy,

1. Stresses that each EU institution, including the European Council, must consider both legislative and non-legislative options when deciding, on a case-by-case basis, what action, if any, to take;

2. Stresses the fact that 'soft law' is established practice, and that it should be approached with particular caution;

3. Urges the Commission to make a particular effort to guarantee transparency, visibility and public accountability in the process of adopting non-binding Community acts, as well as to increase the use of impact assessment in the decision-making process;

4. Calls on the Commission to develop, in cooperation with Parliament, a modus operandi that guarantees the participation of the democratically elected bodies including, possibly, by means of an interinstitutional agreement, and thus more effective monitoring of the need for the adoption of 'soft law' instruments.

PROCEDURE

Title	Institutional and legal implications of the use of 'soft law' instruments
Procedure number	2007/2028(INI)
Committee responsible	JURI
Opinion by Date announced in plenary	AFCO 15.2.2007
Enhanced cooperation – date announced in plenary	15.2.2007
Drafts(wo)man Date appointed	Philip Dimitrov Dimitrov 1.3.2007
Previous drafts(wo)man	
Discussed in committee	20.3.2007 10.4.2007 2.5.2007
Date adopted	2.5.2007
Result of final vote	+: 18 –: 0 0: 0
Members present for the final vote	Enrique Barón Crespo, Richard Corbett, Brian Crowley, Philip Dimitrov Dimitrov, Andrew Duff, Maria da Assunção Esteves, Ingo Friedrich, Anneli Jäätteenmäki, Sylvia-Yvonne Kaufmann, Jo Leinen, Íñigo Méndez de Vigo, Rihards Pīks
Substitute(s) present for the final vote	Klaus Hänsch, Gérard Onesta, Georgios Papastamkos, Jacek Protasiewicz, György Schöpflin, Alexander Stubb
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	

8.6.2007

OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

for the Committee on Legal Affairs

on the institutional and legal implications of the use of 'soft law' instruments
(2007/2028(INI))

Draftsman: Andreas Schwab

SUGGESTIONS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Is of the opinion that the use of soft law has become a recognised practice and is, under special, clearly defined circumstances, an appropriate instrument; believes that, in some cases, soft law makes it possible to respond swiftly to developments; considers, however, that, when soft law arrangements are drawn up, steps should be taken to ensure that they are flexible, afford the parties concerned the utmost freedom as regards enforcement, and serve to avert overregulation and red tape;

2. Is of the opinion that soft law cannot, on the other hand, replace formal law; notes that soft law appears at first sight to be legally non-binding, but can give rise to a 'political commitment' that can even assume the character of a legally binding obligation; considers that democracy and the imperative of the rule of law therefore require the legislature, Parliament and the Council, to be involved whenever obligations are to be imposed on individuals; considers that the parties concerned should likewise not be deprived of the legal protection afforded by the Court of Justice; calls on the Commission to consult with Parliament on how Parliament may be consulted before soft law instruments are adopted, in order to enable proposed soft law measures to be scrutinised and to avoid any misuse of powers on the part of the executive;

3. Is of the opinion that there is a need for further clarification as to how far and under what conditions soft law may be used; believes that it is the responsibility of Parliament and the Council to establish the criteria for the use of soft law; agrees with the Court that in most

cases soft law is not legally binding[1] but that, in some cases, its politically binding force is, de facto, entirely comparable to law-making[2];

4. Is aware that classic regulation is not always the most effective way to achieve desired policy objectives, especially given that compliance cannot always be guaranteed and that, sometimes, classic regulation invites the creation of administrative burdens which undermine outcomes;

5. Is of the opinion that the Community's obligation is to legislate only where it is necessary, in accordance with the Protocol on the application of the principles of subsidiarity and proportionality, and recognising the need, in suitable cases or where the Treaty does not specifically require the use of a legal instrument, to use alternative regulation mechanisms;

6. Is of the opinion, as regards Commission communications, that green and white papers do not give rise to any direct legal obligations; takes the view, however, that the adoption of consultation papers and political declarations of intent should not be seen as implying any legal obligation to enact the corresponding regulations;

7. Is of the opinion that Commission interpretative communications serve the legitimate purpose of providing legal certainty but that their role should not extend beyond that point; considers that, when they serve to impose new obligations, interpretative communications constitute an inadmissible extension of law-making by soft law; maintains that when a communication lays down detailed arrangements not directly provided for by the freedoms established under the Treaty, it is departing from its proper purpose and is thus null and void[3];

8. Is of the opinion that communications satisfying the criteria referred to above should consequently be issued only in those cases where Parliament and the Council, in other words the legislature, have instructed the Commission to draw up the necessary interpretative communications; considers that translating the Treaty into reality is the responsibility of the legislature and that its interpretation is the responsibility of the Court of Justice;

9. Is of the opinion that standardisation and codes of conduct are important elements of self-regulation; considers, however, that standardisation must not lead to overregulation and hence constitute an additional burden for small and medium-sized enterprises in particular; believes, therefore, that the legal bases concerned should incorporate built-in safeguards against overregulation, for example by providing for the projected activities to be coordinated more closely with Parliament and the Council; calls on the Commission to brief Parliament and the Council on the cases in which self- and co-regulation are used in the EU, so as to enable Parliament and the Council to assess more accurately how these legal instruments operate;

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[1] Judgment in Case C-57/95 *France* v *Commission* [1997] ECR I-1627, at p. 1651 ("*Pension funds*").
[2] Judgments in Case 108/83 *Luxembourg* v *Parliament* [1984] ECR 1945, at p. 1957; Case 310/85 *Deufil* v *Commission* [1987] ECR 901, at p. 927; Case C-313/90 *CIRFS and Others* v *Commission* [1993] ECR I-1125, at p. 1186.
[3] Case C-57/95 *France* v *Commission* cited above, at p. 1651.

10. Considers the open method of coordination to be legally dubious, as it operates without sufficient parliamentary participation and judicial review; believes that it should therefore be employed only in exceptional cases and that it would be desirable to consider how Parliament might become involved in the procedure;

11. Considers that interinstitutional agreements can produce legal effects only on relationships between EU institutions and that they therefore do not constitute soft law defined in terms of a legal effect in relation to third parties;

12. Calls on the Commission to give special consideration to the effect of soft law on consumers and their possible means of redress before proposing any measure involving soft law instruments.

PROCEDURE

Title	Institutional and legal implications of the use of 'soft law' instruments
Procedure number	2007/2028 (INI)
Committee responsible	JURI
Opinion by Date announced in plenary	IMCO 15.2.2007
Drafts(wo)man Date appointed	Andreas Schwab 1.3.2007
Discussed in committee	12.4.2007 7.5.2007
Date adopted	5.6.2007
Result of final vote	+: 34 –: 0 0: 0
Members present for the final vote	Daniela Buruiană-Aprodu, Charlotte Cederschiöld, Gabriela Crețu, Mia De Vits, Rosa Díez González, Evelyne Gebhardt, Małgorzata Handzlik, Malcolm Harbour, Edit Herczog, Pierre Jonckheer, Alexander Lambsdorff, Kurt Lechner, Lasse Lehtinen, Toine Manders, Arlene McCarthy, Béatrice Patrie, Zita Pleštinská, Guido Podestà, Zuzana Roithová, Luisa Fernanda Rudi Ubeda, Heide Rühle, Christel Schaldemose, Andreas Schwab, Alexander Stubb, Eva-Britt Svensson, Marianne Thyssen, Horia-Victor Toma, Jacques Toubon, Barbara Weiler
Substitute(s) present for the final vote	Wolfgang Bulfon, André Brie, Manuel Medina Ortega, Diana Wallis
Substitute(s) under Rule 178(2) present for the final vote	Cristobal Montoro Romero, Paul Rübig
Comments (available in one language only)	...

19.6.2007

OPINION OF THE COMMITTEE ON CULTURE AND EDUCATION

for the Committee on Legal Affairs

on institutional and legal implications of the use of 'soft law' instruments
(2007/2028(INI))

Draftsman: Vasco Graça Moura

SUGGESTIONS

The Committee on Culture and Education calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

A. whereas the notion of soft law, based on common practice, is ambiguous and pernicious and should not be used in any documents of the Community institutions,

B. whereas the distinction between dura lex/mollis lex, being conceptually aberrant, should not be accepted or recognised,

C. whereas so-called soft law instruments, such as recommendations, green and white books or Council conclusions, do not have any legal value or binding force,

D. whereas such instruments, which can be used as interpretative or preparatory tools for binding legislative acts, should neither be treated as legislation nor be given any norm-setting effectiveness,

E. whereas such a situation would bring confusion and insecurity to a field in which clarity and legal certainty should prevail, in the interest of the Member States and of the citizens,

1. Recalls that so-called soft law cannot be a substitute for legal acts and instruments, which are available to ensure the continuity of the legislative process, especially in the field of culture and education;

2. Emphasises that Parliament, as the only democratically-elected Community institution, is not currently consulted about the use of so-called soft-law instruments, such as Commission recommendations, based on Article 211 of the EC Treaty, and interpretative communications and other documents of a similar nature;

3. Points out that, especially in the fields of education, training and youth, the open method of coordination is a common form of cooperation; deplores the fact that Parliament's involvement is weak;

4. Calls on the Commission to guarantee the formal consultation of Parliament and transparent and broad stakeholder and consumer consultation about a possible Commission recommendation; emphasises that so-called soft law instruments should be used with caution;

5. reiterates the importance of Parliament participating, as the main representative of the interests of EU citizens, in all decision-making processes, in order to help reduce their current mistrust in European integration and values;

6. Stresses, therefore, that the expression of soft law, as well as its invocation, should be avoided at all times in any official documents of the European institutions.

PROCEDURE

Title	Institutional and legal implications of the use of 'soft law' instruments
Procedure number	2007/2028(INI)
Committee responsible	JURI
Opinion by Date announced in plenary	CULT 15.2.2007
Enhanced cooperation – date announced in plenary	
Draftsman Date appointed	Vasco Graça Moura 27.2.2007
Previous drafts(wo)man	
Discussed in committee	27.2.2007 0.0.0000 0.0.0000
Date adopted	18.6.2007
Result of final vote	+: 28 –: 1 0: 1
Members present for the final vote	Maria Badia I Cutchet, Ivo Belet, Marie-Hélène Descamps, Jolanta Dičkutė, Věra Flasarová, Milan Gaľa, Ovidiu Victor Ganţ, Vasco Graça Moura, Lissy Gröner, Luis Herrero-Tejedor, Manolis Mavrommatis, Doris Pack, Zdzisław Zbigniew Podkański, Christa Prets, Karin Resetarits, Pál Schmitt, Gheorghe Vergil Şerbu, Nikolaos Sifunakis, Hannu Takkula, Thomas Wise
Substitute(s) present for the final vote	Giusto Catania, Den Dover, Ignasi Guardans Cambó, Gyula Hegyi, Erna Hennicot-Schoepges, Nina Škottová, Grażyna Staniszewska, Jaroslav Zvěřina, Tadeusz Zwiefka
Substitute(s) under Rule 178(2) present for the final vote	David Hammerstein
Comments (available in one language only)	...

PROCEDURE

Title	Institutional and legal implications of the use of 'soft law' instruments
Procedure number	2007/2028(INI)
Committee responsible Date authorisation announced in plenary	JURI 15.2.2007
Committee(s) asked for opinion(s) Date announced in plenary	IMCO CULT AFCO 15.2.2007 15.2.2007 15.2.2007
Not delivering opinion(s) Date of decision	
Enhanced cooperation Date announced in plenary	AFCO 15.2.2007
Rapporteur(s) Date appointed	Manuel Medina Ortega 18.12.2006
Previous rapporteur(s)	
Discussed in committee	27.2.2007 19.3.2007 25.6.2007
Date adopted	25.6.2007
Result of final vote	+ 17 - 0 0 0
Members present for the final vote	Bert Doorn, Cristian Dumitrescu, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Othmar Karas, Piia-Noora Kauppi, Klaus-Heiner Lehne, Manuel Medina Ortega, Hartmut Nassauer, Francesco Enrico Speroni
Substitute(s) present for the final vote	Sharon Bowles, Luis de Grandes Pascual, Kurt Lechner, Marie Panayotopoulos-Cassiotou, Gabriele Stauner, József Szájer, Jacques Toubon
Substitute(s) under Rule 178(2) present for the final vote	
Date tabled	28.6.2007
Comments **(available in one language only)**	