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Author: Haar, Beryl Philine ter

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The means and techniques used to achieve the European Union's ultimate goal and immediate objectives have always been - and still are - legal. In the course of time the European Union has developed a complex and highly sophisticated system of legal instruments. The latest addition to this system is the open method of coordination (OMC), which is designed to support the Member States in developing their own policies. Therefore, the OMC provides cognitive and normative guidance via the exchange of good practices, policy guidelines and indicators. As such, the OMC strives for greater convergence towards the main EU goals. This method became one of the dominant integration instruments in the field of social policy. Being labelled as soft law, this raises questions about its meaning for the development of a social Europe. What is its position in the legal order of EU integration instruments? What does it mean that the OMC is soft law? Which legal integration dynamics are involved with the OMC? How does the OMC interact with the other integration instruments involved with EU social policy?

Based on reviews on the doctrine of international relations, the concepts of governance and soft law are examined and a more comprehensive model is developed to analyse the legal status of EU integration instruments. Secondly, based on the idea of Dehousse and Weiler an updated and more comprehensive analytical framework is introduced to assess the legal integration capacity of the OMC in comparison with that of other EU integration instruments. Thirdly, this thesis introduces a new coding method that allows a quantitative analysis of the normative impact of the OMC on the legislative activities of the Member States. Lastly, based on the theory of hybrid structures, the thesis examines the interaction of the OMC with other EU integration instrument, its role in the creation of a certain structure and the normative pressure that is created by that structure. The overall conclusion of the thesis is that, based on a legal perspective, the OMC has the potential to make a meaningful contribution to the further development of a social Europe.

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Open Method of Coordination

An analysis of its meaning for the development of a social Europe

Beryl ter Haar