

19 September 2008

European Commission
Director-General for Informatics
IDABC
c/o eifv2@ec.europa.eu

Intellect comments on the draft EIF 2.0

Intellect is the UK trade association for the IT, telecoms and electronics industries. Its members account for over 80% of these markets and include blue-chip multinationals as well as early stage technology companies. These industries together generate around 10% of UK GDP and 15% of UK trade.

On behalf of the UK ICT industry, we are writing to express our concerns about the draft second version of the European Interoperability Framework (EIF), which was recently released by the European Commission's 'Interoperable Delivery of European eGovernment Services to public Administrations, Businesses and Citizens' (IDABC) programme. We have been fully engaged in the drafting of the EICTA response which we support but felt it appropriate to highlight some key areas of concern in this letter.

We agree with the draft EIF that the uptake of electronic public services depends in large part on their ability to work together across Member State borders. By establishing practical guidelines that will supplement national interoperability frameworks, we view the EIF as having significant potential to advance pan-European eGovernment interoperability. We are concerned, however, that certain aspects of the draft EIF – and, more particularly, its list of minimal characteristics for “open standards” – will hurt rather than help and need to be revisited and refined in order to achieve this important goal.

The draft EIF suggests that the use of open standards can help to facilitate interoperability, and that openness is only one among many criteria to be applied in choosing a standard – practical guidance that we endorse. However, the draft goes on to describe the characteristics of an open standard in a way that does not reflect standards development practices and market realities. Specifically, although the draft recognises that there is no universally-accepted definition of an open standard, it suggests that to be open (i) any intellectual property rights in the standard must be made irrevocably available; and (ii) there must be no constraints on re-use of the standard (repeating the identical definition used in the 2004 version of the EIF).

As other stakeholders have noted – including EICTA, whose submission to the Commission is attached to this letter – most developers of open standards have intellectual property policies that could fail to satisfy the above criteria. The major standards bodies have policies that permit IPR holders to license any patents essential to the standard under fair, reasonable and non-discriminatory (“FRAND”) terms that would not satisfy the requirements of the EIF. Leading standards developed by bodies generally recognised as open standards developers – such as OASIS, W3C, IETF, IEEE, ETSI, ISO, IEC and ITU – would not in fact be “open” under the EIF criteria.

Intellect
Russell Square House
10-12 Russell Square
London
WC1B 5EE
T +44 (0) 20 7331 2000
F +44 (0) 20 7331 2040
www.intellectuk.org

This is particularly concerning as the draft EIF recommends that national governments utilise public procurement to promote the uptake of open standards where possible and the EIF v2.0 is designed to be part of European policy as part of an EC Communication.

As I hope we have highlighted, it is very important that we get these definitions right. It is vital that we ensure that these decisions closely relate to common industry practice and are able to be used by the whole ICT industry whatever its business development model. It is only if we do this that we will be able to create a procurement market place in the public sector that ensures that public officials are free to select the best solution at the best price.

Yours sincerely



Jennifer Carlton
Senior Programme Manger
T: +44 20 7331 2003
E: jennifer.carlton@intellectuk.org

Attached: EICTA comments on draft EIF 2.0 dated 18 September 2008