

Response to Consultation on proposals for the European Interoperability Strategy

The Open Source Consortium (OSC) welcomes the opportunity to respond to the Consultation on proposals for the European Interoperability Strategy.¹

The Open Source Consortium is a UK based trade association with members from more than one Member State. Its objectives is to further develop the market for solutions based on the unique advantages of Free & Open Source Software by seeking to further the adoption of Open Standards

The OSC agrees unreservedly with an early opening statement contained in the Consultation:

“Without a comprehensive approach to interoperability, there is a risk that Member States might opt for mutually incompatible solutions that, rather than boosting efficiency and savings, will only build new barriers to the delivery of European Public Services in the internal market”²

This strategy builds upon i2010³, the EU policy framework for the information society and media and its admirable objectives:

- no citizen left behind
- making efficiency and effectiveness a reality
- implementing high impact key services
- putting key enablers in place
- strengthening participation and democratic decision-making

However the statement in the current consultation does not go far enough and without further elaboration is in danger of allowing i2010 to be undermined.

1 European Interoperability Strategy, Document for Public Consultation at <http://ec.europa.eu/idabc/servlets/Doc?id=32595>, last accessed 4 April 2020

2 Ibid paragraph 5

3 http://ec.europa.eu/information_society/eeurope/i2010/index_en.htm last accessed 4 April 2010

Without a stronger commitment to real interoperability, the other advantages of the programme will become impossible to achieve, as access to on-line services will remain vendor bestowed and controlled to the endpoint of denied access and avoidable deadweight costs and other market inefficiencies.

Public services do not exist in isolation from other aspects of personal and public life in Europe.

Other ICT decisions become vulnerable to the consequences of decisions by local, national and international public administrations while increasing availability of public services accessible on line and seeking to promote these services, both to promote digital inclusion and as a way of releasing resources⁴

“So our goal is to replace this first generation of e-government with a much more interactive second generation form of digital engagement [...] Mygov”

“Mygov will constitute a radical new model for how public services will be delivered and for how citizens engage with government - making interaction with government as easy as internet banking or online shopping. This open, personalised platform will allow us to deliver universal services that are also tailored to the needs of each individual; to move from top-down, monolithic websites broadcasting public service information in the hope that the people who need help will find it - to government on demand”

“Pricewaterhousecoopers has estimated that the Government can save £900 million a year just by bringing those who don't have access to the internet online so that they can carry out transactions with public services more quickly and efficiently”

This agenda is not unique to one national government, but in varying forms is happening across the entire European Union.

⁴ <http://www.number10.gov.uk/Page22897> 22 March 2010 last accessed 4 April 2010

Accordingly anything that governments do, whether they get it right or get it wrong, is going to affect every aspect of the citizen's or business's use of ICT.

Getting it wrong includes influencing or imposing ICT vendor choices on the citizen or business

“The Czech government aims to use Datove schranky to replace paper based correspondence. The web service allows Czech public administrations to securely exchange messages and data with citizens and companies. The system for instance makes sure that messages are delivered and also guarantees the identity of the sender.

For companies in the Czech Republic, it's use became mandatory on 1 November. However, at the moment the government's web service can only be accessed by computers running a particular version of Microsoft's Windows operating system. The service depends on a proprietary plugin, that is only available on the 32 bit version of [Microsoft] Windows”⁵

Problems arising from a defective approach to interoperability have a long and international history⁶

“Predictably, Microsoft's 'help' in turning "Britain's e-government vision into a reality" has mysteriously turned into a lockout for users of anything other than IE on Windows. Linux, Netscape and Mac (even with IE, friends...) can look but not touch, because the digital certificate system selected by the developers mysteriously always seems to lead to IE 5.01 or above on Windows”

Neither of the above examples have anything to do with the business decisions of Microsoft. Rather they reflect poorly thought through decisions by national administrations failing to consider the externalities imposed on citizens and businesses a result of their decisions.

⁵ Open source to fix mandatory e-government services <http://linuxbsdos.com/2010/02/14/open-source-to-fix-mandatory-e-governments-service/> last accessed 3 April 2010

⁶ MS-built UK 'Government Gateway' locks out non-MS browsers

http://www.theregister.co.uk/2001/05/28/msbuilt_uk_government_gateway_locks/ last accessed 3 April 2010

We cannot spend the next decade unpicking the outcomes of a failure to properly implement interoperability with its attendant problems and the need for repeated remedial action⁷ At long last single-vendor led browser design dominating internationally agreed standards is being addressed so enabling vendor neutral access to ICT based services.

However, while browsers are the first point of access, this is not the only problem, as demonstrated by the second example above.

Vendor neutrality affects all aspects of the computer and software purchasing decision and if citizens or businesses can only access government services using vendor-led standards rather than internationally agreed multi-vendor driven standards, then governments throughout Europe will be casting a large and distorting shadow over the ICT market. That these distortions are later corrected is not enough as the damage has already been done, recognised, for example, by the Court of First Instance⁸.

It is better to get things right from the start.

What does “right from the start” mean?

Adoption of a simple principle that whatever public administrations do in the field of on-line public services does not directly or indirectly influence the decisions of citizens or businesses above and beyond a requirement to adhere to internationally standards properly developed and implemented.

For any standard to used for purposes of interoperability and European Public Services, it should be freely implementable by anyone without need to seek permission from anyone else nor pay for the use of that standard.

Single interest groups with sufficient resources can skew the standardisation process and produce perverse outcomes. Governments should ensure that only multi-vendor, multi-provider standards are implemented.

⁷ **Antitrust:** Commission welcomes new Microsoft proposals on Microsoft Internet Explorer and Interoperability <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/352> last accessed 29 March 2010

⁸ <http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=T-201/04> last accessed 4 April 2010

With a strong resolve from government as customer the pitfalls and adverse outcomes illustrated would be avoided in the future by all ICT suppliers because there would be no business incentive to do otherwise.

The following is intended merely as a case study to demonstrate what could happen if Europe were to choose a less rigorous approach to interoperability.

The controversial history of IS 29500 is well documented⁹ with many subsequent complaints that the standard is not implemented even by its primary sponsor:

“Microsoft and ECMA are [...] using this strategy in their current responses to criticism by listing applications that seek compatibility with Microsoft Office 2007 as implementations of DIS-29500. Even where not sub-contracted by Microsoft, these applications certainly use DIS-29500 for guidance on how to implement the current Microsoft file format, but their benchmark for success is not faithful implementation of DIS-29500, it is binary compatibility with Microsoft Office 2007”¹⁰

Microsoft today announced that it would update [Microsoft Office 2007](#) to natively support ODF 1.1, but not to implement its own OOXML format. Moreover, it would also join both the OASIS ODF working group as well as the ISO/IEC JTC1 working group that has control of the ISO/IEC version of ODF. Implementation of DIS 29500, the ISO/IEC JTC 1 version of OOXML that has still not been publicly released will await the release of Office 14, the ship date of which remains unannounced.¹¹

Reassurances were offered¹²

“We've listened to the global community and learned a lot, and we are committed to supporting the Open XML specification that is approved by ISO/IEC in our products.”

9 What Just Happened? An OOXML BRM resource page <http://www.consortiuminfo.org/standardsblog/article.php?story=20080309054524379> last accessed 4 April 2010

10 DIS-29500: Deprecated before use? <http://fsfe.org/projects/os/msooxml-idiosyncrasies> last accessed on 4 April 2010

11 Microsoft Office 2007 to Support ODF - and not OOXML

<http://www.consortiuminfo.org/standardsblog/article.php?story=20080521092930864> last accessed on 4 April 2010

12 An Open Letter from Chris Capossela, Senior Vice President, Microsoft Office

<http://www.microsoft.com/interop/letters/ChrisCapOpenLetter.msp> last accessed on 4 April 2010

However, the convenor of the standards process meetings which ultimately produced the standard IS 29500, now reports¹³

“On this count Microsoft seems set for failure. In its pre-release form [Office™ 2010](#) supports *not* the approved Strict variant of OOXML, but the very format the global community *rejected* in September 2007, and subsequently marked as not for use in new documents – the Transitional variant. Microsoft are behaving as if the JTC 1 standardisation process never happened, and using technologies (like [VML](#)) in a new product which even *the text of the Standard itself* describes as “deprecated” and “included [...] for legacy reasons only” (see ISO/IEC 29500-1:2008, clause M.5.1).”

And the problems of implementing IS 29500 mount because of international problems relating to software patents¹⁴, an ever present threat through currently more difficult to obtain in Europe.

ICT implementations of European Public Services affect everyone both directly through requiring specific ICT solutions to be adopted by the users of those services or indirectly through the adverse effects on parallel markets by tied and bundled implementations of unrelated services.¹⁵

In conclusion, interoperability is a crucial facet of European Public Services and any strategy adopted should reject convenient or short term solutions based on single vendor promises in favour of the tougher but ultimately more beneficial multi-vendor multi-provider implementations of open, unencumbered freely implementable international standards.

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13 Microsoft fails the Standards Test <http://www.adjb.net/post/Microsoft-Fails-the-Standards-Test.aspx> last accessed on 4 April 2010

14 Microsoft Loses i4i Court Case Appeal <http://www.itproportal.com/portal/news/article/2010/4/2/microsoft-loses-i4i-court-case-appeal/> last accessed on 4 April 2010

15 Analogous to the various decisions in the already referenced CFI ruling in September 2007