

EN
P-003807/2011
Answer given by Mr Šefčovič
on behalf of the Commission
(27.5.2011)

Concerning the press article mentioned in the question, the Honourable Member may care to take note of the letter to the editor from the Commission's Spokesman for Interinstitutional Relations and Administration, which appeared in print on 20 April 2011¹. The Commission is sending direct to the Honourable Member and to Parliament's Secretariat a copy of this reply. As stated there, the Commission remains fully committed to promoting interoperability through the use of standards and specifications, but it must be pointed out that these can be implemented both in open-source and commercial software. The Commission is confident that its corporate infrastructure has long supported all the major IT standards and specifications, be it with open-source or with commercial software, but it would welcome any information the Honourable Member may have about specific examples where this would not be the case, so that it can adopt appropriate measures.

Concerning the questions raised, in view of their detailed nature, the Commission is sending direct to the Honourable Member and to Parliament's Secretariat a document consisting of a number of tables which contain the information requested.

These tables include the contracts which were being negotiated when the Commission replied to written question E-000507/2011 by Mr Papastamkos². In the meantime, these negotiations have concluded and the relevant award decisions have been adopted. However, the procedure leading to the signature of the various contracts and enrolments is still ongoing. It must be recalled that the resulting contracts will be concluded on behalf of the 55 Institutions, Agencies and Other Bodies – including the Parliament – from which the Commission had received a mandate.

The Commission would like to highlight that it always complies with the public procurement legislation, including in the exceptional cases when – subject to the stringent conditions laid down in the Financial Regulation³ and its Implementing Rules⁴ – it uses the negotiated procedure. This is not only a matter of policy, it is a legal obligation.

Insofar as the question may contain a request for access to certain documents, the Commission invites the Honourable Member to file an application⁵ under Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents⁶, if necessary by referring to the information provided in the supplementary documentation sent direct to the Honourable Member and to Parliament's Secretariat. The department in charge of the file is the Directorate-General for Informatics.

The Commission would like to make the following additional remarks:

- The Commission does not rely on (or is locked into) one single software vendor. In reality, the Commission's corporate IT infrastructure is based on a large, well diversified portfolio of software products, both commercial and open-source, which coexist smoothly. The Commission

¹ "We're technologically neutral":

http://www.nytimes.com/2011/04/20/opinion/20iht-edletters20.html?_r=2&ref=global

² <http://www.europarl.europa.eu/QP-WEB/application/home.do?language=EN>

³ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.09.2002, p. 1).

⁴ Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 357, 31.12.2002, p. 1).

⁵ See form in <https://ec.europa.eu/transparency/regdoc/fmb/formulaire.cfm?CL=en>

⁶ OJ L 145, 31.05.2001, p. 43.

would refer the Honourable Member to its answer to written question E-003622/2008⁷ by Ms Breyer.

- While products from Microsoft are indeed currently used for one particular layer of that infrastructure – namely the office automation platform – it must be highlighted that the licensing costs of these products represent only a marginal part of the cost of operating and maintaining that infrastructure. For further details, the Commission would refer the Honourable Member to its answer to written questions E-001533/2008 and, more recently, E-000507/2011 by Mr Papastamkos⁸.
- The Honourable Member appears to refer mainly to the procurement procedure aimed at the conclusion of a new “Interinstitutional Licensing Agreement” (ILA)⁹. The Commission would like to state that this procurement procedure is not directly linked to the upgrade to Windows 7. In reality, the Commission and the other EU Institutions, Agencies and other bodies (including the Parliament) which rely on the same contractual framework have always had the contractual right, under the current as well as under the previous ILA, to use any version of the products covered, including the most recent one. The decision on whether to upgrade to a new version or not is therefore a technical one; it is taken on the basis of the expected benefits for the users and the need to increase security and to reduce maintenance costs (e.g. by ensuring the stability of the platform over time).
- The views expressed in the study “Guideline on public procurement of Open Source Software”¹⁰ to which the Honourable Member refers were, as mentioned in its disclaimer, purely those of the writer and may not, in any circumstances, be interpreted as stating an official position of the Commission.

⁷ <http://www.europarl.europa.eu/QP-WEB/application/home.do?language=EN>

⁸ <http://www.europarl.europa.eu/QP-WEB/application/home.do?language=EN>

⁹ Further details about the scope of the ILA can be found in the Commission’s answer to written question E-000507/2011 by Mr Papastamkos.

¹⁰ <http://www.osor.eu/studies/OSS-procurement-guideline-public-final-June2010-EUPL-FINAL.pdf>