

**Question for written answer E-004859/2014
to the Commission**
Rule 117
Phil Bennion (ALDE)

Subject: Competition in the IT sector

A constituent of mine has written to me regarding a long-standing complaint he has pending through the Commission against IBM (the American multinational information technology corporation). In essence, it concerns recent policy changes which will restrict access to software that is vital for the ongoing functioning of an organisation's IT equipment. If the restrictions proposed are allowed to take effect, it will mean that there is no competition in the maintenance of these machines, that tens of thousands of companies across Europe will pay more for the upkeep of their IT systems, and that many government bodies across Europe which are reliant on IBM equipment will pay more for the support of that equipment. Many thousands of highly skilled jobs in small and medium-sized enterprises (SMEs) are at stake. Given this context, I would therefore be grateful if the Commission could answer the following questions:

1. Is it the Commission's view that the practices adopted effectively compel hardware and software customers to sign maintenance agreements with the original manufacturer? This could be compared to a situation in which car buyers were only able to have their cars serviced by the manufacturer and not by a potentially cheaper independent garage.
2. In the Commission's view, could these practices possibly lead to price pressure on maintenance arrangements or potentially reduce the range of choices available to the consumer, i.e. could they be classed as anti-competitive?
3. Given the potential economic effects of these practices and the number of consumers affected within the EU, and given the Commission's decision in the IBM mainframe maintenance case in 2011, has this become a core priority for the Commission?

The issues raised are important and, as you say, it is 'our duty is to instil openness and transparency in the markets and make sure that every player has the same opportunities to create jobs and generate growth'. This is particularly true of the growing technology sector, where a level playing field for SMEs is essential to securing our continued economic recovery and creating jobs.