



FSFE · Sumatrastraße 25 · 8006 Zürich · Switzerland

Ms Neelie Kroes
European Competition Commissioner
BERL 10/226
European Commission
1049 Brussels
Belgium

Georg C. F. Greve
President

Free Software Foundation Europe
Sumatrastraße 25
8006 Zürich, Switzerland

Phone: +41-43-500 03 66 ext 400
Fax: +41-76-561 18 66
Mob: +41-76-561 18 66

V: 400@sip.fsfeurope.org
greve@fsfeurope.org

Date: December 19, 2007

Support of Opera Software antitrust complaint

Dear Ms. Kroes,

The Free Software Foundation Europe, or in short FSFE, is a non-profit organisation working to secure equal participation in the information age, as well as freedom of competition through the furthering of Free Software, defined by the freedoms to use, study, modify and copy. FSFE was an intervener in the case T-201/04 Microsoft vs. Commission and an interested third party in the administrative antitrust procedure since 2003. We are one of the most dedicated supporters of the Commission's efforts to restore competition in the Workgroup Server Software field, and have also helped the Samba Team with legal representation in the above mentioned Court proceedings.

We have recently learned of the complaint brought by Opera Software against Microsoft. Although Opera Software does not produce Free Software, also referred to as "Open Source", we largely share their assessment and concerns regarding the present situation in the Internet browser market. Some of the most successful browsers in the concerned market are Free Software or contain large portions of Free Software. This includes, Mozilla Firefox and Konqueror, a browser made by KDE, which also shares the rendering engine with Apple's Safari. Those products are highly innovative and widely recognized as more secure than the dominant application. They faithfully implement major open and international standards relevant to browser technology.

Precisely because they abide by industry recognized Open Standards and can not implement the Microsoft undisclosed and non-compliant "dialects" of these standards, they often appear "impaired" when compared with Microsoft's Internet Explorer which establishes itself as the closed, de facto standard due to Internet Explorer's dominant position. Moreover, these alternative web browsers can not be hardwired into the dominant Windows Operating System as is the case with Internet Explorer.

Free Software Foundation Europe (FSFE) Talstraße 110, 40217 Düsseldorf, Germany
Tel.: +49 700 FSFEUROPE ext 22, · office@fsfeurope.org · www.fsfeurope.org

Free Software Foundation Europe · IBAN (International) DE 69 36020030 000 3004732
Nationalbank Essen, Germany · SWIFT/BIC NBAG DE 3E

For these reasons, we strongly support enforcement actions that counter Microsoft's strategy of "embracing, extending and extinguishing" multilateral open industry standards - a strategy Microsoft already employed successfully in the Work Group Server market addressed in the 2004 Decision. Default standards compliance by Microsoft is of great importance to FSFE, as we are witnessing many similar attempts by Microsoft in other markets to undermine public and international standards that enable interoperability through bundling and its "embrace, extend, extinguish" strategy. We believe that Microsoft should be required openly, fully and faithfully to implement free and open industry standards (e.g., Web standards, ODF, other industry standards) as the foundation of its dominant products so that alternative offerings are able to compete on the merits.

We remain available for any help.

With best regards,

Georg C. F. Greve