EIFv2: Tracking the loss of interoperability

FREE SOFTWARE FOUNDATION EUROPE

This document provides a comparative analysis of the evolution of the European Interoperability Framework. Based on [consultations](#) *submitted on* [the second version of the European Interoperability Framework](#) *(EIFv2), it emphasizes the different transformations the draft has undergone from* [the original draft](#) *on which a public consultation was held in the summer of 2008, to* [the leaked draft](#).

What is the European Interoperability Framework?

> The EIF is a set of interoperability guidelines documents and initiatives conducted under the auspices of the IDABC (Interoperable Delivery of European eGovernment Services to public Administrations, Businesses and Citizens) Programme. The EIF supplements the various National Interoperability Frameworks in the pan-European dimension.
>
> [From the Consultation Draft, Section 2/3.](#)

The text below analyses some of the changes that the text has undergone between the public consultation in the summer of 2008 and the draft which leaked in November 2009. During the public consultation, numerous groups and individuals submitted [comments](#). From our analysis, we can conclude that in key places, the European Commission has taken on board only the comments [made](#) by the [Business Software Alliance](#), a lobby group working on behalf of proprietary software vendors. At the same time, comments by groups working in favour of Free Software and Open Standards were neglected, e.g. those made by [Open Forum Europe](#).

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1. "Standards are key to interoperability"

A. EIFv2 Consultation Draft

"Standards are key to interoperability. In the EU strategy for Growth and Jobs, strong and dynamic standardisation has been identified as one of the key instruments to foster innovation. Standardisation has a dimension of public interest, in particular whenever issues of safety, health, environment and performance are at stake." (p.35)

"The role of national administrations in this process is to choose the appropriate standard"

The Consultation Draft highlights the fact that standards are among the best tools to achieve interoperability without harming competition or innovation. Besides, it refers to "appropriate standard," which means that if several standards exist for the same purpose, then a choice should be made. This choice, as later explained, should give a preference to Open Standards.

B. The Business Software Alliance's comments

"while open standards are critical to achieving interoperability, often a number of complementary mechanisms work together to achieve the overall interoperability goal."

In this sentence, BSA refers explicitly to Open Standards while the assessment that is made suggests that standards themselves are not a key to interoperability.

"Finally, the EIFv2.0 should refrain from recommending that procurement be used to promote open standards. Instead, the EIF v2.0 should endorse applicable principles and rules as expressed in Directives 2004/18 and 98/34, and should encourage Member States to make procurement decisions on the merits."

While the Consultation Draft argued that national administrations' role is to choose appropriate and Open Standards, the BSA clearly advocates against such decisions, which should be based exclusively "on the merits."

"Fourth, the draft EIFv2.0

C. EIFv2 Leaked Draft

"While there is a correlation between openness and interoperability, it is also true that interoperability can be obtained without openness, for example via **homogeneity** of the ICT systems, which implies that all partners use, or agree to use, the same solution to implement a European Public Service."

Referring to BSA's "complementary mechanisms," the leaked draft argues that interoperability can also be achieved without standards, e.g. if everyone uses the same proprietary solution.

"mistakenly suggests that convergence toward a single set of standards is better for public authorities than the use of multiple, competing standards. Indeed, the draft concludes that the use of multiple, equivalent standards may lead to a lack of interoperability. Converging toward a single set of standards is, in most cases, a highly risky approach. Because it is impossible to predict how any specific solution will fare in the marketplace "

Conclusion: The original draft argued that standards are a crucial component of interoperability, and that the framework must provide guidelines to promote those standards that are the most likely to achieve interoperability. This resulted in a strong preference for Open Standards. However, the leaked draft, following recommendations from the BSA, undermines the importance of standards. On the other hand, it suggests that all concerned "agree to use the same solution to implement a European Public Service."

This will hinder competition and strengthen the status quo in favor of proprietary business models.

2. "Eliminating the use of proprietary standards"

A. EIFv2 Consultation Draft

"Public administrations and European Institutions such as the European Commission should actively support efforts at eliminating the use of proprietary standards and solutions within

B. The BSA's comments

"Second, both the EIF v2.0 and CAMSS should either not define open standards, or should endorse a definition that is consistent with common usage of the term. (...)

C. EIFv2 Leaked Draft

"It is up to the creators of any particular specification to decide how open they want their specification to be."

"If the principle of openness is

public administrations by actively supporting and participating in standardization efforts, particularly by formulating and communicating needs and requirements, according to the new approach."

"make access to public services as affordable as possible."

"Administrations should ensure that solutions and/or products are chosen via a process in which competition between vendors is fair. [...] do not lock them in as regards future choices."

"This section advocates a systematic migration towards the use of open standards or technical specifications [...] to guarantee interoperability, to facilitate future reuse and long-term sustainability while minimizing constraints. After contextualising the definition of open standards or technical specifications, this section addresses the assessment and selection of standards or technical specifications and finally presents a set of recommendations. (p 51)"

"Access to the standards or technical specifications has to be inexpensive and easy and there should be no (cost) barriers related to their

"open":

(1) the specification is publicly available without cost or for a reasonable fee to any interested party;

This point is an equivalent of EIFv1 definition's 2nd criterion. However, there are substantial differences. While the EIFv1 advocated "free of charge or at a nominal fee," the BSA argues for "a reasonable fee," which implies that Free Software is prevented from making use of those standards. ("Reasonable" refers to so-called "Reasonable and Non-Discriminatory" terms, which are in fact neither reasonable nor non-discriminatory from the point of view of Free Software. Under such terms, the person implementing the standard usually has to pay the rightsholder a royalty **per copy** of the software which is distributed. This clashes with most common Free Software licenses, which forbid restrictions on distribution. [2]

(2) any patent rights necessary to implement the standard are available to all implementers on RAND terms, either with or without payment of a reasonable royalty or fee; and

The EIFv1's definition required that patent rights made were irrevocably available for use without royalties. This is clearly against BSA's statement.

applied in full:

- All stakeholders can contribute to the elaboration of the specification and public review is organised;
- The specification document is freely available for everybody to study and to share with others;
- The specification can be implemented under the different software development approaches19.

[19] For example using Open Source or proprietary software and technologies. This also allows providers under various business models to deliver products, technologies and services based on such kind of formalised specifications."

The definition of Open Standards from the first version of the EIF was present in the consultation document, which also said that "[p]ublic administrations in Europe [...] should actively support efforts at eliminating proprietary standards". In reaction to the BSA's comments, the leaked draft totally reverses that position, offering only an extremely vague description of a "principle of openness", which can either be applied in full or not.

implementation so that a wide variety of products will be available on the market;"

These extracts shows the original intention of the Framework. Besides promoting standards, choosing Open Standards instead of proprietary ones was regarded as the best way to ensure interoperability's success along with economic competition. [1]

"considered an open standard under the EIF v1 definition:

1. The open standard is adopted and will be maintained by a not-for-profit organisation, and its ongoing development occurs on the basis of an open decision-making procedure available to all interested parties (consensus or majority decision etc.).
2. The open standard has been published and the standard specification document is available either freely or at a nominal charge. It must be permissible to all to copy, distribute and use it for no fee or at a nominal fee.
3. The intellectual property - i.e. patents possibly present - of (parts of) the open

(3) the specification should be in sufficient detail to enable a complete understanding of its scope and purpose and to enable competing implementations by multiple vendors.

standard is made irrevocably available on a royalty free basis.
4. There are no constraints on the re-use of the standard."

This definition of an open standard was already approved in the first version of the European Interoperability Framework.

3. The Openness Continuum

A. Consultation Draft

"The difficulty in limiting the selection of standards or technical specifications only to the "most open"
The definition of open standards presented above should be considered as part of a broader approach, as openness touches upon many aspects of the definition, adoption and use of standards or technical specifications. First of all, openness might address additional process-related characteristics such as being subject to a non-discriminatory conformance process.

On the other hand, the characteristics of an open standard

B. BSA

"In defining openness in a manner that is inconsistent with common industry practice, the EIF v2.0 excludes many leading standards widely recognised as open from its scope including such well-known standards as DVB, GSM and MP3. (We have attached a list of excluded standards to our comments at Appendix A). If Member States implement this definition, they will effectively be restricted from utilizing a wide range of leading technologies that implement these popular standards. This would represent a dramatic shift at national level, given that virtually every single Member State now has

C. Leaked Draft

"Specifications, software and software development methods that promote collaboration and the results of which can freely be accessed, reused and shared are considered open and lie at one end of the spectrum while non-documented, proprietary specifications, proprietary software and the reluctance or resistance to reuse solutions, i.e. the "not invented here" syndrome, lie at the other end.

The spectrum of approaches that lies between these two extremes can be called the openness continuum."

The consultation document already included the

or technical specification, as presented in the previous section, might be fulfilled by some technical specifications only in part. It is useful to consider some specific "shadings" of openness such as technical specifications that are:

- "freely available" (meaning that their contents are not secret),
- "available for free" (without charge), or
- "free of use restrictions" (i.e., of legal restrictions on their use).

The interest in such additional categorisations is straightforward: Open standards or technical specifications are preferred (for all the reasons given above), but if there is no suitable, feasible open standard or technical specification, one can investigate some of the "less open" alternatives. Whereas the goal is to ensure real and fair competition through the selection of open standards or technical specification, it is however difficult at this time to limit the selection of standards or technical specifications only to the "most open" as prevailing conditions must be taken

policies that are far more flexible. "

Against Open Standards and specifications, the BSA promotes "leading or popular standards." It seems difficult to have any relevant guideline or definition about what makes a "leading standard." Moreover, there are no connections in terms of interoperability and competition.

idea of an "openness continuum". This continuum, however, only covered a range from "open" to "most open". In the leaked draft, the continuum suddenly includes proprietary standards and specifications.

"Within the context of the EIF, openness is the willingness of persons, organisations or other members of a community of interest to share knowledge and to stimulate debate within that community of interest, having as ultimate goal the advancement of knowledge and the use thereof to solve relevant problems. In that sense, openness leads to considerable gains in efficiency."

into account, including the current market conditions.

However, such choices must be revisited on a regular basis in order to ensure that a systematic migration towards the use of open standards or technical specifications takes place, as quickly as is practical."

Conclusion: Based on the above analysis, we can only conclude that the European Commission is giving strong preference to the viewpoint of a single lobby group. Regarding interoperability and open standards, key places of the consultation document were modified to comply with the demands of the BSA. Input given by other groups was not considered on this issue. Beyond ignoring this input, the Commission has apparently decided to ignore the success of the first version of the EIF, and to abandon its efforts towards actually achieving interoperability in eGovernment services.

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[1]. This is a stark contrast with the European Commission's policy on this subject. See this speech by European Commissioner for Competition, Ms. Neelie Kroes:

> "I know a smart business decision when I see one - choosing open standards is a very smart business decision indeed."

[2]. Indeed, instead of the vague notion of "reasonable fee," a nominal fee permits Free Software projects to implement standards. See as a similar case the agreement between Samba and Microsoft.