

EIFv2: Tracking the loss of interoperability

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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](#) (EIF version 2), it emphasizes the different transformations the draft has undergone since 2008.

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](#).

Looking back to the consultation draft, it is obvious that during the development of EIFv2, the European Commission has abandoned the concept of Open Standards as a key enabler for interoperability. This is a central reason why the current draft would see the European Interoperability Framework become a shadow of its former self.

What is the European Interoperability Framework?

The EIF is a set of interoperability guidelines documents and initiatives conducted under the auspices of the ISA (Interoperability Solutions for European Public Administrations) programme. The EIF supplements the various National Interoperability Frameworks in the pan-European dimension.

- November 2004: [European Interoperability Framework \(EIF\) version 1](#)
- July 2008: EIF version 2, [draft for consultation \(comments\)](#)
- November 2009: EIF version 2, [leaked draft](#)
- March 2010: EIF version 2, [leaked draft \(release candidate\)](#)

If there are any improvements to be found over the November 2009 draft, they are cosmetic at best. Between then and now, the European Commission has merely removed the formulations that attracted the most criticism.

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."

C. EIFv2 Leaked Draft 11/2009

"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.

D. EIFv2 Leaked Draft 03/2010

Therefore, European public administrations should strive towards openness taking into account needs, priorities, legacy, budget, market situation and a number of other factors.

The unfortunate reference to homogeneity has been dropped out, in favour of openness.

This part has become even less meaningful than the draft from November 2009. Given the vendor lock-in which proprietary software and standards produce, the language in this section does not provide any reasons for public administrations to consider moving to Open Standards, let alone actually make the switch.

"Fourth, the draft EIFv2.0 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"

The current draft says that in making their decision about whether to use Open Standards, public bodies should consider "priorities, legacy, budget, market situation" and other factors. This non-conclusive lists is easy to decrypt:

- Like any strategic consideration, looking into Open Standards does often take an initial extra effort. IT is not usually a mission priority in public administrations. Therefore, explicitly naming "priorities" here preserves the status quo.
- "Legacy" implies that public administrations should look at the format of the existing data they have, and consider the cost of switching to a storage format based on Open Standards. Exit costs from proprietary solutions can be substantial. But these costs always accrue eventually, either now (when they can be calculated) or at a later time, when the public body needs to switch to a new format (whether open or proprietary) for some reason. In the latter case, the future costs are both higher and harder to calculate.

The reference to "legacy" therefore asks public bodies to put off the inevitable exit costs to some distant future day. Organisations following this advice are in effect skirting their responsibility towards citizens.

- "market situation" is an invitation to public bodies to prefer the dominant solution. On the desktop as well as in many other areas, the most widespread solutions are usually proprietary, thanks to the long-standing effects of vendor lock-in and the way in which some proprietary companies have abused their dominant position.

With this reference to "market situation", the EC is asking Europe's public bodies to further entrench current monopolies by choosing solutions based simply on their market share, rather than on a full assessment of their capabilities, long-term benefits and sustainability.

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 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

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. (...) "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

C. EIFv2 Leaked Draft 11/2009

"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 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."

D. EIFv2 Leaked Draft 03/2010

The possibility of sharing and re-using components based on formalised specifications depends on the openness of the specifications. If the principle of openness is applied in full:

- All stakeholders have the same possibility of contributing to the elaboration of the specification and public review thereof is organised;
- The specification document is freely available for everybody to copy, distribute and use;
- The specification can be freely implemented and shared under different software development approaches (18).

[18] For instance, Open Source or proprietary software and technologies. This fosters competition since providers working under various business models may compete to deliver products, technologies and services based on such kind of formalised specifications.

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 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

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.

(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.

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.

The current draft does not reflect any improvement over the version of the Document made public on November.

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 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.

The 2008 consultation draft spoke of "eliminating the use of proprietary standards". This provided a clear direction to Member States, showing them the way to achieve interoperability in their public services

At this point, the consultation draft provided a workable definition of what is considered to be an Open Standard. In the current draft, this section is stripped down to a factual statement that is so generic as to be meaningless. This section provides no guidance whatsoever to Member States.

Meanwhile, Free Software ("open source") as a key driver of interoperability is relegated to a footnote, which is the only occurrence of the term in the entire document. The elimination of Free Software from the text could not have been more systematic.

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 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"

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 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.

C. EIFv2 Leaked Draft 11/2009

"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 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

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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 may lead to gains in efficiency, while non-documented, proprietary specifications, proprietary software and the reluctance or resistance to reuse solutions, i.e. the "not invented here" syndrome, are considered closed.

Within the context of the EIF, openness is the willingness of persons, organisations or other members of a community of interest to freely 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. Interoperability involves the sharing of information and knowledge between interacting organisations, hence implies openness.

The terms "open" and "closed" are used in a manner that is so vague as to render them essentially meaningless.

(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 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."

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." However, the current draft makes no attempt to highlight that an "open" approach is preferable to a "closed" one. Even if it did, both terms are used in a manner that is so vague as to render them essentially meaningless.

By the time the draft of November 2009 became public, this had morphed into the concept of an "openness continuum", which met with heavy criticism. As a result, the expression is no longer present in the current draft, which instead uses simply "open" and "closed".

Looking back to the consultation draft, it is obvious that during the development of EIFv2, the EC has abandoned the concept of Open Standards as a key enabler for interoperability. This is a central reason why the current draft would see the European Interoperability Framework become a shadow of its former self.

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.

[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 one-time fee permits Free Software projects to implement standards. See as a similar case the [agreement between Samba and Microsoft](#).