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*Parlement Europeen*  
*1047 Bruxelles*

Member of the European Parliament

Dear Mrs Catherine Day,

I am writing to you on an urgent issue relating to public procurement of the European Commission for software licenses and support contracts. In the summer of 2014, three such contracts are expiring, with a combined value of €283M.

In the European Parliament we are strongly dedicated to open, public tenders. In addition, we have underlined in our new procurement package the need for ethically and socially beneficial procurement. For a long time we have championed the European digital markets.

As a strong supporter of these Parliament initiatives, it is of high concern to me, and I am sure many of my colleagues, that the software contracts which are now expiring are concluded with closed-platform, non-European entities. Rumours are also circulating that the Commission may not be preparing to allow for open, fair competition between many parties for ICT infrastructure solutions.

You will be aware that the European Parliament has already addressed issues of open source softwares, open formats for documents and videos, and using ICT solutions the providers of which are not implicated in human rights violations in third countries. To ensure transparency, competition and the moral integrity of our institutions, it is pertinent that we can live up to the procurement standards that we wish also for others to implement.

Therefore, I trust that the Secretary General is able to speedily make the following inquiries with her services and responsible staff:

As the software licensing and support contracts are expiring, can the European Commission ensure that in the necessary procurement actions, contracting authorities shall treat economic operators equally and non-discriminatorily, and that the EC as contracting authority will act in a transparent way?

Can the Secretary-General ensure that software procurement actions undertaken by the Commission will rely on public calls for tender in which all economic operators are treated equally and non-discriminatorily, with calls based on functional specifications of the desired solutions, rather than brand names of the products procured?

In line with the strategy to avoid vendor-lock-in, but also in the interest of protecting the moral integrity of our institutions as well as the European tax payer's money, and ensuring the equal participation of all providers – including European providers of both software and support services, in particular SME:s – in tender, would these functional specifications include open and cross-platform compatibility, and/or the option to combine different



components from different vendors into a complex solution, and/or the option for European institutions to re-use, improve, and share the software that has been acquired?

Given the short time that remains of the contracts, the EC would have to take measures to ensure that the European institutions (including the European Parliament) will have legally licensed software and support available for the duration of the call for public tender. Which measures would be put in place to ensure that the European Parliament could have legally licensed software during the duration of the call for public tender?

It is imperative for both of our institutions that these issues are resolved. It would be my great pleasure to maintain contact with the Secretary-General and the ICT officers of the Commission on this issue. I thank you for your kind patience and attention, and I'm looking forward to your speedy response.

Best regards,

A handwritten signature in blue ink, appearing to read "Silvia Faller". The signature is fluid and cursive, with a large initial 'S'.

22<sup>nd</sup> January 2014