

EU Catalogue of ICT standards – Public consultation
Response submitted by the European Committee for Interoperable Systems ("ECIS")
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Personal Information

Name: Andriani
Surname: Ferti
E-mail address: info@ecis.eu
Organisation: European Committee for Interoperable Systems ("ECIS")
Role: External legal counsel
Mobile phone: +32 496 443 445

Thank you for according us a time extension to submit our contribution to this consultation. We look forward to providing further clarification during the course of this consultation process.

eGovernment Domain

Please comment here the contents of the sections dedicated to eGovernment Domain.

ECIS' input:

It is unclear what the origin of this list of specifications is, and it is thus hard to establish whether the scope of the contents is appropriate. In addition, there are horizontal standards in this list such as HTTP, which are not well-served by being listed under the eGovernment domain. Also, we would like to question the existence of both this current catalogue and the draft ICT Catalogue in view of some duplication that exist with respect to standards included in both catalogues. Is the purpose of this catalogue an attempt to find candidates for future identification by the Multi-Stakeholder Platform ("MSP"), or is it serving a different purpose? It would also be useful to know which Members States, if any, contributed to this list, and how expert consultation in general is foreseen.

Our specific comments include the following:

- The "Royalty" column needs to be checked for accuracy especially with respect to the OASIS specifications that are incorrectly labelled as RAND/FRAND.
- We would like more information on who performed the assessment by CAMSS and why this is significant.
- We would like to clarify that LIME is not an OASIS specification.
- It would be helpful to include URLs to specifications.

Cloud Computing Domain

Please comment here the contents of the sections dedicated to Cloud Computing Domain.

ECIS' input:

We are encouraged to see that this list has built upon the contents of the ETSI CSC Phase 2 Report 4. However, unlike the eGovernment domain, not all entries in this list are standards or specifications, and the ones that are not should be removed. This list should also be purged of entries that are draft standards, or work in progress as it is unclear how such efforts can relate to current ICT procurement. As noted with respect to the eGovernment domain, it is unclear what the purpose of this list is with respect to the draft ICT Catalogue, and its relation to the forthcoming C-SIG on Cloud standardisation. We consider it would be helpful to clarify this issue before embarking on updating the ETSI CSC landscaping exercise.

Our specific comments include the following:

- The “Royalty” column needs to be checked for accuracy especially with respect to the OASIS specifications that are incorrectly labelled as RAND/FRAND.
- The OASIS TOSCA TC has published another specification that is relevant – TOSCA Simple Profile in YAML. Other organisations may also have published newer specifications too. However, please consider our concerns related to the C-SIG as discussed above.
- It would be helpful to include URLs to specifications.

Transport Domain

Please comment here the contents of the sections dedicated to Transport Systems Domain.

ECIS' input:

Nothing to comment on with respect to this domain.

Energy Domain

Please comment here the contents of the sections dedicated to Energy Domain.

ECIS' input:

Nothing to comment on with respect to this domain.

Other ICT standards

Please comment here the contents of the sections dedicated to ICT standards.

ECIS' input:

The collection of Member State catalogues into a single resource is a worthwhile cause. However, ICT is a fast-moving environment where new and updated standards are published frequently, and other standards fall from favour. Although the preamble states that the list will be updated regularly, it is not clear who owns this document, who decides on the updates, and how often updates will occur. We would welcome clarification on this front.

It is also worth noting that updates could also indicate standards that are out-of date in terms of usage and declining in popularity in favour of a more recent technology. Providing this information could be important to indicate to procurers as there may be risks in referring to less favourable specifications. In that vein, evidence of market adoption and any changes to that adoption – positive or negative – could provide a useful barometer to procurers. In that case, however, it would be importance to ensure that one specification is not favoured without reason over another, and that consideration of adoption is monitored in a balanced manner.

We would also like to add that the IPR mode of an organisation or committee is invariably of little relevance to procurers as this is already factored into the decision-making process. However, in some specific cases, information about IPR and possible license requirements and royalties can be important for those public authorities who wish to use the catalogue as a reference for selecting standards for in-house development projects, or contributions to open source technology development.

In addition, the preamble states that the EU Catalogue is intended to be used as a “safe” list without qualifying what is meant by safe. If the intention here is to suggest referencing these specifications in procurement implies compliance with procurement legislation, this should be clarified to remove ambiguity.

Furthermore, the Member State(s) from which a catalogue entry originates should be indicated, coupled with links to any related guidelines, case studies and practices which would further benefit the community.

Moreover, in order to ensure the information about each standard is correct, there should be a checklist that should be considered. For that reason, each item should include:

- links to the specification, not just the committee or organisation;
- references to the entry in the Official Journal of the EU where relevant;
- a summary of IPR implications and where possible links to patent disclosures.

Also, all identified specifications by the MSP should be included in the EU Catalogue, which should be updated upon each European Commission decision.

Finally, on a more specific issue, while we understand that this catalogue is a result of input from Member State’s catalogues, there are some relevant ENs that are missing, in particular EN 301 549 – Accessibility Requirements for Public Procurement. By default all ICT related ENs should be in this catalogue.

Further comments

ECIS' input:

As a more general comment, ECIS has stressed the importance of public procurement of ICT based on open standards and open source software for a long time. We welcome the continued importance of sharing best practices and lessons learned, as well as the role of the European Commission to facilitate exchange of views on public procurement in the area of ICT, and to bring public administrations together to share useful examples and best practices in the

context of setting up guidelines addressed to public procurers for them to use open standards based information technology systems. For that reason, we recognise any initiative such as the one concerning the EU catalogue of ICT standards, which facilitates exchange of ideas. We note however that the product of any such exchange should not be restrictive and mandatory, and that public administrations should remain free to consider alternatives that may not be listed in, for example, this catalogue to the extent they are compliant with the relevant law.

In addition, in putting together this EU Catalogue, some basic principles should be kept in mind – the procurement system established by the EU public procurement rules aims to generate competition. The rules explicitly provide that technical specifications shall afford equal access for tenderers and not have the effect of creating unjustified obstacles to the opening up of public procurement to competition. It is clear that the Directive itself prohibits any practices intended to manipulate the use of technical specifications in this context. For the formulation of the technical specifications, the Directive itself relies on standards in compliance with the EU legal framework – which since 2012 also covers technical specifications adopted by industry fora and consortia – with a view to ensure a level playing field. As we have however stressed, as standards can also give rise to restrictive effects on competition by potentially restricting price competition and limiting or controlling production, markets, innovation or technical development, foreclosure of innovative technologies or exclusion of, or discrimination against, certain companies by prevention of effective access to the standard, it is important that standards used to formulate technical specifications in public procurement procedures are open and increase competition and ensure interoperability (thus increasing value for consumers).

Finally, we would like to refer you to other standards landscaping exercises covering both completed and ongoing initiatives in emerging technologies such as IoT and blockchain. While these may not have the same formal standing of standards to be included in the EU Catalogue, they may be useful information for procurers. We wish to reiterate that it is of utmost importance to distinguish clearly in the Catalogue between published standards from draft ones, and moreover, not to include, for example, user guides. As a final point, we would recommend including a link to the Rolling Plan as it would be conducive to further closing information gaps with regards to emerging standards within the context of EU policy making.