

(2002/C 172 E/064)

WRITTEN QUESTION E-3430/01**by Erik Meijer (GUE/NGL) to the Commission***(21 December 2001)*

Subject: Unsolicited provision by Microsoft of 'smart tags' linking to Internet sites with information collected and controlled by Microsoft

1. Is the Commission aware that Microsoft, which controls 92% of personal computers in the world, began on 31 May 2001 to offer its customers a new, automatic unsolicited service designated 'smart tags', involving Internet sites and office documents, which, by means of on-screen icons, provides 'relevant links' to, initially, only Microsoft-related websites selected and edited in a manner beyond any third-party influence?
2. How does the Commission view the possibility that Microsoft is using its dominant position in the field of Internet browsers and operating systems to tie consumers to information it controls by foisting 'smart tags' on consumers and firms (and their employees) in so far as they are a feature of Office XP, Internet Explorer 6 and Windows XP?
3. Can the Commission confirm that it is difficult, costly and time-consuming for all concerned to replace Microsoft 'smart tags' by a different feature, if desired, in so far as any such feature is available from competitors, as publishers must first develop files, at great cost, an HTML code must be attached to all pages on an Internet site and consumers must download and install the files?
4. Does the Commission regard it as satisfactory that, as a result of a host of complaints from various countries, Microsoft decided on a six-month deferral on using 'smart tags' within Windows XP, launched on 25 October 2001, while keeping open the option of re-enabling the feature when the time is ripe, making it possible still to acquire total domination over the Internet?
5. What action does the Commission propose to take to bring about greater freedom and diversity of information and, at least for users in Europe, increase the scope for ensuring that they are not confronted with unsolicited Microsoft 'smart tags', e.g. by introducing an opt-in requirement under which users would have to give prior express consent allowing their information material to be influenced by 'smart tags' and would be able immediately to dispense with them at any time?

Answer given by Mr Monti on behalf of the Commission*(18 February 2002)*

1. The Commission has received information on this subject from a variety of sources. The 'smart tags' referred to by the Honourable Member were a proposed feature of Windows XP that would have allowed Microsoft and its partners to insert their own links into any Web page viewed through its Internet Explorer browser. As implicitly expressed in question 4, Microsoft has meanwhile abandoned this feature in Windows XP.
2. The ongoing Commission investigation on Microsoft which led to the issue of Statements of Objections against Microsoft Corporation on 3 August 2000 and 29 August 2001 respectively, focuses on the allegation that Microsoft has abused its dominant position in the market for personal computer operating system software by leveraging this power into the market for server software. The Commission believes that Microsoft may have withheld from vendors of alternative server software key interoperability information that they need to enable their products to talk with Microsoft's dominant PC and server products.

In its second Statement of objections, the Commission also alleges that Microsoft is illegally tying its Media Player product with the dominant Windows operating system.

For the time being, and in the absence of any formal complaint, there is however no open case on Microsoft's Office XP, Internet Explorer 6 or Windows XP products as referred to by the Honourable Member, although the Commission is carefully monitoring all developments with respect to these products.

3. The Commission does not have at its disposal any information on how difficult, costly and time-consuming it is to replace Microsoft 'smart tags' by a different feature, nor on whether, files must be developed and installed, and HTML code attached to all pages on an Internet site which consumers must download.

Nevertheless, in the ongoing proceedings, the Commission is examining to what extent Microsoft has taken active steps — as alleged by its competitors — to make it technically difficult for their customers to remove certain Microsoft products and to replace them with alternative solutions which may better fit customers' purposes.

4. The Commission does not have at its disposal a formal confirmation from Microsoft or any other source that the company has deferred the exposure of 'smart tags' for a period of six months. If an allegation of a concrete infringement of Community competition law were brought to our attention, the Commission would investigate it and take the necessary steps.

5. The Honourable Member will understand that — as the Commission has not yet concluded its investigation on Microsoft — it would be premature to speculate at this point what the outcome will be. The main priority for the Commission in the ongoing proceedings is to preserve the possibility of consumer choice and of innovation for all players in the relevant markets.

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WRITTEN QUESTION E-3437/01

by Paolo Bartolozzi (PPE-DE) to the Commission

(21 December 2001)

Subject: Customs barriers and related problems in the European textile sector

European textile industries are faced with customs problems which prevent them from being fully competitive on the market. Certain countries outside Europe impose heavy import duties: India 40 %, Pakistan 30 %, Argentina 30 %, China 24 %, Brazil 20,5 %, Russia 25 %, Australia 25 %, Korea 13 % and the United States between 7 and 28,3 %.

In view of this, what steps does the Commission intend to take to improve access to third-country markets for Community products. Furthermore, what measures will it introduce to restore a balance in non-reciprocal import duties, on the basis of relations between the fifteen EU countries and the non-EU countries, by re-establishing a substantial and formal principle of fair competition?

Can the Commission also say what steps it will take, in view of the outcome of the WTO negotiations in Qatar and the earlier Seattle Round, to help solve the enormous problems of social dumping and related environmental and health problems, which are jeopardising the textile sector, undermining the global trade system and having repercussions on the social fabric of non-European countries (child labour and exploitation of the environment contrary to the principles of sustainable development).

Finally, and still in the context of global trade, can the Commission say what measures it intends to take to safeguard the trademarks and intellectual property of European firms in terms of the fight against fraud and falsification, in the light of the influx of counterfeit products onto the European market?

Answer given by Mr Lamy on behalf of the Commission

(18 February 2002)

As the Honourable Member is aware, all restrictions on imports of textiles and clothing into the Community are going to lapse by the end of 2004 as a result of the World Trade Organisation (WTO) Agreement on Textiles and Clothing (ATC) of 1995. The Community is abiding by this outcome of the