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Reference: COMP/C-3/39.692/IBM – Maintenance services

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Observations Based on Proposed Commitments (COMP/C-3/39.692/IBM)

First of all, a lot of thanks to the Commission of organising this important market test.

This opinion represents an opinion of an individual citizen, not any legal entity.

This opinion does not contain:

- any business secrets
- any trade secrets
- any confidential information.

This opinion is public and it can be added / uploaded to the Commission web pages.

Annex 1 holds information about disclaimers and copyright.

With Kind Regards,

Jukka Rannila
citizen of Finland
signed electronically

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45 **Need for EU-wide pages for EU-wide Third Party Maintainers (TPMs)**

46

47 Proposed commitments have a proposal, that IBM will create EU-wide Third Party Maintainers
48 (TPMs) Relationship Manager.

49

50 The proposal does not give very active role for the proposed position of EU-Wide TPM
51 Relationship Manager.

52

53 **The passive role of EU-Wide TPM Relationship Manager proposed by IBM is totally**
54 **unacceptable, and the final commitments must provide more active role for EU-Wide**
55 **TPM Relationship Manager.**

56

57 There must be much more active role by EU-Wide TPM Relationship Manager:

58

- 59 – TPM Manager must keep up-to-date web pages for EU-wide Third Party Maintainers
- 60 – the proposed web page must have a clear web page address
- 61 – the proposed web page must provide clear RSS feed for interested third parties
- 62 – proposed web page must provide clear email list for interested third parties
- 63 – all interested third parties must have access to the RSS feed and email list
- 64 – during the commitment period (five years) all public information related to EU-wide
- 65 Third Party Maintainers must be published promptly without delay
- 66 – the proposed web page must provide all relevant instructions to EU-wide Third Party
- 67 Maintainers

68

69 I propose following simple web page address: www.ibm.com/etpm

70

71 For example, there is very ambiguous definition about annexes 1 and 2 of the proposed
72 commitments. There web page address of annexes 1 and 2 must specified clearly.

73

74 The IBM web pages is a huge collection of different web pages, and ambiguous definitions of the
75 proposed commitment are totally unacceptable.

76

77

78 **The vocabulary is a total mess**

79

80 The vocabulary in the proposed commitments is a total mess.

81

82 **All relevant vocabulary must be just in one annex.**

83 **All relevant vocabulary must be added to the proposed web page.**

84

85 Also IBM must provide more thorough explanation of the vocabulary in the proposed web page.

86

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89 **The proposed report format is not specified clearly**

90

91 IBM proposes, that IBM will provide a report on the implementation of the proposed commitments
92 each year during the term of proposed commitments.

93

94 The format for these reports (provided in December) is not specified clearly, and there is too much
95 speculation about the format of these reports.

96

97 **IBM must provide more clearer format for these proposed reports (provided in
98 December).**

99

100 The proposed free-form format for these reports is totally unacceptable and IBM must be more
101 clearer when dealing with the Commission and the general public.

102

103

104 **IBM suggest a very passive role for EU-wide Third Party Maintainers (TPM)**

105

106 The proposed commitments suggest a very passive role for EU-wide Third Party Maintainers
107 (TPMs). Since EU-wide Third Party Maintainers (TPMs) might have a lot of relevant questions,
108 there must public answers to the relevant questions. Therefore the proposed web page must have
109 following features.

110

111 – **All questions by EU-wide Third Party Maintainers (TPMs) must be published
112 in the proposed web page.**

113

114 – **IBM will provide public answer to all questions by EU-wide Third Party
115 Maintainers (TPMs).**

116

117 – **All questions and answers must be informed in the proposed RSS feed and
118 email list.**

119

120 IBM is proposing a very passive role for EU-wide Third Party Maintainers (TPMs), and this is
121 totally unacceptable.

122

123

124 **EU-wide Third Party Maintainers must have a possibility to comment the yearly reports**

125

126 Again, IBM proposing a very passive role for EU-wide Third Party Maintainers (TPMs), and this is
127 totally unacceptable.

128

129 **Before submitting the yearly report (in December) to the Commission, all interested
130 third parties must have a possibility to comment the yearly report.**

131

132 **The possibility for commenting the yearly report must be informed in the suggested**

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131 **RSS feed and email list.**

132

133 Once again, IBM is implicitly proposing, that EU-wide Third Party Maintainers are just passive
134 bystanders during the period of the proposed commitments, and this totally unacceptable.

135

136

137 **Dispute resolution and arbitration and is thought to be a very passive process**

138

139 In the proposed commitments there a some proposal for dispute resolution process and/or
140 arbitration process. The proposed commitment implicitly provide a very passive role for the
141 Commission. Therefore I propose more active role for IBM and the Commission

142

143 **IBM must immediately inform the Commission of new dispute resolutions and/or**
144 **arbitrations related to the proposed commitments.**

145

146 **IBM must immediately provide the Commission with all relevant information about**
147 **new dispute resolutions and/or arbitrations related to the proposed commitments.**

148

149 IBM implicitly suggests, that the Commission would be a passive and/or ignorant bystander related
150 to the dispute resolutions and/or arbitrations, and this totally unacceptable.

151

152

153 **General comments**

154

155 The proposed commitments is a very sloppy presentation, and I suggest some clarifications to be
156 considered before accepting the final commitments.

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159 [Continues on the next page]

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ANNEX 1161
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170
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175
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180
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194
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202 <http://creativecommons.org/licenses/by-nd-nc/1.0/fi/deed.en>

203



1 Based on the Finnish three-party system there is a phenomenon called extreme-centre in Finland. The 2011 parliamentary elections in Finland challenge the three-party system, since three "old" parties were not traditionally as the three largest parties. The is now a "new" party as the third largest party. We all must remain being interested about this new development in Finland.