

Commission of the European Communities  
Mr. Mario Monti, DG Competition  
Hearing Officer, Antitrust Registry  
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Essen, 16 November 2001

Subject: **Application for third-party status in the ongoing investigation  
of the EU Commission towards Microsoft**

Dear Mr. Monti,

as a representative of the Free Software movement we – the Free Software Foundation Europe – herewith apply for third-party status in the ongoing investigation of the EU Commission towards Microsoft. We believe that our long and broad experience in the software field will enable us to contribute to this investigation.

### **The Free Software movement and the software market**

Free Software, and in particular the GNU/Linux operating system (the GNU system with the Linux kernel added), now holds a substantial and increasing share of the operating system market. Microsoft cited this system as its principal competitor and is using various methods to attack the Free Software movement. These attacks are usually performed using monopolistic practices similar to those used in the conventional software market.

We believe that some of Microsoft's methods of attack are against free competition, and should be investigated by the EU Commission.

### **About the Free Software Foundation Europe**

The Free Software Foundation Europe e. V. (FSFE) is a charitable association (e. V. in Germany) dedicated to promoting computer users' right to use, study, copy, modify, and redistribute computer programs in Europe. The FSFE promotes the development and use of free (as in freedom) software – particularly the GNU operating system – and free (as in freedom) documentation. The FSFE also helps to spread awareness of the ethical and political issues of freedom in the use of software.

The FSFE is an acknowledged sister organisation of the Free Software Foundation (FSF) in Boston, USA, dedicated to the same goals.

### **What the Free Software Foundation Europe can provide**

## **to the Commission's investigation**

The FSF (including the FSFE) has always observed and commented on attempts to lock up the software market and exclude new entrants. This includes many actions by Microsoft that are against free competition, sometimes directly against the Free Software movement, but not limited to that. Our expertise includes analysing the economical and technological effects of such actions on the software market from an insider's point of view.

We believe that our long-term experience with methods like those of Microsoft can be a valuable contribution to the investigation of the EU Commission.

## **Application**

The Free Software Foundation Europe herewith applies for third-party status in the ongoing investigation of the EU Commission towards Microsoft.

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Peter Gerwinski, Head of Office

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Georg Greve, President