

Grandeur and Decadence of EU OSS Policy

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Association Professionnelle
Européenne du Logiciel Libre
The European Open Source
Software Business Association

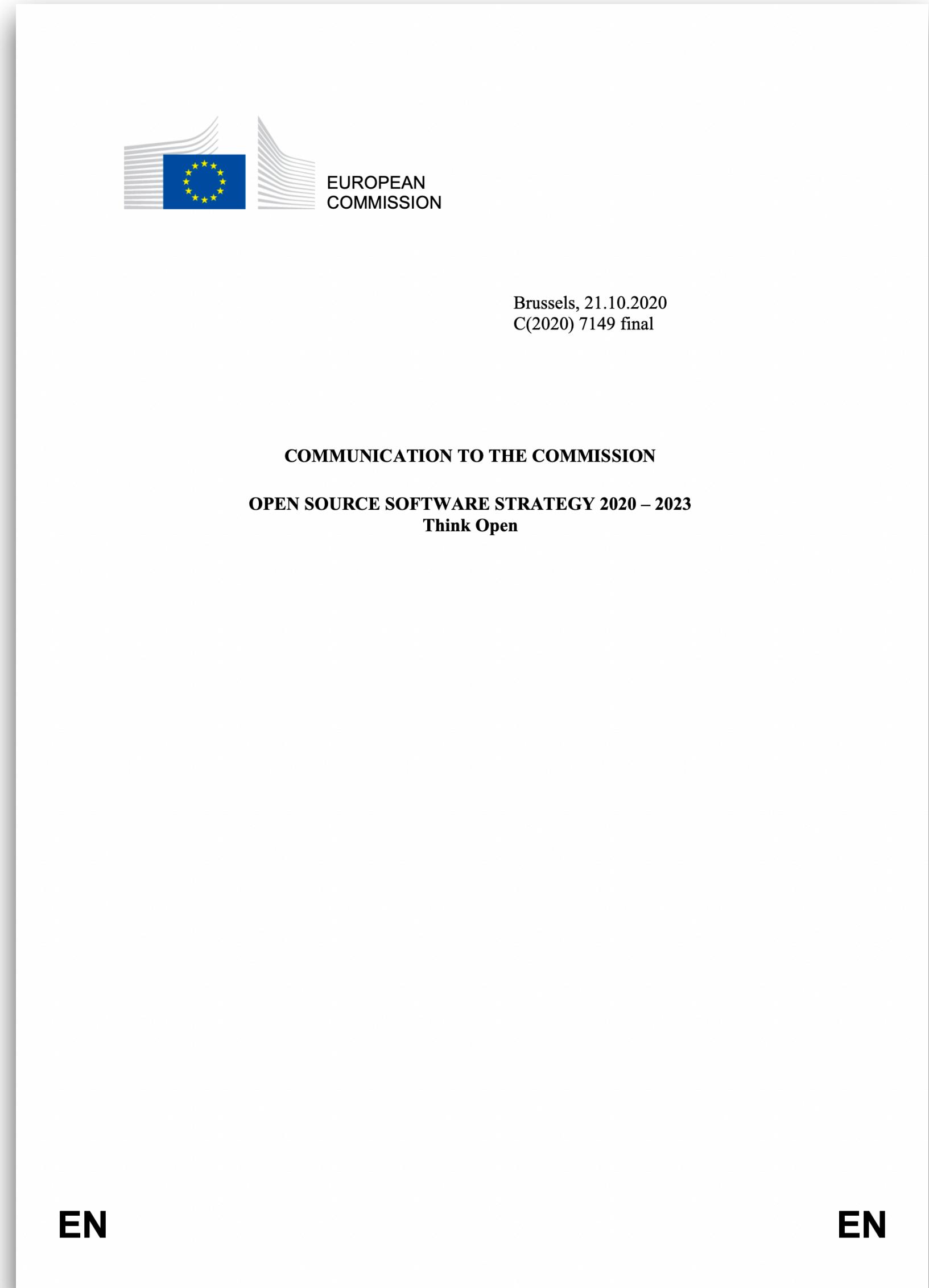
- Founded in 2020
- Members = **European Industry associations** mostly representing the commercial open source ecosystem in their respective European nation states
 - Current members are: France, Germany, Finland, Sweden, Portugal, UK, Netherland, Italy.
 - + Associate members: currently OpenForum Europe

A Drama in Three Acts

1

F/OSS and Digital Sovereignty according to the Commission (2020)

In its Oct 2020 open source plan, the Commission notes that "**the open source model has an impact on Europe's digital autonomy**. It is likely to give Europe a chance to create and maintain its own independent digital approach to the digital giants in the cloud and allow it to **retain control** over its processes, information and technology."



2

EC: Study on the impact of Open Source Software and Hardware (2021)

- Estimates that open source software contributes between €65 to €95 billion to the European Union's GDP and promises significant growth opportunities for the region's digital economy.
- To reap these benefits, the researchers point to **a need for a profound culture switch and significant investments in open technologies.**



The Open Source market in Europe in 2022 (vs 2021)

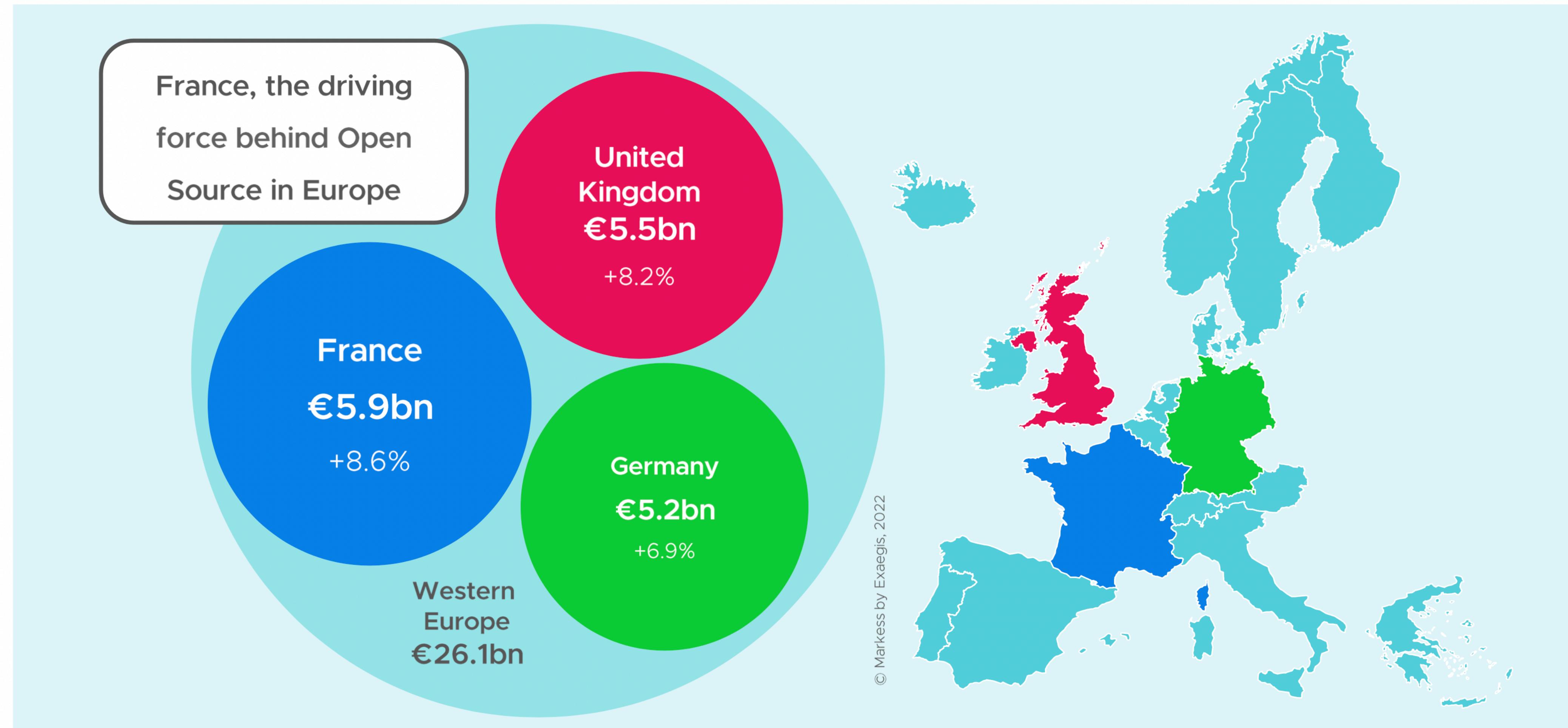


Table 8.8: Overview and comparison of Open Source policies

Criterion	Max Mark	Bulgaria	France	Germany	Italy	Poland	Spain	United Kingdom	United States	Brazil	China	India	Japan	South Korea
Dimension: Public sector		52%	65%	0%	63%	2%	57%	51%	54%	14%	40%	40%	0%	31%
Policy existence	15	15	5	0	10	0	15	10	10	0	5	10	0	10
Public procurement	15	15	10	0	15	0	5	5	10	0	10	10	0	0
Policy implementation	15	3	8	0	4	0	5	6	6	0	5	5	0	0
OS competence	20	1	19	0	12	1	12	12	9	9	6	1	0	10
Dimension: Private sector		2%	29%	16%	13%	2%	20%	11%	0%	4%	56%	27%	7%	76%
Supporting private sector	20	0	0	2	0	1	0	0	0	0	14	5	1	0
Guidance	5	0	0	2	0	0	2	0	0	0	2	2	2	5
Community	10	1	10	1	4	0	6	3	0	1	4	4	0	6
OS present in neighbouring policies	10	0	3	2	2	0	1	2	0	1	5	1	0	6
Total of achievable mark		27%	47%	8%	38%	2%	38%	31%	27%	9%	48%	33%	3%	53%
Criterion	Max Mark	Bulgaria	France	Germany	Italy	Poland	Spain	United Kingdom	United States	Brazil	China	India	Japan	South Korea

Source: EC study on the Impact of OSS/OSH (Sept. 2021)

3

APELL as a Think Tank - 2 Workshop Reports

- **The OSS development model is vital** to achieve open, sustainable, and innovative digitalization.
- **Regulations** should protect innovation, meet security and reliability expectations, and prevent uncontrollable platform effects.
- Current regulatory drafts, like the draft **Cyber Resilience Act** (CRA) include many obstacles and challenges for the open source development model, which might lead to a massive decrease of innovation and business activity in the European IT sector.
- **The cause for this might be that the European Commission (EC) does not fully understand open source, causing additional concerns.**



Supplementary material

We need to do more, now

- **Enforce** existing regulations “encouraging”, “preferring” or “mandating” the use of F/OSS in the public administration, add missing ones
 - French MP Philippe Latombe: *“The State must by default use free software. The only constraint that the State understands is the normative one, i.e. when it’s imposed by the Parliament.”*
- **Finance** both innovative and maintenance work, using the proper financial tools
- **Promote** the F/OSS ecosystem, including the EU business sector

Proposed strategic plan (1/5)

Establish specific Open Source strategies at EU-level, and in each EU country, focussed on boosting economic growth, innovation and digital sovereignty

- OSPOs everywhere + network of OSPOs
- Engagement with the F/OSS EU **business ecosystems** should be explicit in their mission
- One of the OSPOs' KPIs should be to explicitly **increase the proportion of F/OSS in IT purchasing** by the public administration they are working for

Proposed strategic plan (2/5)

Prioritising Open Source in software procurement by the public and private sectors in a way that it becomes impossible to create insurmountable vendor dependence

- Ensure that proper, **direct contractualisation** with F/OSS SMEs is possible and regularly activated
- Ensure that **large support contracts**, which are usually awarded to large IT companies, provide enough value to SME that create and maintain the software they support

Proposed strategic plan (3/5)

Promote investment in OSS

- Increase the proportion of F/OSS (and OSH...) projects in **R&D and Innovation financing and make it easier for SMEs to participate**
- more general **tax incentives for Open Source contributions**
- **Increasing public funding of specific and strategic Open Source projects, particularly for small and medium-sized companies, through existing programmes and new initiatives**

Proposed strategic plan (4/5)

Education and training

Place Open Source at the heart of digital skills strategies and computer science education across Europe, with the aim of boosting innovation in the long term

Proposed strategic plan (5/5)

Level the playing field for F/OSS

- **Promote** F/OSS, either specifically (e.g. directories of existing solutions and technologies) or in the context of existing promotion schemes for the tech sector (e.g. “La French Tech”)
- Increase awareness around F/OSS in the **education** and higher education curricula
- Ensure adequate **legal frameworks**: interoperability requirements, public procurement regulations, no software patents, GDPR, etc.
- Keep the influence of “**big tech**” companies at bay with proper regulations and by being present in the relevant standardisation bodies