

# SYNERGY

The IDABC Quarterly

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05

**EXCLUSIVE:**

Eben Moglen discloses  
the GNU GPL V.3 Agenda

**OPEN SOURCE IN THE  
PUBLIC SECTOR**

- Biggest survey so far
- IDABC: The next steps
- Procurement

**THE FUTURE OF  
PUBLIC SECTOR  
SOFTWARE:  
COLLABORATIVE  
DEVELOPMENT****LICENSING ISSUES  
AND THE NEW  
EUROPEAN PUBLIC  
LICENSE (EURL)****HOW TO  
COLLABORATE  
WITH FREE DEVELOPER  
COMMUNITIES?**European  
Commission



There is no doubt that Open Source Software (OSS) is here to stay and many administrations can see clear benefits from introducing and increasingly using OSS.

This issue of Synergy explores the question of the benefits of OSS for European public bodies. There are several sub-issues in this respect – cost, for example. OSS is about costs but not just in the sense of savings on licence costs. Potentially lower system administration costs and lower development costs must also be considered.

OSS is also about collaboration, sharing ideas and sharing code. This can improve interoperability and quality and in this sense, OSS is a software development methodology. Of course, collaboration and sharing again has an impact on cost.

Legal issues must at the same time be considered carefully. OSS users and developers must read and understand the associated licences

as well as thinking about licensing for the software they make available to others.

Public administration interest in Open Source is not just about OSS replacing proprietary projects. More and more it is about developing custom applications, perhaps specifically for use by public administrations, based on Open Source Software, on OSS collaboration and development principles and even using OSS licences for sharing other results of such developments.

Decisions about the acquisition or development of software should be based on achieving best value for money. I hope that this issue of Synergy will provide useful information for public authorities using or considering the use of OSS alongside existing proprietary solutions, as well as for their private sector partners.

Karel de Vriendt  
IDABC Head of Unit

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## IDABC ACTIVITIES: WHAT'S IN THE PIPELINE?

***IDABC began work on Open Source Software (OSS) under the previous IDA programme. New initiatives planned in the IDABC Work Programme will build on the progress made and lessons learned so far.***

European governments' interest in Open Source Software (OSS) rose at the end of the last century. It became visible in the Lisbon Strategy and the corresponding eEurope Action Plan to bring Europe online with a cheaper, faster, secure internet and put the priority on investment in people. A recommended means to reach the target was to "...promote the use of OSS in the public sector and eGovernment best practices". As a contribution to this, IDABC – IDA at that time – initiated a first study into the use of Open Source in the European public sector and a workshop with stakeholders in 2001.

The study, entitled 'Pooling Open Source Software' investigated the opportunities for public sector communities to share resources and develop software collaboratively. The conclusion was that information is paramount for motivation: knowing that OSS has been successfully implemented elsewhere, and that re-use and collaboration are viable and cost-effective. In 2003 IDA published its Open Source 'Migration Guidelines', detailing sample scenarios and the related costs of migration towards OSS. More advice was to follow, such as a study on partnering with community developers and a 2004 paper about legal aspects of OSS and in particular OSS licences.

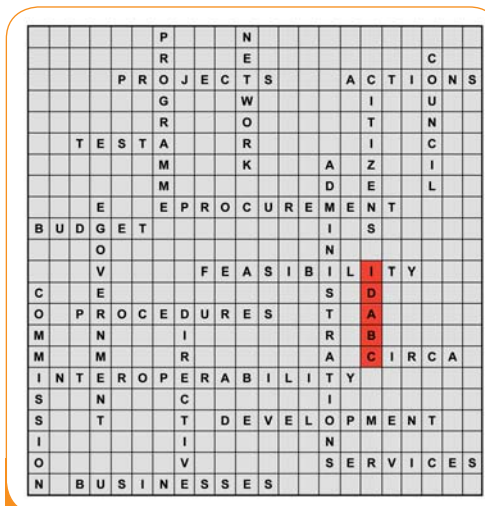
Since 2004 OSS good practices have had their own home on the IDABC website. The Open Source Observatory (OSO) presents international news, case studies, advice and an inventory of selected Open Source applications produced by public administrations. The OSO has proved a popular resource.

The IDABC work programme will build on the OSO by continuing to promote collaboration in OSS.

In 2006 work will start on an Open Source Software Repository (OSOR), which will be a central meeting point and collaborative platform for OSS projects in public administrations across Europe. It is a huge challenge: the OSOR is not only planned as an IT-platform facilitating the exchange of public sector-related software; if the planned feasibility study confirms the need and interest of the Member States, the prototype of the OSOR will be organised as a centre for active promotion of online collaboration on new applications. A future OSOR team will network and initiate communities and connect to other emerging European OSS platforms and repositories, thus generating and benefiting from synergies.

Specific advice and studies will accompany this collaborative effort. A study on the organisational and legal model for joint Member State software projects is under way, with an eProcurement platform as a sample case. Also in the pipeline is a revised version of IDABC's draft European Public Licence (EUPL), together with a paper summarising the related public discussion.

Further good practice cases and advice are to be researched and presented by the IDABC programme as OSS makes inroads into European eGovernment and new challenges have to be met.



*The IDABC Work Programme: making it all fit together*

IDABC OSS projects

<http://europa.eu.int/idabc/en/document/2627/556>

IDABC OSO:

<http://europa.eu.int/idabc/en/chapter/140>

IDABC Work Programme:

<http://europa.eu.int/idabc/en/document/5101>



## OPEN SOURCE IN THE PUBLIC SECTOR IN EUROPE – USAGE AND DEVELOPMENT

***Is Open Source Software (OSS) really making an inroad into public administrations? Is its usage restricted to specific IT areas? What motivates administrations to adopt Free/Libre/Open Source Software (FLOSS)? And what are the prospects for future development?***

Empirical evidence to help answer these questions can be found in a survey report, which was released by MERIT at the University of Maastricht in October 2005. The study, conducted in the framework of the EU-funded FLOSSPOLIS research project, is the largest and most comprehensive survey of FLOSS use in local public administrations ever conducted. Personalised questionnaires were provided to 4138 organisations in Austria, Belgium, Czech Republic, Denmark, France, Germany, Greece, Italy, Netherlands, Poland, Spain, Sweden and the UK, producing a total of 955 valid responses. The results are representative of the EU countries as a whole.

According to the study, half of local government authorities already use at least some FLOSS (see Figure 1). An additional 29 percent do not report explicitly use of FLOSS, but mention FLOSS software (GNU/Linux, MySQL, Apache) by name when asked for programmes they have implemented. This “unaware” FLOSS usage was not expected by the researchers. It is found mainly in organisations with small budgets.

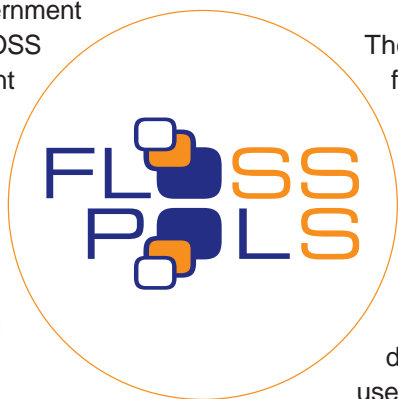
Whilst many public administrations use “some” FLOSS, very few use it exclusively or even as dominant software. Partial use on servers is the most common scenario (40 percent) followed by partial use on desktops (16 percent). 20 percent report experiments through pilot projects. Pure FLOSS implementations are very rare, whether on the desktop or the server.

There is clear potential for increasing usage: more than two thirds of those administrations that already use FLOSS intend to invest more in this type of software. Meanwhile, 38 percent of current non-users

say they want to start implementing FLOSS. One fifth of those wanting to increase FLOSS usage are aiming to migrate completely to FLOSS.

European public administrations obviously perceive several different advantages in implementing OSS.

The possibility to customise FLOSS according to their needs and to combine it with existing proprietary systems is a crucial factor. As shown in figure 2, public administrations with a high customising rate are also more likely to use FLOSS. For current non-users, the need to customise is a strong driver towards increasing future FLOSS use.



The wish to become more independent from particular vendors is also a strong driver towards future FLOSS use. This shows in the strong correlation between a sense of being “too dependent” on vendors and a desire to increase future FLOSS use. There is further evidence for the validity of this argument: Whilst non-users depend on one to four vendors, FLOSS users benefit from more competition of five or more vendors.

Cost is also important. Licence fees account for 20 percent of IT budgets, and are thought to be too high by half of the respondents. Especially among the current non-users of FLOSS, the cost argument weighs heavily when considering moving towards OSS.

But there are also perceived barriers. Non-users are generally reluctant to become the first amongst their peer organisations to migrate to FLOSS. Most

# OSS - STATUS REPORT

public administrations want to see another similar organisation adopt FLOSS before they do. This finding underlines the value of information platforms like the IDABC Open Source Observatory, where reference projects can be found.

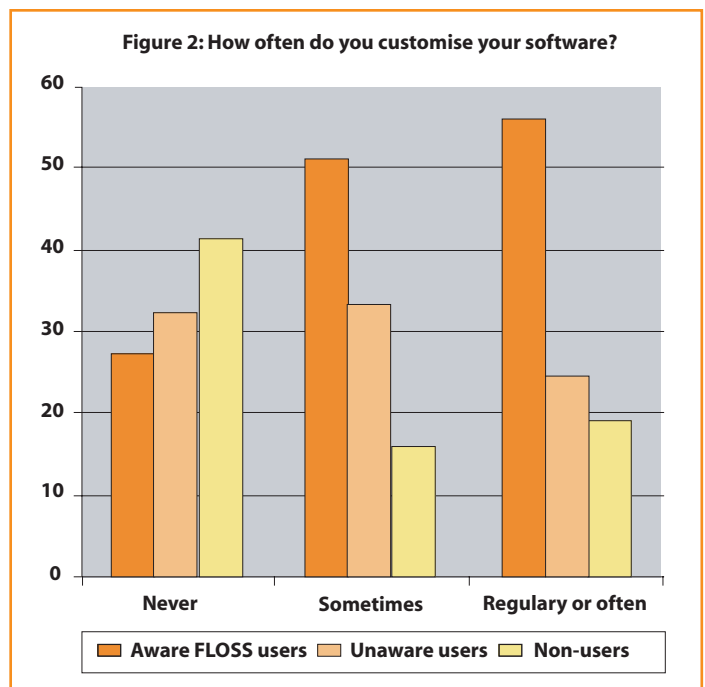
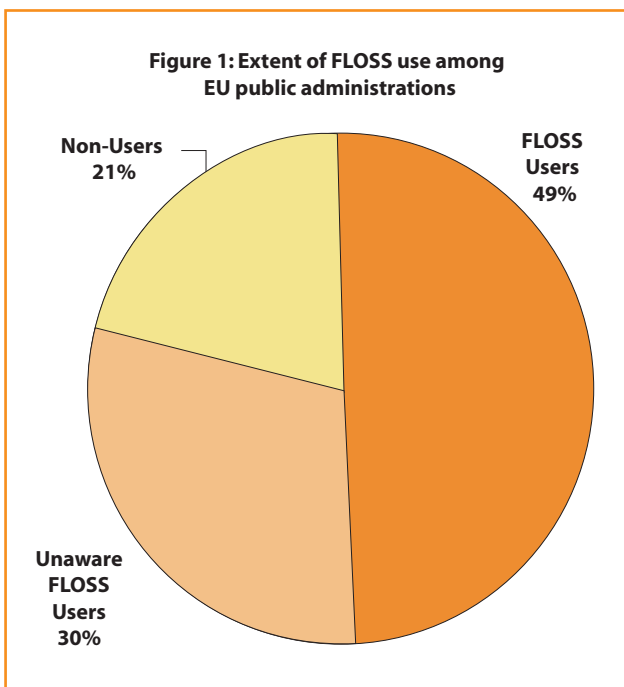
Another barrier is the allegedly high cost of training. However, this concerned non-users only; the experience of current users, who appreciated the advantages more strongly than non-users, suggests that fears of training costs and lack of support are not borne out in practice.

It is often claimed that whilst licence costs may be lower with FLOSS, there is a greater requirement for external maintenance services, which drives up costs. In fact, the survey shows that FLOSS users are less likely to use external maintenance services than non-users. FLOSS use appears to reduce the administrator workload per PC. Thus, FLOSS users administer 35 percent more PCs per IT administrator than non-users, and IT departments with high workloads are more likely to want a future increase in FLOSS use.

Although customisation is an important factor, only a small proportion of the local administrations develop their own software and contribute to FLOSS projects and communities. The data from the Netherlands, where an extended questionnaire was distributed, may serve as an indicator: 12 percent of Dutch administrations own software that could be disseminated under a FLOSS licence. Only 7 percent of the public organisations had actually released code or applications under an Open Source licence.

The report concludes that there is great potential for extending use of FLOSS in European local government: "Policies designed to increase take-up of FLOSS in the public sector should ... focus on increasing awareness of FLOSS, its costs and benefits, encourage pilot projects and experimentation to build experience for organisations to better make decisions, and foster the exchange of best practices to assuage fears related to support availability and training costs."

For more details read the full report at <http://flosspols.org/>  
<http://www.merit.unimaas.nl/>





## COLLABORATIVE SOFTWARE DEVELOPMENT IN THE PUBLIC SECTOR

***Collaborative software development (or mutualisation) could be achieved using the Free/Open source model to address European public sector needs. Belgian government expert Oliver Schneider clarifies the concept.***

During the IDABC workshop at Linuxtag 2005 in Karlsruhe, Oliver Schneider from the 'strategic cell' of the Belgian federal public administration for ICT (FEDICT) proposed the 'collaborative development' (or 'mutualisation') of European public sector software. Mr. Schneider, who is responsible for topics such as free and Open Source Software (OSS) policies and open standards, answers SYNERGY's questions.

### ***Why do you want to introduce collaborative development ?***

Mutualisation is nothing new for the public sector in areas like water or energy distribution, waste management, hospitals, etc., where different administrative entities combine their efforts and share costs. It also exists in software, based on local – mostly regional – initiatives. Through mutualisation, they also avoid reinventing the same solution multiple times. The advantages are cost reduction in development and maintenance. Adopting the Open Source model for mutualisation projects will not only facilitate the sharing of the software produced, it may also reduce vendor dependency. By enlarging the user and developer base, the OSS model may ensure better long-term support.

### ***Are there specific advantages at the European level?***

With no marginal production costs and by using the internet, software can be made highly flexible and adaptable. There are two additional incentives: first, once EU directives are transposed, the legal eGovernment framework is often comparable in different Member States. This will facilitate application sharing between different national administrations. Second, cooperative development could solve most of the interoperability issues: indeed, although common

principles exist, fragmented technical implementation creates multiple trans-border barriers that sharing could remove.

### ***Are public administrations mature enough for such an approach?***

The IDABC study 'Pooling Open Source Software' opened minds in 2002, and popularised the concept. Whilst this was not enough to generate tangible results, the European Interoperability Framework has been developed within the last three years, with common architecture and standards in several domains. The Open Source Observatory has monitored progress and awareness in the public sector community. It is now time to launch the first initiatives.

### ***What should be the next steps?***

eProcurement and eCataloguing are good candidates because of their specific aspects. IDABC has already laid the foundations by proposing XML formats and specifications. The current European i2010 plan foresees that all EU Member States will have to implement such solutions by 2010 and this requires investment. In many cases, local and regional authorities, which are responsible for 80 percent of published tender notices, do not have - depending on the country and its size - enough resources to support the necessary development on their own. eProcurement and eCataloguing solutions are highly complex projects. Collaboration between public administrations seems to be the sole alternative for both reaching the i2010 target and achieving technical interoperability. As a preliminary measure the IDABC programme has launched a study on legal and organisational options for a collaborative eProcurement project to be implemented and managed jointly by several Member States.

## BUILDING A COMMUNITY: WORKING WITH OPEN SOURCE DEVELOPERS

*The free sharing of knowledge amongst a large community of collaborators is the main benefit offered by Open Source Software (OSS), not lower costs or code access. To help public administrations take advantage of this, IDABC has published ‘Guidelines For Public Administrations On Partnering With Free Software Developers’.*



*OSS community building requires a strategic approach*

The guidelines provide background briefings on motivation, organisation and funding models for developer communities, as well as details on legal frameworks and other issues.

The following 11 steps for successful collaboration summarise the recommendations.

**1. Identify the “seed” – what will attract developers?**

Show what you have done before asking the OSS community to help. The best way is to release the core of an application, developed in-house or by subcontractors.

**2. Reach out to the developer community**

If nobody knows what your needs are, nobody will respond. Widespread but targeted dissemination of your needs and “seed” software is essential.

**3. Attract a community to solve a problem**

Attracting an existing community can work if your problem is shared by others, as with Extremadura’s GNU/LinEx which works with the Debian community.

**4. (or) Attract a community to support a pre-existing software application**

Alternatively, release a fully developed application of wider interest – planting a tree rather than a seed.

**5. Provide or identify collaborative development infrastructure**

Build channels to reach developer communities

by creating a development infrastructure, portals and repositories that provide useful services to developers.

**6. Cooperate and proactively provide feedback**

Ensure that users in public administrations interact extensively with developers. Free software developers need constant feedback, and they usually act upon it quickly.

**7. Identify community leaders**

Free software communities are self-organising and those who show the most initiative become de facto leaders. Identify and interact with such individuals.

**8. Identify selection mechanisms to balance competition with cooperation between developers**

Though portrayed as communal, free software development is highly competitive. Public administrations need to provide mechanisms to actively encourage competition between different solutions.

**9. Identify funding methods if required**

Developers are not volunteers providing charity. Public administrations must justify developer motivation, and consider funding models.

**10. Monitor and evaluate results**

Continuously monitor the extent of interaction between “client” public administrations and the “supplier” communities

**11. Involve other public administrations**

A community of supporting developers is more likely to be attracted by an existing community – of collaborating public administrations. Administrations working alone are much less likely to succeed in building developer communities.

Read the full guidelines at <http://europa.eu.int/idabc/en/document/3879/471>

## LEGAL ISSUES RELATED TO OSS

***Use of Open Source Software (OSS) does not just involve technical and organisational issues: legal questions must also be addressed. The main legal issues relate to the licence, including points such as warranty, liability, infringement of intellectual property rights and so on.***

Rights are basically the same in all licences according to the Open Source Initiative (OSI) conditions. The granted rights are:

- Access to source code;
- Permission to modify providing attribution marks are respected;
- Permission to redistribute;
- No discrimination regarding usage or persons,
- No additional conditions relating for example to the inclusion of the software in particular products or distribution, or its use within a specific environment or interface.

Despite the commonalities, there is not one, but multiple (hundreds) licence models that are usually not compatible because of differences related to the permission to redistribute.

The GNU GPL (General Public Licence) is amongst the less permissive, because any redistribution of a "GPL component" (if you use it to develop a broader piece of software) must be done under the same GPL conditions. As solutions are built today by assembling existing components, and as thousands of ready-to-use GPL components are available on the Internet, this creates a problem for those developers selling proprietary software to their clients and wanting to retain the right to the developed code - how to ensure that no employee or contractor has used any of these components? Exclusive property can become freely distributed through a so-called viral effect.

Other issues arise when developers want to produce new OSS: they have to build it using only components that have compatible licences, and must exclude others even when technically better. Fortunately, the number of relevant licences – used for popular

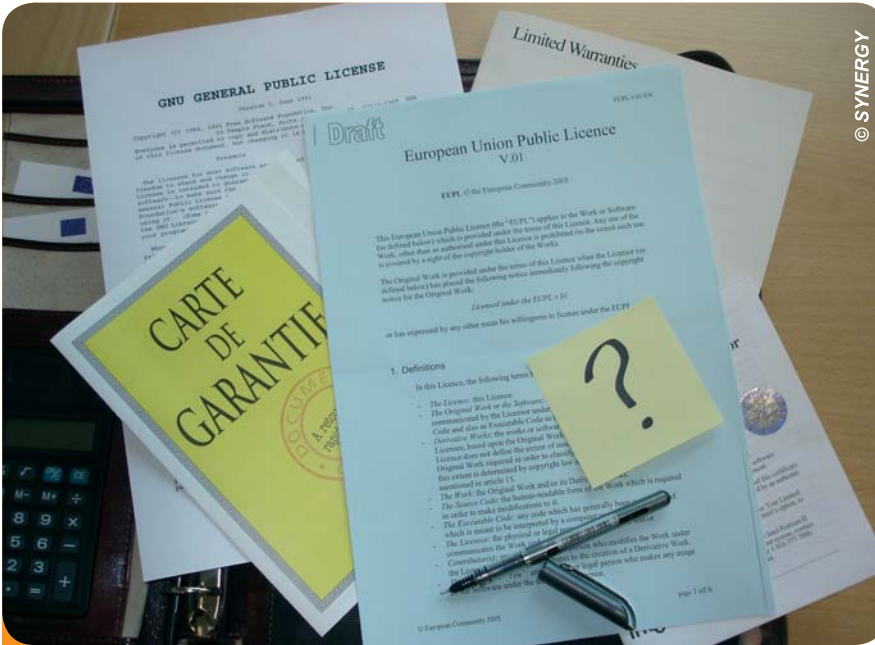
components by a significant number of developers – has reduced to ten including the GPL, but also the BSD (Berkeley Software Distribution) / the Apache and the MIT, all of which permit wide usage.

Apart from the licence issue, there are additional legal challenges:

- Exercise of copyright is more difficult when a work is developed by an unstructured group of persons.
- Developers "for fun, during free time" have often a second life as employees. How far are the two activities separated?
- OSS developers feel threatened especially by software patents, because of high patent costs (seen as a monopoly for rich enterprises) and perceived restriction of freedom to express ideas in a visible and incremental way.
- The relationship between Open Source developers and their 'clients' in terms of granting support or maintenance is still experimental.
- The impacts of warranty and liability, for example in the case of patent infringement, and the possibility of insurance, are not easy to forecast.

Europe, with a developing common specific legal framework for commerce, industry and consumer protection, but also with great diversity regarding language and culture, is facing specific issues: for historical reasons all relevant licences are written under US law, where the OSS movement was born 20 years ago. This does not undermine their validity: the Munich Court enforced a specific application of the GPL in 2004. However, it makes legal services uncertain:

- Copyright law and author rights are not applied the same way (in particular concerning specific



refuse for integrity reasons to give equal value to translations.

Published by IDABC in June 2005, the draft European Public Licence (EUPL) tackles these issues, in order to facilitate OSS licensing of code produced by institutions of the EU. It reduces legal flaws in the European context and highlights the contribution of European parties in an area previously dominated by US lawyers.

The EUPL is still a proposal for discussion. And, even if and when officially approved, it would not yet have the project and developer base that underpin successful

OSS Licences – in particular the GNU GPL. The successful development of the EUPL will depend on attracting European public authorities to collaborative development, on demonstrating legal and linguistic conformity with Member States' requirements, and also on influencing the future of OSS licensing. The latter includes providing input to new versions of GNU GPL and OSI, as well as - if possible - pursuing compatibility with the most popular licences in the long run.

<http://europa.eu.int/idabc/en/document/2623>

*The draft European Public Licence addresses the needs of EU public administrations*

provisions related to “communication to the public” and moral rights (right to withdraw, to modify, and to remain anonymous);

- Applicable contract law (often US law) is difficult to for European judges to appreciate, and does not comply with mandatory European provisions concerning, for example, data protection and warranty or liability clauses;
- The determination of the competent jurisdiction ignores the European context;
- Texts are in English only and their authors

## Towards harmonisation: Larry Rosen’s draft for OSL V 3.0

Lawrence Rosen is attorney and a computer specialist, and a former General Counsel and Secretary of the non-profit Open Source Initiative (OSI). He is the author of the OSL V.2, which was considered as the licence that best fits the European Commission requirements if applied “as is” (in English only and using US terminology). OSL has a copyleft effect similar to the GPL (see Interview p.10), with a more international dimension. Lawrence Rosen drafted an OSL version 3.0 incorporating much of the proposed EUPL wording. In particular, he examines the right to translate, the notions of “communication to the public”, the visibility of modifications, applicable law and competent jurisdiction (by removing specific references to US law and jurisdiction). Without prejudice to conclusions, this approach may introduce a global dialogue on Open Source licensing.

<http://www.rosenlaw.com/OSL3.0.htm>



Conducted by Patrice-Emmanuel Schmitz

*Professor Eben Moglen is an internationally known lawyer and academic, and a member of the Board of Directors of the Free Software Foundation (FSF). Founded in 1985 by Richard Stallman and based in Boston, USA, the FSF is the owner of the General Public Licence (GPL), the world's most used OSS licence. As General Counsel to the FSF, Moglen handles the Foundation's legal business, thus playing a prominent role in the development and promotion of the GPL.*

**Q:** During the 1980s, Richard Stallman launched the free software movement by creating a revolutionary copyright licence, the GPL. He applied to copyright the idea of “copyleft”, which can be summarised by “I give you all freedom to use, adapt and distribute my software, provided you grant exactly the same freedom to your users, if you re-distribute”. Could you describe the current situation in terms of projects and developers?

**A:** After 20 years, the GNU General Public Licence (GNU GPL) is the most widely used licence in the most widely used form of software development. Given the data compiled by MERIT about projects hosted at Sourceforge, we can say that GPL'd software development accounts for more than five million programmer hours per week in software produced. If the GNU GPL were a firm, it would be the single largest software development firm in the world, far larger than Microsoft. But it is not a firm, it's a movement, which has already transformed the global software industry, and is growing ever stronger with no end in sight.

**Q:** GPL has been improved over time: it is now GPLv2 and a GPLv3 is planned. What improvements are expected from GPLv3?

**A:** The Free Software Foundation will not discuss the specific content of the licence before the official public

announcement of a First Discussion Draft of GPLv3, which we expect to occur early in 2006. We expect that draft and its successors to be refined in response to a worldwide public discussion, which we expect to last throughout the calendar year, leading to formal promulgation of the new licence in early 2007.

**Q:** What about the process of elaborating GPLv3? How and by whom will GPLv3 be drafted, discussed and released?

**A:** GPLv3 has been under continuous development at least since I began working with Mr. Stallman and the Foundation, in 1993. Primarily together, and latterly with other members of the Foundation staff, we have discussed and refined numerous candidate provisions. I have engaged, both with law students and other lawyers with whom we work around the world, in significant comparative analyses of possible changes to GPL in relation to the world's major copyright systems. All that long-term development effort informs the comparatively restrained set of changes I expect to see included in the GPLv3 First Discussion Draft, which will represent our best judgment as to the changes necessary to see the licence through another decade.

Along with that draft, we will release a Rationale Document, explaining all our changes in light of the licence's fundamental purpose, which is to protect

users' freedoms with respect to the software it covers. Some time before the release of the First Discussion Draft and the Rationale, we will release a Process Document, which will be a complete roadmap to the public discussion process. I expect tens of thousands, possibly more than one hundred thousand, individuals to comment on the First or subsequent Discussion Drafts.

**Q: Could you provide "best guess" estimates of timing for these various phases?**

**A:** I expect the formal release of the First Discussion Draft to occur in January 2006.

**Q: Will existing software, which is currently released under GPLv2 automatically be released under GPLv3 when it is published?**

**A:** Under the re-versioning clause contained in section 9 of GPLv2, once GPLv3 is formally published for use, new releases of modified or unmodified GPL programs not designated 'GPLv2 only' can occur under GPLv3.

The FSF will release all the software in its care under the new licence, and we expect that other projects under GPL will make the shift, too with their next release. If the projects themselves do not, under GPLv2 section 9, any person possessing a copy of the program can make a release under 'any later version' of the licence, so re-licensing, though not precisely automatic, will be swift. For programs designated 'GPLv2 only,' re-licensing requires a decision by the copyright holder or holders, or others contractually or otherwise invested with the power to make licensing decisions.

**Q: Free Software or "Open Source" have become so popular that more than 100 different models of licence exist. This raises the question of compatibility. It seems that the GPL copyleft condition to "grant exactly the same freedom" means that GPL must be reused "as is" in case of re-distribution. What is therefore the meaning of other licences "being compatible" with the GPL?**

**A:** Other free software licences are compatible with the GPL if they either: (1) permit modified versions of the code they cover to be released under GPL, or (2) impose no other restrictions on the covered program, and permit no other modes of distribution than those permitted by GPL.

**Q: The European Commission has now put in discussion a draft European Public Licence (EURL). The initial objective of this is to distribute software produced by EU Commission (in particular IDABC software) under a licence that complies with the EU legal framework. The second objective is to address European diversity where the 25 Member State administrations want text translated into their legal culture and language. Could you comment on the project?**

**A:** I think the EURL articulates a series of needs and concerns that the drafters of all free software licences, including the GPL, should heed carefully. I would hope that those needs and concerns could be addressed in the context of a licence that is not incompatible with GPL and other leading free software licences.

**Q: On which conditions could the draft become compatible with GPL?**

**A:** I think that this question is premature, given that GPL must now be considered a licence subject to near-term modification. As there is no existing code base released under EURL, we can assume that EURL itself represents more a negotiation context than a "going concern." I would therefore prefer to ask: "How could GPL meet most effectively the needs and concerns intellectually embodied in the EURL?" If the answers given to that inquiry are within the realm of the possible in the GPLv3 effort, perhaps that question could be resolved by modifying the world's most widespread licence, so that the citizens of Europe can get the maximum benefit from the software their taxes pay for.

<http://emoglen.law.columbia.edu>

The FSF website can be found at <http://www.fsf.org>

## DUTCH MANUAL ON OPEN STANDARDS AND OPEN SOURCE SOFTWARE IN THE PROCUREMENT PROCESS

**The Dutch government's Open Standards and Open Source Software (OSOSS) Programme was asked by the Minister of Economic Affairs to develop a manual for government organisations on how to manage Open Standards and OSS in public procurement.**

The driving motivations for the Dutch project are the perceived or actual problems public administrations experience in procuring OSS or referring to Open Standards in calls for tender.

The new OSOSS manual states that it is indeed possible for a government organisation to require or prefer OSS or Open Standards in the procurement documents – under certain conditions.

The manual starts by providing definitions. "Open standard" was previously derived by the OSOSS programme from the definition in the European Interoperability Framework, which was developed by IDABC. Regarding OSS the Open Source Initiative's ten-step definition is used.

In general, a government organisation can only require Open Standards in its procurement documents if it is able to justify the importance of all elements that compose an Open Standard. If only some of these elements are justifiable in a specific project, a government organisation may prefer but not require Open Standards. The same applies to OSS. Applicable regulations and norms may deliver justifications. For example the Dutch "Code for Security of Information" advises that source code should be available for auditing purposes.

According to the manual it is even permitted to refer to a particular standard or software by name (i.e. ebXML),

but only if it is impossible to describe all the required details in terms of functionality. The manual strongly recommends using the phrase "or the equivalent thereof" if a standard is named. Only if an OSS or an Open Standard is recognised as a European norm, i.e. published by a European standardisation body, can a government organisation simply require it. Requiring a European norm does not have to be justified. Indeed, when a government organisation chooses not to require the existing European norm, a justification for this exception must be provided.

Another issue that is addressed in the manual is the fact that small, innovative companies may have difficulties meeting stringent criteria with regard to financial sustainability. The manual stresses that the selection criteria for financial sustainability should be in proportion to the scope of the tendered service. It is argued that the availability of the source code assures interoperability, since there is no dependence on

the original supplier. As a consequence the weight of these selection criteria could be lowered.

*Bart Knubben, the author of this article, is an OSS consultant in the Programme, an expertise centre that is part of the ICTU, the Dutch organisation for information and communication technology in the public sector.*

For more information about the Dutch activities see <http://www.ososs.nl> and <http://www.ictu.nl>



*The Dutch OSOSS guidelines: an example for other Member States?*

## CONTRACTING OPEN SOURCE DEVELOPMENT IN LONDON

**Camden is one of the 32 Boroughs, or local government units, of London, with a population of 198,000. It has been using Open Source Software (OSS) since 2001, and has been procuring OSS development ever since.**

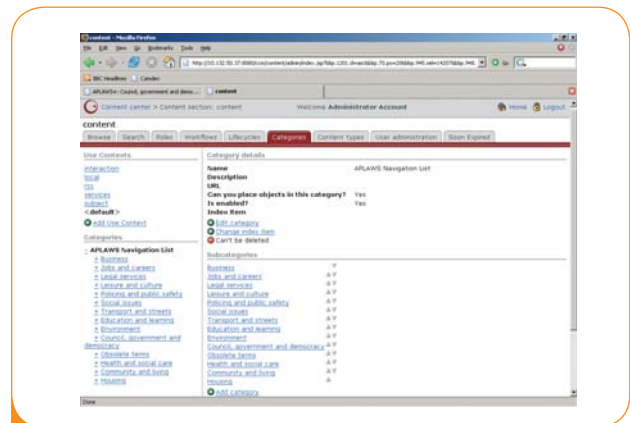
Initially the model for procurement and support of OSS was much the same as that for proprietary software. Whilst this was an adequate model it was difficult to see any clear cost benefits from using OSS.

The Camden team decided that they had to review the way in which they were managing the OSS procurement. The standard option of doing all of the development and support for the application in-house was not considered to be sustainable as Camden has a very small in-house development capacity. Taking on additional resources would have increased the total cost of ownership of the software to an unacceptable level.

The ideal solution to the problem was to open the market to as many suppliers as possible. The ability for potential suppliers to freely enter the market by downloading the source code and having no restrictions on its use was seen as being a strength of OSS compared to proprietary systems, where the original supplier often retains strong control over the pricing of the software. The problem that this presents for end users with limited development capacity, a typical situation in local government, is how to support the end application.

The Camden team went to Red Hat, which had supported the development of a content management system in 2001, to discuss possible solutions. What emerged was a formalised support agreement where Red Hat agreed to provide a quality control procedure for code submitted by other suppliers. Following quality control, the new code could be covered by the existing support agreement. The cost of the quality control procedure was outside the existing support agreement and needed to be priced as a separate item in procurement.

Initial results were encouraging and a number of companies entered the market to develop the



The London Borough of Camden has tested OSS cost effectiveness <http://www.gov.uk/ccm/portal/>

platform. However, cost savings were not as large as expected. As part of a review, the team identified that the additional quality control costs could be reduced by better internal processes in the writing and management of requirements. As a result, the Camden team adopted the Rational Unified Process as the standard for gathering and managing requirements.

Providing comprehensive requirements specifications in the procurement process allowed potential suppliers to provide better estimates for development time. It also had the surprising result of encouraging new offshore suppliers to enter the market. The overall effect has been to reduce both the time and cost for new development.

The Camden model demonstrates that is possible to use a combination of the open market and Open Source to derive value for money.

*Alasdair Mangham, the author of this article, is the Head of E-Services Development of the London Borough of Camden.*

## DOES OPEN SOURCE REALLY STACK UP FOR BUSINESS?

***The responses of businesses and public administrations to ICT challenges are based on fit-for-purpose, functionality and value for money. Open Standards allow an open ICT eco-system supporting full interoperability between proprietary and Open Source Software (OSS) components. The collaborative approach of OSS opens a new dimension.***

OSS provides benefits to businesses, but the public sector has the most to gain. These benefits don't come just from welcome cost reductions but also from the development methodology and licence implications. The ability to develop, share, maintain and enhance software code allows administrations to collaborate, and enhance their services, constantly building on the experiences of others. This collegiate working has been the basis of the success of market headliners such as Apache, Linux, and even the Internet itself. The unlimited access to the source code and the continuing freedom offered by OSS licences provide the legal basis for such cooperation.

There are great examples of organisations working together in this manner. The well-publicised success of Extremadura was built on the foundations developed by others. But we have yet to see real examples of European organisations developing pan-European applications in the same collaborative way.

OSS moves the value away from the core IPR contained in the software up to the service being offered by the supplier to the user. The pressure of unnecessary and expensive software upgrades is replaced by the ability to choose your partner based on their quality of service. This represents a golden opportunity to redevelop Europe's ICT industry, making it services- rather than software-led, to be sustainable in both national and global markets. Small services suppliers can compete

on an equal basis with the global players, and users can select their partner on business compatibility rather than size.

As Open Forum Europe surveys consistently show, major concerns remain. Will these companies still be around in 5 years? Do they have the skills necessary to deliver? The industry accepts and is tackling these issues. It is increasingly likely that national and international consortia will be formed, with small companies supporting each other, bidding for new business and accomplishing delivery. Open Source provides the methodology to make this transformation – non-existent in the proprietary world – straightforward.

OSS challenges the status quo for the good but, like any major market disruption, for some it is an opportunity while for others it is a threat. Fortunately for national, regional and local government there can be nothing but positive news from both Open Standards and OSS. Capitalising on the benefits and removing the constraints will ensure that Europe really is "open".

*Graham Taylor, the author of this article, is Founder and Director of the Open Forum Europe; the OFE is an industry organisation "to accelerate, broaden, and strengthen the use of OSS".*

For more information about the OFE please see <http://www.openforumeurope.org>



# OSS IN THE EUROPEAN COMMISSION

## THE EUROPEAN BIOMETRICS PORTAL

*The European Commission launched the European Biometrics Portal (EBP) entirely using Open Source*



The EBP has been established to encourage and support the exchange of information and data on biometric technology initiatives, deployments and trials in European Member States. Its technical openness is extended to the content:

users from government, industry and civil society are invited to upload reports, news and events in a “Wikipedian” spirit.

### Why Open Source Software?

Firstly, best value for money. In this respect, providing the necessary skills are available, OSS is unbeatable. The burden of ordering products from vendors or authorised local representatives is avoided, whilst

management of contracts and invoices is reduced. Components can be freely replaced at any time if not satisfactory.

Secondly, performance: even a “small box” fitted with an Intel compatible CPU is powerful enough to deliver the service, if a good broadband connection is available.

Thirdly, stability and duration: mature tools, no forced migration or upgrade, conformity to W3C open standards.

Lastly, portability: after an initial two-year period, a new hosting organisation could take over. An Open Source solution was the least expensive to transfer in all possible situations.

<http://www.europeanbiometrics.info>

## INTERACTIVE POLICY MAKING (IPM): OSS VERSION AVAILABLE SOON

IPM consists of two Internet-based tools operating via the ‘Your Voice in Europe’ portal: the **Feedback** mechanism collects information from citizens and businesses about their daily problems relating to different EU policies, whilst the **Online Consultation** mechanism enables the creation of online questionnaires on a particular policy-related issue.

The utility of IPM, a former IDA project, is demonstrated by the fact that it is used by experts from 194 European Information Centres, 13 Consumer Centres and 54 Citizens Signpost Services. More than 18,000 cases, covering 28 different EU policy areas, have been collected.

100 online consultations have generated 45,000 reactions.

The Open Source (OSS) version of IPM runs on a Linux platform, with Apache and Tomcat 4, OpenCMS, Open LDAP, JDBC-XML, Cocoon 2 and the MySQL database.

The European Commission foresees distributing IPM according to Free/OSS licences, providing rights to update the source code according to specific local or linguistic needs and to redistribute the solution.

<http://europa.eu.int/yourvoice/ipm>



The screenshot shows the IDABC website interface. At the top, there is a blue header with the IDABC logo and the text "IDABC". Below the header, a navigation bar shows "EUROPA > European Commission > IDABC". A search bar is present with a "go" button and a link to "Advanced Search". The main content area is titled "Open Source Observatory" and contains the following text:

The European Commission's Open Source Observatory (OSO) is a clearing-house of information related to Free / Libre / Open source software in the public sector, and is intended to promote and spread the use of good practices in Europe.

The OSO is part of the IDABC programme, and ultimately aims to provide a comprehensive overview of Open Source Software (OSS) policies and activities in the public sector, especially in current and future EU Member States.

On the OSO you will find:

- **News** - Regularly updated information and news about OSS-related government activities in Europe and abroad;
- **Events** - OSS-related events across Europe and around the world;
- **Case studies** - Detailed information on Open Source implementations in EU Member States;
- **Resources** - Reference documents, studies, reports, links, and OSS centres across the EU;
- **Open Source Software Inventory** - a catalogue of Free / Libre /OSS for governments.

For more information on the Open Source Observatory, please contact: [gposs@cec.eu.int](mailto:gposs@cec.eu.int)

On the left side of the page, there is a sidebar with a menu:

- ▶ The Programme
- ▶ eGovernment Observatory
- ▶ Open Source Observatory
- ▶ IDABC Events

**[http:// europa.eu.int/idabc/oso](http://europa.eu.int/idabc/oso)**

