



## **Open Standards, Open Source , European Interoperability and the EU Digital Agenda**

### **An open letter to Commissioners Alumnia, Barnier, Tajani and Kroes**

Dear Commissioner,

The draft proposals for the new EU Digital Agenda<sup>1</sup> indicate a strong commitment to the principles of open standards. This is underlined in section 2.6, which proposes six key actions, including:

“Issue a Recommendation to streamline the use of open standards in public services and public procurement”;

and

“Promote the development of open standards for new applications and services by supporting industry-led platforms through EU-funded programmes”.

This is excellent news, which puts into practice a commitment of the EU dating back to the European Interoperability Framework (EIF)<sup>2</sup> published in 2004. This was written following an action plan adopted by EU heads of state in 2002 which included a mandate backing open standards and open source software. This is reflected in the EIF, where section 1.3 states:

“To attain interoperability in the context of pan-European eGovernment services, guidance needs to focus on open standards. The following are the minimal characteristics that a specification and its attendant documents must have in order to be considered an open standard:

The standard is adopted and will be maintained by a not-for-profit organisation, and its ongoing development occurs on the basis of an open decision-making procedure available to all interested parties (consensus or majority decision etc.).

The standard has been published and the standard specification document is available either freely or at a nominal charge. It must be permissible to all to copy, distribute and use it for no fee or at a nominal fee.

The intellectual property - i.e. patents possibly present - of (parts of) the standard is made irrevocably available on a royalty-free basis.

There are no constraints on the re-use of the standard.”

The EIF also identified Open Source Software (OSS) as central to promoting the development of interoperability standards. Further on in section 1.3, there is explicit recognition of the value of open source software:

“Open Source Software (OSS) tends to use and help define open standards and publicly available specifications. OSS products are, by their nature, publicly available specifications, and the availability of their source code promotes open, democratic debate around the specifications, making them both more robust and interoperable. As such, OSS corresponds to the objectives of this Framework and should be assessed and considered favourably alongside proprietary alternatives”

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1 Available on the French website PC-Inpact. Download in English from <http://www.pcinpact.com/media/draftdigitalagendaCIS-4.DOC>.

2 Download from <http://ec.europa.eu/idabc/servlets/Doc?id=19528>.



This document showed that the European Commission understood back in 2004, the importance of open standards, and the use of an open source approach when developing such standards.

### **HOWEVER...**

I am very concerned that the draft of the new European Interoperability Framework for Public Services<sup>3</sup> has completely redefined what is meant by Open Source Software, to include closed source software:

“There are varying degrees of openness.

Specifications, software and software development methods that promote collaboration and the results of which can freely be accessed, reused and shared are considered open and lie at one end of the spectrum while non-documented, proprietary specifications, proprietary software and the reluctance or resistance to reuse solutions, i.e. the "not invented here" syndrome, lie at the other end. The spectrum of approaches that lies between these two extremes can be called the openness continuum.”

This is completely meaningless. I may as well say that “dry” is one end of a spectrum which includes “wet”. Furthermore, the original mandate backing open source software is completely lost:

“European public administrations need to decide where they wish to position themselves on this continuum with respect to the issues discussed in the EIF. The exact position may vary, on a case-by- case basis, depending on their needs, priorities, legacy, budget, market situation and a number of other factors. While there is a correlation between openness and interoperability, it is also true that interoperability can be obtained without openness, for example via homogeneity of the ICT systems, which implies that all partners use, or agree to use, the same solution to implement a European Public Service. ”

The European Commission is not the first organization to fall for this “redefinition”, which has sadly been promoted by a number of international corporations desperate to protect their existing closed source business using any market distorting techniques they can muster.

It is the duty of regulatory bodies to resist such activity in the interest of promoting a free and fair market. There should be no doubt about what is meant by Open Source Software. The Open Source Definition<sup>4</sup> has been widely accepted for over a decade as an unambiguous statement of what comprises open source software.

The effect of this novel rewriting of the meaning of Open Source Software can be seen in the draft European Interoperability Strategy (EIS)<sup>5</sup>. This implements the Framework for public services yet has no meaningful commitment to open standards or open source. Where is the grand vision of the Interoperability Framework of 2004?

Following on from this, I am alarmed at media<sup>6</sup> reports that, under pressure from developers of closed software, such as Microsoft, the European Commission is now considering removing the commitment to open standards from the EU Digital Agenda.

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3 Download from <http://www.bigwobber.nl/wp-content/uploads/2009/11/European-Interoperability-Framework-for-European-Public-Services-draft.pdf>.

4 Available from the Open Source Initiative at <http://www.opensource.org/docs/osd>.

5 Consultation until 6 April 2010 at <http://ec.europa.eu/yourvoice/ipm/forms/dispatch?form=EIS2a>.

6 For example Glynn Moody's article in Computer Weekly at <http://www.computerworlduk.com/community/blogs/index.cfm?entryid=2878&blogid=14&pn=1>.



We have only to consider the development of the Linux operating system, developed by a Finish university student, to see how important open standards and open source are in Europe.

Open standards and open source make for a highly competitive market, since they maximize contributions from all developers. This in turn reduce the costs of businesses using such software, improving their competitiveness. A 2008 survey by the Standish group suggested open source had saved companies 60 billion dollars in costs<sup>7</sup>.

Yet it is also possible to make very good profits from open source development, as successful companies like Red Hat and IBM demonstrate. The resistance is from other corporations who have grown up with the old way of closed standards and closed source. They will fight tooth and nail to protect their profits, against newer, better ways of doing things, even if it is to the detriment of ordinary consumers.

History shows us such resistance always fails eventually—otherwise we would still be ploughing fields with horses and spinning wool by hand. The only effect of such delaying tactics is inefficiency in the market, to the detriment of consumers, until the old ways finally fail. It is incumbent on regulatory bodies to minimize this inefficiency by facilitating the adoption of new methods and technology.

I work in open source development. With my German colleague we develop open source tools for silicon chip and embedded software development. This technology, developed in Europe, helps companies around the world reduce the cost of developing new silicon chips.

It would be terrible news for us if the Commission were to remove or even water down their excellent commitment to open standards. We would like to see an explicit commitment now added to open source as the most efficient way of achieving open standards. In this way, the European Commission could add valuable impetus to European companies working in this growing business sector.

My requests to you are:

- that the European Commission reinstate the commitment to open standards and open source in the new European Interoperability Framework for Public Services, in line with the original European Interoperability Framework of 2004 and the mandate from Heads of State in 2002;
- that you refuse to contemplate any removal or watering down, and that you will stand behind the excellent text in section 2.6 of the Draft EU Digital Agenda.
- that you add a commitment in the EU Digital Agenda to the use of open source software as central to Europe's competitiveness;

I look forward to hearing your response to my requests.

Yours sincerely,

Jeremy Bennett

31 march 2010

*Joaquín Almunia is European Commissioner for Competition and also a Vice President of the Commission.*

*Michel Barnier is European Commissioner for Internal Market and Services.*

*Antonio Tajani is European Commissioner for Enterprise and Industry.*

*Neelie Kroes is European Commissioner with responsibility for the Digital agenda and also a Vice President of the Commission.*

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<sup>7</sup> Summary at [http://www1.standishgroup.com/newsroom/open\\_source.php](http://www1.standishgroup.com/newsroom/open_source.php).



*Copies of this letter were also sent to Daniel Hannan, Nigel Farage, Richard Ashworth, Sharon Bowles, Caroline Lucas, Nirj Deva, Marta Andreasen, James Elles, Peter Skinner and Catherine Bearder, Members of the European Parliament for the UK South East Region in which Embecosm is headquartered.*

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