

Study on the effect on the development of the information society of European public bodies making their own software available as open source

D7: Report on the Workshop

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The opinions expressed in this Study are those of the authors and do not necessarily reflect the views of the European Commission.

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The logo for UNISYS, featuring the word "UNISYS" in a bold, red, sans-serif font.The logo for MERIT, featuring the word "MERIT" in a stylized, blue, outlined font with horizontal lines extending from the letters.

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1 Summary of talks at the PS-OSS workshop, Nov. 28 2006

Barbara Held, IDABC programme (EC – DG ENTR)

Held reflected on the paradigm change in the European public sector's use of OSS. In the past, the focus had been on the dissemination of information and best practice for the use of OSS in the public sector. The OSO project (Open Source Observatory) had provided an important service by aggregating information about such activities.

Now, the emphasis is on promoting sharing and collaboration. The OSOR project (Open Source Observatory and Repository) adds a platform for collaboration and offers a repository for public sector software published under OSS licenses. Held highlighted the importance of the PS-OSS study, as it delivered indicators and provides evidence on which to base future decisions.

1.1 Public sector – a preferred area for Open Source?

Rishab Aiyer Ghosh (UNU-MERIT): The economy of public sector software

Ghosh emphasised the large share of the public sector in ICTs, and especially in software development. Packaged software only makes up 19% of the European development market, with customised and in-house developed software accounting for 81%. 12% of local governments in the EU own software which could be released under an Open Source licence; 7% are already doing this.

Software that can be customised is very important for public administrations. 90% of administrations surveyed customise their software, and more than one third do so regularly or often. Of the latter, nearly two thirds want to increase their FLOSS use.

In the public sector, pooling software development efforts is particularly important, as there is only one buyer: the taxpayer, who should not have to pay more than once for the development or acquisition of similar software. The release of public sector software as FLOSS may have a positive impact on public services, lower the costs of the public sector and promote the development of an information society.

Patrice-Emmanuel Schmitz (Unisys): OSS distribution and business issues around it

Schmitz pointed out that in releasing its own software as FLOSS, the public sector does not enter into competition with the industry, though the latter may have to adapt its business models. In this respect he likened software to legal texts and other copyrighted material produced by the state. He listed a number of legal and political questions that public authorities should answer for themselves when intending to release software as FLOSS. For such a release, the choice of licence is an important decision.

Schmitz mentioned the differences between permissive and copyleft licenses, and discussed the EU-PL. He also touched upon issues regarding the cooperation between public bodies in software development, and on setting incentives for developers. He hoped that the OSOR project would further explore questions related to the release of public sector software as FLOSS.

1.2 Impact assessment

Presentation of the case studies

Representatives of public administrations which have been examined by the PS-OSS study were present to inform participants about their respective projects. Tracy Wang from the council of Camden, UK, talked about the evolution and spread of the APLAWS CMS. Henk Hangyi gave an overview over the MMBase project. Luis Lozano of the regional government of Extremadura, Spain, reported that region's achievements in the use and development of Free Software. Rüdiger Glott of UNU-MERIT presented the cases of the Dutch Forensic Institute (NFI) and Beaumont Hospital in Ireland.

Rüdiger Glott. UNU-MERIT: Results of the PS-OSS study

Glott argued that from a theoretical perspective, public bodies publishing their own software as OSS contribute to increased competition and thus advanced market functionality and maybe improved innovativeness as described in the theoretical model for producing OSS

But the case studies as well as the survey showed that obviously the aspects of the user-model played a more important role in explaining why public bodies decide to develop and distribute OSS. It became clear that different administrations had different reasons for their initiative.

The study proposes three types of impact that FLOSS release by public bodies on the information society may have: “externalised customisation” (FLOSS project as part of a political strategy with clearly defined goals) having the strongest impact; “experience-based innovation” (the software itself is the goal, rather than a means to an end), with small to medium impact; and “cold adoption”, where wider impact may only follow after the adopting/releasing body has mastered the software it is using.

Patrice-Emmanuel Schmitz (Unisys): Guidelines for making publicly owned software available under an Open Source licence

Public administrations are faced with rising demands from their users (eGovernment, interoperability) and budget constraints. The 2005 Manchester Declaration calls for spreading best practices and putting resources in common (mutualisation).

Schmitz pointed out the potential as well as the problems of mutualised software development by the public sector, considering FLOSS licenses an excellent way to realise the potential and solve the problems.

However, effectively managing a FLOSS project poses its own challenges. These must be addressed in order to profit from the proven efficiency of the FLOSS model. He provided checklists and guidelines for public authorities considering the release of their software as FLOSS.

Schmitz refuted a number of common objections to the release of public sector software as FLOSS, and pointed out the numerous business opportunities for the software industry arising from such releases.

Christian Wernberg-Tougaard, Unisys: What about support? Towards a new support economy?

Discussing these business opportunities in more detail, Wernberg-Tougaard elaborated on the value chain of FLOSS support services. These range from advice on FLOSS strategy to migration planning and assistance, and to the certification of software stacks. He pointed out that the three generic roles - users, contributors and developers - are all essential to the community.

The demand of public bodies for stable and well-working solutions, as well as for a single point of contact, provides opportunities both for small businesses as well as for big total solutions providers.

Concluding remarks: Francois Elie, ADULLACT

Elie started out with a strong rejection of software patents in the EU. Analogous to mathematics, software freedom is a precondition for its progress. He presented the ADULLACT project, a forge for free public sector software. Free Software is especially attractive for local authorities, as they are under great pressure to handle taxpayer's money efficiently. They should also take the lead in developing niche applications that the wider Free Software community is not interested in.

Such efforts would promote the growth of a local service market, in which money is made by providing value instead by developing the most effective vendor lock-in technique. The use and development of FLOSS in the public sector could also foster the connection between citizens and authorities, and increase transparency.

But Free Software can only provide such beneficial effects under the conditions of legal certainty (e.g. safety from software patents) and an interoperability-oriented environment. Free Software support work is clearly a task to be left to the market; but public authorities may very well manage software projects. The HEPHAESTOS project is working to build a pan-European ring of software forges for the public sector.

2 Summary of comments made at the workshop

Remark: The number and scope of comments was somewhat limited, as the draft report had only become available shortly before the workshop, and participants may not have found sufficient time to study it properly.

Technical remark: Questions and responses are not reflected verbatim unless enclosed in “double quotes”.

2.1 Comments on results of the PS-OSS study

The figure that only about 10% of local governments own software that could be released under a free licence, seen in context, is quite high. Experience from Free Software projects shows that about 1% of users become developers; so 10% is quite a high rate. On the other hand, a rate of 100% would mean that “everybody is developing all the time”.

It was suggested that it might be more efficient for public authorities to form procurement consortia when looking to have software developed. Yet the problem is not so much in organising software development, but rather in organising cooperation between public bodies in general. Releasing an administration's own software under a free licence makes informal cooperation much easier, yielding some of the benefits of coordinated procurement without incurring its drawbacks. This is illustrated by the take-up of the APLAWS project. Since APLAWS is licensed as Free Software (LGPL) and has a modular structure, different administrations can adapt it to their needs, and are indeed doing so.

Geographical proximity to other Free Software users is an important factor for adoption. Henk Hangyi (MMBase): “If we lived in London, we'd be using APLAWS.”

The open source development model and the licensing model should not be conflated. The study reflects that development and licensing models are two different things. Some administrations, such as Extremadura, have adopted free licenses, but contracted out the development to a single com-

pany. Other projects, such as APLAWS or MMBase, have deliberately opted for an open source development model. Success does not only depend on the licence; it ultimately hinges on the success that organisations have in connecting to the community.

For an administration, the question is usually not whether or not to develop a certain piece of software, but rather whether to release it as Free Software. The primary motivation for public administrations to do this is not vendor lock-in or the lack of available functionalities. It is the desire to give something back to the community.

2.2 Comments on case studies

There was interest in the relation between the Free Software Community and public administrations which develop and release Free Software. Luis Lozano of the regional government of Extremadura explained that software developments done in Extremadura are fed back into the community, mostly under GPL, some under a Creative Commons license. Extremadura is also providing advice and training for Free Software adoption by other Spanish regions.

2.3 Support for Free Software

A number of participants in the workshop commented on the support situation for Free Software. The gist was that professional support for Free Software is more widely available than is commonly believed, and that it does not depend on individual amateurs.

It is possible to contract support for Free Software systems deployed at a large scale. The French ministry of finance has developed and deployed an eProcurement solution at the cost of 40m EUR. It has a support contract with a large company which stipulates that any problem must be solved within 24 hours. Experiences have been very positive.

To permit the evolution of an ecosystem of Free Software support companies, the public sector must be mindful of fostering and maintaining it. Presently, demand by the public sector is sporadic, which makes the business risky for companies: “You can't feed cattle every three weeks and expect them to be alive when you occasionally come by!”, a representative of the Danish Open Source Business Association (OSL) remarked. Keeping the EU free of software patents is another precondition for the support economy to develop further.

2.4 General comments

Many participants expressed strongly positive views and experiences about the use, development and release of Free Software by the public sector. A representative of the French finance ministry reported a number of examples where his organisation had successfully used Free Software strategies in various ways.

It was repeatedly pointed out that an introduction of software patents in the EU would be extremely detrimental not only to the Free Software development and service industry, but also to the public sector itself. Such patents would greatly complicate the development of software and put a strong disincentive to releasing it under a free license, since that would expose the author to claims of patent infringement.

The study argues that in publishing their software under a free license, public administrations are not in fact giving away a public asset. Yet often there are local rules which stipulate that local assets

belong to the local people exclusively. This can prove an obstacle to the release of Free Software by public administrations.

An IBM representative commented that “the days of proprietary solutions are over. [...] It's only vendors who are worried about their margins and are trying to sustain monopolies who advocate proprietary solutions. [...] If [the trend towards more widespread use of Free Software] is driven by social interest, great!”

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