EU POLICY RECOMMENDATIONS:
FREE AND OPEN SOURCE SOFTWARE

[Version for signing]

<div align="right">Brussels, 26 September 2019</div>

On this day, Free and Open Source Software (FOSS) experts from around Europe met in Brussels to discuss FOSS and its driving role in the digital transformation in Europe and how the EU can further facilitate these developments. The undersigned organisations have agreed to the following Open Letter.

Free and Open Source Software (FOSS) refers to all programs distributed under specific terms and licenses that allow users to use the software for any purpose, to study how the program works, to improve the program to their needs and to share it with others, enabling innovation through collaboration.

Free and Open Source Software is mainstream technology with enterprise FOSS underpinning critical infrastructure in a wide range of sectors such as government, finance, security, telecommunications, healthcare, manufacturing and transport in Europe. It is today the R&D community of the digital transformation, with some of the biggest internet and mobile platforms to the Cloud built upon and actively contributing and co-developing it. In fact, European companies of all sizes rely heavily on FOSS to increase their pace of innovation in order to compete globally. FOSS development provides much of the fuel behind European technology priorities like eGovernment, Artificial Intelligence, HPC, Blockchain, 5G, eHealth, Industry 4.0, Connected Cars and the Internet of Things.

In order to establish trustworthy systems, and achieve technological sovereignty, European public bodies should ensure they have full control over the software and the computer systems at the core of our governmental digital infrastructures.

In that same vein, the EU has taken significant steps in the area of FOSS to digitally transform, but also "walk the policy talk". By way of example, the European Commission's recent Digital Strategy and emphasis on co-creation as well as long standing policies/frameworks such as ISA² Program, the Open Source Observatory, the EU Open Source Strategy, and the objectives laid out in the Tallinn Declaration. Other initiatives include hackathons to help engage with the community as well as specific projects such as FOSSA 2 in cooperation with the European Parliament. Much more can be done, however, to unlock the potential of FOSS in the EU.

That Member States and third countries signed the Tallinn Declaration in 2017 presents further evidence of the realisation of Free and Open Source Software being critical to starting/accelerating/improving a successful digital transformation. Some countries like France, Italy or Bulgaria have introduced FOSS legislation. Cities like Paris, Amsterdam and Barcelona are using more and more FOSS-enabling cross-border collaboration within the EU and worldwide. Major projects can share expertise and costs, similar applications don't have to be programmed from scratch every time and with transparent processes, and others don't have to reinvent the wheel. This is also strengthening the European ideals of working together.

A majority of officials are not yet fully aware of FOSS's importance within broader digital strategies. Most current digital strategies of public administrations could be updated yet more to reflect how Free and Open Source Software fits within the European technological independence and European growth in digital government, eHealth, Cloud computing, its relevance to SME-led innovation and a European IT market, Open Science, Industry 4.0, within Cybersecurity and Artificial Intelligence.

The signatories therefore address the EU institutions with the following recommendations for the next five years:

Research

Issue: There exists already a wealth of research on Free and Open Source Software, much of which have been funded by EU research grants and by the Commission. However, gaps exist in four specific areas, for which the European Commission is best-placed to produce much-needed research.

Rec 1: In the evaluations and midterm reports of Horizon Europe and Digital Europe programmes, particular focus should be given to FOSS and its role and relevance in the EU research funding instruments.

Rec 2: We welcome the European Commission call for tenders for a FOSS market study. It should however be updated with a similar cadence to other Digitisation measurement projects (e.g. DESI), in order to track the development as the rate of growth of FOSS is significant.

Rec 3: The European Commission should continue to research how to co-develop and support communities around FOSS solutions such as in the area of eGovernment.

Rec 4: The European institutions should, when funding research, make sure that the principles of open access science should also cover software developed as part of that research. As such it should be released under a FOSS license. This fosters collaboration between research teams and ensures reproducibility.

EU Institutional Capacity

Issue: **It is necessary to take a holistic approach to digital policy. There were unintended consequences on FOSS businesses stemming from legislation under the Digital Single Market. A broader view requires all relevant Commission services to be aware and act towards enabling European FOSS to succeed.**

Rec 5: The European Commission should bolster existing resources focusing on explore the creation of a unit with a clear mandate to work with FOSS and/or institute a cross-DG, cross-cabinet collaboration focused on FOSS's increasing importance in the digital transformation.

Rec 6: The European institutions should rely on the well-documented wealth of knowledge available in FOSS communities when making policy decisions to minimize unintended consequences.

Rec 7: The European institutions should reach out to the FOSS community when preparing policy decisions, to extend its interaction from the technical to the policy level, to minimise the risk of unintended consequences.

Follow through on FOSS commitments

Issue: **The European institutions and the Member States have made great commitments to openness. These commitments need to be fulfilled to reap their benefits.**

Rec 9: The European Commission should follow up the Member States' commitments in the Tallinn Declaration and proactively take its role in supporting and monitoring the implementation of the Declaration in Member States.

Rec 10: The European institutions and Member States should begin considerations for a follow-up, more ambitious Ministerial Declaration on eGovernment, including further concrete goals and commitments for FOSS.

Rec 11: When developing software, the European Commission needs to follow its commitment to developing software under a FOSS license and Develop In the Open (DITO), and encourage all EU institutions moving towards a FOSS by default approach.

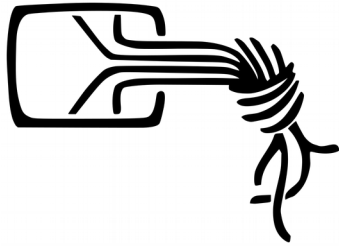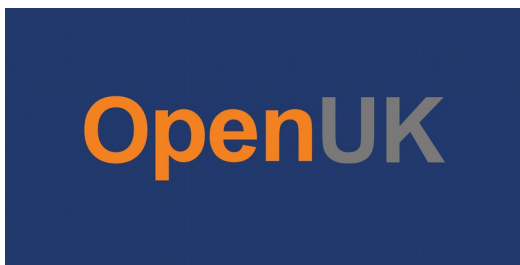|	
	OpenForum Europe
	The Free Software Foundation Europe
	Open Source Initiative
	CNLL
	Open-Xchange
	HULK - Croatian Linux Users Association
	Centre for Open Systems and Solutions, Finland

Croatian Society for Open Systems and Internet

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