

Hamburg, XX. YY 2002

Recommendation

of the Free Software Foundation Europe (FSF Europe)
and supporting parties

for the

**Proposal for a Decision of the European Parliament and of the
Council concerning the rules for the participation of
undertakings, research centres and universities and for the
dissemination of research results for the implementation of the
European Community framework programme 2002–2006**

Free Software is a concept that has fundamentally changed the way some parts of the IT sector are working towards a more stable, lasting and sustainable approach with higher dynamics and increased efficiency. It is obvious that the first region to adopt and support this principle on a larger scale can profit enormously and get a head-start in the information age.

This document explains some of the reasons why Free Software should be included in the considerations on the *6th European Community framework programme 2002-2006* and gives input on how this could be done.

Free Software – sometimes also referred to as “Libre software” or “Open Source Software” – is best defined by the following four freedoms:

1. freedom: The freedom to run the program, for any purpose.
2. freedom: The freedom to study how the program works, and adapt it to your needs. Access to the source code is a precondition for this.
3. freedom: The freedom to redistribute copies.
4. freedom: The freedom to improve the program, and release your improvements to the public, so that the whole community benefits. Access to the source code is a precondition for this.

For reasons that can be found online¹, this document will use Free Software as the preferred term.

1 Summary

The ability of any region, country or person to participate in the information age will be largely determined by access to and control over key technologies and networks.

As a result of the proprietary software model, we are currently in a situation where almost the whole European information technologies industry is dependent on an oligopoly of U.S. software companies. Viewed from the European perspective, such a situation is highly unstable and unfavorable.

Not coincidentally, the only true exception to this, the internet, is largely run on Free Software.

Recognizing the usefulness and importance of Free Software for the future of Europe, the Information Society Technologies (IST) research programme of the European Commission has shown increasing interest in Free Software over the past years. An example

¹Please see [HTTP://FSFEUROPE.ORG/DOCUMENTS/WHYFS.EN.HTML](http://FSFEUROPE.ORG/DOCUMENTS/WHYFS.EN.HTML)

of this was the “2001 action line Free software development: towards critical mass” within the 5th European Community framework programme. Consequently, Free Software is also found in the “Work Programme 2002” of the IST.

Free Software provides an alternative model for information technology with significant advantages for numerous objectives and areas specified in the Proposal for the *6th European Commission framework programme*.

Even if these are sometimes hard to quantify, it is clear that Europe could greatly benefit from increased employment of Free Software in terms of

- Greater independence
- Increased sustainability
- Freedom from foreign mono- and oligopolies
- Alternative hard- and software possibilities
- Strengthened domestic market and local industries
- Better cooperation between research and economy
- Encouraged transdisciplinary research
- Better protection of civil rights

Free Software is clearly a model of the future and Europe already has an increasingly vibrant Free Software scene unrivaled anywhere in the world. This gives Europe a very unique chance to capitalize on the benefits of Free Software and get a head-start into the knowledge economy.

For a more detailed and explanatory reasoning, please see section 3.

2 Recommendation

We² recommend that for all activities within the *6th European Commission framework programme*, Free Software becomes the preferred and recommended choice.

We suggest that the programme and projects should monitor and report on the share of the funding used for results released under a Free Software or Free Documentation license. In certain areas like the IST programme or fundamental research, the objective must be set that this share is at least 50% of the budget used to produce software or

²The Free Software Foundation Europe and parties supporting this recommendation. Information about the FSF Europe and the list of supporting parties can be found on page 9.

disseminable documentation.

As other ways of increasing the European edge, we furthermore recommend:

2.1 Dedicated calls

In some areas – “eEurope” or fundamental scientific research being two examples – it would be advisable to enforce the advantages offered by Free Software by explicitly and exclusively calling for projects that will release their results under a Free Software and/or Free Documentation license.

2.2 Preference in evaluation

As a general criterion it would be in the interest of Europe that projects making their results available under a Free Software (and – possibly – Free Documentation) license³ should receive a positive score in the evaluation process, giving them an advantage over comparable projects not offering this increased European value.

Additional positive scores in the evaluation process should be granted to projects employing “Copylefted” Free Software⁴ and projects taking steps to ensure the enduring availability and legal maintainability of the Free Software created through copyright assignments⁵ to appropriate institutions.

2.3 Information

The preference and recommendation for Free Software should be added in the guidelines for evaluators, the policy documents and the documents explaining the rules of participation for project applications.

Although Free Software is per se available to any organization, person or company, the European Commission should seek to inform and encourage local companies about and to Free Software, building up the expertise fundamentally necessary for the information age.

3 Reasoning

The “Introduction to the instruments available for implementing the FP6 priority thematic areas” speaking notes and the “modified proposal for a decision of the European

³See [HTTP://WWW.GNU.ORG/LICENSES/LICENSE-LIST.HTML](http://www.gnu.org/licenses/license-list.html)

⁴Copylefted Free Software not only offers the four freedoms quoted above, it also protects them. The most successful and best-known Copyleft license is the “GNU General Public License” of the Free Software Foundation, under which more than 50% of all Free Software is being released.

⁵Transferral of exclusive exploitation rights in countries following the “Droit d’Auteur” tradition.

Parliament and of the Council” – henceforth referred to as “Proposal” – define several goals and priorities for the 6th framework programme. This section will explain why and how some of these can benefit from Free Software.

3.1 Increasing the European edge

To increase international competitiveness, it is important to encourage freedom from software and hardware dependencies on U.S. companies. Free Software is a proven way of furthering this independence as can be seen when studying the hardware platform independence of Free Software operating systems available today.

Free Software operating systems cover a wider range of hardware platforms than any proprietary operating system. Because of the inherent properties of Free Software, they can also be ported with fewer problems and by local suppliers, thus reducing the hardware dependency and opening up new perspectives for innovative hardware and software development and industry on both local and European levels.

As cited in paragraph 1 of the Proposal, Article 163 of the Treaty gives the Community the objective of strengthening the scientific and technological bases of Community industry and encouraging it to become more competitive at international level, while promoting research activities deemed necessary by virtue of other Community policies.

Furthering Free Software will help achieving this objective.

3.2 Creating sustainable knowledge economy

Sustainability is one of the major advantages offered by Free Software, especially by “Copylefted” Free Software. One can easily find good indication for this when considering that this increased sustainability allowed Free Software to create two major operating systems⁶ as good as and in parts even better than the proprietary operating systems with a tiny fraction⁷ of the resources spent on the proprietary operating systems.

Since operating systems are the first part of the Free Software infrastructure, their creation was the initial step. Therefore they provide the largest base of experience with Free Software, which is why they have been chosen for most examples in this document.

⁶The most prominent Free Software operating system employed today is certainly the GNU/Linux system, – often only referred to as “Linux” – based on the GNU project started in 1984 by the Free Software Foundation; it should be noted however, that other Free Software operating systems like the “Berkeley Source Distribution” (BSD) based systems FreeBSD, NetBSD and OpenBSD are also quite successfully being used.

⁷How large this fraction truly is can only be estimated. It is certainly below 10% and quite probably below 1%.

It should be understood that Free Software works similarly in other fields and is not limited to operating systems, however.

In perspective of building a European knowledge economy, it should be self-explanatory that software will be the basis of this economy.

Access to the technology upon which the knowledge economy will be built should be encouraged, not prevented. The more people, organizations and companies have access to the fundamental prerequisites of the knowledge economy, the more dynamic and competitive the knowledge economy will become.

Free Software offers the highest accessibility known today.

These properties of Free Software can help meeting the goals of Paragraph 5 of the Proposal, which refers to conclusions aimed at the rapid establishment of a European research and innovation area with a view to job creation and economic growth, in the context of sustainable development, with the ultimate goal of enabling the Union, within the next ten years, to become the world's most competitive and dynamic knowledge economy.

3.3 Ethical principles

Even though access to software has never been acknowledged as a fundamental right by any policial system known to us, it seems obvious that access to software becomes an increasingly important prerequisite to be able to participate in the cultural, social and economic development of mankind.

With software becoming the most important medium of communication, access to software and freedom to use software become immediately connected with such fundamental principles of democracy as freedom of speech⁸.

Free Software guarantees equal usage and access to all people, avoiding such problems entirely.

Therefore it also appears to be the best choice when viewed in accordance with paragraph 11 of the Proposal, which gives that research activities carried out within the framework programme must respect fundamental ethical principles, notably those which appear in the Charter of Fundamental Rights of the European Union.

⁸This does not seem overexaggerated in the light of some proprietary software licenses specifying that a piece of software (in this case a web server) may not be used to say anything unfavorable about the software vendor. Even if this clause won't hold in court it clearly shows how technology can interfere with free speech.

3.4 Integration of European Research and Industry

Free Software encourages integration and cooperation in a very effective way. The ability to work together regardless of the size or location of the partners involved is a major advantage that could be used to further the European objectives.

Especially Copylefted Free Software helps keeping the playing field level and allows players as different as IBM, a local developer, Universities and a group of smaller European companies to cooperate on a project. This has been demonstrated by the recent engagement to bring GNU/Linux⁹ to the IBM S/390 mainframe.

Thanks to the properties of the GNU GPL¹⁰, none of these partners had to fear losing their investments¹¹ or being taken advantage of.

The integration and cooperation between commercial and non-commercial partners made possible by Free Software is rather unique and partially responsible for the economic value of Free Software.

As given by Annex 1 of the Proposal, integration of European research while strengthening the scientific and technological bases of Community industry is a seminal objective to be furthered by the 6th framework programme that could profit from Free Software.

3.5 Strengthening transdisciplinary approaches

While integrating research activities in similar fields can be difficult, doing the same for transdisciplinary research will normally be much more complicated, albeit much more fruitful where it succeeds.

The same mechanisms that allow integration and cooperation between the commercial and non-commercial fields will simplify transdisciplinary cooperation, making Free Software an excellent choice to encourage such activities.

This would directly benefit Annex 1 of the Proposal, as well, which also specifies that research activities will be based on an integrated and, where relevant, transdisciplinary approach, incorporating as appropriate innovation and socio-economic dimensions.

3.6 Scientific software

With increasing reliance of science on software, software becomes an integral part of the scientific process. The scientific method relies on the ability to verify results, however,

⁹The essential parts of which are covered under the GNU General Public License and GNU Lesser General Public License.

¹⁰Please see [HTTP://WWW.GNU.ORG/LICENSES/GPL.HTML](http://www.gnu.org/licenses/gpl.html)

¹¹IBM invested 1 billion USD into its Free Software activities last year.

and only if this is possible will a scientific result hold any significance.

If such a result is somehow dependent on or published as proprietary software, verification becomes impossible, greatly reducing the impact of the research effort.

Free Software does not have these drawbacks, making it the best choice for all kinds of science, which is obviously a major concern of the Proposal.

3.7 Protection of personal data and privacy

Since communication through software is always opaque, it is seminal that the software itself is entirely transparent so people retain the possibility to know what the software does when they transmit personal or private data.

Currently, only Free Software is truly transparent.

As set out in the Charter of fundamental rights of the EU, protection of personal data and privacy becomes increasingly important when approaching the information age. Furthering Free Software will help upholding the Charter.

3.8 Information society technologies

As stated above, Europe already has a leading role in Free Software development and the European Free Software community is the most active worldwide.

As stated in section 1.1.2., “Information society technologies,” Europe is well positioned to lead and shape the future development not only of technologies but also of their impact on our life and work.

If Europe capitalized on this advantage, it could become the global leader in information technology and knowledge economy.

Appendix

A About the FSF Europe

The Free Software Foundation Europe (FSF Europe) is a non-profit NGO, currently recognized as a charity in Germany, dedicated to all aspects of Free Software in Europe. It is part of a global network of Free Software Foundations with the FSF North America (FSF NA), founded in 1985 by Richard M. Stallman, currently being the most prominent sister organization. Information about the activities of the FSF Europe can be found at [HTTP://FSFEUROPE.ORG](http://FSFEUROPE.ORG).

Since its founding in early 2001, the FSF Europe has already developed a presence in 7 European countries¹² through its associated organizations¹³, local chapters and/or members from those countries. Presences in other countries are under development.

The FSF Europe played a key role in the decision to begin moving towards Free Software with the servers of the German parliament in order to reduce dependency on foreign monopolies and was also involved in the comments of the French government against the adoption of software patents.

Among other things, it participates in the *5th European Commission framework programme* as a partner of the “AGNULA Project” (IST-2001-34879).

B Supporting parties

(List of supporting parties)

¹²France, Germany, Sweden, Italy, United Kingdom, Austria, Portugal

¹³There are currently 6 associate organizations