

Free Software policies in Europe

Experiences and Evaluation

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Why procurement matters

Why procurement matters

- Public procurement accounts for 19.4% of EU's GDP
- Today, Free Software saves Europe's economy EUR 114 bn *every year* [1]
 - That's ca. 1.7 trillion won
- In practice: Free Software leads to very significant reduction of public sector IT costs
 - e.g. Portugal, General Inspection of Cultural Activities: TCO reduced by 84% [2]

Free Software gives the public sector:

- Full control over own IT
- Strategic independence
- Open Standards & formats for citizens and other public bodies
- Savings!

The legal side

European Directive 2004/EC/18, Art. 23 says tender specifications "shall not refer to a specific make or source"

The legal dark side

- 19% of EU-wide software procurements use brand names
- 14% exclude competitors
- Excluded competitors often reluctant to complain [3]

What's going wrong

Example: European Commission

- In 2010, EC renews contract on proprietary desktop OS and office software for 36,000 users at EC, plus 55 other EU institutions
- Contract value: EUR 189m
- Negotiated procedure instead of public call for tender
- Specifications use vendor and product names

EC: Vendor lock-in

EC says:

“A change of supplier would oblige the contracting authority to acquire equipment having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance.” [4]

EC: Vendor lock-in

EC Vice President Neelie Kroes, June 2010:

“[The] original choice becomes so ingrained that alternatives risk being systematically ignored, no matter what the potential benefits. This is a waste of public money that most public bodies can no longer afford.”

Other common problems

- contract renewals without a call for tender (e.g. France's Ministry of Defense)
- other public requiring use of proprietary formats (e.g. European Commission)
- plain folly (e.g. Greece's economic crime unit)
- ...and many others

How to fix it

Policies

- Stated policy preference for Free Software (Italy, 2012)
- Release publicly funded software under free licenses (e.g. Basque Country, Spain, 2012)
- Insist on Open Standards [5] (Portugal, UK 2012)
- Framework contracts for Free Software (Sweden, 2011)

First steps

- 4 Freedoms as functional requirements [6]
- Include exit costs in TCO calculations
- What freedoms are you really getting?
 - beware the neo-proprietary traps

Going further

- Share best practices with other public bodies
- Build contacts with specialists (FSFE can help)
- Allow procurement staff to specialise

Transparency

- release maximum of procurement info as Open Data
- publish contracts - why keep them confidential?
- Strengthen feedback mechanisms:
- Make anonymous complaints possible
- Allow legal complaints by 3rd parties

Policy: Consolidating success

- Clear requirements for Open Standards, Free Software
- Provide incentives for good procurement (and sanctions for bad)
- Work with your suppliers: Public support for Free Software projects used in public sector

Thank you!

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<http://fsfe.org>

Sources

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4. EC Vice President Maros Šefčovič, replies to official question by European Parliament, 2011
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6. Ghosh et al. (2010): Guideline on public procurement of Open Source Software. IDABC, European Commission, March 2010.