Facilitating collaboration in eGovernment: the European Union Public Licence

Gavino Murgia
IDABC Programme
Directorate-General for Informatics (DIGIT)
European Commission
IDABC ... in a few words

IDABC stands for …

Interoperable Delivery of pan-European eGovernment Services to Public Administrations, Businesses and Citizens

IDABC is …

a programme of the European Commission; 2005-2009; 130 millions Euro total budget

IDABC works …

in close cooperation with the PEGSCO (Pan-European eGovernment Committee) that is composed by experts from all Member States
OSS at the European level

• European public administrations were among the early users of OSS (1990s). The European Commission took up the issue around 2000. Since then it initiates, sponsors and manages projects that further OSS, deal with the OSS usage and the benefits of using OSS for the Information Society at large.

• Support at policy level came early, but varies in scope over the time and depending on the context.
Why does IDABC promote OSS in Public Administrations?

Apart from all other good and well-known reasons such as avoiding vendor lock-in etc., because …:

- Development methods and the legal framework of OSS (licences) fit well (better than anything else) to the requirements of cross-border collaboration and sharing that are put forward in the i2010 Initiative.

- European administrations produce many customised applications to support their business processes.
  - These are similar and can be reused in localised versions.
  - Why should the tax payer pay twice for the same?

- OSS is a key element in implementing interoperability and open standards
OSS activities of IDABC (formerly of IDA)

IDABC is funding and/or implementing:

• Projects to create awareness and promote knowledge on OSS in public administrations ‡ Open Source Observatory featuring international news on the IDABC Website (OSO)

• Projects building applications using OSS that now are distributed under the EUPL v 1.0 ‡ CIRCA, IPM

• Projects producing practical advice for public administrations ‡ studies that lead to the creation of the EUPL and its linguistic versions / newest: „A Guideline on how to use the EUPL“

• Projects facilitating the collaboration between Member States‘ administrations and their partners ‡ to start in June 2008: the IDABC Open Source Observatory and Repository (OSOR)

http://ec.europa.eu/idabc/oso
Why create a European Licence?

• The **European Union Public Licence (EUPL)** is not a goal in itself, but a means to achieve policy objectives that have been defined in the context of the Lisbon Agenda and the related i2010 Initiative.

• It has been created to facilitate OSS activities of the Commission in the context of the previously mentioned policy programmes.

• It was considered that previously existing licences did not meet the Commission‘s needs.
EUPL: underlying motivations

- IDA and IDABC’s need to share its eGovernment applications (CIRCA, IPM etc) with Member State administrations and other partners let in 2003 first to studies on OSS licences that would be adequate for the use by the Commission; http://ec.europa.eu/idabc/en/document/5425/5980
- As a consequence the EUPL was created to enable IDABC to release its software as Open Source;
- The IDA(BC) studies showed that European administrations in Member States have similar needs the production of linguistic versions in official European languages responds to that; http://ec.europa.eu/idabc/eupl
- The licence can be used by everybody: administrations, businesses, and citizens.
1st Step: assessing the existing licenses

- Open Source Licensing of software developed by The European Commission: report of 16 December 2004 – *Unisys/CRID*
- Analysis of the following licenses
  - GPLv 2.0 (+ LGPL)
  - BSD
  - OSL 1.1
  - Mozilla PL 2.1
  - Cecill: GPL-inspired French FOSS license (French law)

Source: S. Dusollier – EUPL Workshop 25.1.08
The approximate EU-compliance of existing licenses

– GPL 2.0 was the most interesting for several reasons
  • Covers more than 2/3 of the existing FLOSS
  • Copyleft license
  • Widespread / strong developers community

– However
  • Drafted under the law of the USA
  • Unwanted effects / Legal uncertainties
  • No possibility to modify the license or adapt it to EU law
  • English only license (no official translations)

Source: S. Dusollier – EUPL Workshop 25.1.08
2d Step: adapting an existing license?

• Pros
  – Already known and used license
  – Tailored to EU needs and requirements

• Cons
  – The adaptation of main FOSS licenses require the authorisation of their authors
  – Absence of a complete freedom to adapt / modify the license

Source: S. Dusollier – EUPL Workshop 25.1.08
3d Step: creating a new EU-oriented FOSS License (EUPL)

• Pros
  – Drafted under EU law
  – Customized to meet the Commission’s needs
  – Total control on the license
    • Evolution and upgrades
    • Official translations
    • Copyright in the license

• Cons
  – Creating a new license = contributing to the « licenses proliferation » issue
  – Acceptation by the open source developers community
  – Compatibility issues

Source: S. Dusollier – EUPL Workshop 25.1.08
What are the rights given by EUPL?

A world-wide, royalty-free, non-exclusive right to:

• Obtain the source code from a free access repository
• Use the Work in any circumstance and for all usage
• Reproduce the Work
• Modify the Original Work, and make Derivative Works
• Communicate it to the public
• Distribute the Work or copies thereof
• Lend and rent the Work or copies thereof
• Sub-license rights in the Work or copies thereof

Source: P-E Schmitz – OSOR project
Obligations of licensee

• Respect the Copyright of the original author (and of subsequent contributors in any) in particular all mentions related to it.
• Apply the same EUPL licence in case of distribution of copies or of derivated works*
  * except if the use of a compatible copyleft licence is compulsory.
• In case of distribution of a derivated work, communicate the modified source code from a free access repository.
• Avoid all unauthorised use of the previous authors intellectual property: names, logos, trademarks, service marks etc.
• To comply with liability principles in applicable national laws
4th Step: Ensuring the compatibility of the EUPL

- Report on compatibility issue and solutions (CRID - oct. 2006)
- Compatibility provision (added in EUPL V0.2 Draft Version)
- Annex of compatible licenses (added in EUPL v1.0)

Source: S. Dusollier – EUPL Workshop 25.1.08
Adoption of the EUPL V1.0

• Following extensive public consultation
• Released in 3 languages:
  - French
  - English
  - German

• CIRCA and IPM software released under EUPL V1.0 on Feb. 2007
5th Step: adapting the license to national laws and language

- **Translation** of the license into the 20 other official languages of the EU.
  - First translation made by the EC translation services
  - Reviewed by national experts
- Process of national porting of the licenses
  - Adaptation to national language
  - Adaptation to national laws

Source: S. Dusollier – EUPL Workshop 25.1.08
What makes the EUPL unique?

• For the first time a public administration of the size of the European Commission publishes a copyleft OS licence.
• EUPL will have original value in EU 22 official languages.
• EUPL considers the Member States Law and the Community Law (copyright terminology, information, warranty, liability, applicable law and jurisdiction).
• Downstream compatibility issues with the most relevant other copyleft licenses is facilitated. List includes:
  • General Public License (GPL) v. 2
  • Open Software Licence (OSL) v. 2.1 & v. 3.0
  • Common Public Licence v. 1.0
  • Eclipse Public Licence v. 1.0
  • CeCILL v. 2.0

Source: P-E Schmitz – OSOR project
Next steps: revising the EUPL?

• Considering the **upgrading** of the license
• The translation work raised new issues about the drafting and some effects of the license under different national laws
• Updating the compatibility list (GPL3 ?)
• Addressing other specific issues (asp, version clause, …)

⇒ **CONCLUSION**: ongoing process

Source: S. Dusollier – EUPL Workshop 25.1.08
Contact:

Gavino Murgia

IDABC Programme
DG for Informatics
European Commission

http://ec.europa.eu/idabc
gavino.murgia@ec.europa.eu