Statement by OpenForum Europe on the European Interoperability Framework
29.04.2005

OpenForum Europe (OFE) is writing to express its full support for the objectives behind the European Interoperability Framework for Pan-European eGovernment Services issued by IDABC, and to suggest a phased approach for successful implementation.

OFE is an independent not-for-profit organisation whose mission is to support the pragmatic use of Open Source Software in business, importantly within the context of open verifiable standards. OFE draws its membership from both the user and supply communities, representing many of the key influencers in the market. OpenForum Europe acknowledges all the input received from its members and partners in the compilation of this document. However, it does not seek to represent the OSS developer community nor present its opinions as being unanimously supported by its full membership

OFE see the publication of the EIF as a pragmatic and necessary next step in the understanding of the real issues regarding the advancement of true interoperability across Europe. To take those steps necessary to secure the benefits across the community, OFE recognises the essential need for Government to show leadership, and where necessary, to challenge the status quo.

We believe that the majority of members of the ICT sector support an open market and will respond positively to the challenge set by the EIF and encourage the re-establishment of full competition, choice for the user, and growth in the SME based ICT sector across Europe. But we also recognise the EIF sets challenges to the status quo, that will require careful consideration, and time, to fully adopt if we are to maintain continued progress.

OFE recognises the rightful place for proprietary based solutions alongside those of Open Source. What is key is the maintenance of open standards for interoperability between either, and the avoidance of lock in from use of closed interfaces and formats. In this context we use the term 'proprietary' to differentiate from 'open source', and recognise that either can support open standards.

Closed interfaces can have no place in the development of software plans for the public sector. Equally, the use of proprietary extensions to open standards for the purpose of reducing interoperability must be rejected.

In summary we would make the following key points,

1. **Interoperability is not just about the technical aspects** – we observe debate has been focused on the technical issues but without the semantic and organisational interoperability it is meaningless in real life. We would note that the benefits of OSS in interoperability go beyond the technical aspects.

2. **Open Standards versus Open Source Software** – OSS is actually a description of the licence under which the software has been released, but in practice OSS support of Open Standards is full and fundamental to its development. The benefits of OSS in the public sector go beyond that of Open Standards, as recognised in the EIF. OFE is happy that selection of OSS or proprietary software is based on value for money so long as a level playing field has been created. The role of the EIF in creating that position is vital.

3. **The issue of "Openness"** is at the root of both Open Standards and Open Source Software. Openness is simply a means to an end. It is essential we do not lose sight of what the goals are, including,
   - Ensuring flexibility
   - Ensuring user interoperability
   - Avoiding monopolies and vendor lock in
   - Avoiding imposing technology decisions on the community
   - Creating a broad, vendor independent skills pool
   - Increasing creativity
   - Driving cost effectiveness
   - Ensuring future access to information
   - Ensuring a level playing field for competition
   - Ensuring security
   - Maximising freedom of action

To move forward on the principles of Openness it is necessary to satisfactorily answer two questions:

How do you define being Open?

The definition of an Open Standard is a controversial one – the ICT market is too fast moving to rely simply on de jure standards. De facto standards will continue to have a significant position in the market but market demands and new business models require a tighter definition in order not to be circumvented for proprietary benefit, and thus limited effectiveness.

OFE views the four point definition contained within the EIF as pragmatic and realistic but recognises industry will need time to fully adopt. In turn OFE encourages the ICT industry to positively react to the leadership offered by IDABC and modify its own processes where currently they fall short of the definition.

"The standard is adopted and will be maintained by a not-for-profit organization, and its ongoing development occurs on the basis of an open decision-making procedure available to all parties (consensus or majority decision etc)"

> It is important to recognise and support that many new standards will have been developed by the defacto route. Equally that the organisation taking on the management is truly independent and open in its decision making. 'Independence' is more important than 'not-for-profit. We believe this independence is increasingly an essential aspect and requirement, which recognizes that to gain full buy in and maximize effectiveness there can be no doubt of the ongoing independence and integrity of the standard. This approach takes a pragmatic position that guards against any ongoing proprietary dimension and ensures longevity of availability.

"The standard has been published and the standard specification document is available either freely or at a nominal charge. It must be permissible to all to copy, distribute and use it for no fee or at a nominal fee"

There can be no attempt to profit from distribution or publication at any stage, and therefore any such nominal fees must be limited to the primary source of supply.

"The intellectual property – ie patents possibly present – of (parts) of the standard is made irrevocably available on a royalty-free basis"

OFE recognizes the debate that has gone in to selecting 'royalty free' as a definitive aspect of the statement, rather than 'reasonable and non-discriminatory' which historically has been the current basis for many standards. At a practical level, some major suppliers, including those from within OFE's membership, have agreed to license many of their patents on a royalty free basis for standards or for use in the OSS community. At the same time, notable members of the OSS community have challenged OASIS on its ongoing support for anything other than "royalty and patent free" standards. The position of "RAND" has thus already been specifically challenged. They believe the terms of RAND unreasonably descriminate against open source and free software to the point of prohibiting them entirely. They claim it would lead to the adoption of standards that cannot be distributed under open source licenses. It is impossible to ignore, however, the use of RAND to many existing, widely recognised, and applicable standards necessary for the fulfillment of open European interoperability.

OFE believes IDABC is right to now move to 'royalty free' as the basis for new definitions, and is an example of true leadership to industry. If a standard is to be verified for interoperability it must allow full use across the community, without inhibition or restriction. Openness as defined above avoids forcing technical decisions and avoiding lock in for the future. Open Source Software has as its basis the ability to 'freely' distribute software. Anything less than 'royalty free' would unreasonably discriminate against Open Source Software and the small software developer typified by OSS - those whom the EC is actively seeking to encourage. For IDABC to achieve its goals of interoperability across Member State administrations, anything less will fail.

OFE proposes that IDABC recognise the status of RAND in the short term, but reinforce the use of "royalty free" for any new standard, and actively promote debate on how and when existing individual RAND based standards could be transferred. Such a list could be maintained, allowing RAND to continue when acceptable royalty free alternatives do not exist.

"*There are no constraints on the re-use of that standard*"

We understand that the concern of IDABC is to ensure that the standard can be freely used without limitation, and would see this is entirely consistent with the placing of the standard under the maintenance of a third party independent organization , rather than a single company. We are concerned that the current wording could be used to allow a standard to 'fork' into potentially numerous incompatible versions, or extensions.Other than clarification on the wording OFE clearly supports the intention.

How do you Maximise Choice and avoid being 'Locked –In'?

This second question relates much more than just a definition since it requires practical and pragmatic advice being offered to Member States on how they identify open products, how they ensure such products, whether proprietary or open source, particularly those involved in interoperability, meet the definition, and equally recognise where proprietary extensions have limited the "Openness" sought and procured. Many Member States administrations will already have locked themselves in to proprietary interfaces contained in their current solutions. As disclosed in the UK Government's pilot trial report on OSS, much of this lock in is hidden, and not explicitly declared, or easily visible. There is an urgent need from the EC on leadership on what steps can be taken short term to resolve such inhibitors to progress. OFE and its members are keen to discuss ideas for these areas.

Next Steps

We recognise the stated intention of the EIF is to provide significant guidance for Member State administrations and EU bodies and a pan-European dimension into their own interoperability frameworks. However, we urge the EC to encourage a further level of pragmatic adoption of the EIF by Member States for their internal strategies. OFE and its members would again welcome further discussions on our ideas on how this may be advanced. We particularly believe the EC itself must adopt the same principles for its own ICT solutions – a practice we would observe is not predominantly the case today.

In conclusion we reiterate our overall support for Version 1 of the EIF and applaud the leadership being offered in its publication and adoption. We do believe there are some required phasing of the deliverables in order to maximise adoption, and will be pleased to support constructive and pragmatic debate on how this might be achieved. We believe the EC must maintain the development of the programme which supports its adoption , and believe it has an even greater role across Europe as an enabler for full interoperability and growth across the community. OFE and its members would welcome the opportunity to discuss ways in which the EIF can be onward developed and adopted fully by the ICT industry.

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Note 1. For a more detailed explanation, explaining OFE's position of support we would point to the two White Papers written by OFE in 2004, and submitted to IDA as part of the consultation process, on "The Contribution that OSS can make to Interoperability across Europe" and "Open Document Formats for Public Administrations across Europe". Both can be downloaded from the OFE website www.openforumeurope.org

Note 2 OpenForum Europe was set up to accelerate, broaden and strengthen the use of OSS, including Linux, within business – importantly within the context of open verifiable standards. 'Not-for-profit' and independent it draws its membership from both the supply and user communities.