Digital Sovereignty & Ethical and Sustainable computing: Two challenges for the French OSS business ecosystem

Stéfane Fermigier

Co-founder & Co-Chairman @ CNLL | Co-founder & Chairman @ APELL | Founder & CEO @ Abilian

Context

- Each year, the CNLL publishes a study on one or more aspects of the free software sector in France or in Europe: market, technologies, employment, social issues, etc.

- Last year, in line with current events, two of the topics of the study were the links between open source software and **digital sovereignty** on the one hand, and **ethical and responsible computing** on the other

OSS & Digital Sovereignty

The state of
the open source
sector in France
2020/2021

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Open Source impact on digital sovereignty

90 %

- believe that **digital sovereignty** must be a priority for the economic future of France and Europe.

- believe that the key principles of open source can help preserve digital sovereignty.

BUT 60 %

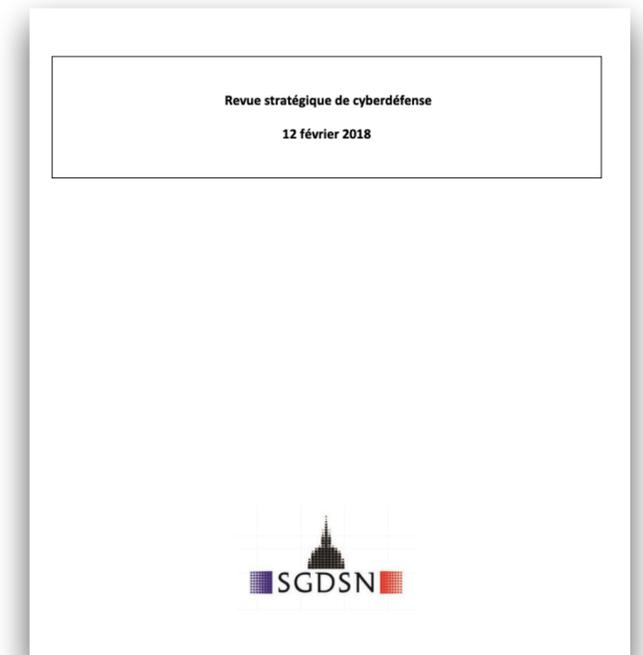consider that **the administrations do not sufficiently encourage free software.**

WHAT SHOULD BE THE PRIORITIES?

1 Favor open source (and local) solutions in **public orders**

2 Support the **development of the sector**

3 Favor open source SMEs in public orders **(Small Business Act)**

4 Improve training, **develop skills**

A definition for Digital Sovereignty

"**Digital sovereignty**" has been defined by the French General Secretariat for Defense and National Security (SGDSN) in the 2018 Strategic Cyber Defense Review (p. 93) as:

Revue stratégique de cyberdéfense
12 février 2018

SGDSN

a strategic autonomy in which, ***without seeking to do everything internally***, it is a matter of ***preserving an autonomous capacity for assessment, decision and action*** in the digital space.

http://www.sgdsn.gouv.fr/uploads/2018/02/20180206-np-revue-cyber-public-v3.3-publication.pdf

F/OSS and Digital Sovereignty according to the Commission

In its Oct 2020 open source plan ("Think open"), the Commission notes that "**the open source model has an impact on Europe's digital autonomy**. It is likely to give Europe a chance to create and maintain its own independent digital approach to the digital giants in the cloud and allow it to **retain control** over its processes, information and technology."

But no mention of an underlying industrial strategy or promotion of the private sector.
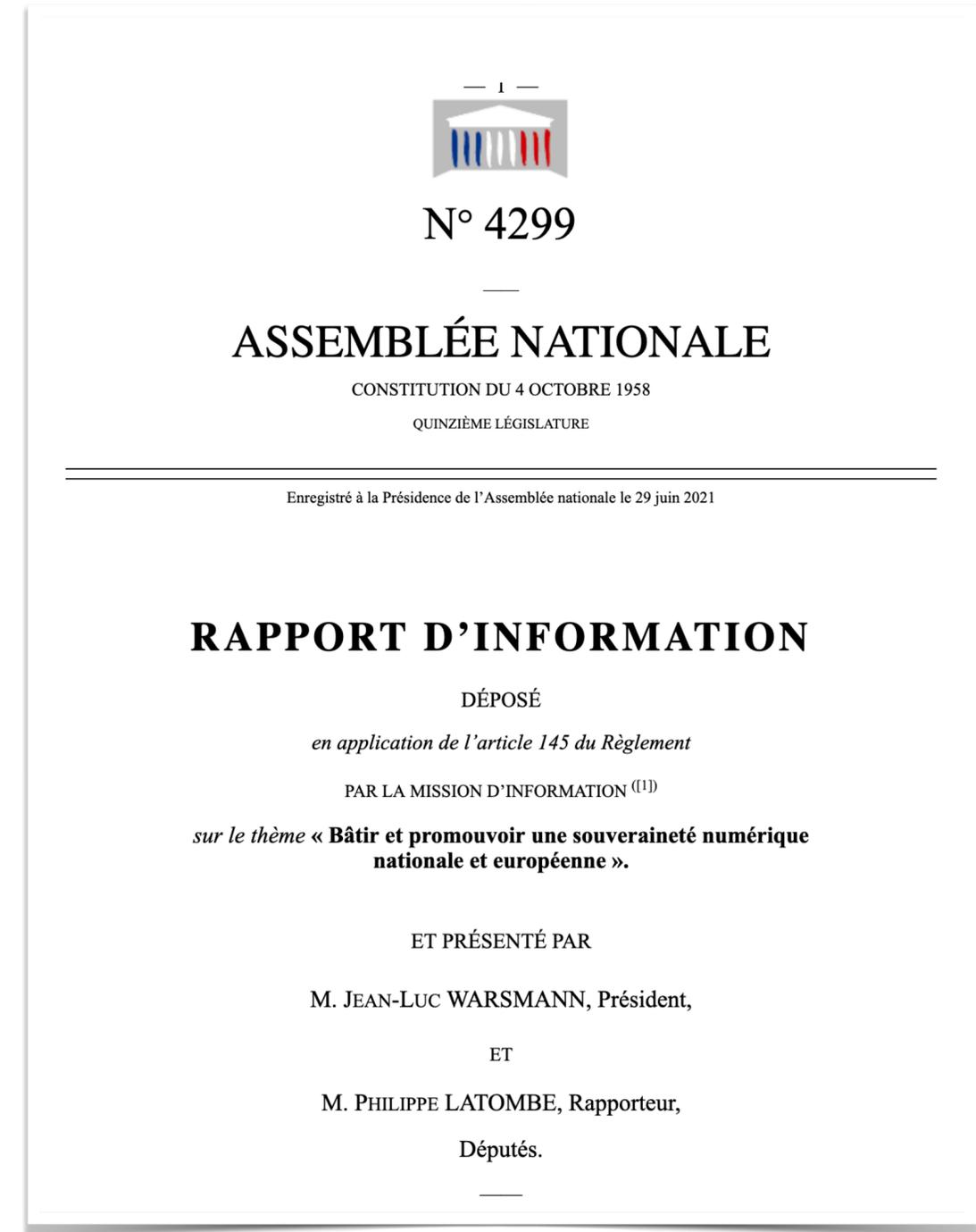
https://ec.europa.eu/info/departments/informatics/open-source-software-strategy_en

European F/OSS companies are also a key asset in regaining our digital sovereignty

- SGDSN: "***an industrial strategy*** *based on open source, provided that it is part of a* ***thoughtful commercial approach****, can enable French or EU companies to re-gain market share and thereby* ***enable France and the EU to regain sovereignty***."

- A. de Montchalin, France's Minister of Public Service: "*By accompanying administrations so that they use open source to the best of their ability, I hope that the Free Software Mission will* ***support the French and European economic players*** *in this ecosystem, in particular by taking better account of the criterion of transparency of source codes in* ***public procurement***"

MP Latombe's report on digital sovereignty

- Key proposal:

  - No. 52: **Impose the systematic use of free software within the administration**, making the use of proprietary solutions an exception.

- And also

  - No. 26: Give preference, in terms of public procurement, to solutions from French or European technological players.

  - No. 30: Develop practices and the legal framework for public procurement [In particular at European level with a **European "Small Business Act"**].

  - No. 53: Impose the systematic use of French digital solutions within the administration, when their level of performance is satisfactory for the uses concerned.

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N° 4299

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ASSEMBLÉE NATIONALE

CONSTITUTION DU 4 OCTOBRE 1958

QUINZIÈME LÉGISLATURE

Enregistré à la Présidence de l'Assemblée nationale le 29 juin 2021

RAPPORT D'INFORMATION

DÉPOSÉ

en application de l'article 145 du Règlement

PAR LA MISSION D'INFORMATION [(1)]

sur le thème « **Bâtir et promouvoir une souveraineté numérique nationale et européenne** ».

ET PRÉSENTÉ PAR

M. JEAN-LUC WARSMANN, Président,

ET

M. PHILIPPE LATOMBE, Rapporteur,

Députés.

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European Commission - DIGIT's OSPO

- The European Commission launched in October 2020 its "think open" plan which aims to "develop software solutions, [taking] into account **openness, sharing and reuse**, security, privacy, legal issues and accessibility".

- But this plan, whose quality and intentions we welcome, is nonetheless limited to the internal IT of the EU institutions, and insufficient for the current challenges.

  - We believe **it must be coordinated with a real economic policy aiming** to develop European open source software publishers and integrators, and to support them against the influence of foreign software and cloud players

https://ec.europa.eu/info/departments/informatics/open-source-software-strategy_en

Strasbourg Declaration (March 2022)

- The **European Ministers** responsible for public administration [...] with the support of the **European Commission**, declare their intention [...] to **promote open source software within public administrations** and their sharing, by:

  - **Recognising the major role played by secure open source solutions** in the transformation of public administrations, which allow for the pooling of investments among multiple organisations, offer transparency and interoperability by default and guarantee control over the technologies used as well as greater technological independence;

  - Leveraging open source solutions to strengthen collaboration between public administrations, by **promoting the sharing** of such solutions created or used by administrations within the European Union;

  - **Promoting a fair redistribution of the value created by open source solutions**, especially for those who produce and share open source code.

MINISTÈRE
DE LA TRANSFORMATION
ET DE LA FONCTION
PUBLIQUES
*Liberté
Égalité
Fraternité*

**Strasbourg Declaration
on the Common values
and challenges of European
Public Administrations**

FRANCE22
FRENCH PRESIDENCY
OF THE COUNCIL OF THE
EUROPEAN UNION

We need to do more, now

- **Enforce** existing regulations "encouraging", "preferring" or "mandating" the use of F/OSS in the public administration, add missing ones

  - French MP Philippe Latombe: "*The State must by default use free software. The only constraint that the State understands is the normative one, i.e. when it's imposed by the Parliament.*"

- **Finance** both innovative and maintenance work, using the proper financial tools

- **Promote** the F/OSS ecosystem, including the EU business sector

OSS & Ethical and Sustainable computing

ETHICS, A SHARED VALUE WITHIN THE DIGITAL SECTOR

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Open source, a factor of ethics

80 %

of French companies **are already engaged in an ethical approach** according to specific criteria:

- **Compliance with open standards**
- **Priority to open source**
- **Employee contribution and training**
- **Development of digital commons**
- **Cooperation and solidarity in the ecosystem**

- **Sustainability of data and customers' independence**
- **Respect for human and social rights**
- **Respect for health and environment**

37,3 %

of companies confirm that their customers recognize the open source as an ethical factor

29,9 %

of companies have signed new contracts

Goals

- Show that the values and principles (transparency, openness, inclusiveness...) of the F/OSS ecosystem are fundamentally aligned with the current concerns of a growing part of society (including IT workers and customers) in terms of respect for human and environmental rights

- WIP: ethical charter for companies in the sector

Older example: *The Free Employment Charter* (2013)

Launched in 2013, with about 100 signatories (companies) who pledge to:

1. **Provide a free / open source professional environment** (operating system and application software) to each employee who wishes so

2. **Promote employee contributions** to free software communities, including by encouraging the redistribution of changes made to existing open source software in course of the company's business

3. Participate, by sending collaborators and / or through financial support, to **events** in the open source ecosystem

4. To allow employees to train themselves over the course of their career on open technologies in order to ensure their **professional development in the field of free software**

5. When paying the **compulsory apprenticeship tax**, consider first and foremost the higher education courses which offer a teaching of methods, techniques and tools specific to free software