

Free Software and AI in Europe

SFSCON 2023

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**Free Software Foundation Europe is a charity
that empowers users to control technology.**





AI





AI

- **Must Respect fundamental rights**



AI



- **Must Respect fundamental rights**
- **Need to be transparent, fair and accessible**

AI



- **Must Respect fundamental rights**
- **Need to be transparent, fair and accessible**
- **Should not discriminate but help us**

AI



- **Must Respect fundamental rights**
- **Need to be transparent, fair and accessible**
- **Should not discriminate but help us**
- **Need to be Free Software**

AI





AI

- **Helps to foster innovation, wheel do not have to be reinvent over and over again**

AI



- Helps to foster innovation, wheel do not have to be reinvent over and over again
- Transparency leads to innovation and trust

What is Free Software



What is Free Software

Use



What is Free Software

Use

Study



What is Free Software

Use

Study



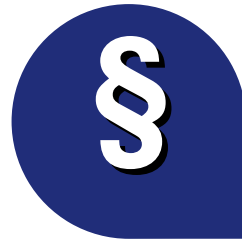
Share



What is Free Software

Use

Study



Share

Improve



What is Free Software

Use

The software can be used for any purpose without restrictions.

Study



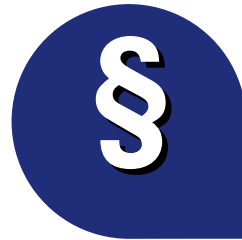
Share

Improve

What is Free Software

Use

The software can be used for any purpose without restrictions.



Study

The software and its code can be analysed by anyone.

Share



Improve

What is Free Software

Use

The software can be used for any purpose without restrictions.



Study

The software and its code can be analysed by anyone.

Share

The software can be shared without limitations.
The price doesn't matter.

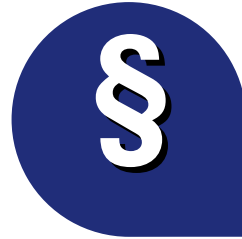


Improve

What is Free Software

Use

The software can be used for any purpose without restrictions.



Study

The software and its code can be analysed by anyone.

Share

The software can be shared without limitations. The price doesn't matter.



Improve

The software can be modified by you or others to give back to the community.

AI Regulation (AI Act)



- Noting in the COM proposal
- But:

AI Regulation (AI Act)



- **AI ACT JURI (12.09.2022)**
- **CRA (15.09.2022)**
- **PLD (28.09.2022)**

AI Regulation (AI Act)



EP JURI:

This regulation shall not apply to Open Source AI systems until those systems are put into service or made available on the market in return for payment (...)



Next Steps



- **Trilogue; Spanish Presidency**

AI ACT

(12 a) Software and data that are openly shared and where users can freely access, use, modify and redistribute them or modified versions thereof, can contribute to research and innovation in the market. Research by the Commission also shows that free and open-source software can contribute between EUR 65 billion to EUR 95 billion to the European Union's GDP and that it can provide significant growth opportunities for the European economy. Users are allowed to run, copy, distribute, study, change and improve software and data, including models by way of free and open-source licences. To foster the development and deployment of AI, especially by SMEs, start-ups, academic research but also by individuals, **this Regulation should not apply to such free and open-source AI components except to the extent that they are placed on the market or put into service by a provider** as part of a high-risk AI system or of an AI system that falls under Title II or IV of this Regulation.

(12 b) Neither the **collaborative development** of free and open-source AI components nor making them available on **open repositories** should constitute a placing on the market or putting into service. A commercial activity, within the understanding of making available on the market, might however be characterised by charging a price, with the **exception of transactions between micro enterprises**, for a free and open-source AI component but also by charging a price for technical support services, by providing a software platform through which the provider monetises other services, or by the use of personal data for reasons other than exclusively for improving the security, compatibility or interoperability of the software.

AI ACT

(12 c) The **developers of free and open-source AI components should not be mandated under this Regulation** to comply with requirements targeting the AI value chain and, in particular, not towards the provider that has used that free and open-source AI component. Developers of free and open-source AI components should however be encouraged to implement widely adopted documentation practices, such as model and data cards, as a way to accelerate information sharing along the AI value chain, allowing the promotion of trustworthy AI systems in the Union.



PUBLIC MONEY

PUBLIC CODE

Why is software created using taxpayers' money not released as Free Software?

Code paid by the people should be available to the people!

We want legislation requiring that publicly financed software developed for the public sector be made publicly available under a Free and Open Source Software license.

If it is public money, it should be public code as well.

Already **32977 SIGNATURES** –
sign the open letter now!

SUPPORTING ORGANISATIONS

The following organisations support our [open letter](#). If your organisation is also interested in joining the call for Public Code, please [contact us](#).



All International NGOs Administrations National NGOs Regional NGOs

