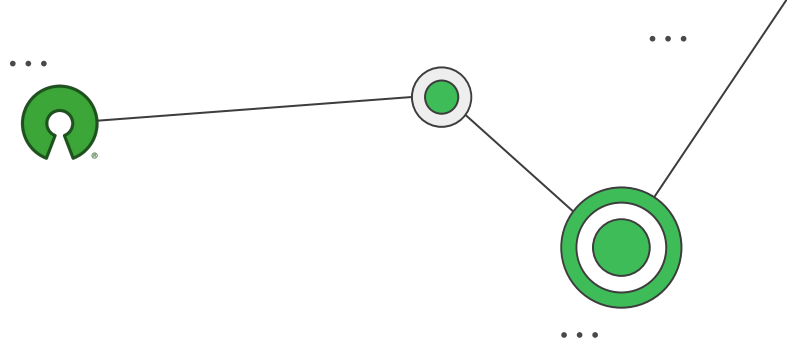


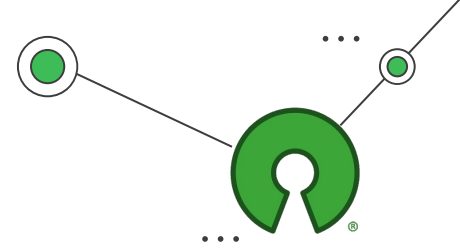
Open Source in EU policy

SFSCon
Friday 8th 2024

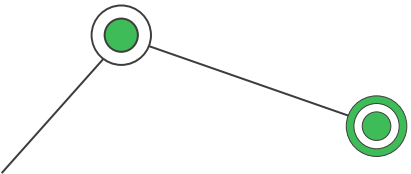
Jordan Maris, EU Policy Analyst, Open Source Initiative



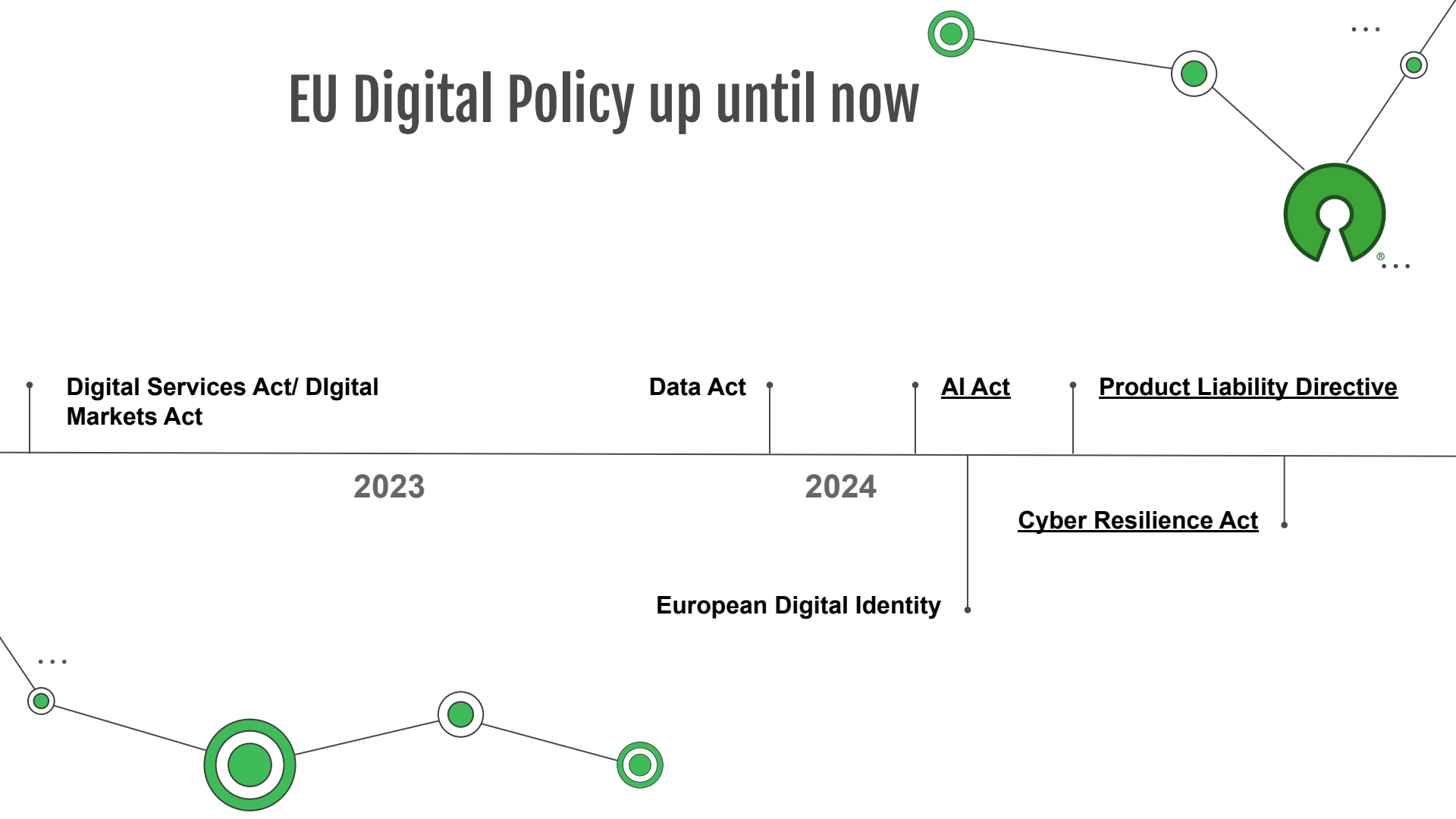
whoami



- Today: Policy Analyst for the Open Source Initiative, working from Brussels
- Long-term open source user
- Former EU parliamentary staffer
- Focus on Open Source software
- Worked on AI act, Product Liability Directive, CRA



EU Digital Policy up until now



Digital Services Act/ Digital Markets Act

2023

Data Act

2024

AI Act

Product Liability Directive

Cyber Resilience Act

European Digital Identity

**IGNORENCE,
INNOCENCE,
EXPERIENCE**





EU policy in the last two years: Ignorance, Innocence, Experience

An Open Source Exemption in the AI act

Early 2022

Lawmakers may or may not know what Open Source is, in any case they don't think they need to include it in law.

Flawed Exemptions in the PLD & CRA

Early 2023

Lawmakers know what Open Source is, they understand the need to include it in laws but they don't know how.

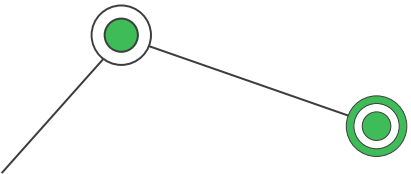
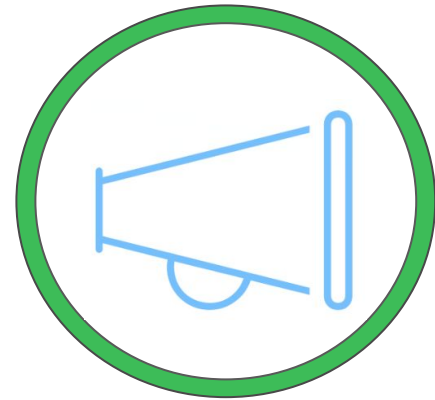
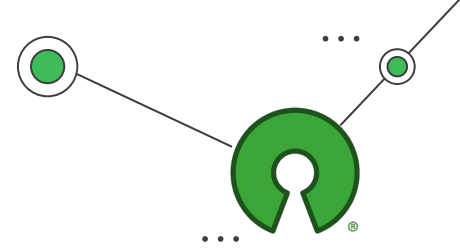
Community outreach to lawmakers lead by OSI

2023

Lawmakers meet with the Open Source community, build bridges and learn, this is reflected in legislation and implementation efforts.

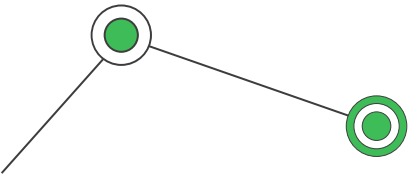
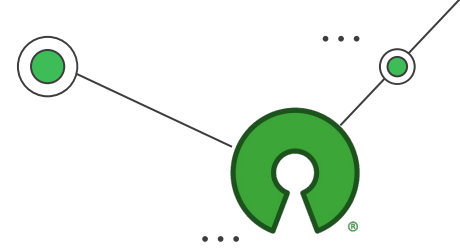
Why the Community had to mobilise

- A heavy focus on regulating tech
- A lack of experience with the *forth sector*
- A lack of knowledge/understanding of FOSS



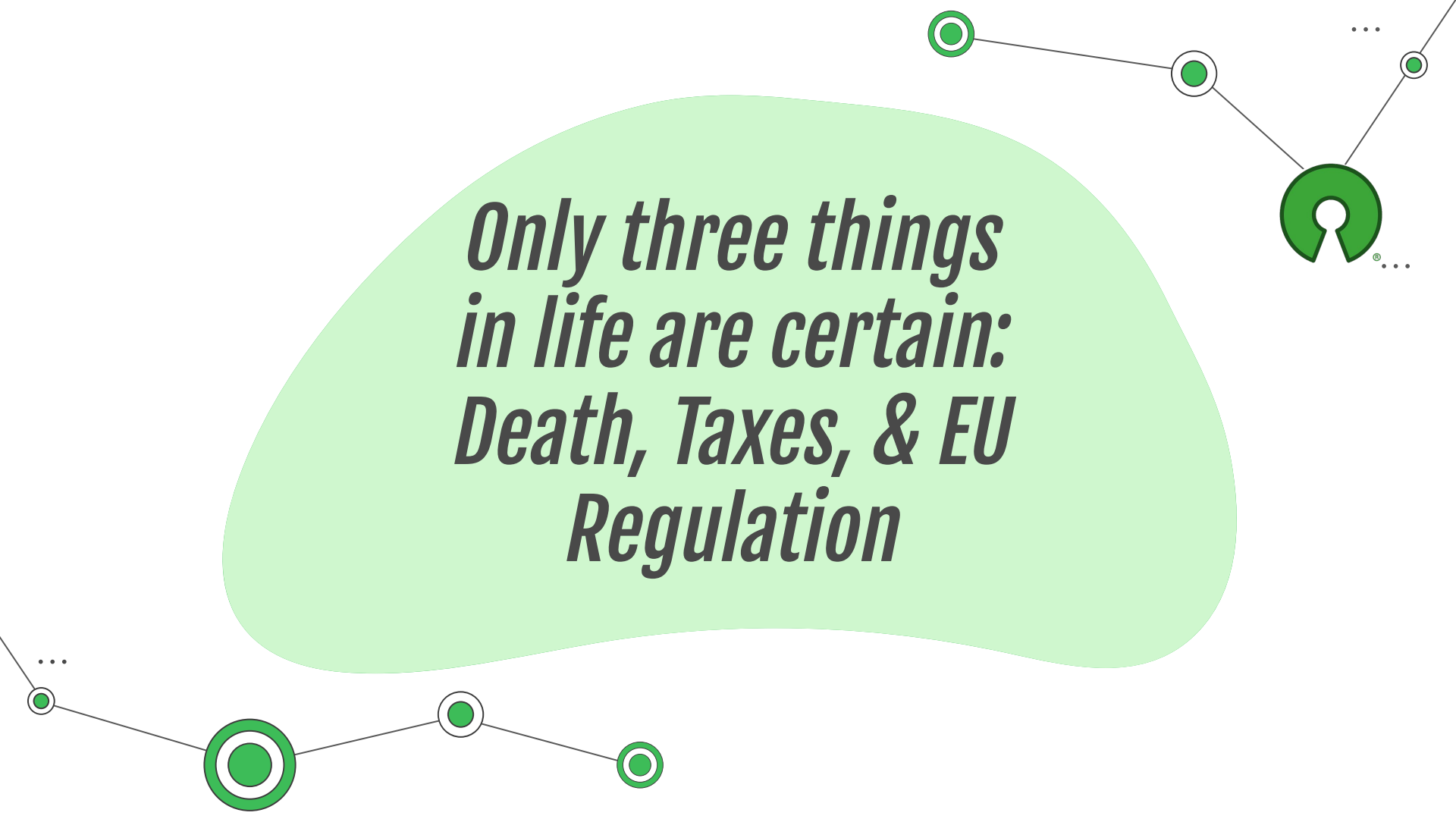
What has changed?

- Lawmakers contact **us** now
- The presence of the Open Source community in Brussels has grown
- Open Source is understood to be inherently valuable





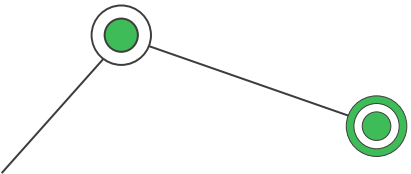
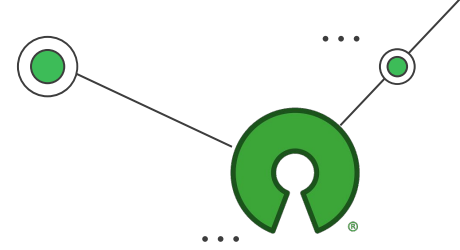
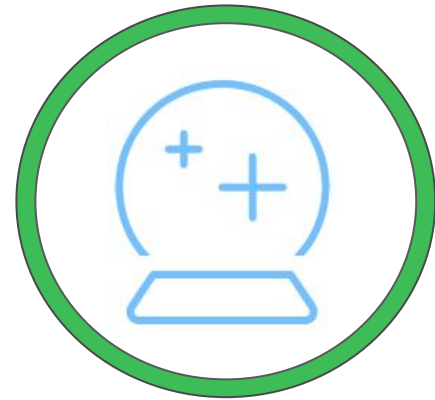
WHAT NEXT ?



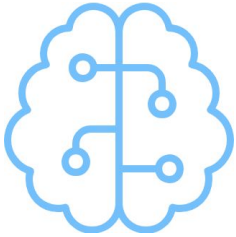
*Only three things
in life are certain:
Death, Taxes, & EU
Regulation*

What is next ?

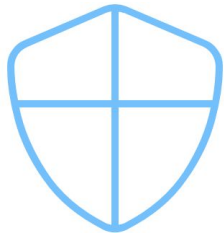
- AI Liability Directive -> Software Liability?
- **11 new laws** potentially impacting OSS
- **4 non-legislative** initiatives
- **Standardisation & Patent reform**
- **EU budget**
- **Implementation** of AI act, CRA, PLD etc...



What is the OSI doing?



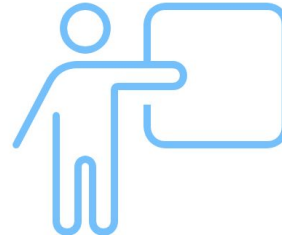
**Promoting the
Open Source AI
Definition**



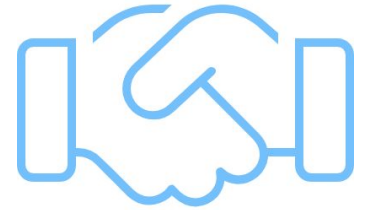
**Making CRA
implementation
OSS-friendly**



**Standardisation
with Open Source
in mind**



**Informing
lawmakers about
Open Source**



**Strengthening our
network in
Brussels**

A long time ago (before ChatGPT), in a Parliament far away (it's really hard to get to Bolzano from Brussels),

AI ACT

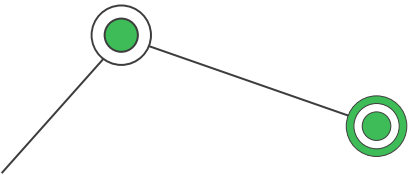
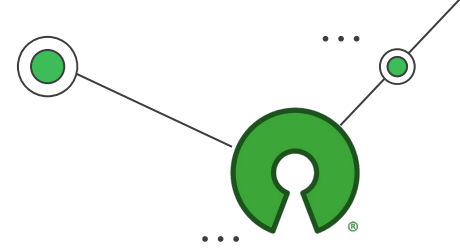
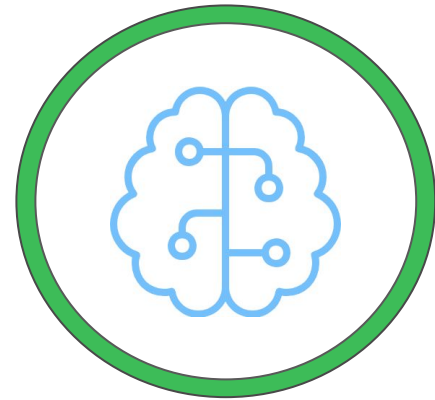
It's 2022 in Brussels, and a young, naive policy advisor is finishing his first negotiation.

As the meeting comes to a close, the lead negotiator asks if there is any other business.

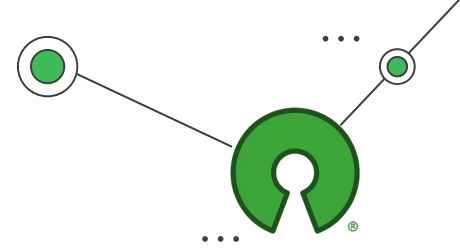
The advisor raises his hand and asks, "what about Open Source?". Little does he know, he's about to create a lot of problems for a lot of people.

What Happened next ?

- An imprecise exemption
- Exploited by companies for Openwashing
- The OSI develops the Open Source AI Definition



An actual conversation in Brussels

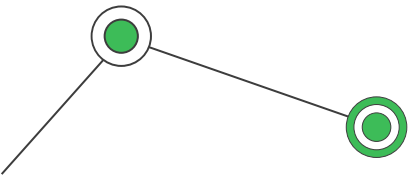
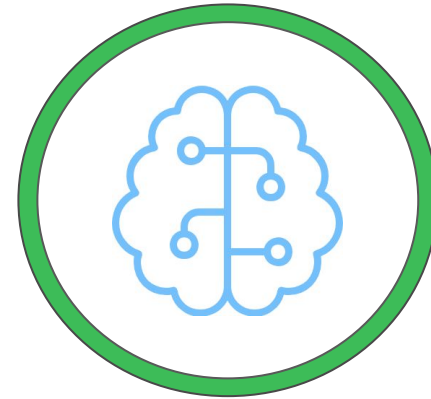


This is Simon, he is the Director of EU policy for the Open Source Initiative, the steward of the Open Source definition

Jordan Maris, Policy Analyst, OSI

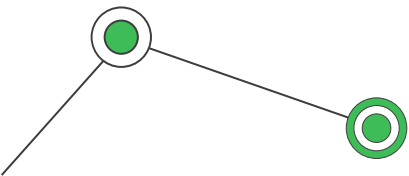
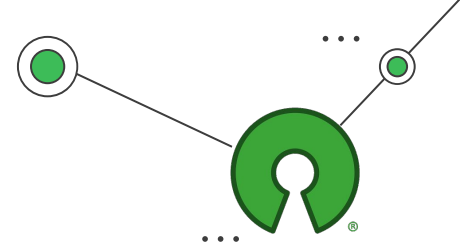
Nice to meet you Simon, perhaps you can answer a question for me: we added an exemption in the AI act for Open Source AI, but now everybody is wondering: **what is Open Source AI?**

Advisor to an MEP on the AI act



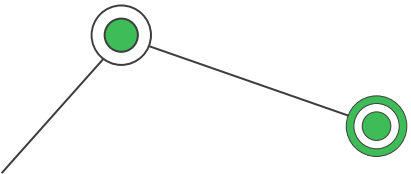
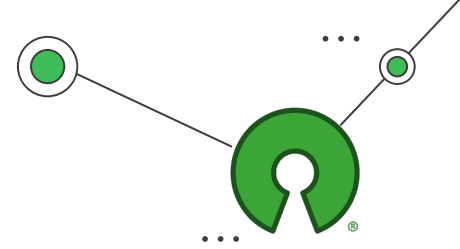
What is in the OSI definition

- 4 Freedoms (Use, Study, Modify, Share)
- Sharing of:
 - Complete Source code for data processing, training, use
 - Model Parameters
 - Training Data + Data Information
 - List of publicly available training data
 - List of non-public available data
 - Full Description of unsharable data



What are we doing ?

- Explaining this issue to Lawmakers/Staffers
- Participating in EU Commission Working Group on Codes of Practice for GPAI
- Highlighting Openwashing
- Presenting the OSAID



THANKS

