# European regulators cast their eyes on maturing OSS communities

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# €65-95B

... Open source software contributes between €65 to €95 billion to the European Union's GDP and promises significant growth opportunities for the region's digital economy.

Open source communities are an integral part of the ICT sector and require careful regulation.

SMEs are the backbone of open source success in Europe.

"With great power comes great responsibility."

"This may well be the single most important book on Europe's influence to appear in a decade."
*Foreign Affairs*, Best Books of 2020

ANU BRADFORD

The Brussels Effect

HOW THE EUROPEAN UNION
RULES THE WORLD

CRA
PLD
SEP
AI
Data
eiDAS

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# Regulation highlight:
# The EU Cyber Resilience Act

Does the "Brussels Effect" also work on the open source commons?

We don't know. We know that the CRA ...

- puts additional burdens on SMEs

- disincentivizes upstream-first development

- encourages development offshoring

# Challenges for the open source ecosystem

How can the open source community be a partner in future EU legislation?

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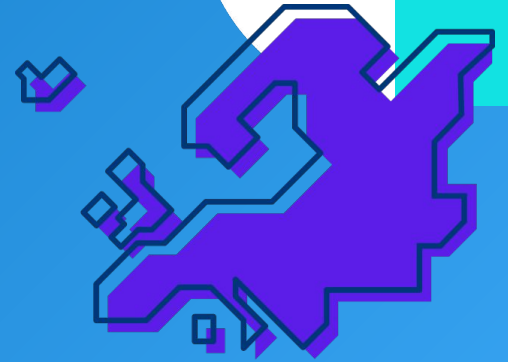
# The upstream/downstream network

- A better understanding of the open source supply structure is required.
- AKA, the upstream/downstream network.
- Regulation needs to reflect separate chains of transactions:
  - Contributing up the stream stream
  - Integrating down the stream
- The act, not the actor define the nature of the transaction.
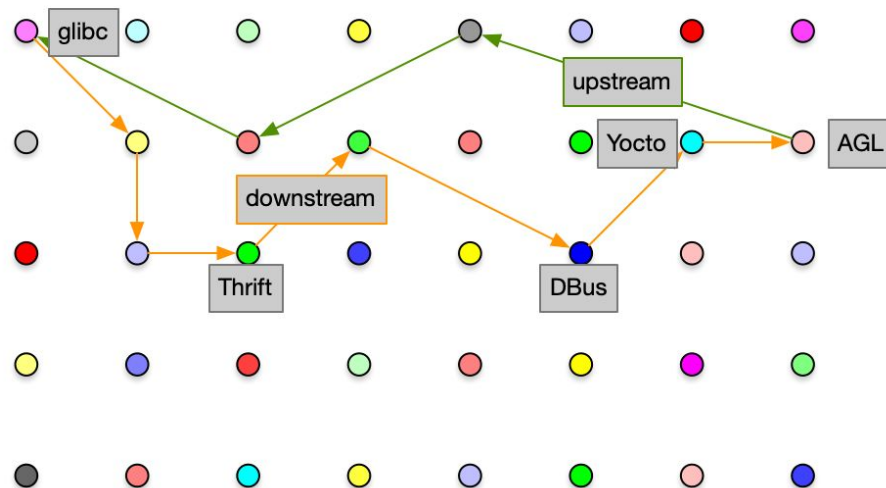
# FOSS maintenance as a corporate responsibility



- Upstream maintenance is becoming a corporate responsibility.
- An actor who relies on an open source component should always take the necessary actions to maintain its viability.
- Requires attaining a high level of maturity on the corporate open source journey.

- [Open Source Congress](#) (27 July 2023, Geneva, Switzerland) was the first gathering of global open source foundations with the aim to enable global collaboration.
- Aims to help the FOSS ecosystem to speak with a common voice.
- Representation is based on which projects and contributors you have a mandate to present.
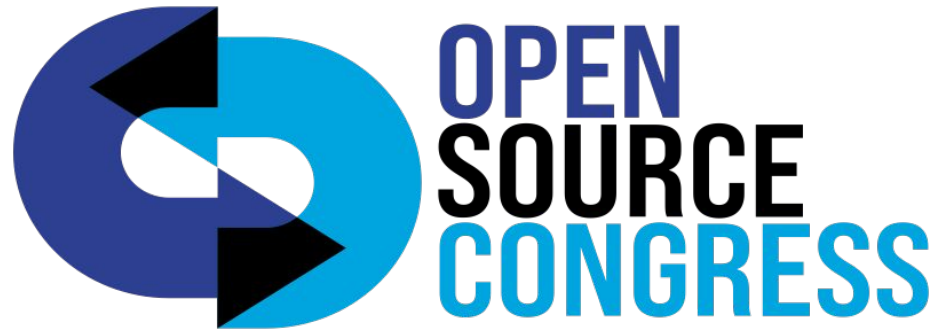
# Define open governance

- Licenses do not fully describe openness in FOSS development.
- Regulators differentiate between "non-profit" and "(non-) commercial".
- Future regulation may reference ecosystem roles ("open source stewards") that come with expectations towards governance standards.

# Forget exceptions

- The open source commons, as an integral part of the ICT ecosystem, is unlikely to remain unregulated.
- Instead, build up a principled approach to regulation that provides suitable mechanisms for the ICT sector as a whole.

# Get organized!

- Regulation will drive the open source community to mature further.
- Projects that become essential building blocks must expect pressure to further professionalize maintenance and responsiveness to vulnerabilities.
- Minimum requirements for open source governance may be set at some point.

# Thank you!

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- [European Parliament - A smile hidden behind the European flag](). European Parliament, CC BY 2.0
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