



DG DIGIT

Unit.D2 (Interoperability Unit)

# Open Source Software Country Intelligence Report The Netherlands

2020

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# THE NETHERLANDS

## Executive summary

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Policies, legislation, and initiatives in the Netherlands originate from a variety of government actors at national, provincial and community levels. All levels of public administrations encourage the digitalisation of public services and the use of open source software (OSS) solutions. In various policy strategy documents stemming from the national and community levels, OSS is mentioned in the framework of a global digitalisation strategy of the government. However, there are few legislative acts addressing the use of OSS solutions.

While OSS solutions are not widely used in the public sector at present, there are some initiatives encouraging administrative services to transition to OSS solutions, such as the Digital Police Office and the use of OpenOffice in the Groningen public administration. Following the development of compulsory open standards for public administrations, including the use of OSS solutions, it is thought that more OSS initiatives will be developed throughout the Netherlands.

## Actors

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This section presents the policy makers who are active in digitalisation efforts and influence the status of open source in the public sector, as well as the main strategic players that work together with the government at all levels to raise awareness on OSS. However, there appears to be no independent governmental body that is responsible for OSS policies in the Netherlands.

### *Policy makers*

- The Ministry of Interior and Kingdom Relations<sup>1</sup> oversees the digitalisation of the government. The State Secretary for Interior and Kingdom Relations is responsible for the development and implementation of the Dutch Digital Strategy.
- Within the Ministry of Interior and Kingdom Relations, the ICT Unit<sup>2</sup> acts as an independent advisory to help the Dutch government improve its ICT services through the development and use of OSS solutions. With the help of the ICT Unit, Xurux, a Blockchain developer, has developed an OSS solution for the municipality of Haarlem using IOTA.<sup>3</sup>

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<sup>1</sup> <https://www.government.nl/ministries/ministry-of-the-interior-and-kingdom-relations>

<sup>2</sup> <https://www.ictu.nl/>

<sup>3</sup> <https://www.ictu.nl/ictu-en-innovatie>

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- Logius<sup>4</sup> is a digital government service originating from within the Ministry of the Interior and Kingdom Relations. Logius developed the Dutch government's public digital applications, including DigiD, MyGovernment and Digipoort. By using these services, Dutch citizens can file their tax returns, access their data, and directly receive messages from the public administration.<sup>5</sup>
- OBDO (*Overheidsbreed Beleidsoverleg Digitale Overheid*)<sup>6</sup> is the government-wide Digital Government Policy Consultation Body. They advise the State Secretary on digital government policies, the use of digital technology as part of policy development, and the alignment of sectoral digital ambitions with other policies.

### *Strategic players*

- Code for NL<sup>7</sup> is a network of developers and designers supporting OSS, open government initiatives, and government digitalisation. Code for NL is the Dutch branch of the Code for All network.
- Delta10<sup>8</sup> is a team of developers, designers, and jurists with public sector experience. Their aim is to improve ICT in the Dutch public administration using OSS solutions.
- SURF<sup>9</sup> is a cooperative of over 100 education and research centres advocating in favour of the use of ICT in education and research throughout the country.
- The Standardisation Forum supports the Dutch government in the development, use and establishment of open standards for electronic information exchange. The second goal of the Standardisation Forum is to prevent vendor lock-in and reduce costs in government spending on ICT.<sup>10</sup>
- The Forus Foundation<sup>11</sup> is an independent network of organisations and individuals contributing to the development of OSS for public administrations and municipalities.
- The Foundation for Public Code was established to help open source projects for public organisations to become successful, build sustainable communities around them and create a thriving public open source ecosystem.<sup>12</sup>

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<sup>4</sup> <https://www.logius.nl/>

<sup>5</sup> <https://www.logius.nl/diensten>

<sup>6</sup> <https://www.digitaleoverheid.nl/governance-digitale-overheid/>

<sup>7</sup> <https://www.codefor.nl/>

<sup>8</sup> <https://delta10.nl/en/>

<sup>9</sup> <https://www.surf.nl/en>

<sup>10</sup> <https://www.forumstandaardisatie.nl/>

<sup>11</sup> <https://forus.io/>

<sup>12</sup> <https://publiccode.net/>

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- Waag technology & society is a middle-ground organisation composed of research groups that work with both grassroots initiatives and institutional partners across Europe. The mission of the Waag is 'making technology & society more open, fair and inclusive.'<sup>13</sup>

## Policy and legal framework

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This section recapitulates the main open source software-related policies and legal acts of the last ten years. The list is presented in a chronological order, starting from the most recent milestone.

- In April 2019, the Dutch government published NL DIGITAAL, also referred to as the Government Data Agenda, detailing a plan to improve policymaking and resolve societal issues by making better use of data. Action 2, "Focusing on legislation and public values", recommends the use of OSS in order to increase transparency with regards to the software that is used by the public administration. The following actions have been planned as part of the NL DIGITAAL<sup>14</sup> strategy:
  - 2019: Discussions between the Ministry of the Interior and Kingdom Relations, the Ministry of Justice and Security, Statistics Netherlands (CBS), the Department for Public Works and Water Management, and the Association of Netherlands Municipalities on whether to publish algorithms.
  - 2019: Development of policies and guidelines concerning transparency, open software, and algorithms by the Ministry of the Interior and Kingdom Relations, in conjunction with the Ministry of Justice and Security.
  - 2019: Creation of an intergovernmental 'transparency lab' to develop and test applications to increase governmental transparency on data, source codes, and algorithms by the Ministry of the Interior and Kingdom Relation.
- The *Digital Government Agenda*<sup>15</sup>, published by the Dutch government in July 2018, encourages the use and release of OSS within the Dutch public administration. Action 3 of the Plan, "Opportunities and Challenges in a Digital Society", mentions the following actions:
  - The Dutch government wants to "[develop] a knowledge network and [prepare] guidelines for the publication of proprietary software as open source software."
  - The government also plans to coordinate with government parties and remove legal obstacles to the use and release of OSS insofar as possible. A legal guideline will be

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<sup>13</sup> <https://waag.org/en>

<sup>14</sup> <https://www.ndigitalgovernment.nl/document/data-agenda-government/>

<sup>15</sup> <https://www.ndigitalgovernment.nl/digital-government-agenda/>

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developed covering all kind of advice and guidance on legal obstacles (competition law, IPR, licenses, etc)

- The Digital Government Law<sup>16</sup>, adopted in June 2018, established the creation of the Standardisation Forum. This Forum lists the software that can be used across the Dutch public administration and at present, one of them is an OSS solution.<sup>17</sup>
- The intellectual property of software is regulated by the Dutch Copyright Act<sup>18</sup>, which transposed the provisions of the Council Directive (91/250/EEC)<sup>19</sup> of 14 May 1991 on the legal protection of computer programs into national law.<sup>20</sup> The Free Software Foundation encourages the authors of OSS to assign their intellectual rights to the Free Software Foundation.<sup>21</sup>
- Since 2017, the political consensus on OSS is more cohesive. In 2016, the Second Chamber of the Dutch Parliament adopted several motions encouraging the use of OSS, as listed below:
  - Government Information (Public Access) Act: Former Labour MPs Oosenbrug and Gesthuizen submitted a motion on the use of open standards and the application of OSS in October 2016, with a request as to how the ways in which the government can become less dependent on proprietary IT providers can be investigated. This motion was adopted almost unanimously by the Parliament, showing a cross-partisan support for OSS solutions.<sup>22</sup>
  - On the 30<sup>th</sup> of November 2016, former Labour MP Oosenbrug submitted a motion on making the source code of software developed in-house available to the public. The motion was adopted unanimously by the Second Chamber of the Dutch Parliament.<sup>23</sup>
  - In April 2020, the Dutch government sent a policy letter to the Parliament in order to respond to the motions mentioned above. The policy letter announces open source by default. All source code of software developed in-house should be available to the public unless there are reasons or concerns. The policy letter is the first political statement on the release of the source code of software. Policy on the use of open source software originates from 2004. The letter includes an open source action plan. Several actions are already covered/announced in the Digital Government Agenda (see above).

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<sup>16</sup> <https://zoek.officielebekendmakingen.nl/kst-34972-2.html>

<sup>17</sup> <https://www.forumstandaardisatie.nl/standaard/openapi-specification>

<sup>18</sup> <https://wetten.overheid.nl/BWBR0001886/2018-10-11>

<sup>19</sup> <https://eur-lex.europa.eu/eli/dir/1991/250/oj>

<sup>20</sup> <http://ifosslawbook.org/the-netherlands/>

<sup>21</sup> <http://ifosslawbook.org/the-netherlands/>

<sup>22</sup> <https://www.tweedekamer.nl/kamerstukken/detail?id=2016Z18418&did=2016D37878>

<sup>23</sup> <https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2016Z22735&did=2016D46546>

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- In 2003, the Dutch government's Open Standards and Open Source Software (OSOSS) Programme<sup>24</sup> was tasked with the development of a manual for government organisations on how to approach open standards and OSS in public procurement. Under the framework of this programme, the Dutch government released a manual outlining precise definitions on the elements that an open source initiative comprise of, explaining how to properly refer to OSS in calls for tenders.<sup>25</sup> In response to this OSOSS strategy, in December 2006, ten Dutch cities signed the Manifesto of Open Cities calling for software suppliers to use open standards and signalling their interest in OSS solutions.

## Open source software initiatives

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This section presents an overview of the main open source software-related initiatives in the Netherlands. The list is presented in a chronological order, starting from the most recent initiative.

- *Digilevering*, 2019<sup>26</sup>: Logius, the Dutch government digital service that is part of the Ministry of the Interior and Kingdom relations, has launched a data exchange service which is based on OSS. The system can be used by both public and private organisations to, for example, exchange messages and receive direct notifications about personalised events.
- Standardisation Forum, 2018<sup>27</sup>: Increasingly, open standards are deemed as mandatory within the Dutch public administration, some of which specify and recommend the use of OSS solutions. In July 2018, the Standardisation Forum classified the OpenAPI Specification, an OSS solution, as being mandatory for all public administration bodies.
- Digital Democracy, 2017<sup>28</sup>: In 2017 the foundation *Netwerk Democratie* (Network Democracy) and the Ministry of Interior took the initiative to strengthen local digital democracy in the Netherlands by connecting Dutch practices with practices from abroad. The aim was to improve digital participation processes. The use of open source was an important digital tool. As part of this development, various tools were launched. These include, for example OpenStad Amsterdam<sup>29</sup>, a set of interactive tools (websites, apps) to collaborate between Amsterdammers and the municipality, launched in 2017. The city of Groningen also uses a digital participation platform, Consul, first developed by the city of Madrid.<sup>30</sup>

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<sup>24</sup> <https://www.linux.com/news/ten-big-dutch-cities-demand-open-standards/>

<sup>25</sup> <https://ec.europa.eu/idabc/en/document/5244/5584.html>, retrieved 14/10/2019

<sup>26</sup> <https://www.logius.nl/actueel/digilevering-open-source-voor-iedereen-beschikbaar>

<sup>27</sup> <https://www.forumstandaardisatie.nl/standaard/openapi-specification>

<sup>28</sup> <https://netdem.nl/nl/articles/digital-democracy/> and Netwerk Democratie (2020). Digital Democracy Guide. A guide on local practices of digital participation.

<sup>29</sup> <https://www.amsterdam.nl/bestuur-organisatie/meedenken-meepraten/openstad-online/>

<sup>30</sup> <https://www.gemeente.nu/bedrijfsvoering/groningse-proeftuin-voor-digitale-democratie/>

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- Open source interactive map, 2017<sup>31</sup>: Since 2017, the city of Rotterdam is using OSS for ClimateScan, an interactive map which proposes climate-related measures. Users can access interactive, open source tools and gather detailed data to track climate-related actions in their neighbourhood.<sup>32</sup>
- Open source in the police, 2013<sup>33</sup>: In 2013, the Digital Police Office was introduced. Built using OSS solutions, the service aims to directly involve the population in the crime-fighting activities of the police force by implementing a single Content Management System (CMS) to store all relevant content and deliver it to the multiple channels that the Digital Police Office supports (including TV, website, tablet, and smartphone).
- Government cloud, 2011<sup>34</sup>: The Dutch government's data centre, also called *ODC-Noord*, opened a cloud service in 2011 that is accessible to all public administration bodies. The cloud is based on an open source cloud infrastructure, OpenStack, and an open source storage platform, Ceph. The use of OSS solutions has helped to limit costs and has allowed the Dutch government to scale up to meet demand with ease.
- Transition to OpenOffice, 2009<sup>35</sup>: In 2009, the province of Groningen decided to stop using Microsoft Office in favour of the OSS, OpenOffice, thus saving the province €50,000 per year in licenses.
- Transition to open source desktop, 2007<sup>36</sup>: In 2007, both the Netherlands Patent Office and the Netherlands Competition Authority announced their ambition to start using an open source IT infrastructure in order to increase innovation and reduce costs.
- *OpenTaal*, 2007<sup>37</sup>: The *OpenTaal* Dutch spell-checker was certified in 2007 by the Dutch Language Union. In order to use this tool, it is recommended that users download the open source keyboard app, AnySoftKeyboard, which is customisable and adapted to the Dutch language.
- Forensics OSS, 2004<sup>38</sup>: In 2004, the Netherlands Forensic Institute (NFI) published its own software, TULP2G, under an open source license. The decision to do was based in their recognition that open source software has advantages when gathering and analysing digital evidence because reliability of source codes can be easily verified.

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<sup>31</sup> <https://vng.nl/onderwerpenindex/dienstverlening-en-informatiebeleid/dienstverlening-aan-inwoners-en-ondernemers/nieuws/nl-digitaal-data-agenda-overheid>

<sup>32</sup> <https://www.climatescan.nl/projects/2262/detail>

<sup>33</sup> <https://joinup.ec.europa.eu/collection/open-source-observatory-osor/document/introducing-single-digital-police-office-netherlands-open-source-hippo-cms>

<sup>34</sup> <https://joinup.ec.europa.eu/collection/open-source-observatory-osor/document/open-source-makes-dutch-government-cloud-reality>

<sup>35</sup> <https://joinup.ec.europa.eu/collection/open-source-observatory-osor/news/nl-groningen-province-plans>

<sup>36</sup> <https://joinup.ec.europa.eu/collection/open-source-observatory-osor/news/nl-first-two-public-institut>

<sup>37</sup> <https://www.linux.com/news/dutch-open-source-language-project-gets-official-certification/>

<sup>38</sup> <https://joinup.ec.europa.eu/collection/open-source-observatory-osor/document/netherlands-forensic-institute-develops-and-publishes-open-source-software>

