

Eclipse Foundation

Project-hosting FOSS foundation

Headquartered in Brussels

66% of staff are in Europe

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Europe's largest code-hosting FOSS foundation

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We also do policy

Complete the Attestation Survey →



About ▾

Membership ▾

Cyber Resilience Act ▾

Resources ▾

Get involved

Open Regulatory Compliance Working Group

Key stakeholders from industry and open source communities are collaborating to support compliance with government regulations, ensuring the continued use and advancement of open source through the software supply chain.

Learn more

Leading Regulatory Compliance for Open Source

Open Regulatory Compliance WG

orcwg.org



The screenshot shows the homepage of the Open Regulatory Compliance Working Group website. At the top, there is a navigation bar with links for 'About', 'Membership', 'Cyber Resilience Act', 'Resources', and a red 'Get involved' button. A call-to-action button 'Complete the Attestation Survey →' is also present. The main title 'Open Regulatory Compliance Working Group' is displayed prominently in large white text against a teal background. Below the title, a paragraph explains the group's purpose: 'Key stakeholders from industry and open source communities are collaborating to support compliance with government regulations, ensuring the continued use and advancement of open source through the software supply chain.' A 'Learn more' button is located below this text. At the bottom of the page, a section titled 'Leading Regulatory Compliance for Open Source' discusses the impact of new government regulations on the software industry.

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Leading Regulatory Compliance for Open Source

New government regulations on the software industry will significantly impact open source communities. To guide and support

Target audience

We want our ORC work to benefit everyone.

We know our needs.

We want you to tell us about your needs.

Timeline



Am I exempt?

What are the roles:

- Manufacturer
(or other “Economic operator” such as importer or distributor)
- Steward
- “Provider” <- exempt

Am I exempt?

The exemption:

*“only free and open-source software
made available on the market, (...)
should fall within the scope of this Regulation”*

(Recital 18)

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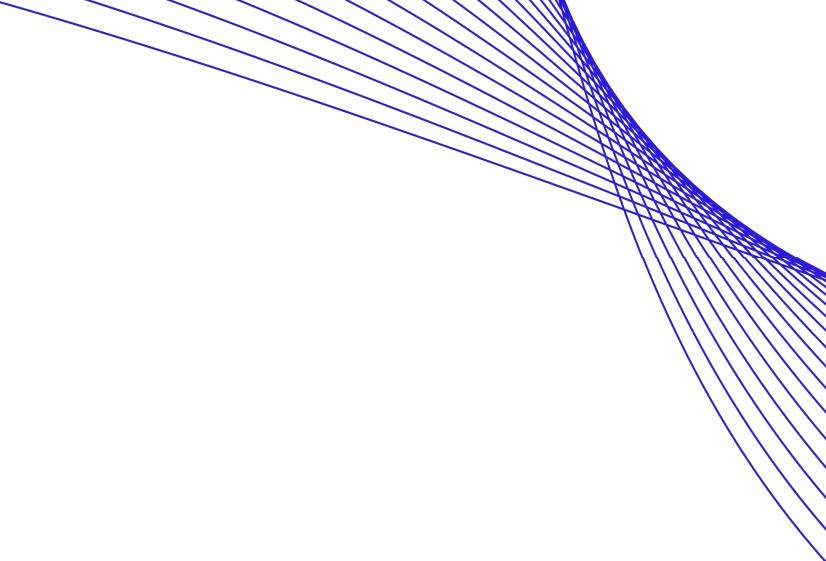
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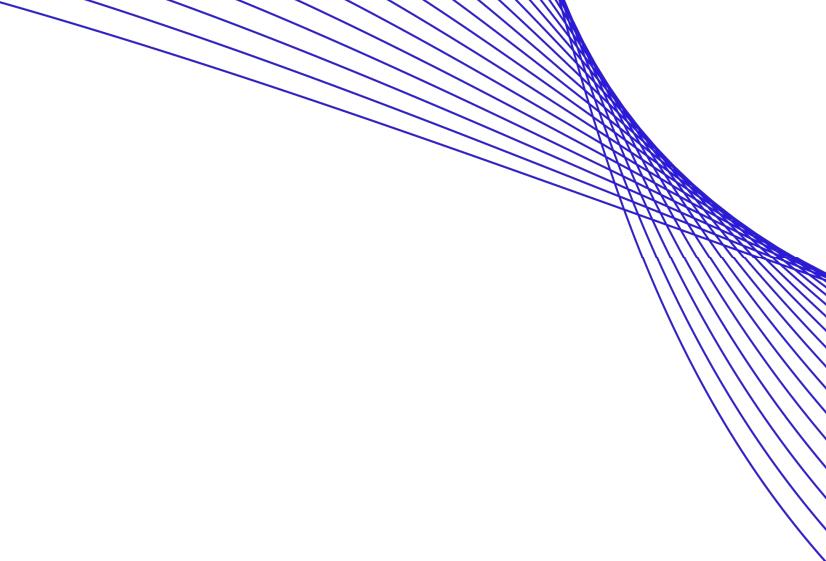
But the same is true for non-FOSS:

“Article 2

Scope

- 1. This Regulation applies to products with digital elements made available on the market (...)"*

Am I exempt?



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Am I exempt?

So, maybe this is it:

“the provision of products with digital elements qualifying as free and open-source software that are not monetised by their manufacturers should not be considered to be a commercial activity.”

(also from Recital 18)

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Take-away: it's not always clear.

Am I exempt?

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(also from Recital 18)

Take-away: it's not always clear. (and this is not a bug)

For example, can I say my software is “unfinished”?

“*Unfinished*” software is exempt. (Art 4(3))

But only if “*made available only for a limited period*”.

Probably not possible for FOSS.

And stretching these exemptions is against the spirit.

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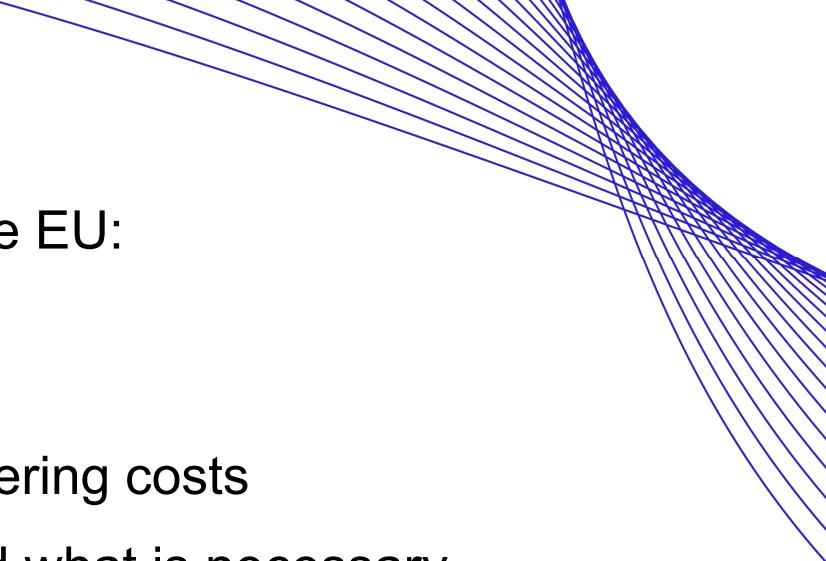
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Am I exempt?



To be exempt, avoid doing these in the EU:

- Charging for the software
- Charging for support, beyond covering costs
- Processing personal data, beyond what is necessary

Note: an individual (a “natural person”) can be a manufacturer.
(But not a steward.)

Is the public sector and academia exempt?

Delivery of a public service by public administration is not “commercial”.

Products developed and distributed internally are not “on the market”.

So...

Three topics to cover:

0. Policy is the new licensing
1. Doing more than the minimum is often good
2. The CRA is still changing, and you can be involved

Part 0: Policy is the new licensing

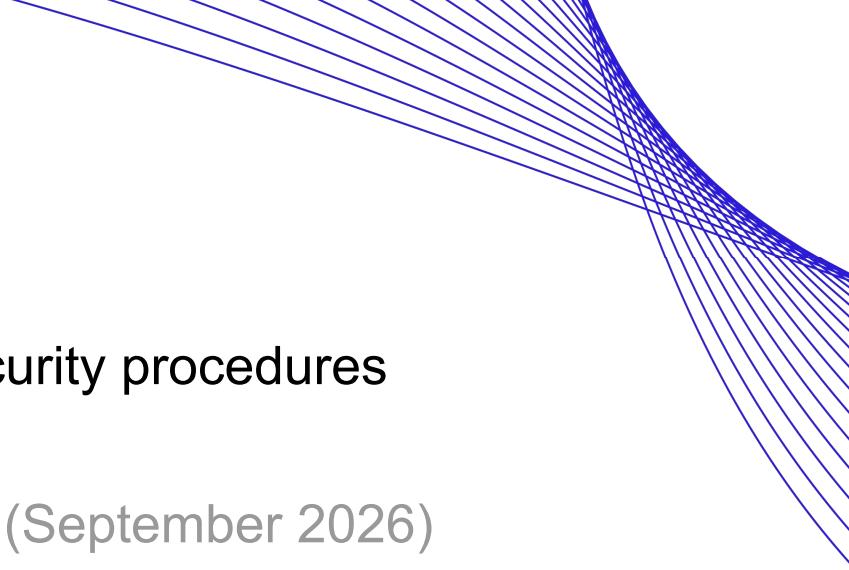
We used to define our legal framework.

Now it is created by regulation.

Part 1: Doing more than the minimum

1. Helping voluntarily might make your project more attractive
2. We might be wrong about having no obligations.
3. If we do nothing, we may see more regulation.
4. Many obligations are generally useful.

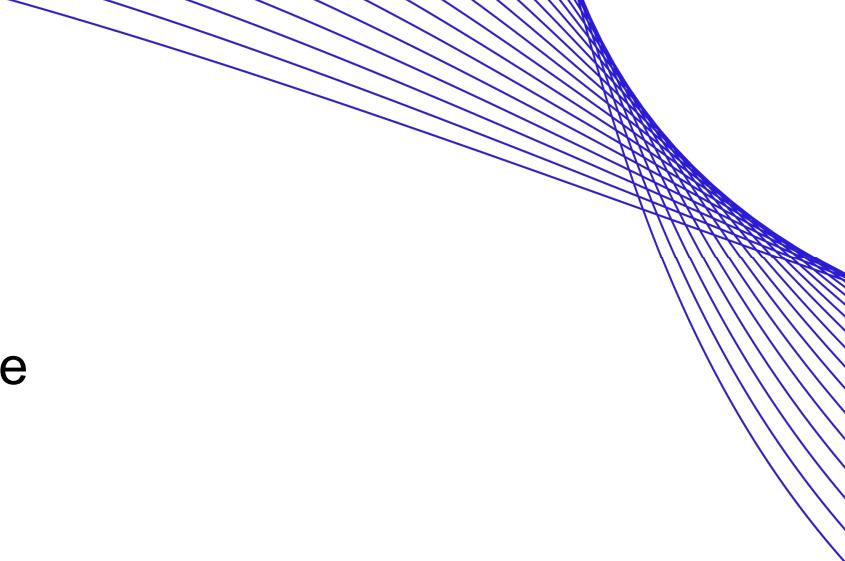
Manufacturers



Obligations to:

- 1) Perform risk assessments and security procedures
- 2) Provide security updates
- 3) Vulnerability response & reporting (September 2026)

Stewards



Obligations to:

- 1) Cooperate with Market Surveillance

Steward obligations on “actively exploited vulnerabilities”

Steward support level	Notify vulnerabilities	Notify incidents	General announcement	Message known users
Provides non-technical support only	N/A	N/A	N/A	N/A
+ provides IT infrastructure	N/A	✓	✓	N/A
+ provides engineering resources (incl. security)	✓	✓	✓	N/A
+ has 1:1 relationship with some users	✓	✓	✓	✓

Source: <https://cra.orcwg.org/faq/stewards/notification-obligations/>

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It might be less simple than you expect.

Source: <https://cra.orcwg.org/faq/stewards/notification-obligations/>

Part 2: The CRA is still changing, and you can be involved



Part 2: The CRA is still changing, and you can be involved

- Standards
- FOSS (guidance)
- Remote services exception (guidance)
- Special categories with extra requirements (delegated act)
- Attestations (delegated act)
- SBOMs (implementing act, art 13(24))

Part 2: The CRA is still changing, and you can be involved

And the CRA text is still changing!

- Addendum procedure
- Digital products omnibus
- Review of the CRA “by December 2030”

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Related texts are changing.

- Standards regulation 1025 (probably too late to help CRA).
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- The rest of the world.

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- The rest of the world. (I'll come back to this in a minute.)

The flip side of opportunities

We asked the EU institutions to consult us.

Now, they do!

But we're struggling to split up our limited resources.

We're still working on efficiency.

The flip side of opportunities



How to help:

Funding is not the focus of this presentation.

Do participate:

Come prepared, if possible.

Or be ready for a long-term participation.

Joining is sometimes free, and we're happy to have a logo.

Compliance and the rest of the world

- Other governments: consider compatibility ("Take your favourite parts")
- Let's negotiate a Mutual Recognition Agreement
- Enthusiastic compliance

Worst case scenario: 10 countries create laws separately

EU Funding

- EU Budget / MFF
 - European Competitiveness Fund (ECF)
- DC EDIC (digital commons ...)
- Accelerating Industry Act
- AgoraEU (funding media)

Public sector FOSS strategies

- Public Procurement directives
- Cloud and AI Development Act
- EU Open Digital Ecosystem Strategy
- Euro Stack
- Digital Omnibus DATA (837)
- Interoperable Europe Act

EU support for private sector

- EU Quantum Act
- Chips Act
- AI factories
- Euro HPC joint venture
- Consumer Agenda 2025-2030
- European Innovation Act
- Quality Jobs Roadmap
- EU Open Digital Ecosystem Strategy

- Digital AI simplification omnibus (836)
- AI Act: Code of Practice on transparency
- AI factories
- Euro HPC joint venture
- AI Act compliance
- Revision of the Copyright Directive

Market regulation & security

- CRA compliance
- Cybersecurity Act
- AI Act Compliance
- Digital AI simplification omnibus (836?)
- Implementing the Product Liability Directive

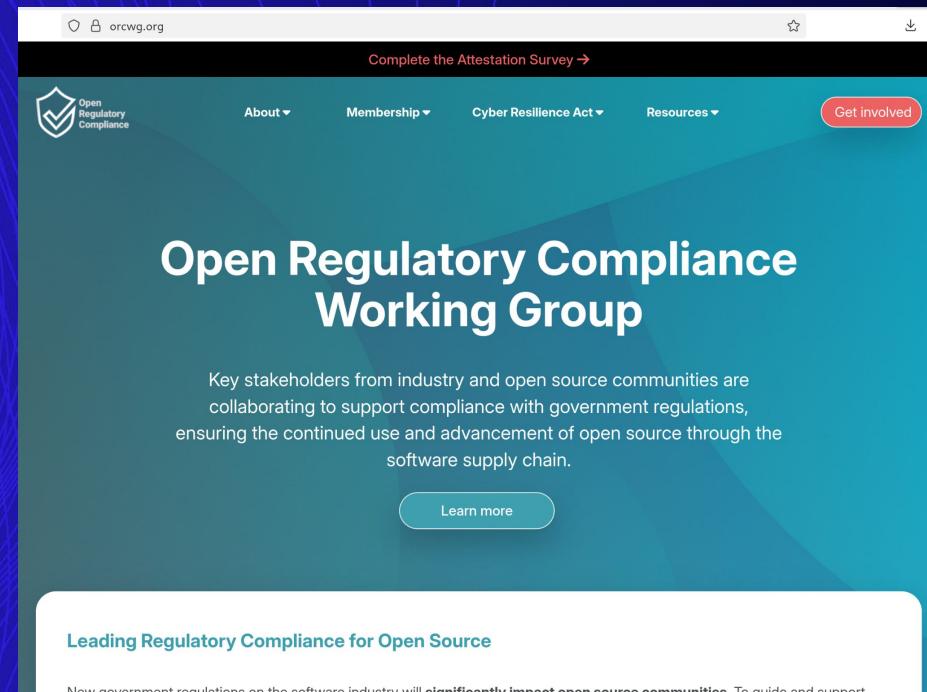
“Other”

- Standards regulation 1025
- New Legislative Framework
- Digital Networks Act
- European Innovation Act
- Digital Decade Review
- Digital Fitness Check
- Expert Group on Encryption

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<https://orcwg.org>



The screenshot shows the homepage of the Open Regulatory Compliance Working Group (ORCWG). The header features the website address "orcwg.org" and a "Complete the Attestation Survey →" button. The main navigation menu includes "About", "Membership", "Cyber Resilience Act", and "Resources". A prominent red "Get involved" button is located on the right side of the header. The main content area has a teal gradient background and displays the title "Open Regulatory Compliance Working Group" in large white font. Below the title, a paragraph explains the group's purpose: "Key stakeholders from industry and open source communities are collaborating to support compliance with government regulations, ensuring the continued use and advancement of open source through the software supply chain." A "Learn more" button is positioned at the bottom of this section. A callout box at the bottom left contains the text "Leading Regulatory Compliance for Open Source" and a note about upcoming government regulations impacting open source communities.

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