

Enhancing open source participation in EU Standardisation

Introduction

In light of the language in the Cyber Resilience Act (CRA) standardisation request, which states: *"Where relevant, particular account should be given to the needs of the free and open source software community,"* we believe it is essential to highlight the structural and practical barriers that currently limit meaningful open source participation in the European standardisation process. This document outlines key challenges faced by open source stakeholders and proposes actionable recommendations to ensure the European Standardisation remains inclusive, effective, and aligned with the collaborative nature of modern software development.

Context and background

Open source communities are at the heart of today's digital infrastructure, driving innovation, security, and interoperability across the software ecosystem. Their collaborative development models, transparent processes, and global participation have made them indispensable to Europe's digital resilience.

However, current European standardisation frameworks, particularly those influencing regulatory efforts such as the Cyber Resilience Act (CRA), were not designed to accommodate the open, decentralised, and resource-constrained nature of open source collaboration. This structural mismatch is already hindering meaningful

engagement from open source contributors in standards development processes crucial to Europe's digital regulatory agenda.

Unlike large companies with dedicated staff and resources for standards bodies, open source contributions often come from volunteers, SMEs, or non-profit foundation employees. These actors face tangible barriers to participating in the standardisation lifecycle in a way that reflects their impact and expertise.

This policy brief outlines the key challenges and proposes actionable recommendations to foster inclusive, efficient, and representative participation of open source communities in EU standardisation, particularly under the CRA implementation context.

Identified barriers

1. Limited access to working documents

Current document-sharing practices limit the open source community's capacity to provide coordinated, community-driven input. Individual participation, often personal or tied to one organisation, does not equate to ecosystem representation. This exclusion risks overlooking valuable perspectives and diluting the diversity of technical expertise in the process.

2. Overload and frequency of meetings

Standardisation working groups frequently operate at a pace and volume suited to full-time professionals. The overlap between meetings across groups creates scheduling conflicts that exclude participants from open source communities, who typically contribute on a voluntary or part-time basis.

3. Synchronous decision-making

The reliance on real-time meetings for key decisions disproportionately affects contributors with limited availability. Asynchronous feedback opportunities exist, but often too late in the process to influence direction or make significant changes, undermining the inclusivity and agility of the process.

4. Lack of clear and timely agendas

Without transparent and timely agendas, open source contributors cannot plan to attend or contribute to discussions relevant to their domain expertise. This is especially problematic for those with limited capacity, who must prioritise their engagement carefully.

5. Insufficient transparency in open meetings

Although public meetings are nominally open, the information shared is frequently too superficial or too delayed to allow meaningful feedback. Working drafts and concrete proposals are often withheld until the meeting itself, preventing effective preparation and discouraging future participation.

6. Encumbered standards as a barrier to inclusive implementation

Standards that are not freely and openly available due to licensing fees, standard-essential patents (SEPs), or other legal or contractual restrictions create significant barriers to implementation. These encumbrances limit the ability of open source communities to adopt and contribute to standard-compliant solutions. In particular, the need to negotiate licenses or pay royalties is often incompatible with open development models and disproportionately excludes actors without the legal or financial capacity to navigate such complexities.

Recommendations for policy and practice

1. Enable rights-waived licensing for standards

To ensure broad, inclusive adoption and to support innovation across the digital ecosystem, we recommend that any standards intended for software or digital implementation be either free of SEPs or licensed on a rights-waived basis—for example, through a clear and public non-assertion covenant. This approach, already common in international standardisation (e.g., IETF, W3C), provides legal certainty and removes the need for case-by-case patent licensing.

We recommend that European Standards Organisations (ESOs) establish a dedicated IPR mode that allows and encourages rights-waived commitments for standards whose deliverables include digital elements such as code, APIs, file formats, or protocols. This will ensure that such standards can be implemented openly, without legal or financial barriers, and remain compatible with open source development practices.

2. Enable free and open access to standards for open source

When standards are referenced in regulation and affect open source projects, they must be available freely and openly. Licensing fees or proprietary restrictions are incompatible with the open source model. We recommend:

- Free access to final standards and associated implementation materials.
- Open access to drafts and revision histories.
- Transparent publication of all decisions, comments, and rationales.

This would enable open source maintainers to align with compliance needs without undermining their capacity or openness principles.

3. Promote standards interoperability

To avoid duplication and fragmentation, EU policymakers and standards organisations should facilitate mutual recognition between EU-developed standards and globally recognised, community-used standards (IETF, W3C...). Open source projects often follow widely adopted best practices, and aligning new standards with existing ones can prevent unnecessary burden and maintain software quality and security.

4. Ensure inclusive global participation

The standardisation process should actively support contributions from open source professionals worldwide, irrespective of location or nationality. Policies should reflect the global nature of software development, maintaining a balance between EU-specific objectives and international expertise in software, hardware, and system architecture.

5. Recognise open source Foundations as key stakeholders

European and global open source foundations should be recognised as formal stakeholders in EU standardisation processes. Their institutional role enables them to facilitate community feedback, coordinate expert contributions, and provide valuable governance and accountability mechanisms aligned with EU goals.

Conclusion

As the EU advances its regulatory ambitions through frameworks like the Cyber Resilience Act, the integration of open source perspectives in standardisation is not optional, it is essential. By addressing structural barriers and proactively supporting open source participation, the EU can enhance the legitimacy, relevance, and



effectiveness of its standards. Open collaboration must be treated as a strength, not a constraint, in the pursuit of secure and resilient digital sovereignty.



About the ORC Working Group

The Open Regulatory Compliance Working Group (ORC WG) brings together prominent open source foundations, leading global enterprises, and industry stakeholders to address the growing impact of software regulations on open source. With over 50 members and growing, ORC develops best practices, specifications, and practical resources to help organizations navigate evolving regulatory requirements. Its initial focus is on the European Cyber Resilience Act (CRA), while supporting the long-term security, sustainability, and adoption of open source innovation worldwide. For more information, visit orcwg.org.