Manufacturing European Software

Your software is now a (European) product.

Daniel Thompson-Yvetot - July 2, 2025. GC25

DIF / EF / Tauri / CrabNebula

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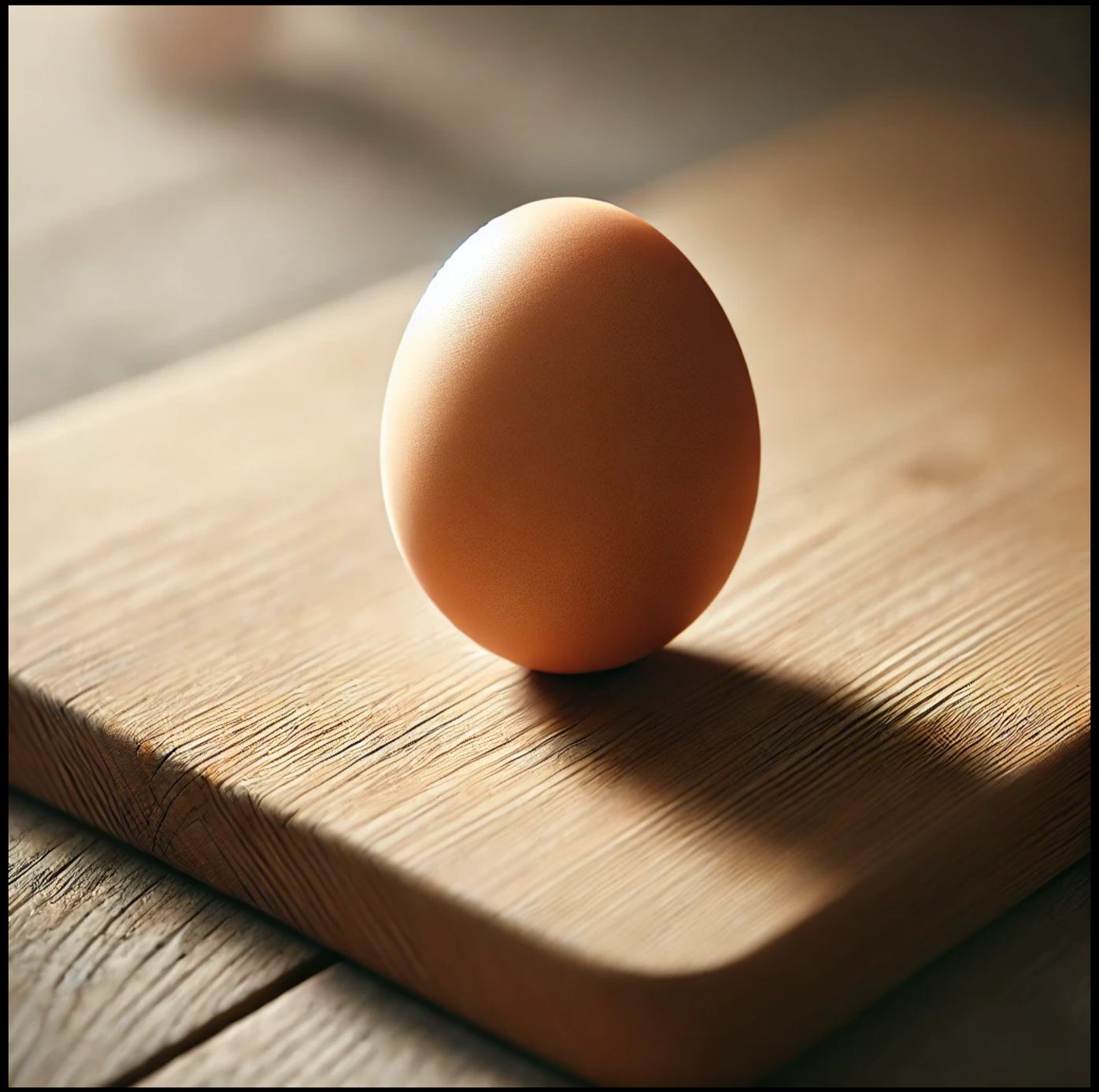
Product Guy, Entrepreneur, Author, Speaker
Dad, Woodworker, Photographer, Friend
Thinks Polyform Noncommercial is sometimes better than OSS

PDE from the CRA

> **All products** with digital elements that have an intended and foreseeable use that includes direct or indirect data connection to a device or network will have cybersecurity obligations imposed upon them.



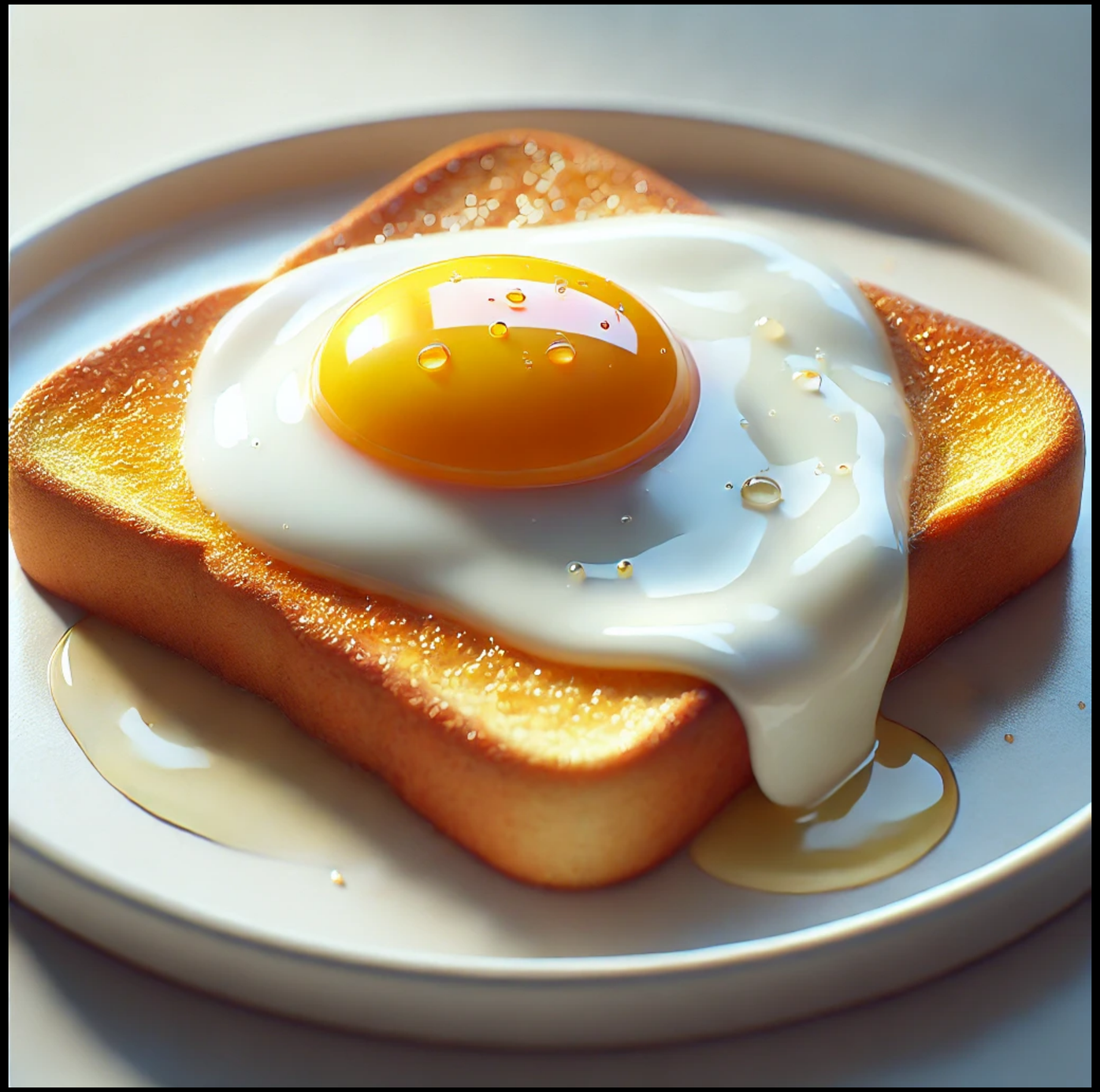
A component
is a product.

Products can be dangerous.

https://www.researchgate.net/figure/Microscopic-View-of-Salmonella_fig1_282879768

So regulators mount up.

https://willita.en.made-in-china.com/product/MnKRfoiyLvWd/China-Egg-Stamping-Code-Machine-Coding-Printer-Egg-Printing-Machine.html



Because consumers deserve safety

But products
can get complicated

The NLF

The NLF

- New Legislative Framework
- Comprehensive regulatory overhaul (2008)
- Enhanced market surveillance
- Improved accreditation system
- Clearer obligations for economic operators
- Reinforced CE marking credibility

The Blue Guide

The Blue Guide

- Single Market Business Rules
- Descriptive, not prescriptive
- Definitions of market players
- Defines what constitutes a product

Standards

Standards

- Horizontal
- Vertical
- Presumption of Conformity
- Never required

Products with Digital Elements

Products with Digital Elements

A software or hardware product and its remote data processing solutions, including software or hardware components being placed on the market separately.

Cyber Resilience Act

Cyber Resilience Act

- **In Force** Dec 2024
- In partial application (reporting) Sep 2026
- **In Application** Dec 2027
- Partial retroactive compliance
- Components are products
- Fines according to revenue of company
- Ability to remove market access

Cyber Resilience Act

- Declaration of Conformity
- User Manual
- SBOM
- Cybersecurity risk assessment
- Reporting
- 5 years of maintenance
- 10 years of records keeping

Cyber Resilience Act

- Default => Most software / libraries
- Important II, Critical => require CAB assessment
- Non-European companies need EU Auth. Rep
- Change of risk => new declaration of conformity

Product Liability Directive

Product Liability Directive

- Only for non-business use by natural persons
- Open Source components not considered
- Joint and several liability
- No-fault liability
- 10 years of records keeping
- Maybe* safe if CRA compliant

Product Liability Directive

- New classes of liability
- Psychological Damage
- Data loss

Open Source Software Stewards

Open Source Software Stewards

- Foundations, non-profits, some companies
- Not considered manufacturers, because they are not participating in market activity
- No CE Marking
- Cybersecurity reporting
- Expectation of “no associated market activity”

Diligent Product Planning

Diligent Product Planning

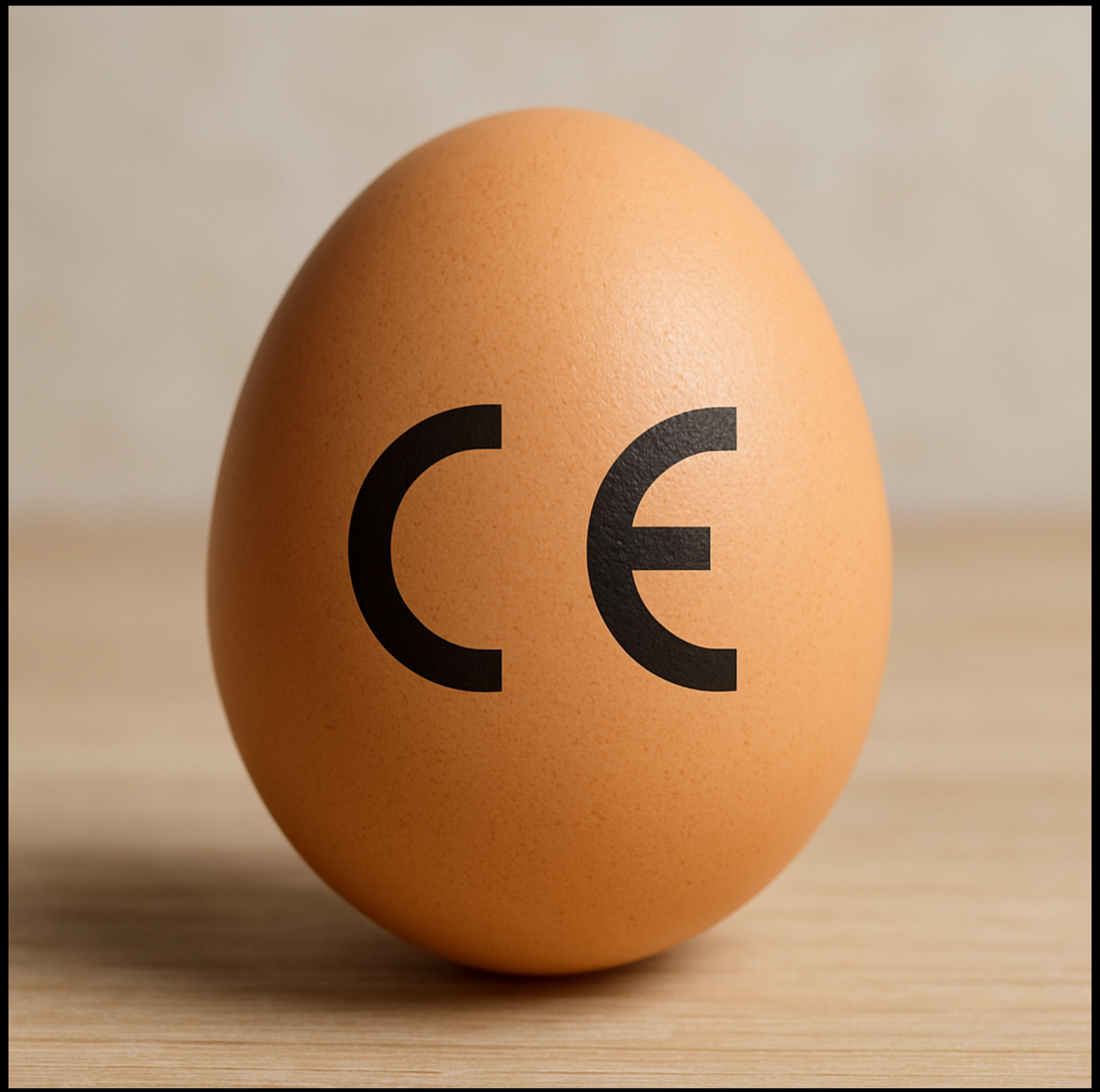
- Include security assessment early
- Consult with compliance team
- Plan all features at beginning
- Maintenance mode needs engineers
- Don’t charge for your Beta

If you only remember one thing from this entire talk:

The European Regulatory Banhammer

will remove your product
from the market
if it does not comply.

So, declare your conformity:


CE

I wrote THE book about this topic, for product people: