Contribution to open source EU Guidance on open source hardware

2.3 | Inputs & contributions

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Context

The European Commission sought the Cyber Resilience SIGs input to better understand some of the concerns raised by the open source hardware community as part of its consultation on the technical definitions of important and critical products. After consulting with members of the open source hardware community through the dedicated mailing list hosted by OpenForum Europe and some back and forth with the Commission, we agreed that the best course of action was to provide input to the Commissions Guidance on open source via the CRA Expert Group. This input would clarify what open source hardware is, demonstrate its functional equivalence to open source software, and argue that it should therefore be treated as open source software under the CRA.

This input was provided to the open source workstrand of the CRA Expert Group on June 14, 2025.

Draft submission

> *Open Source HardwareThe purpose of this section is to clarify how the CRA applies to open source hardware, particularly in relation to source files and their licensing.Computer hardware is typically developed from source filessuch as hardware description language (HDL) code, schematics, or layout fileswhich describe the structure and function of the final physical product. These files are analogous to source code in software development. The source files themselves are not products with digital elements under the CRA; they are design inputs, not functional hardware. The actual product only emerges when these source files are manufactured into physical components or integrated into a system.Like free and open source software, open source hardware source files are openly shared and licensed with rights to make them freely accessible, usable, modifiable, and redistributable. Open source hardware source files are developed, maintained, and distributed openly, including via online platforms. Only when open source hardware source files are made available on the market, and therefore supplied for distribution or use in the course of a commercial activity, should they fall within the scope of the CRA.As open source hardware source files are functionally equivalent to free and open source software source code, they are treated in the same manner under the CRA. Similarly, the obligations of open source software stewards apply equally to legal persons that meet the definition, regardless of whether they are sustaining open source software or open source hardware.*

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If you have contributed to this document and arent properly acknowledged or if you want to edit or remove your name, please let us know by opening an issue and we will fix this right away.