NORDEMANN

Bitkom Forum Open Source #bfoss23
Paneldiskussion zum Cyber Resilience Act

27. September 2023

Dr. Lina Böcker, Partnerin, Fachanwältin für Informationstechnologierecht, Osborne Clarke

Stefan Hessel, LL.M. , Salary Partner und Head of Digital Business bei reuschlaw

Christina Kiefer, LL.M. (Oslo), Associate in der Digital Business Unit bei reuschlaw

Alexander Sander, Policy Consultant, FSFE

Prof. Dr. Christian Czychowski, Rechtsanwalt, Nordemann Czychowski & Partner

Der Cyber Resilience Act steht vor der Tür!

Nach derzeitigem Stand gibt es wenige,
aber wichtige Bezüge zu Open Source.

Art. 11 Reporting obligations

Stand Juli 2023

[...]

7. Manufacturers shall, upon identifying a vulnerability in a component, including in an open source component, which is integrated in the product with digital elements, report the vulnerability <u>and the corrective or mitigating measure taken</u>, to the person or entity maintaining the component. <u>This does not release the manufacturer from the obligation to maintain the compliance of the product with the requirements of this regulation, nor does it create obligations for the developers of free and open source components that have no contractual relation to the said manufacturer.</u>

Ratsvorschlag August 2023

Manufacturers shall, upon identifying a vulnerability in a component, including in an open source component, which is integrated in the product with digital elements, report the vulnerability to the person or entity maintaining the component.

Where manufacturers have developed a software modification to address the vulnerability in that component, they shall share the relevant code with the person or entity maintaining the component, where appropriate in a machine readable format

Die Erwägungsgründe thematisieren dies auch (nicht aber im letzten Ratsvorschlag)

(33 a) In order to ensure the products are designed, developed and manufactured in line with essential requirements foreseen in Section 1 of Annex I, manufacturers should exercise due diligence when integrating components sourced from third parties in products with digital elements. This is the case for components that are tailored to and integrated taken into account the specificities of the product, in particular in the case of free and open source software that have not been placed on the market in exchange of financial or other type of monetisation.

Darüber diskutieren nun

Christina Kiefer

Stefan Hessel

Lina Böcker

Alexander Sander

NORDEMANN

Danke für die Aufmerksamkeit!

LinkedIn	NORDEMANN
LinkedIn	Christian Czychowski
Webinare	nordemann.de/knows

christian.czychowski@nordemann.de