VDA Verband der Automobilindustrie

Brief position

On the Cyber Resilience Act (CRA) in relation to free and open source software (FOSS)

Berlin, Juli 2023

Current situation:

At present, the German automotive industry already uses free and open source software (FOSS) and plans to continue using it in cooperation with organizations such as the Eclipse Foundation and COVESA, to drive forward standardization in the automotive industry and prepare the European automotive sector for the future. The auto industry uses FOSS, i.e. software that is freely available and which anyone can modify and distribute. The deployment of FOSS has become very important in our industry owing to its numerous advantages such as cost-efficiency, flexibility, transparency and collaboration.

FOSS in the automotive sector enables OEMs and suppliers to utilize existing software solutions, adapt them to their specific requirements, and share improvements with the wider community. This collaborative approach fosters innovation, accelerates the development cycles and promotes standardization across the entire sector.

The efficient cooperation in the German automotive industry using FOSS is crucial to its competitiveness. A short paper by the Expert Group on Transformation of the Automotive Industry emphasizes the advantages and was distributed in the German Federal Ministry for Economic Affairs and Climate Action on June 14, 2023.

This brief position refers solely to the topic of FOSS in the Cyber Resilience Act (CRA).

Challenge:

The European Commission plans to introduce the EU Cyber Resilience Act (CRA) in order to improve the general requirements and standards applicable to the cybersecurity of software and other digital products. The German Association of the Automotive Industry (VDA) supports this objective, but perceives a danger that the FOSS community could be harmed permanently and that this could negatively impact the European economy. The FOSS community consists of a large number of developers, non-profit foundations and enterprises which cooperate on a voluntary basis. Together they develop FOSS code, which is made publicly available free of charge, and helps generate innovation in the European automotive industry.

Potential objectives:

We therefore propose a necessary differentiation between the collaborative development of FOSS (upstream) and its commercial use (downstream). The CRA should accordingly not be applied to the collaborative development of FOSS, irrespective of the business activities of the stakeholders (upstream). The regulation should apply only when FOSS is used in products and services (downstream). As a result, non-profit organizations like the Eclipse Foundation, the Linux Foundation and COVESA would not fall within the ambit of the CRA. The cybersecurity obligations should apply to the companies that bring FOSS to market and use it commercially, and not to the developers who make the FOSS source code available free of charge. The VDA gives its full support to this proposed solution.

Worst-case scenario, if the CRA should enter into force unchanged:

If individual developers, projects and FOSS organizations are held responsible for fulfilling the obligations envisaged in the CRA, there will be a risk that many of them pull out of FOSS development in Europe, and that FOSS products can no longer be offered on the European market.

Instead, more FOSS products might be marketed in countries with either low-level cybersecurity requirements or none at all. This means that Europe would close itself to the successful collaboration between the FOSS community and the industry, which contributes to the development of secure FOSS products. On the other hand, the large-scale exemption of FOSS development projects from the CRA's scope of application could lead to proven procedures from the collaborations between the FOSS community and the industry being transferred to the FOSS community and thus to the establishment of high security standards for major FOSS projects worldwide.

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About us

The German Association of the Automotive Industry (VDA) unites more than 650 manufacturers and suppliers under one roof. Its members develop and produce cars and trucks, software, trailers, bodies, buses, parts and accessories, and an ongoing range of new mobility offerings.

We represent the interests of the automotive industry and promote modern, forward-looking multimodal mobility on the path to climate-neutrality. The VDA represents its members' interests in dealings with policymakers, the media and other groups in society.

We work on electromobility, climate-neutral propulsion systems, the attainment of climate goals, securing raw materials, digitalization, connectivity and German engineering. In doing so we strive for a competitive location for business and innovation. Our industry secures prosperity in Germany: more than 780,000 people are directly employed in the German automotive industry.

The VDA organizes the IAA MOBILITY, the largest international mobility platform, and the IAA TRANSPORTATION, the world's most important platform showcasing the future of the commercial vehicle industry.

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