

CRA Applicability Check: Manufacturer, Importer or Distributor?

Orientation under Regulation (EU) 2024/2847 (Cyber Resilience Act). Version 1.0, as of October 2026

This self-check provides initial orientation on your company's role under Regulation (EU) 2024/2847 (Cyber Resilience Act). It does not replace legal advice or a case-by-case assessment. The text of the Regulation and its interpretation by the competent authorities are decisive; in Germany, that is the BSI. The European Commission's guidance of 27 July 2026 clarifies many questions but is not binding. Where you tick "Unclear", a targeted expert review is advisable.

How to use it: answer the questions per product or product family, because the role depends on the product. Work through the sections in order; at a stop, go straight to the evaluation on page 2. "Unclear" is only available for the five borderline questions (B).

Product / product family: _____

A. Is it a product with digital elements?

No.	Question	Legal basis	Yes	No	Unclear
A1	Do you offer a software or hardware product, including software or hardware components placed on the market separately?	Art. 3(1)	☐	☐	
A2	Does the product's intended purpose or reasonably foreseeable use include a direct or indirect data connection to a device or network (e.g. Ethernet, Wi-Fi, radio, USB, fieldbus)?	Art. 2(1)	☐	☐	
A3 (B)	Software only: is it installed or run on the customer's side (app, desktop program, firmware) rather than used exclusively in a browser?	Art. 3(1); guidance para. 20 f.	☐	☐	☐
A4 (B)	Does the product include remote data processing (e.g. cloud backend, API) whose software you design and develop yourself or under your responsibility, and without which the product could not perform one of its functions?	Art. 3(2); recitals 11, 12	☐	☐	☐
A5	Is the product covered by an exclusion: medical devices or in vitro diagnostics (Reg. (EU) 2017/745, 2017/746), vehicle type approval (Reg. (EU) 2019/2144), two-, three- and light four-wheel vehicles (Reg. (EU) No 168/2013, except pedal-assisted L1e cycles), aviation products certified under Reg. (EU) 2018/1139, marine equipment (Dir. 2014/90/EU), identical spare parts, or products exclusively for national security or defence?	Art. 2(2) to (7); Delegated Reg. (EU) 2025/1535	☐	☐	

Stop if A1 or A2 is No or A5 is Yes: not a product in scope (result 1). Software used only in a browser (A3 and A4 No): result 1 for that offering.

B. Do you make the product available on the market?

B1	Do you supply the product to others outside your company, e.g. by sale, licence, free download or as part of a delivered machine or plant?	Art. 3(21), (22)	☐	☐	
B2	Is this done in the course of a commercial activity, e.g. for a price, with paid support, to monetise other services, or with processing of personal data as a condition of use?	Art. 3(22); recital 15	☐	☐	
B3 (B)	Do you use the product exclusively yourself, without passing it on to customers, partners or other group companies?	Art. 3(22); recital 16	☐	☐	☐
B4 (B)	Do you publish the software as free and open-source software without monetising it yourself?	Art. 3(48); recital 18	☐	☐	☐

Stop if B1 or B2 is No or B3 is Yes: not made available (result 2; for B3 note "own use, borderline"). B4 Yes: no manufacturer obligations for this project (result 1). If you systematically support open-source software intended for commercial use, you may be an open-source software steward (Art. 3(14), Art. 24).

C. What is your role?

C1	Do you develop or manufacture the product, or have it designed, developed or manufactured, and market it under your name or trademark?	Art. 3(13) (manufacturer)	☐	☐	
C2	Are you established in the EU and place on the market a product bearing the name or trademark of a manufacturer established outside the EU?	Art. 3(16) (importer)	☐	☐	
C3	Do you make products of other manufacturers or importers available on the market without affecting their properties?	Art. 3(17) (distributor)	☐	☐	

Continue with D if C2 or C3 is Yes or if you build purchased components into your own products. Authorised representatives mandated in writing by a manufacturer carry out the tasks in their mandate (Art. 3(15), Art. 18); this check does not cover that role.

D. Does the own-brand rule apply?

No.	Question	Legal basis	Yes	No	Unclear
D1	Do you place a purchased product on the market under your own name or trademark, e.g. by relabelling or OEM goods with your own label?	Art. 21 (from 11.12.2027); Art. 3(13)	☐	☐	
D2 (B)	Do you modify a product already placed on the market in a way that affects compliance with Annex I Part I or changes its intended purpose (e.g. new functions, new interfaces), and then pass it on?	Art. 3(30); Art. 21, 22 (from 11.12.2027); recital 39	☐	☐	☐
D3	Do you combine purchased components with your own software or firmware into a new product that you market under your name?	Art. 3(13)	☐	☐	
D4	Are your interventions limited to security updates, maintenance, repair or replacement with identical spare parts?	Recitals 39, 42; Art. 2(6)	☐	☐	

D1, D2 or D3 Yes: result 5 (manufacturer), even if section C made you an importer or distributor. D4 Yes and D1 to D3 No: your role from section C stands.

E. Is your product listed in Annex III or IV? (only for result 5)

E1	Does your product have the core functionality of an Annex III Class I category? Extract: identity management systems, browsers, password managers, software against malicious software, VPN, network management systems, SIEM, boot managers, public key infrastructure, network interfaces, operating systems, routers, modems intended for the connection to the internet and switches, microprocessors and microcontrollers with security-related functionalities, smart home products with security functionalities.	Art. 7(1); Annex III Class I (19 categories)	☐	☐	
E2	Annex III Class II: hypervisors and container runtime systems, firewalls, intrusion detection and prevention systems, tamper-resistant microprocessors or microcontrollers?	Annex III Class II (4 categories)	☐	☐	
E3	Annex IV: hardware devices with security boxes, smart meter gateways within smart metering systems and other devices for advanced security purposes, smartcards or similar devices including secure elements?	Art. 8; Annex IV	☐	☐	
E4	Is such a component merely integrated into your product without being its core functionality (e.g. a router module in a machine)?	Art. 7(1), second sentence	☐	☐	

E1 Yes: important product Class I. E2 Yes: Class II. E3 Yes: critical product. Otherwise or if E4 is Yes: none of these categories. Consequence: stricter conformity assessment (Art. 32(2) and (3)); for Annex IV possibly European cybersecurity certification (Art. 8(1)). Technical description of the categories: Implementing Regulation (EU) 2025/2392.

Evaluation

The highest applicable role prevails: manufacturer before importer before distributor before procurement role before not in scope. If you ticked "Unclear" for a borderline question, result 6 also applies and replaces a green result. The colour shows the scope of CRA obligations, not a risk or an infringement.

1 Not in scope	What applies: Not a product in scope, excluded under Art. 2, or non-monetised open-source software. No obligations as an economic operator. Next step: Document the result and check again for new products or sales channels.
2 Procurement role only	What applies: You use products but do not make any available. The CRA affects you through purchasing (Art. 3(12), (22)). Next step: When purchasing, ask for the CE marking and the end date of the support period (Art. 13(19)). Subject to NIS2? Then supply chain security under § 30 BSIG applies.
3 Distributor	What applies: From 11.12.2027: before making available, check CE marking and manufacturer documents, report vulnerabilities to the manufacturer, inform market surveillance of significant risks (Art. 20), be able to name suppliers and customers for ten years (Art. 23). Next step: Set up a supplier list with manufacturer details and documentation status.
4 Importer	What applies: From 11.12.2027: before placing on the market, check conformity assessment, technical documentation, CE marking and user information, state your contact details, report vulnerabilities to the manufacturer, keep the declaration of conformity for at least ten years or the support period, whichever is longer (Art. 19). Next step: Check per product whether your name or trademark appears on the product or packaging; if so, reassess section D.
5 Manufacturer, including via the own-brand rule	What applies: Since 11.09.2026: reporting obligation for actively exploited vulnerabilities and severe incidents, including for products placed on the market earlier (Art. 14, Art. 69(3)). From 11.12.2027: obligations under Art. 13 (Annex I, conformity assessment, support period, documentation). Via D1 or D2 only: Art. 21 and 22 apply from 11.12.2027. Whether you must already report now is not conclusively settled; Art. 3(13) supports that reading. Next step: Set up a product list with versions and support periods, clarify the reporting route via ENISA's CRA-SRP platform (coordinating CSIRT in Germany: CERT-Bund at the BSI). Own brand: secure documents and vulnerability information from the original manufacturer by contract.
6 Needs clarification	What applies: At least one borderline question (A3, A4, B3, B4, D2) answered "Unclear". The text of the Regulation does not decide this case clearly. Next step: Compare the marked questions with the Commission guidance C(2026) 5252 (not binding); if it remains open, have it reviewed by an expert.

Your result

☐ 1 Not in scope ☐ 2 Procurement role ☐ 3 Distributor ☐ 4 Importer ☐ 5 Manufacturer ☐ 6 Needs clarification

Checked by: _____ Date: _____ Annex III/IV (E): _____

Basis: Regulation (EU) 2024/2847; European Commission guidance C(2026) 5252 of 27 July 2026; legal status 11 October 2026. Para. = paragraph number of the guidance.
Explanations: nis2compass.de/en/blog/cra-applicability-check