**Approval for and Disclosure of the Use of Free Software and Open Source Software (FOSS) in Non-Production Material (NP 50.70.108) in:**

**< Product, product version, if applicable supplier’s part number>**

[NAME OF SUPPLIER

ADDRESS

ADDRESS]

**SUPPLIER NO.**

**CREATION DATE**

1. **Scope of this document**

The use of any software components containing FOSS ("FOSS Components") in any of the Contractor's product is only permitted with the Principal’s approval.

The purpose of this document is the complete disclosure and submission of declarations regarding all Free Software and Open Source Software (FOSS) contained in a product of the Contractor as well as the corresponding approval by the Principal. It applies exclusively if the specific product is related to non-production material, in particular software products in the areas of enterprise IT and mobile apps, of Daimler Truck AG or one of its affiliated companies in accordance with Sections 15 et seq. German Stock Corporation Act (AktG) ("Principal").

With regard to the obligations of the Contractor towards the Principal regarding the FOSS contained in the product, the **Terms and Conditions for the use of Free & Open Source Software in non-production material [NP 50.70.109**] (hereinafter "FOSS Terms and Conditions") shall apply.

1. **Selection of the purpose of this document**

*[Check the appropriate box; multiple selection possible]*

## **Provision of software not specifically created for the Principal and generally offered on the open market by the Contractor ("Standard Software")**

□ **Disclosure** of the FOSS contained in the specific product (in accordance with Clause 3.a.).

## **Development and/or customization of software for the Principal ("Individual Software")**

□ **Application** for approval of the use of FOSS in the specific product (in accordance with Clause 3.b.).

□ **Acceptance** of a list of certain FOSS Components and/or FOSS licenses provided by the Principal to the Contractor for the specific product, which use in Individual Software does not require separate approval (so-called Allow List) or the use of which is denied (so-called Deny List) (in accordance with Clause 3.c.).

□ **Choice** of the agile development path.

□ **Declaration** of unrestricted compliance regarding the use of FOSS with approval (s) already granted for the specific product and/or Allow Lists and Deny Lists (in accordance with Clause 3.e.).

## **Individual Software and/or Standard Software**

□ **Declaration** that no FOSS components are used (in accordance with Clause 3.f).

1. **Purpose and Procedure**

## **Disclosure of the FOSS contained in the specific product**

By checking the appropriate box and submitting this duly and fully completed disclosure document ("FOSS-DD[[1]](#footnote-1)"), the Contractor fully discloses all FOSS contained in the specific Standard Software. The approval by the Principal for the use of the FOSS disclosed in the Standard Software is deemed to be granted to this extent.

* 1. **Approval of the use of FOSS in Individual Software**

By checking the appropriate box and submitting this FOSS-DD, the Contractor applies to the Principal for approval, to use exactly those FOSS Components disclosed in this document that were purchased exactly under the FOSS licenses described herein, exactly for the product described herein. Where the specific product can be subdivided into sub-products (together and individually in this FOSS-DD "product"), the application may also be subdivided accordingly. This must be indicated accordingly in the disclosure declaration (Clause 5), in particular by attaching appropriately subdivided and marked files. Any deviation from an approval granted by Principal requires a new approval request using a new FOSS-DD.

* 1. **Acceptance of an Allow List and/or Deny List provided by the Principal to the Contractor**

By checking the appropriate box and submitting this FOSS-DD, the Contractor accepts Allow Lists and Deny Lists provided by the Principal. FOSS Components and/or FOSS licenses not listed on an applicable Allow List still require approval in accordance with Clause 3.b.). All Allow Lists and Deny Lists used must be attached to the disclosure declaration (Clause 5) as a file and their purpose must be indicated. If the Principal provides a new Allow List or Deny List, this must again be accepted by the Contractor using the FOSS-DD, accordingly.

* 1. **Choice of the agile development path**

By checking the appropriate box and submitting this FOSS-DD, the Contractor undertakes to comply with Clause 2.3.3 of the FOSS Terms and Conditions. The Contractor shall ensure that all necessary approvals have been obtained by the time of the declaration, in accordance with Clause 3.e.

* 1. **Declaration of full compliance with the approval granted**

In the course of the final acceptance of the Individual Software, the Contractor shall confirm without restriction, by submitting this duly completed document, that the product contains only FOSS covered by approvals granted by the Principal. If and insofar as the Contractor has accepted an Allow List and/or a Deny List from the Principal, the Contractor shall to this extent also confirm compliance with these. By checking the appropriate box and submitting this FOSS-DD, the Contractor makes these declarations.

## **Declaration that no FOSS components are used**

The Contractor declares that he is aware of the importance of FOSS, but that no FOSS Components are used or contained in the product described herein. The Principal does not agree to any use of FOSS in the specific product.

# **Form and required details of the disclosure of the contained FOSS**

* 1. **Form of the disclosure**

Disclosure shall be made through the files attached to this document as annexes under Clause 5. The disclosure must be made in an electronic, marketable, permanently storable and structured machine-readable format (for example the SPDX standard or PDF).

These annexes shall be listed in this document under Clause 5, indicating the purpose of the disclosure, the exact file name, the hash value and the hash procedure used, and shall be transmitted along with this document. SHA-256 shall be used as the hash procedure, unless the Principal has expressly specified a different procedure. In the case of Individual Software, indicating hash values and separately transmitting the files is not necessary, provided that the version management takes place via a source code repository of the Principal and the files are stored therein. In this case it is sufficient to specify the version number and, if applicable, the commit ID.

* 1. **Required information**

The Contractor shall provide complete information on the aspects listed below on all contained FOSS, in the annexes. In the case of disclosure of FOSS contained in Standard Software in accordance with Clause 3.a., the information marked with an "X" in column 3 is sufficient.

|  |  |
| --- | --- |
| Required Information | Standard Software |
| FOSS Component - Name | X |
| FOSS Component Version | X |
| FOSS license (exact name including version) | X |
| Copyright information | X |
| License text | X |
| Author's notes, if required by the applicable FOSS licenses |  |
| Source code location |  |
| Source of supply of the component and license |  |
| Reference date (if available) |  |

* 1. **Submission of the source code**

The Contractor shall submit the source code, if required by FOSS Terms and Conditions and/or the Main Contract, together with this document (for instance, in compressed form as a ZIP file), with full details on the information under Clause 5. This is dispensable if the version management of the Individual Software takes place via the Principal's source code repository. In this case it is sufficient to specify the version number of the Individual Software to be accepted as well as the Commit ID, if applicable.

1. **Disclosure Declaration**

All information pursuant to Clause 4 regarding any FOSS contained in the product is contained in the files designated below, which are provided along with this document:

|  |  |  |  |
| --- | --- | --- | --- |
| Purpose of the attached file | File Name | Hash Value | Hash Procedure |
| *e.g., approval in accordance with Clause 3.a* | for example, spdx-file-name.xml |  | for example, SHA256 |
|  |  |  |  |
|  |  |  |  |

Transmission via the Principal's source code repository (if Git is used as source code repository, it is also necessary to specify the Commit ID):

|  |  |
| --- | --- |
| Version Number | *for example, https://git.i.daimlertruck.com/i3/i3-access/releases/tag/3.12.0* |
| Commit ID | *z.B.* [*https://git.i.daimlertruck.com/i3/i3-access/*](https://git.daimler.com/i3/i3-access/) *commit/3ccc3572c7bb38349c36cde636e333890d4ede9f* |

The Contractor shall ensure that the above-mentioned files contain a complete and correct list of all FOSS contained and that the respective purpose of the file is correctly assigned.

The Contractor confirms and assures that all information in this document is valid, complete and correct. He is fully liable for invalid, incorrect, incomplete or missing information in this document.

**Contractor**

Signature

Name in printed letters

Title

Place, Date

**Principal** (*in case approval is required*)

Signature Signature

Name in printed letters Name in printed letters

Title Title

Place, Date Place, Date

1. For “FOSS Disclosure Document” [↑](#footnote-ref-1)