

# MANAGEMENT BOARD DECISION

**DECISION No MB/2020/2**

**OF THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR  
CYBERSECURITY (ENISA)**

**of 3 February 2020**

**on the Establishment and Operation of the Advisory Group**

## **THE MANAGEMENT BOARD OF ENISA,**

Having regard to Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act), hereinafter referred to as the Regulation, and in particular Article 21 thereof.

Whereas

- In accordance with Recital 61 of the Cybersecurity Act, the establishment of the Advisory Group, hereinafter referred to as "the AG", should enable the European Union Agency for Cybersecurity, hereinafter referred to as "ENISA" or "the Agency", to maintain regular dialogue with the private sector, consumers' organisations and other relevant stakeholders.
- The ENISA Advisory Group, established by the Management Board on a proposal from the Executive Director, should focus on issues relevant to stakeholders and should bring them to the attention of ENISA. The ENISA Advisory Group should be consulted in particular with regard to ENISA's draft annual work programme. The composition of the ENISA Advisory Group and the tasks assigned to it should ensure sufficient representation of stakeholders in the work of ENISA.
- The transitional provisions as regards the AG (former Permanent Stakeholders' Group) members selected and appointed "ad personam" on 24 October 2017 for the term of office from 24 October 2017 to 24 April 2020, should be provided.

**HAS DECIDED TO ADOPT THE FOLLOWING DECISION:**

### **Article 1**

#### **Composition and number of experts of the AG**

1. The AG shall be composed of the following members:
  - a. Recognized experts representing the relevant stakeholders, such as the ICT industry, providers of electronic communications networks or services available to the public, SMEs, operators of essential services, consumer groups, academic experts in the field of cybersecurity, hereinafter referred to as representatives selected '*ad personam*'.

- b. Representatives of competent authorities notified in accordance with Directive (EU) 2018/1972, of European standardisation organisations, as well as of law enforcement and data protection supervisory authorities, hereinafter referred to as 'Nominated representatives'.
2. Each nominated representative shall have an alternate to represent them in their absence.
3. The Chair of the Body of European Regulators for Electronic Communications shall remain as the nominated representative for any communication between the BEREC and ENISA on AG matters.
4. The total number of AG members shall not exceed thirty three (33).

## **Article 2**

### **Establishment of the AG**

1. The Executive Director shall draw up a list of experts representing the relevant stakeholders mentioned in Article 1(1)a, on the basis of the results of an open call for expression of interest.
2. The Call shall be drawn up in the way to enable targeting experts listed in Article 1(1)a.
3. Prior to the publication of the Call, the Executive Director shall submit the text of the Call to the Management Board for approval.
4. The Executive Director shall then select experts and propose to the Management Board to appoint them as members of AG, along with the Nominated representatives. Appointments for experts mentioned in paragraph 2 of this article shall be made "*ad personam*". They shall therefore not delegate their responsibilities to another member, or to a third person. When selecting these experts the ED shall also take into account their contribution to the European society and economy.
5. The Management Board shall aim to ensure an appropriate gender and geographical balance as well as a balance between different stakeholder groups.
6. Pursuant to Article 21(4) of the Cybersecurity Act, the appointment to the AG is for a period of two and a half years (hereinafter referred to as "The mandate"). The mandate of experts appointed at a later date shall terminate on the date of the expiry of the Mandate of the AG.

## **Article 3**

### **Scope of the activities of the AG**

1. Pursuant to Article 21(5) of the Cybersecurity Act, the AG shall advise ENISA in respect of the performance of the tasks of the Agency, with the exception of those provided for in Title III of the Cybersecurity Act, which concerns the cybersecurity certification framework.
2. The AG shall in particular advise the Executive Director of ENISA on the drawing up of a proposal for ENISA's annual work programme, and on ensuring communication with the relevant stakeholders on issues related to the annual work programme.
3. The Chair of the AG shall inform the Management Board of its activities on a regular basis. Members of the ENISA Advisory Group may take part in the meetings of the Management Board at the invitation of the Chairperson, but shall not have the right to vote.

#### **Article 4**

### **Status of members and reimbursements of expenses**

1. The members of the AG shall not belong to the Agency's staff.
2. All travel and subsistence expenses incurred by AG members in connection with meetings relating to AG activities shall be paid by the Agency in accordance with a decision of the Executive Director on the reimbursement of persons not employed by ENISA.

#### **Article 5**

### **The convening of meetings and the Secretariat**

1. The AG meetings are convened by the Executive Director, either on his/her own initiative, or at the request of a simple majority of the AG members.
2. The Executive Director shall send invitations to the AG members which include the meeting agenda and supporting documents. As a general rule, the Secretariat provided by the Agency will confirm a meeting not less than 10 (ten) working days before the date of the meeting and shall give notification of cancellation not less than five (5) working days before the date of the meeting. When an urgent matter arises, the meetings of AG may be called at shorter notice.

#### **Article 6**

### **Dismissal and replacement of members**

A member of the AG may be dismissed by the Management Board, on a proposal of the Executive Director, if three consecutive meetings are not attended, or during the mandate if there is a conflict of interest. In those cases, or when a member wishes to resign him/herself, the Management Board, acting on a proposal of the Executive Director, may appoint a replacement from the reserve list established during the Call.

The members of the AG shall notify the ENISA AG secretariat in the case of a change of job during the mandate.

#### **Article 7**

### **Access to meetings**

1. The Executive Director may invite observers to attend the AG meeting. Representatives of other bodies deemed to be relevant by the Executive Director, who are not members of the ENISA Advisory Group, may be invited to attend the meetings of the ENISA Advisory Group and to participate in its work.
2. Observers attending the meetings of the AG are entitled to request the floor to express their opinion, but shall not participate in other activities carried out in the meetings that they attend.
3. Experts from the Commission and the Member States shall be entitled to be present at the meetings of the ENISA AG and to participate at its work upon invitation of the Executive Director.

#### **Article 8**

### **Quorum**

No quorum shall be required for meetings of the AG meeting to be valid.

## **Article 9**

### **Transitional provisions**

1. The representatives of the current Advisory Group (referred to as the Permanent Stakeholders' Group in the previous ENISA Regulation (EU) 526/2013) appointed for the period of 2017-2020 pursuant to ENISA Management Board Decision No MB/2017/9 of 24 October 2017 shall be appointed as members of the AG for the remainder of the term of establishment defined therein, up to 24 April 2020.
2. References to the Permanent Stakeholders' Group shall be replaced by references to the Advisory Group from the date of entry into force of the present Decision.

## **Article 10**

### **Entry into force**

1. This Decision shall enter into force on the date of its adoption.
2. The entry into force of this Decision repeals Decision No/2014/7 of the ENISA Management Board of 28 October 2014 on the establishment and operations of the Permanent Stakeholders' Group.

Done at Athens on 03.02.2020

**On behalf of the Management Board,**

**[signed]**

**Chair of the Management Board of ENISA**