



DECISION No MB/2016/ 2
of the Management Board of the European Union Agency for
Network and Information Security (ENISA)
Amending
Internal Rules of Procedure
for the Management Board of ENISA and
for the Executive Board of ENISA

THE MANAGEMENT BOARD OF ENISA,

Having regard to the Regulation (EU) No 526/2013 of The European Parliament and of The Council of 21 May 2013 concerning the European Union Agency for Network and Information Security and repealing Regulation (EC) No 460/2004, and in particular article 5(10) thereof;

Whereas the European Commission services have been consulted as provided in the Article 5(10) of the ENISA Regulation (EU) No 526/2013.

Whereas pursuant to article 22(1) of the Decision No MB/2013/6 of the Management Board of the European Union Agency for Network and Information Security (ENISA) in Internal Rules of Procedure for the Management Board (the Decision MB/2013/6), these rules need to be revised in the light of their practical implementation.

Whereas the terminology and procedures provided in the Decision MB/2013/6 shall be compatible with the ENISA Regulation (EU) No 526/2013.

After consulting the ENISA Executive Board.

HAS ADOPTED THIS DECISION:

Article 1

The Decision MB/2013/6 is amended as follows:

(1) The title of the Decision MB/2013/6 is replaced by the following:

“DECISION No MB/2013/6 of the Management Board of the European Union Agency for Network and Information Security (ENISA) on Internal Rules of Procedure for the Management Board and for the Executive Board of ENISA”;

(2) In all text the words “Vice-Chairperson” are replaced by words “Deputy Chairperson”;

(3) In all text acronyms “EB” and “MB” are replaced by “Executive Board” and “Management Board”;

(4) Article 2 is amended as follows:

a. paragraph 2 is deleted;

b. paragraph 3 is replaced by following:

"At least three months before the expiry of the period of the mandate of the Chairperson and/or Deputy Chairperson, the Management Board shall call and set the date for the election of the Chairperson and/or the Deputy Chairperson.

Candidates willing to stand for the election should notify the Management Board not later than **one calendar month** before the elections take place. **Candidates shall include in their submission a statement of how they will play the role(s) of the Chairperson/ the Deputy Chairperson; their management approach to guiding the future development of ENISA; their approach to promoting relations between the Agency, the Member States, the Commission and other EU bodies; and a statement of commitment of time and effort. "**;

c. paragraph 4.1 is replaced by the following:

"The Management Board shall designate one of its members to chair the electoral operations. The selection of this member will be decided by a simple majority vote of the members present **at** the Management Board meeting **where the election of the Chairperson takes place**. The selection of this member will be guided by his/her neutrality in the procedure. **In the event of the tied vote, the casting vote remains with the longest serving member of the Management Board**. The electoral operations are assisted by the Management Board Secretariat **and/or ENISA Legal Officer. "**;

d. paragraph 4.2. is replaced by the following:

"Two thirds majority of all members of the Management Board shall be required for the election of the Chairperson **and/or the Deputy Chairperson**. This requirement also applies in a case of a single candidacy situation. ";

e. paragraph 4.3. is replaced by the following:

"The selection of the Chairperson and/or Deputy Chairperson shall take place in accordance with the following procedure:

a. Where there are only two candidates, the candidate that receives a two third majority of all members with the right to vote is selected. If none of the candidates receives the required majority of votes, **the person chairing the electoral operations** will invite the members to participate in up to a maximum of three additional ballots. If, as a result of the last ballot, one of the candidates receives the required majority, this candidate is elected. Otherwise, the Management Board shall immediately decide on the measures to be taken to overcome this situation.

b. Where there are more than two candidates, in each and every ballot, the candidate who receives the required majority of the votes shall be elected. If none of the candidates receive the required majority of votes, the candidate who obtained the lowest number of votes is eliminated and the others go forward to another ballot¹. The process is repeated until the two candidates who obtain the highest number of votes are selected. The procedure described in paragraph 4.3 a) of this Article shall then apply. ";

f. paragraphs 4.4. and 4.5 are deleted;

¹ If there are two or more candidates who share the lowest number of votes, the ballot is repeated up to a maximum of three times.

g. the following paragraph 4.a is inserted:

"The Deputy Chairperson shall ex-officio replace the Chairperson if he or she is prevented from attending to his or her duties. ";

h. the following paragraph 4.b is inserted:

"The new Chairperson will shadow the existing Chairperson until the end of the mandate of the existing Chairperson. ";

i. the last sentence of the paragraph 5 is deleted.

j. the paragraph 6 is replaced by the following:

"The term of office of the Chairperson and Deputy Chairperson will be for a period of three years from the day **of the new role takes effect** or at the end of their membership of the Management Board, whichever is the earlier. Their term of office shall be renewable one time **only**. ";

k. in paragraph 7 after word "elected" insert words "in accordance with provisions of this article.";

l. the paragraph 8 is replaced by the following:

"If both the Chairperson and the Deputy Chairperson are unable to attend a meeting, the meeting shall be chaired by the longest serving member of the Board or in the event of equal length of service, by the oldest of the longest serving members. ";

m. in paragraph 9 after words "Deputy Chairperson" insert words ", or, if the latter is not available, to other member of the Management Board.";

(5) Article 3 is amended as follows:

a. In paragraph 3 delete words "duly motivated";

b. paragraph 6 is deleted;

(6) In Article 4 the following paragraph 5 is added:

"5. Meetings of the Management Board may be conducted via teleconferencing facilities and they shall be considered to be meetings of the Management Board.";

(7) In Article 5 paragraph 5 replace words "urgent questions" with word "an item" and after the word "and" insert the word "any";

(8) In Article 6 the following paragraph 6 is added:

"6. The members of the Management Board shall be entitled to reimbursement of expenses incurred as a result of their attendance at the meetings of the Management Board on the terms laid down in Article 22a of these rules.";

(9) Article 8 paragraph 5 is replaced by the following:

"5. Unless otherwise unanimously decided by the Management Board, voting in respect of Article 8(1) e) and 8(1) f) shall take place by secret ballot.";

- (10) In Article 9 paragraph 5 delete words "and duly motivated";
- (11) Article 10 is amended as follows:
- a. in paragraph 2 b) after word "required" insert words "two third";
 - b. in paragraph 2 c) replace number "2.1" by number "2.a";
- (12) Article 15 is deleted;
- (13) In Article 17 paragraph 1 after words "by the longest serving member of" insert words "the Executive";
- (14) Article 18 paragraph 1 is replaced by the following:
- "The Executive Board shall be made up of five members appointed from among the members of the MB and shall include the Chairperson of the Management Board and one representative of the European Commission. The position of the European Commission representative to the Executive Board may be occupied by either member of the Commission representative to the Management Board.";
- (15) Article 18 paragraph 3 is replaced by the following:
- "The term of appointment of the Executive Board member or an alternate member of the Executive Board shall be no longer than the duration of their Management Board membership. At the end of period of fourth year service the position shall be filled following a vote by the Management Board. The procedure set out in the Article 2 of these Rules shall apply to cast this vote.";
- (16) Article 19 paragraph 1 is deleted;
- (17) Article 20 is amended as follows:
- a. In paragraph 2 delete words "The Chairperson shall give reasons for his or her decision.";
 - b. The following paragraph 2a is added:
- "2a. Meetings of the Executive Board may be conducted via teleconferencing facilities and they shall be considered to be meetings of the Executive Board.";
- c. In paragraph 3 delete words "to validly deliberate";
 - d. In paragraph 5 replace words "adopt" with word "prepare draft";
 - e. in paragraph 8 replace number "15" by "22a";
- (18) The following Article 22a is inserted:

**"Article 22a
Reimbursement of expenses**

1. Travel and subsistence expenses incurred by members, observers and experts in connection with meetings relating to the Management Board activities shall be paid

by the Agency in accordance with a specific decision of the Executive Director. The same rules shall apply for the Executive Board.

2. Expenses incurred by alternate members relating to Board activities shall be paid by the Agency in accordance with paragraph 1, only in the case where the substitute replaces the Board member for whom he/she has been appointed as alternate.”;

(19) In Title 5 the Heading is replaced by the following
“Repealing and final provisions”;

(20) Article 23 is deleted.

Article 2

This decision shall enter into force upon its adoption by the Management Board.

Done by written procedure on 29 January 2016.

On behalf of the Management Board,

[signed]

Mr Jörgen Samuelsson
Chair of the Management Board of the
European Union Agency for Network and Information Security