



**DECISION No MB/2013/11**  
**OF THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR NETWORK**  
**AND INFORMATION SECURITY**  
**ON THE ESTABLISHMENT AND OPERATION OF**  
**AD HOC WORKING GROUPS**

THE MANAGEMENT BOARD OF ENISA,

Having regard to 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 (hereinafter referred to as the Agency) and in particular Article 11 (3), Article 15 (2) and Article 17 (2) and (3) thereof;

Whereas:

- (1) The procedures regarding the establishment and operation of the ad hoc Working Groups, hereinafter called the "Working Groups", are to be specified in the Agency's internal rules of operation;
- (2) The internal rules of operation are adopted by the Agency's Management Board after consulting the European Commission services;
- (3) The establishment of ad hoc Working Groups should enable the Agency to have access to the most updated, objective and reliable information available, in order to be able to respond to the security challenges posed by the developing secure information society;
- (4) The chairperson of the Working Group should not necessarily be an expert of the group. The procedural guidance from ENISA staff designated as chair of the Working group is considered to be an important means to promote a higher quality of results;
- (5) The experts who participate in the Working Groups should not belong to the Agency's staff;

HAS ADOPTED THIS DECISION:

**Article 1**  
**Mandate**

1. The Executive Director shall entrust the Working Groups with tasks which are clearly defined and fall within the Agency's scope, objectives and tasks.
2. In taking his/her decision the Executive Director shall determine in particular the action to be taken including, if appropriate, a request for a scientific opinion or report on the subject matter.

3. When established, a Working Group may draw the Executive Director's attention to any specific or emerging issue falling within its remit.

## **Article 2 Establishment of Working Groups**

1. The Executive Director may establish Working Groups whenever he/she deems it necessary for the fulfilment of the Agency's scope, objectives and tasks. Creation of Working Group shall be consistent with the Agency's multiannual work programme or objectives and tasks.
2. A request for establishing a new Working Group may be submitted to the Executive Director by the Management Board or by the Permanent Stakeholders Group.
3. Before deciding on the establishment of a Working Group, the Executive Director shall inform the Permanent Stakeholders Group.
4. Within one (1) month, the Management Board and the Permanent Stakeholders Group may advise the Executive Director on the issues to be addressed, their relevance to the Agency's work programme, the appropriate composition of the Working Group, as well as seek input from and mobilise the relevant experience of the private and/or public sector.
5. Subsequently, the Executive Director shall inform the Management Board in advance of his/her intention to establish a Working Group. For this purpose, an explanatory note shall be transmitted to the members of the Management Board in due time, setting a period for the Management Board to react notably on the composition and competence of the Working Group to address scientific and technical matter(s) related to the Agency's scope, objectives, tasks.
6. The Agency shall draw up a list of experts, including from the Member State's competent authorities, on the basis of an open call for expression of interest to be published on the ENISA web site.
7. The Executive Director shall take measures in order to maintain the list regularly updated.

## **Article 3 Composition of Working Groups**

1. In order to address particular technical and scientific matter(s), the Executive Director shall select experts from the above mentioned list and appoint them as Members of a specific Working Group. Appointments of experts shall be made "ad personam". Whenever appropriate, the Executive Director may invite staff representatives to support the Working Group members, notably by providing them with technical assistance in drafting reports and opinions.
2. Experts participating in the Working Group, shall not belong to the Agency's staff.

## **Article 4 Reimbursement of expenses**

The expenses incurred in connection with the activities of the Working Group, including travel and subsistence expenses of experts shall be reimbursed by the Agency in accordance with the Decision of the Executive Director concerning such reimbursements in conformity with the decision of the Management Board on the Financial Regulation applicable to the Agency.

### **Article 5 Chairmanship**

1. When established, the Executive Director shall designate a Chairperson for the Working Group.
2. The Chairperson shall ensure the communication of the Working Group with the bodies of the Agency and give an account of its operation to the Executive Director.
3. The Chairperson shall convene the meetings of the Working Group.

### **Article 6 Secretariat**

The Executive Director shall take measures in order to provide the appropriate secretariat support to the Working Groups during their operations.

### **Article 7 The convening of meetings**

1. As a general rule, the Secretariat will confirm a meeting of the Working Group not less than ten (10) working days before the date of the meeting and shall give notification of cancellation not less than two (2) working days before the date of the meeting.
2. Meetings of a Working Group may be called for at short notice according to the urgency of the matter.
3. Wherever possible, documents including draft reports and opinions prepared by a Rapporteur shall be available to the members of the Working Group one week before that meeting.

### **Article 8 Attendance at meetings**

1. The meetings of the Working Groups shall not be held in public. The Executive Director may attend meetings without prior notification.
2. Representatives of the Commission shall be entitled to be present at the meetings.
3. Where appropriate, a Working Group may invite interested parties to submit independent reports and opinions to its attention.

### **Article 9 Quorum and voting**

For the purpose of voting, a simple majority of the members should be physically present. In the absence of this number, the meeting may take place but no opinions or reports may be adopted.

### **Article 10 Reports and Opinions**

1. A Working Group may designate one or more Rapporteurs from among its members who shall ensure that draft reports or opinions are prepared, if necessary within a set time period. The Rapporteurs shall work in close co-operation with the Secretariat.

The work of a Rapporteur is terminated when the Working Group adopts the report or opinion.

2. The Working Group shall provide a final report at the end of its mandate. In the case that the duration of its activities exceeds six (6) months, the Rapporteur shall prepare in due time an intermediate report.
3. The Working Group shall adopt the draft reports and opinions at its meeting. Minority opinions shall be annexed, when requested. Minority opinions shall be attributed to their authors and shall include supporting argumentation.
4. In the event that nature of the matter, its urgency and circumstances do not necessitate or allow discussion at a meeting, a draft report or opinion may be adopted by written procedure. In this case, the Secretariat shall send the draft to the members of the Working Group with a request for approval by a specified date. The draft shall be adopted if the simple majority of the members have expressed their approval. No written answer by a member of a working group to a call for approval is interpreted as an approval. If a majority is not reached, the draft report or opinion must be placed on the agenda for the next meeting or, if the urgency requires this, an ad-hoc meeting shall be convened at the earliest date.
5. The reports and opinions of the Working Group shall be communicated to the Executive Director. They shall give an overview of the accomplishment of its mandate and the conclusions the Working Group has drawn. The reports may also contain proposals having an impact on the fulfilment of the Agency's scope, objectives and tasks.
6. The Executive Director shall forward the reports and opinions to the Chairperson of the Management Board. The Chairperson may include them as a discussion point or an information point on the agenda of the following meeting and transmit all relevant documents to the members of the Management Board.
7. The Management Board may hold an exchange of views on the report and decide on any follow up to be pursued.

#### **Article 11 Declaration of interests**

1. At each meeting, the members of a Working Group shall declare any interest, which may be considered prejudicial to their independence with respect to any point on the agenda
2. In the event of a conflict of interest, the member concerned must withdraw his or her participation whilst the relevant agenda points are being dealt with.

#### **Article 12 Transparency**

1. Regarding the public access to the reports and opinions of the Working Groups, the provisions laid down by the Regulation 1049/2001<sup>1</sup>, shall apply.
2. Unless otherwise decided by the Executive Director or by the Management Board, reports and opinions of the Working Groups shall be made public and notably published in the Agency's web site.

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<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

**Article 13  
Confidentiality**

1. The members of the Working Groups are subject to the requirements of confidentiality pursuant to Article 287 of the EC Treaty, even after their duties have ceased.
2. In particular, without prejudice to the provisions of Regulation (EC) 45/2001<sup>2</sup>, they shall be required not to disclose information of the kind covered by the obligation of professional secrecy, such as information about undertakings, their business relations or their cost components, as well as information relating to the investigation of criminal offences and the application of criminal law.

**Article 14  
Entry into force**

This decision shall enter into force on the date of its signature.

Done at Vilnius, on 17 October 2013.

On behalf of the Management Board



*Chairperson*

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<sup>2</sup> Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, OJ L 8, 12.1.2001, p. 1.