



MANAGEMENT BOARD DECISION

of 8th October 2004

**RULES REGARDING THE ESTABLISHMENT AND OPERATION OF THE PERMANENT
STAKEHOLDERS' GROUP OF THE EUROPEAN NETWORK AND INFORMATION SECURITY
AGENCY - ENISA**

THE MANAGEMENT BOARD OF ENISA

Having regard to the Regulation (EC) No. 460/2004¹ of the European Parliament and of the Council of 10th March 2004 establishing a European Network and Information Security Agency, hereinafter called "the Agency" and in particular Article 6(6) thereof;

Whereas:

- (1) To enable the Agency to start its work promptly, the Management Board of the Agency needs to be in a position to adopt the Agency's internal rules of operation;
- (2) Whereas Article 8, paragraph 2 of the Regulation states that the procedures regarding in particular the number, the composition, the appointment of the members by the Executive Director and the operation of the Permanent Stakeholders Group shall be specified in the Agency's internal rules of operation and shall be made public;

HAS ADOPTED THIS DECISION:

Single Article

The rules annexed hereto regarding the establishment and operation of the Permanent Stakeholders Group are adopted.

Done at Helsinki, 12/10/2004

For the Management Board

A handwritten signature in black ink, appearing to read 'K. Pietikäinen'.

Kristiina Pietikäinen

Chairperson of the Management Board

¹ OJ L 77, 13.3.2004, p.1.

ANNEX

RULES FOR THE ESTABLISHMENT AND OPERATION OF THE PERMANENT STAKEHOLDERS GROUP OF THE EUROPEAN NETWORK AND INFORMATION SECURITY -ENISA

Having regard to Regulation (EC) No 460/2004² of the European Parliament and of the Council of 10 March 2004 establishing the European Network and Information Security Agency, and in particular to Section 2, Article 6(6) thereof,

Whereas:

(1) The establishment of the Permanent Stakeholders Group hereinafter called the **Group**, should enable the European Network and Information Security Agency, hereinafter called “the Agency”, to maintain a regular dialogue with the private sector, consumer organisations and other relevant stakeholders;

(2) Article 8, paragraph 2 of Regulation (EC) No 460/2004 states that the procedures regarding in particular the number, the composition, the appointment of the members by the Executive Director and the operation of the Group shall be specified in the Agency’s internal rules of operation and shall be made public,

the following rules regarding the establishment and operation of the Group are adopted.

Article 1 Mandate

In accordance with Article 8 paragraph 5 of Regulation (EC) No 460/2004, the Group may advise the Executive Director in the performance of his/her duties, in drawing up a proposal for the Agency’s work programme, as well as in ensuring communication with the relevant stakeholders on all issues related to the work programme.

Article 2 Composition of the Group and terms of office of its members

1. The Group shall be composed of leading experts in network and information security and/or in network and information security related matters. Leading experts selected in line with Article 3 are hereinafter called “members”.
2. Members of the Group may not be members of the Management Board.

² OJ L 77, 13.3.2004, p. 1.

4. The term of office of the members cannot exceed two and a half years.

Article 3
Establishment of the Group

1. The Executive Director shall draw up the list of leading experts on the basis of the results of an *open call for expression of interest* to be widely disseminated through the web site of the Agency and elsewhere deemed appropriated.
2. The call shall invite experts from the information and communication technology industries (including e.g. fixed and mobile telecommunication operators, internet service providers, security service providers, hardware and software industries); consumer organisations (including e.g. internet users, corporate users, administrations, public and private service sector); academic institutions (including experts in e.g. cryptography, biometrics, risk analysis and management, network and information security, and electronic processes) to express interest and willingness to participate in the work of the Group.
3. The text of the call shall include indications on the number of places to be allocated to each of the above mentioned groups: experts from information and communication technology industries; experts from consumer organisations and experts from academic institutions.
4. Prior to its publication, the Executive Director shall submit the text of call to the Management Board for approval.
5. The Executive Director shall then select a number of leading experts, inform the board on the selections that he or she has made and appoint the selected experts as *members of the Group*. Appointments shall be made “*ad personam*”.

Article 4
Status of members and reimbursement of expenses

1. The members of the Group shall not belong to the Agency’s staff.
2. The expenses incurred in connection with the activities of the Group, including travel and subsistence expenses incurred by members and occasional external experts, shall be reimbursed by the Agency in accordance with the scales laid down by the Management Board in the financial rules applicable to the Agency and in conformity with the existing Financial Regulations.

Article 5
The Convening of meetings and the Secretariat

1. Meetings are chaired by the Executive Director who shall also provide the *Secretariat* to the meetings and the appropriate administrative support to enable the Group to carry out its work.
2. The Group meeting is convened by the Executive Director, either on his or her own initiative, or at the request of a simple majority of the Group members.

3. The Executive Director shall send the invitation to the meeting, the agenda and proposed measures on which the Group's opinion is required and any other working documents. As a general rule, the Secretariat will confirm a meeting of the Group not less than fifteen (15) 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.
4. In cases of urgency, the Executive Director may depart from the periods laid down in paragraph 3 above. In these circumstances, meetings of the Group may be called at short notice.
5. Representatives of the Commission shall be entitled to be present in the meetings and participate in the work of the Group.
6. The Executive Director may, where appropriate and according to the agenda of the meetings, invite representatives of the European Parliament and from other relevant bodies to take part in the meetings of the Group.
7. The Executive Director may decide to invite experts and representatives of third countries or organisations to talk on particular matters, at the request of a member of the Group or on his or her own initiative.
8. Experts and representatives of third countries or organisations must withdraw when the Group will be called to vote.

Article 6
Agenda and Minutes

1. The Executive Director shall draw up the agenda and submit it to the Group.
2. The agenda shall make a distinction between:
 - Adoption of the recommendations and opinions of the Group;
 - Subjects to be debated during the meeting including draft recommendations and opinions prepared by members of the Group called “Rapporteurs”;
 - Informative points or simple exchange of views, either on the Executive Director's initiative, or at prior written request of a Group member.
3. The *minutes* of each meeting shall be prepared by the Secretariat under the control of the Executive Director. These minutes shall contain, in particular, reference to the recommendations and opinions expressed in accordance to Article 7 below and, where necessary, the minority views expressed. The text of the recommendations and opinions shall be given in a separate annex. The minutes shall be sent to the members within 15 working days.
4. The members shall send any written comments they may have on the minutes to the Executive Director. The Group shall be informed of this and the proposed amendments shall be discussed at the next forthcoming meeting. If the disagreement persists, the proposed amendment shall be annexed to the minutes.

Article 7
Recommendations and Opinions

- 1 The Executive Director may propose the Group to designate one or more Rapporteurs from among its members, who shall ensure that draft recommendations or opinions are prepared, if necessary, within a specified time period. The Rapporteur(s) shall work in close co-operation with the Secretariat. The work of a Rapporteur is finished when the Group adopts his or her report or opinion.
- 2 The Group shall adopt recommendations and opinions at its meetings. Minority opinions may also be annexed. Minority opinions shall be attributed to their authors and shall include supporting argumentations.
- 3 In the event that the nature of the matter, its urgency and circumstances do not necessitate or allow discussion at a meeting, a draft recommendation or opinion may be adopted by written procedure. In this case, the Secretariat shall send the draft to the members of the Group with a request for approval by a specified date. The draft shall be adopted if the majority of the members have expressed their approval before the deadline. If a majority is not reached, the draft recommendation 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 at which the quorum can be assured.
- 4 The recommendations and opinions of the Group shall be communicated by the Executive Director to the Management Board.
- 5 The Management Board may hold an exchange of views on the recommendation and opinions and decide on any follow up to be pursued.

Article 8
Quorum and voting

1. At least two thirds of all members of the Group shall have to be present in order for the meeting to be valid. For purposes of achieving the quorum, proxy holders are considered as members having the right to vote on behalf of the member they represent.
2. In the absence of a quorum, the Executive Director may proceed with the meeting but no recommendations or opinions shall be adopted
3. The Group shall adopt recommendations and opinions by a simple majority of its members.
4. The Executive Director, on his own initiative or at the request of a Group member may postpone the vote on a particular agenda point until the end of the meeting or a later meeting.
5. If a Group member so requests, voting on an issue may be postponed if the documents relating to a specific agenda point have not been sent to the members within the timeframe laid down in Article 5(3). However, on the proposal of the Executive Director or at the request of a Group member, the Group may decide by a simple majority of members to keep this point on the agenda because of the urgency of the matter.

6. If the Group has not issued an opinion within the timeframe laid down by the Executive Director, the latter may extend this period, except in cases of urgency, no longer than the end of the next meeting.
- 7.

Article 9
Transparency

1. Regarding the public access to the reports and opinions of the Group, the provisions laid down by Regulation (EC) No 1049/2001³ of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, shall apply.
2. In accordance with the requirements of Regulation (EC) No 45/2001⁴, the Executive Director shall make public, notably through the website of the Agency, the members of the Group. The Executive Director may decide not to make public the names of experts who shall occasionally be invited to take part in the activities of the Group.
3. Unless otherwise decided by the Executive Director or by the Management Board, reports and opinions of the Group shall be made public and notably published in the Agency's web site.

Article 10
Confidentiality

1. The members, including external experts who occasionally take part in the work of the Group, even after their duties have ceased, are subject to the requirements of confidentiality pursuant to Article 287 of the EC Treaty.
2. In particular, without prejudice to the provisions of Regulation (EC) No 45/2001, 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 11
Entry into force

These Rules shall enter into force as soon as they are adopted.

³ 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.

⁴ 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.