



Ref.: ENISA MB (06/03/2006)

**DECISION OF THE MANAGEMENT BOARD
of 6 March 2006**

**on practical arrangements concerning requests to the European Network and
Information Security Agency**

THE MANAGEMENT BOARD OF THE EUROPEAN NETWORK AND INFORMATION
SECURITY AGENCY,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 460/2004 of the European Parliament and of the Council of 10 March 2004¹ (hereinafter referred to as the “Regulation”) establishing the European Network and Information Security Agency (hereinafter referred to as the “Agency”) and in particular Article 6(6) thereof,

Having regard to Commission Decision of 17/X/2005 on practical arrangements concerning requests to the European Network and Information Security Agency - ENISA

Whereas:

- (1) The Agency is to provide the European Parliament, the Commission, European bodies or competent national bodies appointed by the Member States with advice and, when called upon, with assistance within its objectives;
- (2) Pursuant to Article 10 of the Regulation, the practical arrangements regarding requests for advice and assistance to the Agency are to be laid down by the Management Board in the Agency’s internal rules of operation;

¹ OJ L 77, 13.03.2004, p. 1

- (3) The Management Board is to adopt the Agency's internal rules of operation, including the practical arrangements for handling requests to the Agency, on the basis of a proposal by the Commission;
- (4) The Commission has therefore formulated its proposal for these arrangements.
- (5) The Agency should adopt these provisions.

HAS ADOPTED THESE RULES:

Article 1

General Provisions

1. In accordance with Article 10 of the Regulation, the present Arrangements establish the procedure applied by the Agency to requests for advice and assistance in all matters falling within the Agency's scope, objectives and tasks.
2. Requests as referred to in paragraph 1 may be made by:
 - (i) the European Parliament;
 - (ii) the Commission;
 - (iii) a national regulatory authority as defined in Article 2 of Directive 2002/21/EC;
 - (iv) any competent body appointed by a Member State.
3. The Executive Director shall verify that a competent body has been appointed by the Member State in accordance with Article 10(2)(c) of the Regulation.
4. The Executive Director shall be responsible for the appropriate and timely handling of requests in accordance with the present Arrangements.

Article 2

Submission of requests

1. In accordance with Article 10 of the Regulation, requests shall be addressed to the Executive Director.
2. Requests shall be made in written form, in one of the official languages of the European Union, and shall be sent to any of the following addresses:

By post: ENISA, PO Box 1309, 71001, Heraklion, Greece

By fax: +30 2810 391410

By electronic mail: requests@enisa.europa.eu
3. Each request shall contain at least the following information:

- (i) the name of the Institution or body on behalf of which the request is being made, as well as details of the contact person(s); and
 - (ii) sufficient information explaining the issue to be addressed so as to enable the Agency to act upon the request.
4. Requests may also contain suggestions as to what form of advice and/or assistance (hereinafter referred to as a “contribution”) is expected from the Agency. Such suggestions, however, shall not be binding on the Agency.

Article 3
Receipt of requests

1. Incoming requests shall be registered in accordance with Article 4 below and an acknowledgement of receipt shall be sent within 15 days.
2. When a request is submitted in a European Union language other than the working language of the Agency, the Executive Director may arrange with the Translation Centre for the Bodies of the European Union for the translation of the request.
3. The European Commission shall receive a copy of the acknowledgement of receipt.

Article 4
Register of requests

The Executive Director shall establish and maintain a register of requests received. The register shall allow the progress of requests for advice and assistance to be monitored with effect from the date on which they are received.

Article 5
Refusal of requests

1. The Executive Director shall refuse to handle a request on any of the following grounds:
 - (i) the request is made by a person or body not specified in Article 10(2) of the Regulation;
 - (ii) the request concerns a matter which falls beyond the Agency’s scope, objectives and tasks;
 - (iii) the Management Board has decided to reject a request pursuant to Article 6(2)(c).
2. If a request is not submitted in accordance with Article 2(3), the Executive Director may either refuse the request or ask for additional information, in consultation with the Institution or body that made the request.
3. Where the Agency has already delivered a contribution in response to a similar request, the Executive Director may refuse the request if he/she concludes that there

are no new elements justifying re-examination of the topic in question. Justification for refusal shall be given to the Institution or body that made the request.

- 4 If a request is refused, the Executive Director shall, within 30 days of the receipt of the request, or without delay after obtaining a decision of the Management Board pursuant to Article 6(2)(c), provide the person, Institution or body that made the request with a justification citing objective and specific grounds for the refusal.
- 5 In the cases referred to in paragraph 1(i) and (ii), the Executive Director shall inform the Management Board of a refusal to handle a request and the reasons for the refusal.

Article 6 ***Examination and prioritisation of requests***

1. Every request shall be examined carefully and individually. Priority shall be given to the examination of requests from the Commission and the Member States concerning the requirements of network and information security set out in present and future Community legislation, such as in Directive 2002/21/EC.
2. Upon receiving a request, the Executive Director shall, in cooperation with the member(s) of staff responsible for the particular matter, determine whether the request falls within the Agency's scope, objectives and tasks.
 - (a) Where a request falls outside the Agency's scope, objectives and tasks, it shall be refused, as provided for in Article 5(1)(ii).
 - (b) Where a request falls within the Agency's scope, objectives and tasks and the Executive Director estimates that it can be handled with the financial and human resources at the disposal of the Agency to execute the Work Programme, he/she shall accept the request and proceed accordingly.
 - (c) Where a request falls within Agency's scope, objectives and tasks, but the Executive Director estimates that it cannot be handled with the financial and human resources at the disposal of the Agency to execute the Work Programme, he/she shall submit the matter to the Management Board, pursuant to Article 5(1) of the Internal Rules of Procedure of the Management Board of the Agency. The Management Board shall decide either to reject the request or to accept it. The Management Board shall motivate its decision.
3. The Institution or body that made the request shall be informed, without delay, of any decision taken pursuant to paragraph 2, with a copy to the Commission for information.

Article 7 ***Time limits***

1. Without prejudice to paragraph 4, the Executive Director shall inform the Institution or body that made a request of the anticipated time needed to prepare the Agency's contribution.
2. Whenever possible, the anticipated date by which the requested contribution from the Agency may be expected shall accompany the acknowledgement of receipt sent in

accordance with Article 3(1). Otherwise, this information shall be communicated to the Institution or body that made the request within 30 days from the receipt of the request.

3. When stipulating time limits pursuant to paragraph 1, the Executive Director shall take into account the nature of the request and the form of the contribution expected from the Agency, as well as the results of the preliminary examination of the request, in particular the time needed to obtain a decision of the Management Board in the case referred to in Article 6(2)(c).
4. The Executive Director shall take the necessary measures to ensure that a request is handled as soon as possible where the information accompanying the request indicates an urgent need for a contribution of the Agency.

Article 8 *Combining of requests*

If several requests for advice and assistance which partly or completely overlap are submitted to the Agency, the Executive Director may, if he/she considers it practicable, propose the joint handling of the requests in consultation with the requesting Institution(s) or body(-ies) with a view to reaching agreement on a joint, combined request. This shall not prejudice the priority to be given to urgent requests as referred to in Article 7(4).

Article 9 *Contribution of the Agency*

1. The Executive Director shall ensure that the requested contribution of advice and/or assistance is provided in a timely and appropriate manner, respecting the time limits set in accordance with Article 7.
2. A contribution of the Agency may be delivered in any format unless otherwise requested, provided it is understandable and includes all the necessary aspects relevant to the requesting party.
3. Whenever a contribution requested from the Agency involves a reply in writing, such a reply shall be concise, accurate and complete. The rules concerning correspondence with the Agency set out in Article 10 shall apply.

Article 10 *Correspondence with the Agency*

1. In accordance with Article 22(1) of the Regulation, all correspondence concerning a request shall be sent in the official language chosen by the submitting Institution or body. If no specific language choice is communicated to the Agency, correspondence shall be in the language of the request.
2. Each document sent by the Agency concerning a request shall identify the person(s) responsible and state how he/she may be contacted.

3. All documents concerning a request, including a reply in writing, shall be sent in the same form and by the same means (i.e. mail, fax or electronic mail) as was used for the request, unless otherwise agreed with the Institution or body that made the request.
4. If a reply concerns a request made by a body appointed by a Member State or an Institution other than the Commission, a copy of the reply shall be sent to the Commission for information.

Article 11
Information and Reports

1. The Executive Director shall periodically inform the Management Board and the Commission about the current status of requests. Such information shall be given at least once a year, in conjunction with the adoption of the Agency's Work Programme.
2. The Agency shall publish annually, as part of the annual report, information concerning the implementation of the present Arrangements, including the number of requests to the Agency, the number of refusals and the reasons for such refusals.

Done at Helsinki on 29 September 2006

For the ENISA Management Board



Kristiina Pietikäinen,
Chairperson of the Management Board