



21st ENISA Management Board Meeting

20th March 2012, ENISA Office Athens, Greece

Minutes

Participants:

Member States Representatives: Reinhard POSCH (Member, AT), Antonis ANTONIADES (Member, CY), Marie SVOBODOVA (Alternate, CZ), Flemming FABER (Member, DK), Mait HEIDELBERG (Member, EE), Mari HERRANEN (Chair, FI), Patrick PAILLOUX (Member, FR), Michael HANGE (Member, DE), Constantine STEPHANIDIS (Member, EL), Ferenc SUBA (Vice Chair, HU), Aidan RYAN (Member, IE), Rita FORSI (Member, IT), Maris ANDZANS (Alternate, LV), Saulius STAROLIS (Member, LT), George ZAMMIT (Member, MT), Edgar DE LANGE (Member, NL), Krzysztof SILICKI (Member, PL), Manuel Filipe PEDROSA DE BARROS (Alternate, PT), Adrian -Victor VEVERA (Member, RO), Peter BIRO (Member, SK), Jörgen SAMUELSSON (Member, SE), Robert PRITSCHARD (Alternate, UK).

Commission Representatives: Francisco GARCIA MORAN (Member, Director General DG Informatics), Gerard DE GRAAF (Member, Director DG Information society and media)

Stakeholders' Representatives: Kai RANNENBERG (Academia Representative), Markus BAUTSCH (Consumer Representative)

EEA-Countries representatives: None

ENISA: Udo HELMBRECHT (Executive Director), Steve PURSER (Head of Technical Competence Department), Ulrike LECHNER (Minutes)

Other Participants: Gertrud INGESTAD (DG Information society and Media), Rogier HOLLA (DG Information society and Media)

Apologies: François THILL (Member, LU), Luc HINDRYCKX (Member, BE), Robert MADELIN (Member, DG Information society and media)

ITEM 1 Opening of the meeting and announcements of the Chair

The chair opened the 21st Meeting of the ENISA Management Board (MB) and welcomed the participants. She welcomed the new members to the MB and invited them to introduce themselves to the other MB members.

The chair explained that, compared with the situation as of 11th October 2011, the

composition of the ENISA Management Board had changed as follows:

- Czech Republic
 - Mr Jiří Průša – Representative (renomination)
 - Ms Marie Svobodova – Alternate (renomination)

- Lithuania
 - Mr Saulius Starolis – Representative
 - Mr Rytis Rainys – Alternate

- Malta
 - Mr George Zammit – Representative

The MB chair informed those present that Luxembourg, Belgium and Commission representative Robert Madelin had sent apologies for not being able to participate in the meeting, whereas Luxembourg had given a proxy to Ireland and Robert Madelin to Commission representative Gerard de Graaf. Finally, the chair welcomed the observers from the European Commission (Ms Gertrud Ingestad and Mr Rogier Holla).

ITEM 2 Adoption of the Agenda (MB/21/1)

The chair presented and explained the agenda (see Annex I). The agenda was approved by the MB.

ITEM 3 Information by the chair

The chair informed the MB about the results and discussions of the joint MB-PSG Meeting that took place in Brussels on 14th February 2012. The meeting has been divided into three working groups with continued discussions after the meeting on the basis of email-lists. There has been good feedback on the draft of the WP 2013 at a very early stage.

ITEM 4 Update by the COM

The European Commission (COM) provided an update on the following subjects:

4.1. Proposal for a Regulation concerning ENISA

COM gave an update on the latest legislative discussions on the new ENISA Regulation. The vote in the ITRE-Committee provides a clear indication regarding the standing of the EP. This vote constitutes a mandate for entering into discussions with the Council, but is not a legislative resolution. The supported amendments would broaden the tasks of ENISA and extend its mandate for 7 years, while providing for an independent evaluation. There is an amendment that mentions the seat of the Agency as well as an office in Athens.

Regarding the Council, the relevant Working Group has met 24 times during various Presidencies and there seems to be a broad agreement on most issues, except for ENISA's duration and its mandate.

4.2. The Internet Security Strategy (ISS)

COM gave an update on its work on the ISS and mentioned that it could add significant value to Member States and private sector activities in this field. COM pointed out there would be a significant role for ENISA concerning the strategy, in particular in relation to ensuring adequate structures.

The strategy itself would be comprehensive in its scope and would be covering the internal market as well as the external dimension. In relation to "assistance through cooperation", COM referred to ENISA's Mobile Assistance Team (MAT) as a good example. Possibly, security breach notifications should be extended to other sectors.

The legal basis of the ISS will likely include Art. 114 of the Treaty, i.e. the completion of the internal market.

4.3. Proposal for a Regulation on eID and electronic signatures

COM referred to its current work on a Proposal for a Regulation on electronic identity and electronic signatures, which is scheduled to be adopted by the end of May 2012.

4.4. Re-Organisation in DG INFSO

COM mentioned the re-organisation in DG INFSO, which includes further integration of the areas of policy and research. As a result of these changes, Mr. De Graaf will be no longer in charge of internet security. The re-organisation is scheduled for adoption in the College in COM on 18.4.2012, with the aim of entering into force on 1.7.2012.

Academia asked COM about their position towards the Amendments as voted in the ITRE-Committee meeting on 6 February 2012. COM clarified that this was just the position of ITRE, not from Plenary at the EP or from COM.

ENISA asked COM about a contact point in the European External Action Service (EEAS) and its scope. COM clarified that it is a separate body for coordinating external policies of the EU, including single market, research and cyber-security aspects thereof.

SE posed a question on the practical use of the proposed Regulation on eID and electronic signatures, which was strongly confirmed by COM, as well as its aim at producing impact. PT posed a question on the interrelations of electronic signatures with other instruments. COM mentioned that the e-signature Directive will cover legal persons in addition to natural persons.

LV and NL asked about the intended legal instruments for the ISS. COM replied that likely a single market instrument would be proposed (similar to those used in the areas of food safety, banking/insurance supervision etc.), which will not interfere in the internal organisation of member states (MS). COM confirmed the need of the EU for a strategic approach to Internet security and the importance of boundaries (e.g. cyber defence, internet freedom, cyber security) and market access issues.

ITEM 5 Report by the Executive Director on the Activities of the Agency (MB/21/9-pp)

The ED updated on ENISA's Core Activities, its Administration, developments from the

last MB-Meeting and on Public Affairs.

5.1. ENISA's Core Activities

The ED reported on the status of implementation of WP2011 by giving a brief overview on the activities pursued relating to finalised projects of 2011, while some of them were to be finished in the beginning of 2012.

Regarding Workstream 1 (WS1) the ED explained ENISA's activities in the fields of incident reporting (Art. 13a), Cyber Exercises & Contingency Planning and CERTs. In the area of CERTs the Agency has supported many MS, e.g. Romania, Ireland and Malta, ENISA gave training in Italy. The ED pointed out the aim to achieve the establishment of a governmental CERT in all MS by 2012. In the discussion the ED clarified that regarding an European contingency plan ENISA's role is limited to its mandate, there will therefore be no definition of an European plan by ENISA, but the Agency will continue to provide input to policies and support MS.

Concerning WS2, the ED summarized ENISA's work in Internet Technologies, Interdependencies & Interconnection, Secure Architectures & Technologies, Early Warning in NIS and ENISA's progress step-by-step in the area of EP3R – National PPPs. In the context of WS2, the ED reminded the MB of ENISA's important role in producing briefing notes, when significant incidents, such as the Stuxnet incident in 2010, occur.

As regards WS3, the ED reported on the status of implementing activities in the areas of Economically efficient approaches to Information Security, Privacy & Trust in Operational Environments, ENISA's involvement in the discussions concerning the ePrivacy Directive and the European Month of NIS for all, which concluded into the publication of a Feasibility Study.

The ED explained that the on-going implementation of WP2012 is on track and gave an update on ENISA's on-going activities during Q1. While WS1 covers the area of Evolving Threat Environment, WS2 is about Pan European CIIP & Resilience, WS3 focuses on CERT & Other Operational Communities and WS4 focuses on Securing the Digital Economy.

5.2. Administration

The ED reported on the implementation of the Project Management tool MATRIX at ENISA and explained the purpose of efficient project management, including budget and resource planning within the Agency, which shall also have a positive impact for assessment of the Agency's activities by the MB.

The presentation continued with the consumption of ENISA's Budget for 2011, which revealed an actual commitment rate of 100,00% and a payment rate of 85,82%, which has largely increased compared to 2010. The ED pointed at a very successful visit from the European Court of Auditors (ECA), who praised ENISA's compliance performance in the areas of procurement, financial transactions, and annual accounts. The ECA made a remark on the level of operational budget (Title 3) carry overs of 2011 (32,6%), although this figure was improved as compared to 2010 (52%). The ECA was of the

opinion that every agency should carry over not more than ~20% of its appropriations to the next year. In any case, a positive approach towards the mitigation of carry overs and advanced launching of procurements have resulted in higher effectiveness. The ECA provisional report shall be delivered in the next 4-6 weeks. An ECA benchmarking report of 22 EU Agencies showed that ENISA is performing well, however, there is always scope for improvement.

Finally, The ED showed the figures of the activity-based budgeting and of the draft budget 2013. The latter shows an increase of 3 posts provided from the moment the new Regulation comes into force.

5.3. Human Resources

In this context, the ED explained the organisational chart which came into force in Nov. 2011 and was sent to the MB that time. He also provided an overview of the staff composition. The ED reported on the problematic schooling situation for foreign children, particularly in the area of secondary education (children between the ages of 11 and 18), where the European School on Crete currently offers no adequate secondary education. Staff having children in this age range currently place them in foreign schools or in Greek speaking schools and there are no children of ENISA staff in this age group enrolled in the SEE. The latter is not an option where Greek is not spoken in the family. This remains the major obstacle to recruiting staff in the age range 45-60. The primary education is also not an attractive proposition with only 2 teachers for the 5 classes and only 2 classrooms for classes 1-2 and 3-4. The ED also pointed out that Heraklion offers very limited job opportunities for spouses of employees. The overall result of this situation was illustrated by means of a pie chart showing that 60% of ENISA staff is aged between 30-40 years.

The ED reported on the current state of the rental contract for the Athens office. There have been positive discussions with the secretary general for the Ministry, resulting in a possible extension the contract to further 9 months until the end of the year.

5.4. Public Affairs

The ED started by mentioning ENISA's current activities in the field of Public Affairs, such as activities with the local community, the school poster campaign, a visit of EUROPOL at ENISA's premises and the successful MB Newsletter.

Then, he elaborated on a local disinformation campaign carried out by Cretan media, which shows an obvious relationship with the current seat discussions in the context of the negotiations about ENISA's new mandate. As a result, extensive and worrying Cretan press articles have been published since January 2012. The ED showed various press articles, including an interview given by MEP Tsoukalas - published at his website, though taken off after few weeks -, which makes clear reference to battles, wars and the Nazi-regime. By showing some of these press articles of local media, the ED pointed at the fact that staff in Heraklion is exposed to these news and this is

having a detrimental effect on staff morale.

The chair congratulated the ED for all the good work he has been doing in the Agency.

Some MB members commented the situation regarding the local media campaign.

Greece (EL) commented on the situation regarding the SEE by explaining that the delay of the building was unfortunate and is due to the fact that the Greek government had decided to follow procedures of international calls for tenders, which results into a much longer process. EL also commented that the local press is exaggerating and explained these press articles as overreaction to the whole situation, that nobody should take notice of. The delegate stated at the same time that Heraklion has been exposed to unfair criticism over the years as a hosting city. Regarding the interview by MEP Tsoukalas he commented that it has been a private discussion. He also questioned the fact that the Agency keeps on reporting about this interview.

In his reply, the ED clarified that the interview with MEP Tsoukalas had been given on 14 September 2011 and placed on his own webpage for a couple of weeks. ENISA had taken the audio-stream and made a transcription into Greek and a translation to English. EL replied that they were not aware that the interview had been published at a website.

The ED clarified regarding EUROPOL, that a Memorandum of Understanding for exchange of information with EUROPOL was to be signed this year. As regards the MB Newsletter the ED confirmed the possibility to include also the project status into the newsletter for the future.

A number of Member States expressed their strong support for the ED in this difficult period.

HU perceived this situation as very unfortunate, while especially referring to the accusation against Nazis in the interview by MEP Tsoukalas. The Hungarian delegate suggested to formally indicate the support of the MB to the ED in a declaration recognizing his excellent work, visibility and efficiency increase.

NL agreed with HUN, expressed their support for the ED and showed concerns about these allegations in the Greek press.

COM, also in the name of Vice-President N. Kroes, expressed strong support for the ED and the staff of ENISA. COM highlighted the importance of leading this Agency competently. COM perceived the personal attacks on the ED as unacceptable and as a distraction of the important role the Agency.

LV questioned the reasons for these media attacks and whether it would be better to ignore this kind of press. The Latvian delegate stated that “The Agency works for the EU and not for Crete”.

AT advised not to react to this kind of press. At the same time he pointed at the importance that MS and COM fully support the ED.

Ireland perceived the public affairs issues as very disappointing and welcomed to support the ED.

PT mentioned the reputation of the Agency as a most sensitive issue.

France fully supported the achievements of the ED and mentioned that living in Europe also involves taking care of any extremism and of things that are not acceptable. Therefore, any attacks against the ED should be regarded as attacks against the MB and the responsibility in the field of cyber security.

Academia reminded the freedom of the press and the difficulties in influencing it. A possibility of the Greek government to support staff in this situation should be found. In reply to this comment the ED mentioned the difficulty to reach people outside staff members on Crete.

The chair concluded that

"The Management Board expresses its strong and continuing confidence in the Executive Director of ENISA, Prof. Udo Helmbrecht, and in the way he is managing ENISA.

The Management Board also expresses its confidence in and appreciation of the ENISA staff, which, under the leadership of the Executive Director, work hard towards the fulfillment of ENISA's mission of promoting a culture of network and information security in the European Union."

ITEM 6 Items for Information from the Chair

The Chair presented the results of the written procedures since the last MB meeting

- Written procedure Approval WP2012
- Written procedure Approval Minutes 20 MB Meeting, 11/10/2011

The chair recalled that the meeting minutes from the previous MB Meeting are published on the ENISA website.

ITEM 7 Provisional Work Programme 2013 (MB/21/3 and MB/21/10-pp)

The proposal for the Provisional Work Programme 2013 was presented and explained by Steve Purser. The presentation concluded with a slide showing the timeline of the Work Programme Development with all actors involved for delivering input and adopting the WP2013.

ENISA reminded those present of the next PSG Meeting, which would focus on the way to refine selection criteria for the choice of WPK.

The feedback from Member States was very positive, most comments were about

WS1 and on the ISS, since it is important how ENISA aligns with ISS.

Regarding Awareness Raising Steve Purser explained that this activity has now been fully integrated into the core activities of the work plan and will no longer be managed as an activity in its own right. He pointed out the importance of using experts for this task for the future in order to enter into a more comprehensive dialogue with stakeholders. By demonstrating an ability to respond to questions and issues as they are raised, the Agency demonstrates a greater level of maturity.

Concerning the CERT Community Steve Purser explained that ENISA will aim to broaden its approach to support not only CERTs but also to extend this to other operational communities. This is in line with the principal objective of the Agency – to ensure that stakeholder communities work together in an effective and efficient manner.

In the field of Stakeholder Relations, EU Relations has been added as an important task.

NL encouraged to further focus the draft work programme on the aspect of mobile communications and AT, Sweden (SE) and Academia made some similar comments.

NL and Estonia fully supported the idea to integrate Awareness Raising in the WS as proposed now.

France reminded the difference between Data Breach Notification and Data Privacy Breach (Art 13a, Art 4), which was confirmed by Steve Purser. Breach notification in different sectors will be discussed with COM. France also perceived need for improvement regarding WS3.

PT reflected on the challenges for ENISA to address new sectors depending on the context. They also suggested to show the activity of “Preparation of WP2014” as a separate horizontal activity. PT also put forward the increasing need of ENISA to deal with external organisations (ITU, BEREC etc.) and at international level (e.g. China, Russia, Brazil). Steve Purser replied that it is first up to COM to take the lead at the political international level and to provide suitable guidance to ENISA through the MB. He also stated that ENISA was prepared to engage at the international level if this was clearly supported by the Management Board.

LV reminded the need to work closer with MS, also for increasing awareness. Steve Purser referred to the MAT Team in Athens and the on-going will of ENISA to further collaborate with MS.

SE reminded the Judgement UK vs. ENISA to make the MB aware of ENISA’s mandate, which does not allow operational activities. The Swedish delegate still perceived some areas in the WP as “grey” areas and too operational. Steve Purser replied to this point that ENISA does not intend to take over operational tasks but assists MS so that they can fulfil operational tasks themselves.

AT reminded the European Citizen Initiative and the necessity to link the activities between COM and ENISA. Steve Purser replied to the European Citizen Initiative, that the approach towards ENISA's involvement in this issue has been changing a lot and it needs to be clear what ENISA can and shall contribute here. He also confirmed that the cooperation and coherence in the activities between COM and ENISA has greatly improved in the last two years, due to an increased emphasis on developing the relationship between ENISA and different areas of COM. He noted that A3 have been very supportive in this area and referred to the work that ENISA is doing with unit F5 of DG INFSO as an example of this.

COM was pleased with the WP-Development-Process. It will be important to link and adapt ENISA's activities with the planned Internet security strategy (ISS), as also requested by most MB members.

COM also reminded that DG INFSO was preparing a cloud strategy for summer 2012. The underlying objectives of this strategy are to make Europe prepared and put in place the framework decisions, EP3R and personal data protection.

The chair reminded that comments be sent to the MB-portal by 11 September 2012. The 22nd MB-Meeting shall accordingly take place on 9 October 2012.

ITEM 8 Statement of estimates 2013 (MB/21/4)

The statement of estimates for the budgetary year 2013 was presented by the ED and adopted by the MB.

The ED distributed the staff policy plan and the statement of estimates to the MB on 1st March. He informed that 3 posts are put in the reserve, to be lifted upon entry into force of the new Regulation. Summing up, ENISA has the same budget in 2013 as in 2012.

The statement of estimates was adopted by the MB.

ITEM 9 Staff Policy Plan 2013-2015 (MB/21/5) and Establishment Plan 2013 (MB/21/6)

The Staff Policy Plan 2013-2015 and the Establishment Plan 2013 were presented by the ED. Sweden remarked that in the Multi-Annual Staff Policy Plan (MSPP) at 2 places the formulation "...two tasks were assigned to the Agency "respectively "...by virtue of a Communication of the Commission" must be changed, since tasks can only be assigned by the MB, not by COM.

The MSPP was adopted by the MB under the condition that SE comment was included.

ITEM 10 General Report 2011 (MB/21/7)

It was reminded that according to Art. 6.9 of the ENISA Regulation, the Board must adopt a General Report on the Agency's activities before 31 March each year. The

General Report 2011 has been adopted, subject to 2 slight changes.

The Swedish delegation requested 2 changes:

1. Page 10 in the GR states 3 Working Groups in relation with EP3R. Only 2 Working Groups are named. ENISA agreed to add the mission information.
2. The suggestion was made that ENISA could make it easier to relate the GR to the annual work programme by providing a mapping between the deliverables mentioned in the GR and the work packages of the work programme.

The GR was adopted with the 2 above changes.

ITEM 11 Next PSG Call (MB/21/8)

It was reminded that the current PSG (Permanent Stakeholders' Group) terms will expire mid-August 2012. Therefore a new call for expression of interest in the next term of office for the PSG needs to be launched.

The ED briefly informed the MB about the procedure for the establishment of the new PSG according to the ENISA Regulation (in particular art. 8) and the MB Decision of 8/10/2004 on Rules regarding the establishment and operation of the PSG. The ED also provided the MB with an overview of the text of the call.

According to art. 3 par. 4 of the MB Decision of 8/10/2004 on Rules regarding the establishment and operation of the PSG, the MB approved the text of the call. It was agreed that this call shall be published at the earliest convenience, the deadline for applications should be the 30 April 2012.

ITEM 12 Updates from the Member States

The PT delegate provided a brief update on key NIS policy developments in his country. In particular, he updated on a Regulation to be adopted in the first semester in the field of incident reporting and information to be given to the users.

ITEM 13 Dates and venues of the future 2012 meetings

The chair reminded that the 22nd MB Meeting will take place on 9 October 2012 in Limasol, Cyprus. The MB took note and agreed on the date and venue of the next meeting.

As regards the Strategic MB Meeting, no date has been decided as yet.

ITEM 14 Any Other Business

No.

ITEM 15 Closing of the Meeting

As there weren't any other topics from participants, the chair thanked for participation and closed the meeting at 16:15.

Annex I: Agenda

Ref: MB/21/1-FINAL

(version of 19/03/2012)

21th ENISA Management Board Meeting Final Agenda

| Indicative timing | Item number | Item | Documents and presentations | Action |
|-------------------|-------------|--|---|-----------------------------------|
| 9:00-9:20 | 1 | Opening of the meeting and announcements of the Chair | <ul style="list-style-type: none"> - Opening of the meeting by the Chair - Announcements by the Chair (incl. new members) | Information |
| | 2 | Adoption of the agenda | <ul style="list-style-type: none"> - Agenda (MB/21/1) - Notes on the Agenda (MB/21/2) | Adoption |
| | 3 | Information by the Chair | <ul style="list-style-type: none"> - Information from Informal MB-PSG Meeting of 14/02/2012 | Information |
| 9:20-9:40 | 4 | Update by the COM | <ul style="list-style-type: none"> - Presentation by the COM | Information |
| 9:40-10:40 | 5 | Report by Executive Director on the Activities of the Agency | <ul style="list-style-type: none"> - Report by ED (MB/21/9-pp) | Information and discussion |
| 10:40-10:50 | 6 | Items for Information | <ul style="list-style-type: none"> - Summary of Written Procedures | Information |
| 10:50-11:10 | | Coffee break | | |
| 11:10-12:30 | 7 | Provisional Work Programme 2013 | <ul style="list-style-type: none"> - Provisional Work Programme 2013 (MB/21/3) - Provisional Work Programme 2013 presentation (MB/21/10-pp) | Discussion |
| 12:30-12:50 | 8 | Statement of estimates 2013 | <ul style="list-style-type: none"> - Draft budget 2013 (MB/21/4) | Adoption |

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|--------------------|----|---|--|---------------------------------|
| 12:50-13:00 | 9 | Staff Policy Plan 2013-2015 and Establishment Plan 2013 | - Staff Policy Plan 2013-2015 (MB/21/5) - Establishment Plan 2013 (MB/21/6) | Adoption |
| 13:00-14:10 | | Lunch | | |
| 14:10-15:00 | | Closed session matters | CLOSED SESSION | |
| 15:00-15:15 | 10 | General Report 2011 | Draft General Report 2011 (MB/21/7) | Adoption |
| 15:15-15:30 | 11 | Next PSG Call | Information on the procedure by ED and text of call (MB/21/11) | Information and approval |
| 15:30-15:45 | | Coffee break | | |
| 15:45-16:15 | 12 | Updates from the Member States | | Information |
| 16:15-16:20 | 13 | Date and venue of future 2012 meetings | 9 th Oct.: 22 nd MB meeting in Cyprus MB Strategy Meeting: t.b.d. | Information and approval |
| 16:20-16:30 | 14 | Any other business | | |
| 16:30 | 15 | Closing of meeting | | |