



ENISA Management Board Extraordinary Meeting
held on 21 November 2019,
in Athens, Greece

Minutes

Member States' Representatives: Reinhard POSCH (AT), Vasil GRANCHAROV (BG), Antonis ANTONIADES (CY), Thomas WULFF (DK), Piret URB (EE), Heidi KIVEKAS (FI), Jean-Baptiste DEMAISON (Chair, FR), Martin BIERWIRTH (DE), Theofanis ANAGNOSTOPOULOS (EL), Antonis TZORTZAKAKIS (EL), Bela VERECKEI (HU), Kevin FOLEY (IE), Fabrizio GENTILI (IT), Sanita ZOGOTA (LV), Viktoras PINKEVICIUS (LT), Paul HERLING (LU), Pieter VAN DEN BERG (NL), Krzysztof SILICKI (PL), Przemyslaw JAROSZAWSKI (PL), Isabel BAPTISTA (PT), Catalin ARAMA (RO), Rastislav JANOTA (SK), Marjan KAVCIC (SI), Alejandro PINTO GONZALEZ (ES), Staffan LINDMARK (SE)

Representatives of the European Commission: Despina SPANOU (Member, DG CNECT), Miguel González-Sancho (Alternate, DG CNECT), Ken DUCATEL (Member, DG DIGIT)

Representative of the EEA (Observers): none

Apologies: from BE, CZ, MT

Proxies from CZ to SK, from BE to DE, from UK to SE

In attendance:

ENISA:

Paulo EMPADINHAS (Head of Resources Department), Juhan LEPASSAAR (Executive Director), Steve PURSER (Head of Core Operations Department), Ingrida TAURINA (MB Secretariat)

Observers: Alexandros GONIADIS (DG CNECT), Polixeni MITSAKI (DG CNECT), Stuart PETERS (UK), Martin SPAET (DG CNECT), Natalie WENKERS (DE)

Before the Extraordinary meeting was open, the Chair thanked the Board for active participation at the 1st MB workshop on ENISA strategy. He also announced that the agenda for the informal meeting scheduled for 21 November 2019 afternoon has been changed at the request of ENISA. The Agency requests more time to review the current process to draft programming document and to propose outputs that are better aligned with its mandate provided in the Cybersecurity Act.

The Chair also announced that the adoption of the Programming Document 2020-2022, the budget 2020 and the establishment plan would be done by written procedure.

ITEM 1**Opening of the meeting and announcements of the Chair****Adoption of the agenda****Approval of the minutes of the previous meeting**

The Chair opened the meeting of the ENISA Management Board (MB) and announced apologies from absent members, presence of observers, and proxy votes received.

It was announced that five observers as well as ENISA senior management, Management Board Secretariat were attending the meeting and no objections were expressed by the Board to their attendance at the meeting.

The floor was given to newly appointed MB Members and alternate members:

Antonis TZORTZAKAKIS (EL), Pieter VAN DEN BERG (NL), Marjan KAVCIC (SI).

ENISA Executive Director thanked Mr Tzortzakakis for the contribution of successful ratification of the Seat Agreement and it is appreciated that the host country presents its commitment by nominating its representative at the highest level.

The Chair continued with a brief presentation of the agenda with new items – updates by the COM and AOB item: presentation by EE - EU CyberNet introduction. He invited the Board to adopt it. The agenda was adopted.

The minutes of the previous meeting were approved after accepting comments provided by COM and by Greece.

ITEM 2**A point – silent approval.**

The Chair informed the board that because all decisions are scrutinised by the Executive Board, silent approval is proposed for the Management Board. No comments were raised. The proposed decisions were scrutinised by the Executive Board at its meeting on 20 November 2019.

The following MB decisions were scrutinised at the meeting of the Executive Board held on 20 November 2019.

Implementation of the Cybersecurity Act (CSA):

- 1) Amendments to the Rules of Procedure for the Management Board and for the Executive Board;
- 2) On Ad hoc working groups on certification (Art.49.4 of CSA);
- 3) On delegation of the appointing authority and the authority authorised to conclude contracts of employment to the Executive Director (Art.15(2) of CSA);

Implementation of other legal acts:

- 4) On transfers of appropriations from one title to another (Article 26.2 of the Financial Regulation);
- 5) On internal controls framework (TBC) (Art.30 of the Financial Regulation);
- 6) On Contract agents (Art. 79(2) of the Conditions of Employment of other servants of the European Union);
- 7) On internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of ENISA (Art.25 of the Data protection regulation for EU agencies);

The above mentioned decisions were adopted by the Board.

The adoption of the following decisions were postponed as advised by the Executive Board:

- Access to documents (Art. 28.2 of CSA);
- On Rules of Procedure for the Advisory Group (Art. 21.2 of CSA);

ITEM 3

Contract extension for the ENISA Accounting and Compliance officer

The Chair reminded to the Board that the appointing authority for the Accounting and compliance officer is ENISA Management Board. ENISA Accounting and Compliance officer Mr Alexandre- Kim Huges were appointed by the Management Board in 2017.

The Board was informed by the Chair that the procedure in place at ENISA for renewing a Staff Member's contract applies to the case of the Accounting and Compliance Officer, even if the appointing authority is the Management Board represented by its Chair. The "operational Line Manager" (ENISA Executive Director being Mr. Udo Helmbrecht at this time) gave a favourable opinion to renew the contract.

ENISA Accounting and Compliance officer Mr Alexandre- Kim Huges was invited to present his work to the Management Board. Slides presented were circulated to the Board.

After the presentation, Mr Huges left the room.

The Board continued exchange of views since the operational manager has changed in October 2019. It was concluded that additional assessment by the operational line manager (ENISA Executive Director Juhan Lepassaar) would be provided in Q1 2020 as a part of the annual appraisal exercise. The Management Board would take into account these results when deciding on extension of the contract.

The Chair concluded that the decision will be taken once the results of the appraisal exercise are provided by the Executive Director.

ITEM 4

Appointment of the Executive Board member and an alternate member

The Chair reminded to the Board that the deadline to receive nominations was 7 November 2019.

The following names were put forward for the vacant positions on the Executive Board:

For the position: a member of the Executive Board (1 vacancy):

- 1) Mr Hans de Vries from Netherlands;
- 2) Mr Antonis Tzortzakakis from Greece;
- 3) Mr Alejandro Pinto Gonzalez from Spain.

For the position: an alternate member of the Executive Board (1 vacancy):

- 1) Ms Eva Spina from Italy;
- 2) Mr Rastislav Janota from Slovakia.

It was clarified that a practice to have a call for expression for interest for vacant positions on the Executive Board should be continued and integrated in the Rules of Procedure for the Management Board and for the Executive Board.



It was also suggested that a host country could have a permanent alternate seat on the Executive Board without particular conclusion.

DE, SE, NL and AT noted that a strong experience in administrative matters and the experience on the Management Board are essential requirements to become a member on the Executive Board.

COM also reminded to the Board about the role of the Executive Board and that such role requires presence, diligence and commitment to have time to carry out the duty.

The Board was invited to decide to hold elections by a secret ballot.
The Board decided to hold elections by a secret ballot.

It was clarified that the number of votes present (including proxies) was 28 and that the vote is a simple majority vote.

The first round was to vote on the Executive Board member.

The result of the vote was:

28 envelopes with ballots were distributed and received.

18 votes were in favour of Mr Hans De Vries.

7 votes were in favour of Mr Antonis Tzortzakakis.

3 votes were in favour of Mr Alejandro Pinto Gonzalez.

As Mr Hans De Vries had received simple majority support, the Chair deemed that the member of the Executive Board had been elected.

The Board congratulated Mr De Vries for taking up a position of the member of the Executive Board.

The Chair continued the meeting and concluded that since Mr De Vries had an alternate position on the Executive Board, it makes two vacancies for the alternate positions. Nevertheless, the Chair advised to the Board to continue with the vote for the election of one alternate and to hold elections for the second alternate at the next MB meeting.

The Board continued with the elections of an alternate member.

The result of the vote was:

28 envelopes with ballots were distributed and received.

10 votes were in favour of Ms Eva Spina.

18 votes were in favour of Mr Rastislav Janota.

As Mr Janota had received simple majority support, the Chair deemed that the alternate member of the Executive Board had been elected.

The Board congratulated Mr Janota for taking up a position of the alternate member of the Executive Board.

NEW ITEM

Updates by COM



Com presented an update on recent activities, in particular on the certification, on the proposal for the competency centres, and on the initiation "Women in cyber". Presentations were circulated to the Board during the meeting and were made available on the MB Portal.

The Board was also informed that COM is still clarifying the legal basis and tasks of the announced Joint Cyber unit.

ITEM 5

MB meetings in 2020 – dates

The meeting agreed to schedule an extraordinary meeting to elect an alternate member to the Executive Board. It was decided that a meeting would be held in Athens, Greece on either 3 or 4 February 2020. A poll to select the date will be organised by the MB Secretariat. The rest of dates for meetings in 2020 will be decided at this meeting as well.

AOB

Presentation by EE - EU CyberNet introduction

EE presented the EU Cyber NET which is being developed in response to the tender launched by DG DEVCO. The presentation was circulated to the Board. Some discussions took place on how Member States can support this network with a view to avoid duplication of effort and of other fora already in place.

Closure of the meeting

The Chair thanked the MB members for their participation and ENISA representatives for their support during the meeting.

For the Management Board

[signed]
Jean Baptiste Demaison
The Chairperson

Agenda

Time	Item
08:45 – 09:00	Registration
09:00 – 09:10	<p>Item 1 Approval of the agenda Approval of minutes of the previous meeting</p> <p>Action: Decision</p> <hr/> <p>Item 2 A point – silent approval, scrutinised by the Executive Board at its meeting on 20.11.2019.</p> <p>Adoption of the following MB decisions: <u>Implementation of the Cybersecurity Act (CSA):</u></p> <ul style="list-style-type: none"> 8) Amendments to the Rules of Procedure for the Management Board and for the Executive Board; 9) On Ad hoc working groups on certification (Art.49.4 of CSA); 10) Postponed: Access to documents (Art. 28.2 of CSA); 11) Postponed: (On Rules of Procedure for the Advisory Group (Art. 21.2 of CSA); 12) On delegation of the appointing authority and the authority authorised to conclude contracts of employment to the Executive Director (Art.15(2) of CSA); <p><u>Implementation of other legal acts:</u></p> <ul style="list-style-type: none"> 6) On transfers of appropriations from one title to another (Article 26.2 of the Financial Regulation); 7) On internal controls framework (TBC) (Art.30 of the Financial Regulation); 8) On Contract agents (Art. 79(2) of the Conditions of Employment of other servants of the European Union); 9) On internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of ENISA (Art.25 of the Data protection regulation for EU agencies); <p>A cover note is provided for each draft decision.</p> <p>Action: Decision</p>
09:10 – 9:30	<p>Item 3 Contract extension for the ENISA Accounting and Compliance officer A presentation by ENISA Accounting and Compliance officer Mr Kim-Alexandre Hugué (appointed by the MB in 2017 (Decision No MB/2017/5 WP)) on his work.</p> <p>Action: information on way forward</p>
9:30 – 11:30	<p>Item 4 Appointment of the Executive Board member and an alternate member Deadline to apply/nominate candidates: 7 November 2019</p>



	Action: Elections End of the MB Extraordinary meeting
11:30 – 11:45	Coffee break
11:45 – 12:15	New item Updates by the Commission
12:15 – 12:30	Item 5 MB meetings in 2020 – dates Two ordinary meetings are required from now on (Art.17.2 of the CSA) June (for approval of annual activity report/final accounts/other items) November (for approval of the Programming Document/budget/other items) Additional meeting may be organised Action: Decision
AOB	Presentation by EE - EU CyberNet introduction
Closure of the MB Extraordinary meeting	