



Minutes

of the 18th ENISA Management Board Meeting

14 October 2010 – 09h00-16h30

ENISA Branch Office, Athens, Greece

Participants:

Member States Representatives: Reinhard POSCH (Chairman, AT), Antonis ANTONIADES (Member, CY), Pavel TYKAL (Member, CZ), Flemming FABER (Member, DK), Jaak TEPANDI (Alternate, EE), Mari HERRANEN (Member, FI), Sylvain LEROY (Member, FR), Constantine STEPHANIDIS (Member, EL), Ferenc SUBA (Vice Chair, HU), Aidan RYAN (Member, IE), Rita FORSI (Member, IT), François THILL (Member, LU), Edgar R. DE LANGE (Member, NL), Krzysztof SILICKI (Member, PL), Piotr DURBAJLO (Alternate, PL), Peter BIRO (Member, SK), Gorazd BOZIC (Member, SI), Juan LLORENS (Alternate, ES), Jörgen SAMUELSSON (Member, SE), Geoff SMITH (Member, UK)

Commission Representatives: Francisco GARCIA MORAN (Member, Director General DG Informatics), Andrea SERVIDA (Alternate, DG INFSO)

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

EEA-Countries representatives: Jörn RINGLUND (NO)

ENISA: Udo HELMBRECHT (Executive Director), Andreas MITRAKAS, Steve PURSER, Marco THORBRUEGGE, Silvia PORTESI (Secretariat to the Board)

Other Participants: Rogier HOLLA (DG INFSO), Robert DEBONO (MT)

Apologies: Michael HANGE (Member, DE), Maris ANDZANS (Alternate, LV)

1. Opening of the meeting, announcements, and adoption of the agenda

The Chair opened the 18th Management Board (MB) Meeting and welcomed the participants. He announced that an opening address by Mr. Sokratis Katsikas, General Secretary for Communications, Greece, would follow.

The Chair announced the following changes to the composition of the MB.

- Mr Edmunds Beļskis (Member, LV)
- Mr Piotr Durbajlo (Alternate, PL)
- Mr Valeri Borissov (Member, BG)
- Mr Vasil Grancharov (Alternate, BG)
- Mr Jörgen Samuelsson (Member, SE)
- Mr Andrew Powell (Alternate, UK)

The Chair informed the MB that Malta and Romania had announced changes in their Representation, and that Mr Debono was participating as an observer at the meeting on behalf of Malta.

The Chair noted that at the meeting Estonia would exercise voting right for Latvia and France for Germany.

The revised agenda, distributed to the MB at the meeting, was **adopted**.

2. Opening address by Mr. Sokratis Katsikas

Mr Sokratis Katsikas as representative from the Greek ministry responsible for relations with ENISA addressed the Board at the opening of its meeting. The completion of the first year of the new Greek Government and of the ENISA Executive Director was used as an opportunity to state that Greece values the activities and the recognition of the Agency during this last year. The completion of infrastructures related to ENISA, namely the ENISA building and the School of European Education have been streamlined. To this end, the contribution of FORTH and of Mr Stephanidis have been instrumental. Within the upcoming process of negotiating the updated Seat Agreement, issues related to the improvement of the operation, communication and performance of ENISA may be addressed and hopefully resolved. Mr Katsikas also welcomed the Commission's proposal for an extended mandate of ENISA, even though, given the continuing importance of Network and Information Security for Europe, a permanent mandate would be appropriate.

3. Minutes of the 17th MB Meeting in Athens, 18 March 2010

The Chair noted that the meeting minutes from the previous MB Meeting (17th MB Meeting) had been adopted by written procedure and published on the ENISA website.

4. Update by the COM

Mr Holla updated the Board on the proposal for a Regulation concerning ENISA. After referring to Key Actions 6 of the Digital Agenda for Europe (COM (2010)245), he focused on the policy option which had been chosen from the five options considered in the impact assessment. He addressed

the main changes compared to the current ENISA Regulation, and gave an overview of the state of play. He briefly presented the additional proposal for an *interim* measure extending the current mandate of the Agency 'à l'identique' for 18 months for the case the new mandate would not be adopted before the expiry of the current mandate.

Mr Faber asked whether, if adopted, the regulation extending the current mandate of the Agency 'à l'identique' for 18 months would imply an extra financial contribution from the Member States (MS). The COM clarified that no extra contribution from the MS would be required in this case.

Mr Tepandi asked for clarifications about the relation between the proposal for a new mandate to strengthen and modernise ENISA and the proposal for a directive to deal with new cyber crimes, such as large-scale cyber attacks.

5. Report by the Executive Director on the Activities of the Agency

The Chair congratulated the Executive Director (ED) for his first year of duty at ENISA and asked the ED to convey to all ENISA staff the MB appreciation for their work.

The ED reported on ENISA activities and key achievements since the 17th MB Meeting. He highlighted ongoing activities in the MTP (Multi-Thematic Programme) 1 on Improving Resilience in European eCommunication Networks, MTP 2 on 'Developing & Maintaining Cooperation Models' and MTP 3 on 'Identifying Emerging Risks for Creating Trust & Confidence' as well as in the two PAs (Preparatory Actions) on Identity, Accountability & Trust (PA1) and Identifying Drivers & Frameworks for EU Sectoral NIS Cooperation (PA2).

The ED gave an overview of the events organised by the Agency, including those in cooperation with the Spanish Presidency. He thanked the Member States' organisations and the ENISA staff taking part and organising the events.

The ED reported on the budget 2010 consumption and gave a brief introduction to the end of the year 2010 transfers that would be addressed as a later specific item in the agenda. In addition, he gave an overview of some financial aspects, such as budget evolution and results of the Court of Auditors' visits. Two observations of the Internal Audit Service were mentioned: first, that ENISA should improve the stakeholder engagement and, second, that the Agency should start the work programme development earlier.

While reporting on human resources, the ED gave an overview on the current ENISA staff and planned recruitment of operational and non-operational staff. The ED referred to a later item in the agenda (item on statement of estimates and establishment plan 2011) with regard to recruitment of staff in the operational area. In addition, he presented some statistics on current ENISA staff¹.

The ED concluded his report by referring to the seat agreement and presenting the situation of staff's children and the situation at the School of European Education (SEE).

Following a request for clarifications from Mr Suba on ENISA's stakeholder relations, the ED explained that there are two aspects of the stakeholder relations: a project-oriented stakeholder aspect (e.g. expert and working groups) and a political stakeholder aspect (e.g. relations with Council, European Parliament and COM). While the ENISA Technical Competence Department (TCD) is more focused on the first aspect, the Public Affairs Unit (PAU) is more focused on the second.

¹ Printed copies of the presentations were distributed to MB Members.

Mr De Lange stated that the school facilities are an important issue and that to find solutions to the current shortcomings is necessary. Ms Herranen also supported this view.

Ms Herranen expressed her appreciation for the Agency's results in the last year, including the organisation of the High Level Panel that took place in Brussels in September. She also mentioned the importance of communication between ENISA and the MB and welcomed the initiative of the new MB Newsletter.

Mr Tepandi asked ENISA to provide some comparative data regarding the Agency's salaries and salaries of other agencies in other countries. The ED took note of this request and stated that a reply from the Agency to this request would be provided.

Mr Stephanidis clarified that a later item in the agenda would be dedicated to the report of the hosting country and that under that item replies would be provided on the school situation, on the seat agreement and on the new ENISA building.

Mr Suba announced two conferences (one on cyber-crime and another on CIIP) planned under the Hungarian Presidency and invited all MB Members and ENISA to take part in these events. The ED thanked Mr Suba for the invitation and expressed support for these events.

Mr Smith thanked the ED for the report and asked for some clarifications regarding the primary school for ENISA staff children. The ED provided some more information on this matter.

6. Draft Work Programme 2011

A presentation on the provisional Draft WP2011 was delivered by the Agency.

Mr Purser provided a summary of the process of the WP2011 development with a related timeline. He also listed and presented the criteria followed for the WP2011 development, in particular:

- 1) to respond to regulatory and policy needs and priorities;
- 2) to add (measurable) value on European level by anticipating demands and working together with European stakeholders;
- 3) not to overlap or duplicate other ongoing work;
- 4) to contribute to both public sector and private sector objectives;
- 5) to create impact that is clearly attributable to specific categories of stakeholders.

The prioritisation of the initial work packages (WPKs), which was done at the MB-PSG Meeting that took place in May 2010, was described. Mr Purser outlined the structure of the latest version of the Draft WP2011. He described the three Work Streams (WSs): WS1 on 'ENISA as a facilitator for enhanced cooperation'; WS2 on 'ENISA as a competence centre for securing future technology'; WS3 on 'ENISA as a promoter of privacy, trust and awareness'. ENISA Horizontal Activities were also briefly presented, including the stakeholder relation activities, the public affairs activities, the IT-Services and the administration activities. While giving an overview of the related WPKs in each WS, Mr Purser gave some details on the budget proposed for each WPK.

The Chair opened the floor for discussion.

Mr Leroy stated that priority for ENISA should be to continue the excellent work on the implementation of art. 13 of the eCommunication Framework Directive and in resilience. In the field of CERT, ENISA should avoid duplication of the exiting efforts in the different *fora* and work with the CERT community. In addition, Mr Leroy stressed the importance of having links between CERTs and

law enforcement but also the difference in responsibilities between the two. He suggested that this should be made clear in WPK 1.4 on 'Support CERT (co)operation on European level'. Mr Leroy welcomed the quality of the MB Newsletter and recommended that the communication to those who work on direct support of the MB members should also be reinforced to provide a deeper view of different workshops, experts groups, surveys and other activities lead by ENISA. Furthermore, Mr Leroy expressed the view that National Contact Officers Networks (NCONs) could be of value for some topics, but the MB Members should have the possibility to know and designate the persons that would be part of the different NCONs in a transparent way.

Mr Leroy, as proxy, informed the MB that Germany shared the same view and might also send a written contribution.

Ms Herranen expressed appreciation for the Draft WP2011² and the current structure based on the three work streams. She suggested that the text stated in the Draft WP2011 on p. 12 could be excellent for possible ENISA strategy and she highlighted that visibility, outreach to stakeholders and focus are three important elements. In addition she recommended avoiding duplication of work. She also provided some detailed comments on some specific points of the draft that could be enhanced.

Mr Smith mentioned the improvement in the current draft WP2011 and expressed appreciation for the current focus, the structure in work streams, and the criteria. He stressed the importance of targeting the use of material to be delivered and to ensure that it reaches the market. Regarding WS2 on 'ENISA as competence centre for securing current & future technologies', he highlighted that focus should be extended from smart phone to other devices and that the focus of WPK 2.2 'Interdependencies and Interconnection' should not be limited to the financial sector but cover ICT. Regarding WS3 on 'ENISA as promoter of privacy & trust', Mr Smith suggested not using the word 'trust' and proposed a revised approach to the concept of privacy and security. He also mentioned the Awareness Raising month and expressed his view on this topic.

Mr De Lange welcomed the structure in work streams that allow more transparency. After mentioning some key developments to be taken into account, he highlighted that combating cyber-crime is not a task of ENISA but enhancing cooperation is. He stressed the importance to keep the organisation flexible and of avoiding duplication, for instance, in the field of exercises or in the field of e-ID management where initiatives and results from projects (e.g. Stork Project) already exist. He suggested that in the field of CERTs, ENISA could play a role in framing European cooperation; he clarified that this would not mean that operation should be concentrated on ENISA. Regarding awareness raising, he stated that private sector and service providers should also be involved and regarding research and development that ENISA could play a role in determining what relevant activities are currently carried out.

The Chair emphasised the importance of avoiding overlaps and, with reference to the activities proposed in the draft WP2010 in the field of e-ID management and Stork Project results, he highlighted that the criteria of avoiding overlaps would be met.

Mr Suba welcomed the idea of the European Cyber Security Awareness Month (WPK 3.4) and stressed the importance of identifying a good period for it; he suggested that spring (e.g. May) could be an appropriate time. Regarding CERT, he expressed the view that ENISA could play an important role in establishing a decision-making framework. He also asked for clarification whether ENISA would continue supporting the MS by facilitating brokerage activities.

The COM expressed the view that the draft WP2011 represented a step forward and takes into account input from the European institutions. The COM indicated some areas where further

² The Draft WP2011 v 2.10 of September 2010 was distributed to the MB prior to the Meeting.

improvements could be made: avoiding duplication of tasks/activities is important but not sufficient, the added value of tasks/activities should be pointed out; making clearer the target of the impact of ENISA's work since this would help to have the Agency's work even more appreciated. The COM emphasised the importance of WP2011 being in line with the current mandate, even if there is the recent proposal for a Regulation Concerning ENISA. The Commission highlighted that the Agency should support in the effort to interface the MS with different actors (including law enforcement); however, the Agency should not face the issue of cyber-crime. Regarding the European Cyber Security Awareness Month, the COM clarified that this is a response to a request from the Council and it would be Europe-wide. The COM pointed out that it is important to involve both MS and private sector. With regard to the engagement with stakeholders, the reference in the draft WP2011 to competent bodies (in addition to regulatory bodies) and the fields where they should be involved seemed not always to be self-evident (the formulation seemed not to be well-articulated and must be improved). The COM informed the MB that detailed comments would be sent as soon as the inter-service consultation within the Commission was completed.

Mr Tepandi emphasised the importance of enhancing visibility, improving coordination among the MS and limiting the number of requests for compiling questionnaires. He observed that it is important to measure the ENISA results (and not just in terms of participation in events and number of person stating that they read the deliverables). He expressed the view that 'resilience' and 'CIIP' are keywords that should be more prominent in the WP: they could be included, for instance, in one of the titles.

Mr Samuelsson expressed agreement with the comments on the draft WP2011 previously made by the other MB Members, while taking a more moderate position with regard to formalisation of the work of CERTs. He suggested some possible improvements for the next WP. Regarding WP2011, he advised to have a table for the acronyms and to avoid certain terminology that might have specific connotations in certain fields (e.g. 'enhancing cooperation' in the field of e-government).

Mr Faber expressed agreement with the comments on the draft WP2011 previously made by other MB Members, in particular the comments from Sweden, United Kingdom, The Netherlands and the COM. He stated that it was important to avoid in the WP the use of certain words such as 'cyber-crime'. With reference to WPK 3.1 on 'Identifying and promoting economically efficient approaches to information security', he highlighted the importance for ENISA to cooperate and not to overlap work and activities already existing. With reference to the Cyber Security Awareness Month, Mr Faber highlighted the importance of identifying a proper time for it and, to illustrate the challenges, he referred to the experience of similar initiatives in Denmark.

Mr Rannenbergh welcomed the more transparent and easier to understand draft WP2011. He stressed the importance of ENISA enhancing MS capabilities in a field such as privacy and trust. In relation to the work on e-ID, he expressed the view that ENISA should work in such a way that emphasis is put on the relation between privacy and security. While pointing out the importance of the Cyber Security Awareness Month, he suggested that this activity could be either WS3 on ENISA as promoter of privacy & trust' or in the horizontal activities.

The COM noted the importance of the Cyber Security Awareness Month and also of the Cyber Security competition.

The ED thanked for all the valuable comments made by the MB representatives that would help to further enhance the draft WP2011. In reply to these comments, the ED expressed agreement on the importance of ENISA working with the different existing communities and avoiding duplication of work. Regarding the Cyber Security Awareness Month, the ED stated that, since different views on it were expressed, efforts will be made to have more clarity on the best way on how to proceed. With reference to brokerage activities, the ED clarified that the Agency will continue supporting the MS to

bridging gaps by facilitating good practices exchange. The ED clarified that the draft WP2011 aims to meet the criteria and priorities agreed but it also takes into account the existing resources in terms of staff skills. He also provided some more detailed information about current budget line structures in the draft WP2011 and its improvements for the next WP. He stated that the MB Newsletter is expected to be made available through the dedicated portal for the MB as soon as it is in place. Finally, the ED reassured that linguistic adjustments will be made in the current draft WP 2011.

The MB **agreed** on adopting the WP2011 by written procedure. The MB requested the Agency to submit the final draft WP2011 to the Chair by the 15/11/2010. Decision was taken that the Chair would launch the written procedure for adoption of the WP2011 (together with the budget 2011 and the establishment plan) on the 15/11/2010 and close it on the 26/11/2011. The MB **agreed** that in case the COM's opinion on the Agency's WP2011 would be received after the 15/11/2010, the Chair would launch an abbreviated written procedure as soon as the opinion would be received.

Decision was taken that additional substantial comments, if any, would be sent to the Agency within one week and that for convenience ENISA would send to the MB the draft WP2011 also in word format together with the presentations delivered at the meeting.

7. Statement of Estimates 2011 and Establishment Plan 2011

The draft final budget 2011 was presented by the Agency, in line with the tasks and activities laid down in the draft WP2011. The Budget evolution 2007-2011 (including the budget consumption by year) as well as Activity Based Budgeting 2011 were addressed.

ENISA presented the Establishment Plan 2011 that contains adjustments to staff grades in order to allow for staff reclassifications.

The MB **agreed** that the adoption of the Statement of Estimates 2011 and the Establishment Plan 2011 would take place by written procedure together with the adoption of WP2011.

Lunch break

The MB was informed that during the lunch break Mr Thorbruegge, ENISA Senior Expert in Computer Incident and Response Handling Policy, would present on ongoing and future activities in the field of CERT.

8. Closed session

Closed session matters were discussed.

9. End of the Year Transfers 2010

In addition to the Explanatory Note sent to the MB prior to the MB Meeting, a further detailed Explanatory Note from the ED to the MB on the Proposal for Transfer of Appropriation (art. 23(2) of ENISA Financial Regulation) was distributed to the MB.

Mr Mitrakas presented the proposal for the End of the Year Transfers aiming at maximising the utilisation of resources. He explained that, within the proposed transfers, ENISA would allocate appropriations giving priority to the operational requirements with emphasis on the MTPs.

The Agency asked the MB to adopt the proposed transfers either at the MB Meeting - if the MB considered it had been provided with sufficient information - or soon after the Meeting by written procedure.

The MB **adopted** unanimously the proposed End of the Year Transfer 2010.

10. Internal Control Standards (ICS)

Mr Mitrakas presented the areas of Internal Control Standards concern, in particular: mission and values, human resources, planning and risk management processes, operations and control activities, information and financial reporting, and evaluation and audit. He briefly presented the proposed MB Decision on Internal Control Standards for Effective Management (distributed to the MB prior to the MB Meeting) and he explained that this proposed decision would repeal and replace the MB Decision of 10 October 2007. He clarified that the proposed Internal Control Standards were revised following the revision of the COM's internal control standards. Mr Mitrakas also referred to the Business Continuity Plans project that the Agency was finalising.

The MB **approved** the proposed Internal Control Standards for Effective Management and adopted the related MB Decision.

11. Items for information (Summary of written procedures and Report from the Hosting Country)

The Chair announced the written procedures that had been concluded successfully since the 17th MB meeting, in particular:

- Written procedure on Approval Minutes 17th MB Meeting 18 March 2010 Athens
- Written procedure on Approval Analysis and Assessment ENISA Annual Activity Report 2009
- Written procedure on Approval Opinion on Annual Accounts
- Written procedure on Probationary Period of the Executive Director (closed session)
- Written procedure on Approval Amended Budget 2010/1

The Board was informed by the Chair that at the 19th MB Meeting in March 2011 the Board would be asked to elect a new Chair, since he intends, as stated when he was elected, to end his Chairship before the end of his term.

The report from the Hosting Country was delivered by Mr Stephanidis. Firstly, Mr Stephanidis gave an overview of the existing seat agreement and verbal notes/agreements, and provided updates on the current revision of the existing seat agreement. Secondly, he reported on the progress on the new ENISA building expected to be ready by 6 June 2011 (or only slightly later). He explained that this building would have sufficient capacity for a modernised ENISA and also informed the MB that a video clip on the new ENISA building was available. Thirdly, Mr Stephanidis reported on the School of European Education (SEE) and proposed some long-term, mid-term and short-term solutions to mitigate the challenges currently faced: as a possible long term-solution - estimated to be implementable in 2-3 years - acquisition of a land and construction of a building able to host from pre-school children till 18 year old students; as a possible mid-term solution - estimated to be

implementable in weeks or months - revision of the current legislation in order to have the SEE legislated under provisions different from those for the other public schools; as a possible short term-solution - currently under implementation- employment of new teachers.

He reassured the MB of the commitment of the Hosting Country to improve the current SEE situation. Mr Stephanidis expressed the intention to report to the MB progress on this matter at the MB Meetings and also in between meetings.

Mr Posch, as representative from Austria, expressed appreciation for the fact that Greece is sharing the concerns about the SEE. Also in the light of Mr Stephanidis's report, he stressed the importance of a flexible response and he put forward some ideas to mitigate the situation. He asked the ED for transparency to provide the MB with comparative data about nationals from the hosting country in other Agencies. The ED took note of this request.

Mr Stephanidis clarified that Greece would support a flexible approach but with some cautions; he also presented some other important aspects to take into account when discussing a flexible response (including the current negotiation for the new seat agreement).

Mr De Lange further stressed the importance of adopting a flexible approach to the current situation.

The Chair reminded that Staff matters fall under the ED's responsibility.

Agreement was reached that the ED would inform the MB in his regular reports about the best use of any resources he has made, fully respecting that staff matters belong to the ED.

Mr Posch, as representative from Austria, suggested that the MB should encourage the ED to take any measures to mitigate the situation but without suggesting any measure in particular. Ms Herranen and Mr De Lange expressed support to this proposed approach.

The MB **requested** the Executive Director to take any measures he would deem necessary to deal with the school situation in a flexible manner.

12. Updates by the member States

Mr Tykal delivered a presentation on 'Cyber-security in Czech Republic', including coordination of activities in this area, the role of the Ministry of Interior, of the Interdepartmental Coordination Committee for the Cyber-security area, the mission and the aims of the Cyber-security Department, Ministry of Interior, and of the CSIRT/CERT.

Mr Silicki pointed out that having these updates from the MS as a point in the MB Meeting agenda was a good initiative.

Ms Forsi provided information about the positive feedback received from the work in progress related to the pan-European exercise.

13. Dates and venues of the future 2010 and 2011 MB meetings

After a brief discussion, the MB **decided** that the next MB Meeting (19th MB Meeting) would take place on Tuesday, 22nd March 2011 (possibly preceded by a dinner the day before) at the ENISA

Branch Office, Athens. Mr Suba informed the MB that Hungary might send an invitation to hold this meeting in Hungary.

After a brief discussion, the MB **agreed** that the Informal MB Meeting on Strategic Guidance for WP2012 on Wednesday 1st December 2010 would take place in Brussels.


Ms Herranen stressed the importance of this Meeting on Guidance for WP2011 and of having the input from the ENISA Permanent Stakeholders Group (PSG). The ED informed the MB that the PSG Meeting would take place on the 3rd of November 2010 and that therefore the MB would receive the input from the PSG prior to the Informal MB Meeting of the 1st December 2010. Clarification was made that since the meeting of the 1st December 2010 would be an informal meeting, there would be no need for holding a preparatory meeting and that the format of this informal meeting would be discussion and exchange of views.

14. Any Other Business

The Chair thanked the MB members for their fruitful participation. He thanked ENISA for the preparation of the MB Meeting.

15. Close of the Meeting

The Chair closed the meeting.

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For the Management Board

Reinhard Posch

Chairman