



23rd ENISA Management Board Meeting

21st March 2013, Heraklion, Greece
Minutes

Participants:

Member States Representatives: Reinhard POSCH (Member, AT), Daniel LETECHEUR (Member, BE), Antonis ANTONIADES (Member, CY), Mait HEIDELBERG (Member, EE), Jean-Baptiste DEMAISON (Alternate, FR), Michael HANGE (Member, DE), Nikos MOURKOIANNIS (Member, EL) Ferenc SUBA (Vice Chair, HU), Aidan RYAN (Member, IE), Alessandro RIZZI (Alternate, IT), Edmunds BELSKIS (Member, LV), Saulius STAROLIS (Member, LT), Anna CATANIA (Member, MT), Edgar DE LANGE (Member, NL), Krzysztof SILICKI (Member, PL), Dan TOFAN (Alternate, RO), Gorazd BOZIC (Member, SI), Ignacio GONZALEZ UBIERNA (Alternate, ES), Jörgen SAMUELSSON (Chair, SE), Colin WHORLOW (Alternate, UK)

Commission Representatives: Paul TIMMERS (Member, Director DG CONNECT) (partially, via teleconference)

Stakeholders' Representatives: Kai RANNENBERG (Academia Representative)

ENISA: Udo HELMBRECHT (Executive Director), Steve PURSER (Head of Core Operations Department), Paulo Empadinhas (Head of Administration Department), Ingrida TAURINA (MB Secretariat)

Other Participants: Ivan BRINCAT (DG CONNECT)

Apologies: Mari HERRANEN (Member, FI), Paulo MATEUS (Alternate, PT), Peter BIRO (Member, SK), Markus BAUTSCH (Member, Consumer group), Christine HAFSKJOLD (Alternate, NO)

Proxies:

SE has proxy to vote on behalf of FI

Paul TIMMERS (COM) has proxy to vote on behalf of Stephen QUEST (COM)

ITEM 1 Opening of the Meeting and announcements of the Chair

The Chair opened the 23rd Meeting of the ENISA Management Board (MB) and welcomed participants. He invited the MB members to gather for a family picture.

The Chair explained that, compared with the situation as of 9th October 2012, the composition of the ENISA MB has been changed as follows:

Commission representative:

Mr Stephen Quest, member.

Member State representatives:

Czech Republic

Mr Tomas Flidr, member;

Mr Jaroslav Smid, alternate.

Malta

Ms Anna Catania, member;
Mr Masismo Vella, alternate.

The Chair welcomed all new members and invited those present at the Meeting for the first time to introduce themselves (Mr Flidr (Czech Republic, CZ), Ms Catania (Malta, MT), Mr Belskis (Latvia, LV), Mr Whorlow (United Kingdom, UK)).

The Chair informed the Meeting that Consumer groups' representative, Finland, Norway, Slovakia and Portugal sent apologies for not being able to participate at the MB meeting and announced proxies received. Sweden (SE) has a proxy to vote on behalf of Finland (FI); Mr Timmers (COM) has a proxy to vote on behalf of Mr Quest (COM). Finally, the Chair welcomed the observer from the European Commission (COM).

ITEM 2 Adoption of the Agenda (MB/23/1)

The Chair explained the agenda and noted that the Agency proposed to change the order of the two Agenda items - Agenda Item 10 Statement of Estimates 2014 will be presented before the Agenda Item 9 Draft Work Programme 2014 (see Annex 1).

Mr Rannenberg asked for the floor under AOB.

The updated agenda was unanimously adopted.

ITEM 3 Information by the Chair

- *Draft minutes of the MB Extraordinary meeting (MB/2013-E/2)*

The Chair invited the MB to approve the Minutes of the MB Extraordinary meeting. He reminded that the draft has been sent to the MB on 7th March and no comments received.

The minutes of the MB Extraordinary meeting held on 12th February 2013 were unanimously approved.

- *Summary of Written Procedures (MB/23/2)*

The Chair informed the Meeting about written procedures concluded since the previous MB Meeting, in particular:

- To adopt Work Programme 2013;
- To approve Minutes of the 22nd ENISA Management Board Meeting.

- *Calendar of planned written procedures in 2013*

The Chair noted that a provisional calendar for the written procedures foreseen in 2013 is available to inform members about activities expected between ordinary MB meetings.

ITEM 4 Update by the Commission

On behalf of Mr Timmers, who joined the Meeting partially via teleconference for some of the agenda items only due to the flight cancellation, **Mr Brincat** presented requirements regarding the composition of the MB and Executive Board since the Proposal for a Regulation of the European Parliament and of the Council concerning the European Network and Information Security Agency (ENISA) (draft Regulation) is on its final stage for an approval by legislators.

He invited members to express views (electronically or via bilateral meetings) on how to implement draft Regulation, in particular the internal rules of procedure, which should be adopted by the MB at the next meeting.

Mr Brincat continued with presenting the follow up to the Common Approach agreed between the Council, the European Parliament and the COM on July 2012. 15 building blocks for ENISA were listed resulting from the five priority areas identified by the COM. In addition Mr Brincat highlighted the introduction of the alert/warning system which foresees COM's intervention during the Board's decision making in exceptional cases.

Following the COM update, **the Chair** opened the floor for a discussion on issues presented.

Italy (IT) suggested using voluntary basis as principle to establish the Executive Board.

(continued after Mr Timmer's arrival to ENISA Athens' office via teleconference)

On the updates about Cybersecurity Strategy of the European Union and proposal for a directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union (draft NIS Directive), **Mr Timmers** informed that these documents have been presented to various Council working parties due to its horizontal nature.

ITEM 5 Report by Executive Director on the Activities of the Agency (MB/23/3)

The Chair gave the floor to the Executive Director (ED) to report on main activities since the last MB Meeting.

Before presenting the Report, **the ED** personally thanked Mr Mourkogiannis (EL) for the support during negotiations with Hellenic authorities for the selection and rent of the new premises in Athens.

5.1. Core activities.

The ED noted that all deliverables of the Work Programme 2012 are published; in addition some extra miles are carried out. The list with all deliverables and links are published in one page here: <http://www.enisa.europa.eu/media/2012-fast-links>. The implementation of the Work Programme 2013 started as foreseen with the majority of tenders launched in December 2012. A list of Article 10¹ requests received in 2012 was presented to the MB as well.

5.2. Updates from the last MB Meeting.

¹ Art. 10 of Regulation (EC) No 460/2004 of the European Parliament and of the Council of 10 March 2004 establishing the European Network and Information Security Agency

The new ENISA Office in Athens was presented to the MB. The location chosen has convenient connections to international schools and Athens International Airport. The Core Operational Department moved to the new office on 1st March.

5.3. Public Affairs.

The ED continued the presentation by highlighting ENISA's current activities in the area of public affairs which are well linked with operational units and which continues dissemination of deliverables and press releases via social media and website.

5.4. Administration.

The ED reported on the main conclusions and observations from Court of Auditors audit on annual accounts for 2011 explaining that all observations are fulfilled. He outlined that the carry overs are mitigated by launching procurement procedures earlier (in 2012 for 2013) and concluded that ENISA improved significantly since 2008.

The ED draw the Board's attention to the Discharge 2011 report discussed at the Budgetary Control Committee of the European Parliament on 19th March 2013. The rapporteur proposes to grant the discharge and close the accounts for 2011, however the report refers to "*the construction of the agency's brand new hightechbuilding in Heraklion, tailor-made to its operational needs*" as finished in 2011 which is false as the building is still under construction. The European Parliament will vote on the Report on 16th April.

The ED briefly informed the MB about topics in 2013-2015 for internal audit (carried out by COM's Internal Audit Service) and explained the Agency's organisational chart and provided an overview of the staff composition.

As regards the consumption of ENISA Budget for 2012, **the ED** noted that it has reached the highest payment rate (91,45%) ever with 100% commitment rate; carry overs are reduced by more than a half in comparison with 2008, which was recommended by the Court of Auditors in the past.

The ED informed the Meeting that the establishment of ENISA Operational office in Athens requires additional resources. He explained that this is planned to be achieved by amending budget 2013. To partially fund these needs the Agency proposed to reduce the resources foreseen for Work Streams in the Work Programme 2013 for the amount of 439.000,00 EUR.

The Chair thanked the ED and invited the Board to ask questions regarding the budget amendments for 2013 and Work Programme 2013 amendments under the dedicated agenda item.

ITEM 6 Amending Work Programme 2013

The Chair invited the MB to discuss the proposal for the Amending Work Programme 2013.

France (FR) asked for clarification whether the proposal for the Work Programme 2013 amendments takes into account the results of the procurement procedure.

The ED explained that the proposal to amend Work Programme 2013 is a priority based, e.g. only those deliverables with the lowest priority are cancelled or reduced to free financial

resources.

The Netherlands (NL) asked if this proposal is a one-time cut. He noted that the financial resources for threat landscape analysis are cancelled although this deliverable was appreciated and invited the Agency to produce some kind of report on this topic.

The ED explained that the update for the threat landscape analysis will be produced by ENISA, but the scope of the report will be reduced.

Mr Brincat (COM) informed the MB that the COM supports ENISA proposal for amending WP2013.

In reply to **Poland's (PL)** request to clarify "zero budget" for some of WP2013 deliverables, **Mr Purser** explained that these will be delivered with the capacity of ENISA staff keeping the quality level, but with less depth. The ED noted that deliverable on the threat landscape analysis is an example to such case.

Academia noted that the impact on Agency's budget could be worse. In addition he asked to elaborate on the foreseen budgetary cuts for agencies by 5%. **The ED** explained that Budget 2014 will be discussed under agenda item 9.

The Chair thanked for discussion and invited the MB to adopt the proposal as suggested by the Agency.

The Amending Work Programme 2013 was unanimously adopted.

ITEM 7 Amending Statement of Estimates 2013

The ED explained that the amending budget 2013 presents additional increase by 480.632,00 EUR of total appropriations from the Budgetary Authority and transfers between from the operational title 3 to title 1 and 2, which are necessary to cover staff relocation expenses and to ensure that Operational office in Athens is established according to the requirements of the EU buildings policy and as described in item 6.

The Chair thanked for the presentation and asked whether members of the MB have questions regarding the explanation on the tabled proposal and if not, the MB was invited to adopt the Amending Statements of Estimates 2013.

The Amending Statement of Estimates 1/2013 was unanimously adopted.

ITEM 8 ENISA Strategy

The ED presented the ENISA Strategy which identifies the following key areas of ENISA activity:

- Defining and implementing a common EU approach to improving NIS;
- Building a proactive NIS community;
- Understanding and adapting to the evolving ICT environment;
- Protecting Critical Information Infrastructure (CII) and services;
- Ensuring an economically viable approach to improving NIS;

- Cooperating with Member States and the EU institutions in order to address issues of common concern.

He stressed that the areas would help to identify priority actions for the coming years and to determine resource allocation. In addition he pointed out the challenge to align the ENISA Strategy with the Cybersecurity Strategy of the European Union.

The Chair opened the floor for the discussion.

NL suggested reducing the text duplication with Work Programme and asked for more outspoken approach towards the Public Private Partnership.

Mr Purser informed the Meeting that the agenda for European Public-private Partnership for Resilience (EP3R) is currently under discussion with the COM and might move to more general approach as a response to implement the Cybersecurity Strategy of the European Union.

Czech Republic (CZ) noted that Strategy misses a reference to the draft NIS directive if ENISA has a role in implementation of this document. COM clarified that the draft NIS directive foresees a role in establishing and handling the Early Warning and Response System.

FR supported comments made by NL and asked for more alignment with the current structure of the mandate and Work Programme and more focus on the main core areas. He outlined that the Agency should wait for a political agreement on the draft NIS directive to start planning activities outside the current mandate. In addition he asked to explain the MB role in the Strategy.

The ED referred to the MB role in giving guidance for operation of the Agency and annual work programme.

Academia noted that the document presented is an operational manual and invited to include a chapter on challenges.

The Chair joined to the comments expressed. In addition he pointed out that even if a general alignment with the Cybersecurity Strategy of the European Union is needed, only those actions overlapping with the mandate should be a part of ENISA Strategy.

Ireland (IE) informed the Meeting that Council conclusions are expected by the end of their Presidency hopefully with ENISA's role highlighted.

The ED concluded that the final draft will be presented at the MB meeting in October; in the meantime the MB was invited to submit comments to the MB Secretariat. In addition he informed the Meeting that the network of National liaison officers might be involved to gather comments.

ITEM 9 **Draft Statement of Estimates 2014** (MB/23/7-1, MB/23/7-2, MB/23/7-3)

The Chair introduced the agenda item by referring to the procedural steps required for the budgetary planning process for 2014 and gave the floor to the ED.

The ED gave a detailed insight to the financial and staffing perspective for 2014.

In addition **Mr Timmers** explained that in general the size of the EU administration is reduced, therefore the exercise by DG Budget is to scrutinise the executive agencies. He noted that this exercise is different for agencies with new tasks, ENISA being among them. He added that the budget and staffing for ENISA was conditional on the MFF discussions taking place and no decision has yet been taken vis-à-vis any agencies.

Mr Empadinhas presented the red line perspective for the Budget 2014 and explained the ratio between administration staff and operational staff, which is below the average according to the Court of Auditors report of 2011. He pointed out the proposal received from COM to replace Temporary Agents with Contract Agents, but, given the ENISA role and tasks, it is not possible to have support staff replacing expertise required by mandate.

The ED referred to the discussion at the Joint MB & PSG meeting held on 12th February 2013, when 77 staff was foreseen in the first version for Work Programme 2014. After provisional consultations with the COM, only 70 staff is planned; therefore he drew attention of the MB to a reduction of deliverables for the Work Programme 2014 due to a shortage of the human resources.

The Chair thanked for the detailed information and asked to clarify a tripling of the expenses in the Title2 of the Statement of Estimates for 2014. The ED explained that establishment of the Operational Office in Athens requires additional financial resources.

Germany (DE) and the **Chair** highlighted that their Ministries of Finance have a principal position not supporting the increase of the budget.

The ED noted that this is a proposal from ENISA, but it is up to the Budgetary Authority to agree on the final figures. In addition he emphasised that budget reduction will have a direct impact on the Agency's work programme and tasks under the new mandate will be affected as well.

The Chair thanked the Meeting for the open discussion and explained that these documents require formal adoption as an input to the budgetary planning process for 2014.

On this basis, the draft statement of estimates 2014, draft Establishment Plan 2014 and draft Multiannual Staff Policy Plan 2014-2016 were unanimously adopted.

ITEM 10 **Provisional Work Programme 2014 (MB/23/6, MB/23/6-1)**

Mr Purser presented the process already accomplished to prepare the Work Programme 2014 and concluded that result of the prioritisation exercise done during the Joint MB & PSG meeting in February shows alignment between members from both public and private sector. He stressed that when creating provisional Work Programme 2014, the Agency took into account the skill-sets of its core operational staff, human resource drop from 77 staff to 70 staff and priorities agreed with the MB. He continued with financial resources allocated to the Work Packages.

Mr Timmers outlined some suggestions like addressing the supply chain integrity and security under Work package 1.2. "Contributing to EU policy initiatives" and focusing on

standardisations instead of education. He noted that more reflection is needed on private sector capability (WPK 2.2.) along with priorities set in Cybersecurity Strategy of the European Union and invited to plan transformation to set up NIS for private/public cooperation.

CZ noted that for the Member States' capacity building some of the actions are deleted while the support for the private sector is foreseen as the same level.

The ED stressed that ENISA through its unique position with limited resources achieves impact on private sector via close cooperation.

FR informed the Board that comments will be provided in writing after the meeting. He welcomed a new structure and suggested adding a summary (2-3 sentences) of work packages for each Work Stream. Some additional suggestions were provided like focusing on system security issues instead of privacy. **FR** noted that Work Stream 1 should address the EU level policy, in particular in the area of research and standardisation. With regard to the draft NIS directive he stressed that the Agency should wait until the final stage of discussions before including new actions/areas in the Work Programme 2014. Some remarks were made with reference to national exercises (addressed under "Member States' capacity building") and budget ratio between private sector and Member States' support. In addition he suggested allocating more resources for crisis cooperation.

Some members (FR, NL) asked for additional clarification on certifications and outlined that ENISA should neither certify national CERTs nor duplicate certification done by FIRST and should not provide SCADA security courses.

In addition to the comments expressed **Mr Purser** noted that the Agency should cope with the skill-sets and financial resources it has.

NL thanked for the work done and joined the COM comments on strengthening the Public Private Partnership and noted that the list of policy initiatives presented in the document is not complete. Some remarks on the Work Programme 2014 content were expressed in particular asking for more attention to the secure product development, and clarification on alignment with European Cloud Partnership as well as addressing cloud computing in mobile communications. Cryptography was mentioned as an added value if done within the own capacity; ENISA's capacity to address the eID regulation should be clarified in the Work Programme 2014 as well. In addition he asked for additional explanation on EISAS project and Early Warning and Response System. **NL** stressed that more spread in time is needed for deliverables of WS2 and WS3 to avoid a block of documents at the end of the year.

The ED explained that since the Agency has to cope with an annual budgetary cycle, in general final deliverables like reports or studies can be expected at the end of each year, although some ENISA activities like workshops or exercises are carried all year round. **Mr Purser** continued by clarifying comments expressed and stressed ENISA's limited capacity in the terms of both human and financial resources.

Academia noted that no deliverables are reduced to support the private sector's capacity building while Study on evaluation of privacy friendly architecture has been deleted. Regarding a standardisation he mentioned the need to follow the EU level strategies and European Standardisation organisations.

The ED additionally highlighted that the Agency follows approach to reach the best impact with given financial resources and skill –sets of its core operational staff.

FR indicated that priorities for the final draft for Work Programme 2014 should be more outlined.

DE, given the discussion, indicated that there is a big expectation on ENISA. The Work Programme in the past was very broad and sometimes without necessary depths. He invited ENISA to familiarise the Board with the landscape of skills and competences the Agency has.

Austria (AT) agreed that current skills-sets and plan for further development would help when discussing about Work Programme.

The Chair thanked the MB for comments expressed and informed that SE will send comments electronically. He requested the Agency to send to the MB a timeline for further actions. **The ED** suggested that MB is invited to submit their comments in writing by 1st July.

The Chair recalled that this draft should be dispatched to the budgetary authority by 31st March as a part of budgetary planning process for 2014 and invited the MB to adopt the provisional Work Programme 2014.

The provisional Work Programme 2014 was unanimously adopted.

ITEM 11 General Report 2012 (MB/23/8)

The Chair informed the Meeting that according to Art. 6.9 of the ENISA Founding Regulation, the Board must adopt a General Report on the Agency's activities before 31 March each year. The ED presented General Report 2012 highlights and the timeline expected to produce paper copies.

Regarding the content of the General Report 2012, **the Chair** suggested to avoid mentioning 2013 perspective for the draft NIS directive on page 10 since this directive is still under discussion and invited the MB to comment and proceed with the adoption.

The General Report 2012 was adopted with the abovementioned change.

ITEM 12 Closed session

ITEM 13 MB decision concerning the appraisal for the Executive director

The Chair informed the Meeting that the MB decision concerning the appraisal for the ED should be adopted. In addition the **Mr Timmers** explained that procedure proposed by the Agency is based on a template provided by the COM.

The Chair thanked for clarification provided and asked whether members of the MB have questions regarding the draft decision and if not, the MB was invited to adopt the Decision

concerning the appraisal for the Executive director.

MB Decision concerning the appraisal for the Executive Director was unanimously adopted.

Following the adoption of this decision the Chair invited the Board to designate at least two Reporting Officers as required to proceed with the appraisal.

Mr Timmers and Mr Posch have been put forward as candidates and were unanimously appointed.

ITEM 14 Updates from the Member States

CZ briefly introduced the National Centre for Cyber Security of the Czech Republic.

UK informed the Meeting about the recent changes in the CERT area. New body – national CERT, with function to coordinate and act as a single point of contact, will be launched towards the end of 2013.

ITEM 15 Dates and venues of the future 2013 meetings

A proposal for the 2013 meeting dates was provided to the Board with a note that the ENISA Office in the Athens will be available for these meetings.

Lithuania (LT) invited the Meeting to have the Board's 24th meeting in Vilnius during the LT Presidency.

The MB took note and agreed on the dates for both MB 24th Meeting (17th October, 2013) and Informal MB Strategy Meeting (26th November). As regards the venues, the Board authorised the Chair together with LT and the ED to take decision on the venues for both meetings.

ITEM 15 Any Other Business

Since the MB structure under the new mandate will change, **Academia** asked for membership in Permanent Stakeholders Group. **The ED** explained that the next call for PSG membership will be published in 2015; occasionally they could attend the PSG as guests. In addition he noted that ENISA publishes a call for expression of interest to establish a list of experts from which experts will be selected to assist the Agency in carrying out various work activities foreseen in its Work Streams and Work Packages. At the end **the ED** personally thanked Mr Rannenberg and Mr Bautsch, who was absent, for active contribution at the MB Meetings.

Closing of the Meeting

The Chair thanked for participation and closed the meeting at 16:20.

ENISA Management Board 23rd Meeting

Agenda

Wednesday, 20th March 2013 – 19:30

Dinner at Loukoulos, Heraklion, Crete, Greece

Thursday, 21st March 2013 – 8:30-16:30

Meeting at ENISA premises, Heraklion, Crete, Greece

Indicative timing	No	Item	Documents	Action
8:30-8:45	1	Opening of the meeting and announcements of the Chair	Family picture	Information
	2	Adoption of the agenda	Agenda (MB/23/1)	Adoption
	3	Information from the Chair	Draft minutes of the MB Extraordinary meeting (MB/2013-E/2)	Adoption
			Summary of Written Procedures (MB/23/2)	Information
		Calendar of planned written procedures in 2013	Information	
8:45-9:05	4	Update by the COM	Presentation by the COM	Information
9:05-9:25	5	Report by Executive Director on the Activities of the Agency	Presentation on activities of the Agency (MB/23/3) - IAS Strategic Audit plan (MB/23/3-1)	Information/ Discussion
9:25 -9:45	6	Amending Work Programme 2013	Amending WP2013 (MB/23/4-1)	Adoption
9:45-10:00	7	Amending Statement of estimates 2013	Amending Budget 2013 (MB/23/4-2)	Adoption

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10:00-10:20	Coffee break			
10:20-10:45	8	ENISA Strategy	ENISA Strategy document (MB/23/5) (presentation by ENISA)	Information/ Discussion
10:45-11:25	9	Statement of estimates 2014	Draft budget 2014 (MB/23/7-1) Establishment Plan 2014 (MB/23/7-2) Multi Annual Staff Policy Plan 2014-2016 (MB/23/7-3)	Discussion
11:25-12:40	10	Provisional Work Programme 2014	Provisional WP 2014 (MB/23/6) WP2014 budget (MB/23/6-1) (presentation by ENISA)	Information/ Discussion
12:40-13:00	11	General Report 2012	Draft General Report 2012 (MB/23/8) (presentation by ENISA)	Adoption
13:00-14:30	Lunch			
14:30-15:00	12	Closed session matters	CLOSED SESSION	
15:00- 15:20	13	MB decision concerning the appraisal for the Executive Director	Draft MB decision concerning the appraisal for the Executive Director (MB/23/9)	Adoption
			MB decision on designating reporting officers concerning the appraisal for the Executive director	Discussion/ Adoption
15:20-16:00	14	Updates from the Member States	Presentations from the MB representatives	Information
16:00-16:10	15	Date and venue of future 2013 meetings	Proposal: -MB 24 th meeting: <i>(TBD) Athens, 17th October</i> -Informal MB Strategy meeting: <i>(TBD)Athens, 26th November</i>	Discussion/ Approval
16:10:16:15	16	Any other business		
16:15		Closing of meeting		