



Minutes from the ENISA Management Board meeting, 30 September

Hungarian Ministry of Informatics and Telecommunications

Dob Street 75-81 – 1077 Budapest

Attendants:

Management board representatives from Member States: Reinhard Posch (Member, AT), Rudi Smet (Alternate, BE), Antonis Antonades (Alternate, CY), Vladimir Horejsi, (Member, CZ), Vit Vidinsky, (Alternate, CZ), Anja Diek (Alternate, DE), Yih-Jeou Wang (Member, DK), Jaak Tepandi (Alternate, EE), Nikolaos Vlassopoulos (Member, EL), Kristiina Pietikäinen (Chairperson, Member, FI), Stephanie Schaer (Alternate, FR), Ferenc Suba (Member, Vice chairperson, HU), Valdemaras Salauskas (Member, LT), Pascal Steichen (Member, LU), Ingrida Gailume (Alternate, LV), Joseph V. Tabone (Member, MT), Edgar de Lange (Alternate, NL), Krzysztof Silicki (Member, PL), Manuel Filipe Pedrosa de Barro (Alternate, PT), Charlotte Ingvar-Nilsson (Alternate, SE), Gorazd Bozic (Member, SI), Peter Biro (Alternate, SK), Geoff Smith (Member, UK).

Commission: Fabio Colasanti (Member, Director General DG INFSO and Media), Francisco Garcia Moran (Member, Acting Director General DG DIGIT), Anna Buchta (DG INFSO and Media), Rogier Holla, (DG INFSO and Media)

Stakeholder representatives: Markus Bautsch (Member, Consumer Rep.), Mark MacGann (Member, Industry Rep.), Kai Rannenber (Member, Academic Rep.)

ENISA: Andrea Pirotti (Executive Director), Antonio Amendola, Ulf Bergström, José Carreira, Stavroula Caridis, Núria Comelles, Ronald De Bruin, Giorgos Dimitrou, Alain Esterle, Boaz Gelbord, Olivier Hance, Thomas Haerberlen, Andreas Mitrakas, Aristidis Psarras, Pernilla Skantze, Kelly Ward

1. Adoption of the Agenda

Mr Pirotti asked for the introduction of an additional point for information; transfer of budget, which was added as new item 4 h)

Mr Smith would also represent Mrs Franchina at this meeting.

2. **Budget 2005 Status Report**
[Doc no ENISA MB (30/09/2005) 1]

Mr Carreira, the new Head of Administration at ENISA, presented the budget update.

3. **ENISA's Internal Rules of Operation**

a. **Draft decision on access to documents**
[Doc no ENISA MB (30/0h9/2005) 2]

Mr Pirotti introduced the changes made to the new version of the document. Mr Pirotti explained that the main substantial change was the deletion of Article 8 on handling of classified information which was deleted. Mr Pirotti introduced additional updates that include an explicit reference to the Data Protection Regulation (EC) No 45/2001 of 18 December 2000, the ability of the Management Board to review ENISA's handling of classified documents and an exception from disclosing ENISA's own technical infrastructure and operations.

Due to the fact that the link between these Rules and the Rules on Confidentiality has to be clear, it was **decided to postpone the adoption of the Rules on public access to documents until the Rules of confidentiality are adopted.**

b. **Request handling procedures – information from the Commission**

Mr Colasanti apologised for the delay in presenting this draft to the Board. It is expected that the draft Rules on Request handling procedure will be adopted by the Commission next week.

Chairperson proposes to postpone the adoption also of this document until spring 2006 as this also depends on the Confidentiality Rules to be drafted by the Commission.

c. **Draft decision on confidentiality - Information from the Commission**

Mr Colasanti explained that this document is also delayed and that **the proposal can be expected in the beginning of 2006.**

4. **Points for information (ENISA)**

a. **Move to Heraklion**

Mr Pirotti explained that the move has been carried out according to plans in July/August, but that there are a number of outstanding practical issues to be solved with the Greek authorities. A detailed note on the progress and outstanding issues will be provided to the Management Board.

Mr Smith wanted the Board to acknowledge the efforts made by the 6 seconded national experts during the set up phase of ENISA in the first six months of 2006.

b. Human Resources

Mr Pirotti made a presentation of the outcome and statistics of the recruitment procedure. 38 temporary agents have been recruited in two waves.

c. Permanent Stakeholder's Group meeting

Mr Pirotti accounted for the last meeting of the PSG which took place in the beginning of June.

The Chairperson concludes that the **Board would be in favour of creating more contact opportunities between the MB and the PSG and asked the Executive Director to take this into account in future.**

d. Liaison officers

Mr Pirotti gives a status update on the Liaison Officer Network and introduces the common meeting of all the Liaison Officers in Heraklion on 18 November. This will be a one time meeting to build a relationship between the members of this network group.

An agenda of this meeting will be provided on Circa.

e. Working groups

Mr Pirotti provided an update on the work of the three ad hoc Working Groups who through their chairpersons also made an introduction of their work to the ISSE-conference on Tuesday. Reports from the Working Groups will be provided to the Executive Director in the last quarter of the year.

f. Court proceedings in ECJ concerning the legal base of the ENISA Regulation
(C-217/04, UK v. EP and Council)

The board discussed the matter and evaluated the possible consequences if the present regulation is considered invalid.

The Chairperson presented the position of the Advocate General of the ECJ according to which the ENISA Regulation does not adequately define ENISA's contribution to the approximation of laws which is required under its legal base (Article 95) and therefore it must be annulled. To avoid any adverse legal effect of a future ECJ ruling the Advocate General is of the opinion that the decision shall take effect after 2 budget years.

If the present Regulation is considered invalid, a new regulation will have to be produced. Besides Article 308 other legal bases are available. Article 308 can only be used when there is no other available legal basis. If there is a negative ruling the expiration of the current legal text will be the end of 2007.

Mr Tabone and Mr De Lange wanted a common statement paper that can be used by the Management Board members to reply to questions on this topic. The Chairperson volunteered to draft an explanatory note to be put on ENISA's web. The draft will be circulated by the Chairperson to the Management Board Members for comments next week.

g. Communication plan

Mr Pirotti explained that the Communication strategy is currently being developed on the basis of the Commission communication strategy and other examples. A first draft had been sent to Management Board Members Mr Suba and Mr MacGann before the summer.

h (new) Budget transfers

Mr Carreira explained the content of a note that was distributed during the meeting. The two major budget transfers are 1) from the missions to operational meetings and 2) from purchase of furniture to rental of premises. As these transfers do not exceed 10 % of the total budget of the year, this is a point for information for the Management Board.

i) (old h) State of play of other ENISA activities

Mr Pirotti presented other activities of the Agency. Firstly **ENISA is co-organising a number of events** of which the main event has been the ISSE-conference on the three days before the Management Board meeting. Mr Pirotti and the staff are also participating in a number of conferences.

Secondly the **ENISA newsletter has been issued** according to plan with a first issue in June and the second issue to be published soon.

Mr Pirotti furthermore explained his **plans to set up a security laboratory** completely separate from ENISA's other IT-infrastructure to be able to the test, demonstration and proof-of concept capabilities of the Agency towards new technologies, solutions and methodologies.

In order to clarify the matter, the Executive Director declared that :

- this facility will be called a "technology cabinet" to better reflect the actual intentions to use it help ENISA staying technically updated and reaching the work programme objectives
- the implementation of such a technology cabinet only concerns internal management which is under the full responsibility of the Executive Director.

- No evaluation or assessment of products will be carried out

As regards the whole agenda point 4 the Chairperson asked for a checklist on outstanding items for the forthcoming meetings and on the outcomes of the work programme 2005 one by the end of the year.

5. Preliminary Work Programme 2006 and Draft Budget 2006

Mr Pirotti presented the new version that is tabled during the meeting and that includes changes in the deliverables and key performance indicators only.

As the draft WP was put on Circa in July and comments from Management Board members have been included in the current version only a few changes to the deliverables in the operational parts were made. The Management Board agreed that with the addition of the discussed changes the revised version could be sent to the Commission for opinion.

Draft budget 2006

Mr Carreira presented the budget 2006. The administrative expenditures are expected to be reduced by 50% in 2006 and the money mainly transferred to title 2, operational expenses. The funding that ENISA will seek from the Greek government is planned to free further funds for the operational expenditure, but for 2007/2008.

6. Any other business

There were no other issues.

7. Conclusions and dates for the next meeting

It was decided to cancel the planned next meeting in Heraklion in November as there are not any critical issues to be dealt with then. **Next meeting will therefore be in the beginning of March 2006.**

The Chairperson invited the Board to have one meeting in Helsinki during the Finnish Presidency in the second half of 2006.

For the Management Board


Kristiina Pietikäinen
Chairperson