

Minutes of the seventh ENISA Management Board Meeting

3 March 2006

9.30 – 17.00

Capsis Beach Hotel
Aghia Pelagia – GR-715 00 Heraklion

Participants:

Management Board representatives from Members States : Reinhard Posch (Member, AT), Rudi Smet (Alternate, BE), Vít Lidinsky (Alternate, CZ), Anja Diek (Alternate, DE), Flemming Faber (Alternate, DK), Mait Heidelberg (Member, EE), Nikolaos Vlassopoulos (Member, EL), Kristiina Pietikäinen (Chairperson, Member, FI), Patrick Pailoux (Member, FR), Ferenc Suba (Member, HU), Aidan Ryan (Member, EI), Valdemaras Salauskas (Member, LT), Ingrida Gailume (Alternate, LV), Joseph V. Tabone (Member, MT), Edgar de Lange (Member, NL), Krzysztof Silicki (Member, PL), Edward Seliga (Alternate, PL), Manuel Filipe Pedrosa de Barros (Alternate, PT), Fredrik Sand (Member, SE), Gorazd Bozic (Member, SI), Peter Biro (Alternate, SK), Salvador Soriano Maldonado (Alternate, SP), Geoff Smith (Member, UK)

European Commission: Fabio Colasanti (Member, Director General DG INFSO), Francisco Garcia Morán (Member, Director General DG DIGIT), Rogier Holla, (DG INFSO)

Stakeholder representatives: Markus Bautsch (Member)

ENISA: Andrea Pirotti (Executive Director), Olivier Hance (Secretariat of the Board), Ronald De Bruin, Alain Esterle, José Carreira, Aristidis Psarras, Stavroula Caridis, Aimilia Filippidi, Silvie Litaj, Sandra Ziakas

The Chairperson welcomed everybody and stated that Cyprus, Italy and Norway are not present. Luxembourg will be represented by the Netherlands.

The Chairperson also welcomed new Members and one Alternate:

- Denmark: Mr Flemming Faber (Member)
- France: Mr Patrick PAILLOUX (Member)
- Poland: Mr Edward SELIGA (Alternate)

1. Adoption of the Agenda

The Chairperson informed the Board members that 3 changes have been brought to the agenda previously circulated and that the new version has been distributed. The proposed changes are:

- to dedicate early in the day a new point 3 dealing with the adoption of the WP 2006 to ensure that this WP is finally adopted;
- point 4a dealing with the "Evaluation of the Agency" to be transformed in a point for discussion (new point 6a) rather than a point for information from the Commission;
- former point 6c concerning the decision for non-automatic carry-overs have been removed from the agenda.

Sweden informed they would like to develop an item under point 8. AOB.

The amended agenda was approved.

2. Budget status report

Article 17 of the Basic Regulation and articles 82 and 83 of the Financial Regulations emphasise on deadlines which either are incompatible between them or pose serious compliance threats to the services of the Agency. As a consequence, ENISA has started the revision of its financial regulation and the Executive Director has therefore decided that the annual accounts together with the opinion of the Court (which is not yet available) would be proposed to the Chair in order to be subject of a written procedure for approval, most probably during the second half of April.

Mr Carreira, Head of Administration, was invited to report on the execution of budget 2005 and explained that since the initial financial autonomy was granted to the Agency on the 1st May 2005, the Agency's first financial year comprised the period 1.5.2005 – 31.12.2005. The fact that the operational departments and its staff took up duties on 1 September 2005, prompted the necessary creation of an operational structure and functions for the Agency which were reflected in an amended budget 2005 to be approved by the Management Board at the end of last year. In addition, he confirmed that the execution of the budget has been proceeded in line with the Agency's Financial Regulation which is in compliance with the framework financial regulation used by the regulatory agencies and that the outcome of the first visit of the European Court of Auditors in January 2006 was very satisfactory. After their second visit, which will take place on the 13th March 2006, the Court of Auditors will draft their final observations, based on the provisional accounts of the Agency and financial statements.

For the budget 2006, Mr Carreira explained that an initial proposition for ENISA early last year stated total annual appropriations of 8.000.000 EUR. However it was decided in the Management Board of March 2005 to revise the estimations down by 15%, bringing that amount to 6.800.000 EUR. in 2006, which will be the first full operational year in terms of the Agency's activities. The Agency fixed costs for 2006 which are most of the appropriations of Title 1: Staff (4.463,000 EUR) and Title 2: Functioning of the Agency (1.027.000 EUR) representing approximately 80% of the total funding of the Agency for 2006. Title 3: Operations have 1.310.000 EUR of appropriations representing approximately 20% of the total funding of the Agency. Up to current, the Agency has booked (committed) of its 2006 funds around 50 to 60

% for its fixed costs for Title 1 and Title 2 and 25% for Title 3 and he assured that the full amount of the budget will be used, replying to the Netherlands that in case money would remain, it will go back to the general budget of the Communities.

3. Adoption of the Work Programme 2006

a. Information by the Commission: Opinion of the Commission on WP 2006

The Management Board has been informed by an e-mail of Mr Holla sent on 23 February 2006, about the Opinion of the European Commission on the ENISA Work Programme 2006, which was adopted the same day. The Management Board accepted to consider this document though not submitted two weeks before its meeting. Mr Colasanti explained that this delay has been due to the heavy administrative procedure of the Commission for decisions that have to be taken by the whole College of Commissioners.

b. Adoption of WP 2006

The Work Programme 2006 was adopted by the Management Board.

4. Points for information (ENISA)

a. Human Resources: Probation Period, SNEs and New recruitment

Mr Pirotti made a presentation on the status of ENISA staff members, statistics and the recruitment.

ENISA's staff is composed today by 35 temporary agents.

One position is currently under recruitment (human resources assistant-individual rights), while two other open positions have recently been republished (senior expert in relations to industry and international institutions and human resources assistant-recruitment).

Statistics about staff:

Nationality: 14 out of 25 nationalities of the European Union are represented; in particular the majority is from the EU - 15. The most represented countries are Greece, Italy and Belgium (42%), France and Germany (20%).

Gender: There is a good balance between male (56%) and female (44%) staff.

Age: Staff is composed mainly by young professionals in the age between 31-40 (61%) that are very motivated, dynamic and open to new ideas and inputs for the NIS field.

Considering the different indicators (nationality, age and gender), ENISA is perfectly complying with the recruitment's rules of the Commission. The recruitment procedure is based on expertise and potentials to achieve the goals of the Agency.

Eight interim agents will be replaced by contract agents in the course of 2006 and 4 additional positions are foreseen for 2006 which brings the total amount of staff up to 55.

Regarding the SNEs ENISA has recruited one from Poland, one from Italy and a third one from France who will arrive later. All SNEs are highly professional and motivated.

Language training will also be organized offering Greek, French and German lessons at a beginner's level. English lessons will be also provided but at a higher level.

b. Court of Auditors: Inspection (10-12 January 2006) and Visit (13-14 February 2006)

Mr Pirotti reported that ENISA had received two visits from the Court of Auditors in 2006:

- First visit on 10-12 January, planned in the context of the annual audit for the year 2005. The auditors tested the financial transactions of the year on a sample basis and reviewed the financial and other procedures of the agency. At the closing meeting, the auditors expressed their satisfaction for the results of the audit and the competences of the staff. A report will be sent to the Executive Director in the following months;
- Second visit on 13-14 February, planned to establish a direct channel of communication between top level management of the Court (Mr Sarmas, member of the Court and Mr Hüge) and the Executive Director of the Agency. The ED had the opportunity to discuss thoroughly some very important topics (i.e. the mission of the agency, its goals, best practices in financial management; optimisation of the results of the Agency).

c. Appearance of Executive Director before ITRE Committee

Mr Pirotti stated that he was given the opportunity to report before the ITRE Committee about activities of ENISA and to answer their questions on 21 February. His intervention was mainly focused on the presentation of the Agency, its structure, the recruitment process, the cooperation with the Greek and local authorities and on the important role of the Management Board as well as the Permanent Stakeholders' Group and Working Groups. The Committee has demonstrated high interest. Mr Pirotti is determined to reinforce the link with the European Parliament.

d. Permanent Stakeholders' Group meeting and relation with Management Board

Mr Pirotti provided an update on the work of the PSG meetings.

Two PSG meetings were held since last MB meeting.

The first meeting on 9 December 2005 was held in Heraklion. The main discussions concentrated in getting feedback from the PSG before drafting the Work Programme for 2007. PSG ideas for tasks and deliverables were collected a priori in the form of a questionnaire. The PSG also took this opportunity to present their first draft of the "PSG Vision for ENISA".

The second meeting on 8 February 2006 was held in Vienna. Discussions focussed on the proposed Working Groups for 2006, emphasising as well the need for closer relation between WG and the PSG and PSG feedback to the preliminary draft Work Programme 2007.

Mr Pirotti proposed to invite a rapporteur from PSG to expose their "Vision for ENISA" at the next Management Board meeting.

The Management Board welcomed very much and accepted the proposal.

e. Liaison officers

ENISA has set up and is maintaining the network of 'National Liaison Officers' (NLOs) and is pleased to offer Member States, through this network of experts, a platform for information exchange and co-operation. Information is exchanged via an established mailing list of the NLOs, mainly to report on the activities of ENISA but it has also been used for instance to obtain information in the context of a "call for assistance/study" (about countermeasures on SPAM) that ENISA has carried out for the Commission. In addition, NLOs have provided also valuable input for the country pages on ENISA website, the Who is Who Directory and also proposed joint events.

The 'NLO Day' was organised last November in Heraklion and ENISA had the pleasure to meet in person NLOs as well as representatives of the three major EU Institutions who delivered speeches: Maria Burroughs (UK-Presidency), Dr. Jorgo Chatzimarkakis (MEP), and Rogier Holla (European Commission). Mr Pirotti also mentioned the interest of EEA countries for future collaboration.

Mr Pirotti thanked Mr Colasanti for the excellent relations with the Commission, notably due to the very for the good working relations between Mr. Holla, (Commission's liaison officer) and Mr. Hance (ENISA's Policy Adviser).

f. Working groups results in 2005

Mr Pirotti provided an update on the work of the three ad hoc Working Groups and made a report of their works.

ENISA established three ad hoc Working Groups in 2005:

- ad hoc Working Group on Awareness Raising
- ad hoc Working Group on CERT Cooperation and Support
- ad hoc Working Group on Risk Assessment and Management

Mr Pirotti explained that the Working Groups met several times during the year 2005 and that they finalised their activities by the end of 2005, apart from the WG on Risk Management which received an extension until the end of February.

He also explained that their reports and draft deliverables are at the disposal of the Members of the Management Board.

Mr Pirotti explained that the results, which are used as input for ENISA deliverables (answer to Mr. Bautsch) have been less satisfactory than expected probably due to the fact that:

- the Terms of Reference were in some cases too ambitious;
- ENISA only offers the secretariat and does not have members;
- experts are not paid (only reimbursed for travel expenses) and have to do the work on their free time.

Malta asked about the composition of the WGs, how the chair is being selected, if ENISA is involved in the leadership, and if a stakeholder can become a member.

Mr Pirotti answered that:

- they are selected by ENISA through a call for tender among the best in the market;
- ENISA's staff could not be member of a Working Group – a fortiori its leader - as this is in contradiction with the Regulation;
- No PSG-member has participated so far in the Working Groups;
- Member States do not interfere in this process as a national authority cannot propose a member.

The Chairperson reminded that all those questions are answered in the rules of operation of the Working Groups leaving to the Executive Director to decide whether permanent stakeholders will be able to take part in the future WGs.

UK asked for the establishment of a process to engage stakeholders, highlighting notably the enthusiasm of Stakeholders.

Sweden reminded the Management Board that the Board is responsible for the rules regarding the working groups. Sweden was positive to the notion of reviewing the rules, should it be deemed necessary to improve the work of Working Groups and their output.

Mr Pirotti added that the deliverables of the Working Groups (in particular on Awareness Raising) are not up to the threshold of what ENISA was expecting. If stakeholders would be included, ENISA would certainly be able to guide WGs faster and more easily.

Poland wondered whether it is possible to engage SNEs for the Working Groups. Mr Pirotti replied that he prefers to keep them in their capacity of ENISA' staff.

The Netherlands proposed to include staff members in the Working Groups or alternatively to organise a second call for members, in order to have new members. Mr Pirotti stated that he might take the second option into consideration if needed.

Germany asked clarifications about the publications of the results of the WGs and whether it is foreseen to publish them. Mr Pirotti stated that the results of the Working Groups are in the phase of analysis by ENISA, and will firstly be sent to the Management Board. Then it will be decided by the Management Board whether to publish them or not.

The Chairperson confirmed that the results of the WGs should be sent firstly to the Management Board.

Portugal wondered whether a cost/benefit analysis would be conducted on the results of the WGs and if it would make sense to invite a rapporteur of each Working Group to present their results to the Management Board.

UK wanted to know whether ENISA expects any comments on these results from the MB.

The Chairperson described the procedure (the internal rules): the results go firstly to the Chair, then to the members and subsequently the Management Board decides if any action should be taken e.g. if they should be published. The problem is that there are only two meetings of the Management Board annually and it takes time to analyze these results.

Malta expressed its worries about the limited control that ENISA can exercise on the activities of these groups and proposed that ENISA should lead their activities. Malta suggested a revision of the rules in order to achieve better results.

The Chairperson reminded that the original idea of WGs was to give expertise to ENISA, as informally as possible.

The Chairperson confirmed that the current organisation is in perfect compliance with the internal rules of the Working Groups. However, since weak points have been highlighted, she proposed, in agreement with the other members of the MB, to review the rules in order to improve the performance of those WG. This item will be discussed during the next MB meeting and the Chairperson welcomes the proposals from the MB by e-mail.

g. General Report 2005

Mr Pirotti informed that the Members of the Management Board shall adopt by 31 March the latest each year the general report on the Agency's activities for the previous year.

In order to concentrate on the Work Programme, Mr Pirotti, after discussion with the Chairperson, suggested to launch a written procedure by mid March for the adoption of the general report 2005 to be approved by the Management Board before 31 March, according to the Regulation.

The Management Board will receive the draft general report of ENISA activities for 2005 by 15/03/2006. It will be a simple but detailed report, as the resources to draft a detailed and more professional one are limited this year.

h. Communications Strategy

The Communication Strategy has been delivered before the end of 2005 taking into consideration various inputs from a meeting of Heads of Press and Communication, Member States, Press and Communications Officers, the extended Communication Strategy from Commissioner Wallström, and from the members of the Board. This document is not closed and suggestions are welcome.

Mr Pirotti thanked everybody and particularly Mr Tabone for their comments and support and explained that the aim of this strategy is to bring the activity of the EU close to citizens. It should be easy to understand for all people.

Mr Pirotti will keep this document improved and updated and keep the MB informed about the new developments.

i. State of play of other ENISA activities

Mr. Pirotti briefly mentioned the following activities: ENISA website, ENISA Quarterly, customised information packages (CD-ROMs) and local dissemination of these packages, CERT Inventory and promotion of best practices, Who is who directory and the Country pages.

Sweden asked about the PSG's vision document, concerned that it would be focussing on the Agency's future rather than the PSG's thinking about future information security issues.

Mr. Pirotti answered that it was more about information security issues.

5. Points for information (Commission)

a. Draft decision on confidentiality and transparency

The Chairperson welcomed Mr Colasanti to present the proposal from the Commission, which was expected for the beginning of 2005 and emphasised on the importance of this text, which will have to be adopted by the Management Board on the basis of a proposal by the Commission (Articles 6(6), 12 and 13 of the ENISA Regulation).

Mr Colasanti explained that the delay for the submission of this proposal to the Management Board is due to the complexity of the EU decision making process and to the fact that the EU has strengthened the rules for classification of documents. Therefore, if ENISA was following those rules, relevant staff would need a security clearance. In order to avoid this procedure, Mr Colasanti was advised to follow a lighter approach and, as a consequence, the document had to be redrafted. The adoption of the proposal by the Commission is foreseen by mid June 2006 and the document should then be sent to the Management Board by the end of June 2006.

Sweden expressed her disappointment with the delayed proposal and reminded Mr Colasanti of the Commission's defence of a strong role for itself in the regulation. The Commission's role gives rise to an expectation that the Commission devotes appropriate attention and resources to the Agency. Sweden detailed some problems such as personnel turnover and moving the responsibility between units in the Commission. Mr Colasanti explained some of the issues and difficulties at hand. Sweden asked Mr Colasanti whether he was satisfied with the current situation, since it is within his purview to address it.

Mr Colasanti replied that the most intense phase of the Commission is over and that he his not worried for the normal activities.

Spain asked for a briefing on the Communication of the Commission. Mr Colasanti stated that the Communication is describing what is being done in the Member States, indicating areas where more efforts should be undertaken. There is also an impact analysis as the Commission has the obligation to justify all policy documents with this kind of analysis. It should be noted that the Commission has asked ENISA for an opinion on that impact analysis.

The Netherlands welcomed this request from the Commission to ENISA to comment the impact assessment analysis but suggested, that ENISA should be more involved in the technical aspects, in the drafting of the Communication itself and stressed the importance to highlight the role of ENISA.

The Chairperson expected to have this communication being available to the Management Board by the end of June.

Mr Pirotti expressed his satisfaction for the fruitful cooperation with the European Commission.

6. Points for discussion

a. Evaluation of the Agency

The Chairperson reminded that the Management Board will have a double role. The first one will be the agreement on the terms of reference on the basis of which the evaluation of the Commission will be carried out. The second will be, after having received the evaluation report, to issue recommendations to the Commission regarding eventual appropriate changes to ENISA Regulation.

The Chairperson stressed out, that the evaluation shall be completed by 17 March 2007 – with a possible change of schedule due to a ruling of the Court of Justice.

Mr Colasanti explained the standard approach used by the Commission for the evaluation, which will be based on a report from an evaluation committee consisting of two Commission officials and three high external experts. To hire the experts, the Commission will launch a call for tender. The Evaluation should take account of the views of relevant stakeholders.

The Chairperson can't be part of the evaluation committee, as proposed by UK, but will be invited for information purposes to a meeting between the Commission and the selected experts. Furthermore, the selected experts would want to interview other members of the Management Board. The Commission will send in a few weeks the Terms of Reference to be approved by the Management Board by written procedure (end of April). In addition to this document, the Netherlands and Sweden have requested to receive a cover note from the Commission with the important points, and a description of the procedure. Mr Colasanti stated that the evaluation report would be due at the end of 2006 and how it has been used for other agencies.

The Chairperson asked if the procedure is suitable for all the members of the Management Board. No objections were raised.

The Netherlands underlined that any opportunity for the MB to interact in this process might reveal extremely helpful.

UK expressed the opinion that what is described as a possible "negative" Court ruling for the MB can be seen as a "positive" one from the sight of UK. In addition, UK asked for some details about this procedure.

Mr Colasanti explained to the UK the possible process which could occur if the legal base is considered illegitimate. Should this be the case, the Commission would

propose a new regulation on an appropriate legal base which should be adopted before the end of 2007 in order to avoid disruption of ENISA activities.

Germany asked if the MB will have a role after the drafting of the terms of reference of the evaluation. Mr Colasanti reassured that this shall be the case.

Germany asked if there was an option to be in touch with the experts involved in the preparation of the terms of reference. Mr Colasanti stated that this is not possible because at the following meeting of the MB it will be too late to start the evaluation. The evaluation procedure is a sort of balancing act that provides the independence of the report and reveals that the real questions are being answered.

Hungary and Italy expressed the necessity of a third meeting before September because the evaluation of the Agency is very important. The terms of reference should be discussed again.

The Chairperson proposed to discuss the general orientations and to decide on the methodology today. A third meeting would therefore not be needed.

Mr Colasanti referred to the tender document, which will include the following items:

- 1) Reference and utility
- 2) Lessons for the future
- 3) Duration plan
- 4) Deliverables

Sweden shared the need for the involvement of the Management Board and said that there was a need to plan for the Board to have a thorough discussion on the evaluation at a later stage for it to be able to issue recommendations.

The Chairperson proposed that next time the meeting of the Management Board should last two days to deal with both usual business and the evaluation process.

In the interest of the Agency, Mr Pirotti also expressed the importance to be informed about the parameters of the evaluation within the best possible delays.

b. Preliminary draft Work Programme 2007 and preliminary draft Budget 2007

The Chairperson congratulated Mr Pirotti for managing to submit to the MB the draft WP 2007 and the budget 2007 within the tight deadlines. She invited the members to focus on general comments rather than in details since, according to article 15 point 6 of the regulation and in the process of the adoption of the budget, the MB has to send a provisional work programme to the Commission by 31 March the latest, which should be agreed at the level of principles with possibilities of further amendments.

Work Programme 2007

The Management Board discussed the matter and asked to restructure the Work Programme and to develop strategic plans and outline the achievements.

Austria suggested that it would be good to have an allocation of money and of resources. The Management Board should also have a correlated list of outcomes. This will be necessary for the Management Board notably to make a valid contribution in the discussion of assessing the role of ENISA.

Germany focused on the need to restructure the WP and separate clearly the expert's deliverables from the supporting deliverables, such as building up a library. Germany also supported the idea of White Papers and stressed that the WP lacks a strategic part.

The Chairperson pointed the need to know where the money is spent on, and what will be the activities undertaken this year.

Malta congratulated Mr Pirotti for the exciting planned activities for 2007. There is a need to show how we are proceeding with each activity, the scoping of the resources and their adequacy towards the planned task. ENISA should take into consideration if it has the right structure for the right execution.

UK underlined that the work programme is pretty much activity based. It should instead focus on the added value of the Agency and of its outcomes. Outcomes should give the Management Board a scorecard. Finally, a strategic objective of ENISA should be to reduce the administrative costs, releasing more resources for the aims of ENISA.

Ireland underlined the need to develop a strategic part of the WP, and emphasized the need to dedicate more work on the new generation of threats.

Italy and Hungary stressed that the WP 2007 is still lacking strategic orientations.

Portugal agreed with most of the comments mentioned before. In addition, it highlighted the advisory nature of ENISA and the need of its preparation for the future requests. How does ENISA plan to answer to requests if the resources are not sufficient?

The Netherlands commented that the WP is too ambitious and too "instrumental". A strategic part should be developed. In terms of deliverables, White Papers should be produced by ENISA.

France underlined that a key task of ENISA should consist in a strong collaboration with the work of the Commission. This WP 2007 should be consequently related to the WP of the Commission itself. For instance, this WP 2007 does not mention sufficiently the evolution of the Communication Networks and its importance for the future.

Poland supported the view that the WP 2007 should give a wider look at what could be the real value of ENISA. Poland proposed an additional task for ENISA: start a study on the main obstacles to the security level of IT systems as a whole. Poland finally emphasized that dimensions like awareness raising may be important at this moment but might not be so much in the future.

Estonia advised that this Programme should focus on solutions and not on problems. It was also noticed that some of the activities mentioned in the WP 2007 are internal to ENISA and they will consequently not benefit from any publication.

Mr Colasanti also agreed on the previous comments about a programme focused on the outcomes. He suggested that ENISA would produce a one page–document including the 3-4 most important outcomes that ENISA should achieve. This document could be used as a basis not only for this WP but also for the subsequent ones. It could also be a good start for the MB to define the general orientations of ENISA.

The Chairperson suggested to Mr Pirotti to revise the WP 2007 accordingly and add a strategic part before sending it to the Commission. Strategic goals serving as orientation paper may be discussed in spring during a possible meeting organized somewhere in central Europe.

Spain suggested following the written procedure and if this does not work, a meeting can be arranged.

The Chairperson will assess the need for a future meeting due to the amount of comments which have been raised.

UK joined the previous remarks which called for a more structured strategic view of where the Agency goes and wants to go. UK put forward the idea of an informal workshop of the Management Board and the PSG.

Mr Pirotti noted that there is no budget available to organize extra meetings for the Management Board and the PSG. For that reason, participants will have to pay their own expenses.

The Chairperson agreed with the idea of a workshop as it requires less formality. UK offered to host such a workshop.

After discussions, it was agreed to organise this workshop in London, at the beginning of June. It will gather the Members of the Management Board and of the PSG to discuss the strategic orientation of ENISA.

Sweden encouraged the idea of UK concerning the inclusion of a strategic view in the WP 2007 and propose activities to meet the challenges described in that view. The WP should also include options and priorities for the Board to inform its decision. Distinction between supporting activities and output needs to be clearer. On the issue of “general orientation” Sweden was of the opinion that is what the Board does when it adopts rules, budgets, work programmes etc. There is no need for a separate “general orientation” document. This being said, Sweden recognized that the Management Board could give additional strategic guidance and looked favourably on a workshop.

The Chairperson underlined that a strategic chapter added to the WP will certainly have added value.

Slovenia proposed to Mr Pirotti to insert in the WP target groups for specific deliverables. Some actions seem to be like one time activities but they are in fact ongoing tasks.

Spain added three comments. First, the risk allocation is not included in the Programme. Secondly, the issue of privacy is not mentioned in the WP. Finally, it would be interesting to have an index in the WP.

Mr Garcia-Morán proposed ENISA to concentrate on 2-3 main issues in order to increase its credibility and become a centre of excellence and only after to start additional work.

The Chairperson asked Mr Pirotti to amend the structure of the WP 2007, focus on outputs (including whitepapers) and show the clear added value of the Agency.

It was decided that the new version of ENISA's WP for 2007 will be produced by 17 March 2006 and the Management Board will have two weeks to adopt it.

The adopted WP will continue to be a work in progress as the Board has not had the chance yet to discuss the contents and deliverables in detail. This discussion should take place in writing over the summer and intensify with the approaching next board meeting in September.

The strategic paper will be drafted during the workshop in London. The Chairperson asked Mr Pirotti to draft a document to be distributed to the Board in due time before the meeting to prepare the strategy workshop.

Budget 2007

The total amount of budget requested for 2007 is 8 million EUR.

Mr Carreira, Head of Administration, explained that the major changes will be in the operational part, since substantial savings will be done for the recruitment expenditure, temporary assistance, replacement of equipment, and maintenance costs. The estimated savings are around one million per year.

Sweden asked if improvements have been made in the Agency's administration of the budget in the light of some of the earlier problems. Mr Pirotti, with support from the Chairperson, answered that the Agency is learning from this experience.

Mr Colasanti drew the attention to the importance to ensure consistency between the budget and the Work Programme and to be precise in the justifications.

Since the budget for translation has increased, France has requested to translate the important documents into French. UK encourages the Board to increase the budget. After Portugal asked which are the income sources of ENISA, Mr Pirotti replied that for the time being the only resources were coming from the Commission. Mr Colasanti suggested encouraging the budgetary contribution of the EEA countries.

Sweden reminded the Board that contributions from third countries could be a part of arrangements made with them. Sweden requested information about those arrangements since the issues was not clear.

c. General orientations for the operation of the Agency (article 6.7 Regulation (EC) No 460/2004)

This point was skipped, as it was agreed to hold a workshop at the beginning of June 2006 in London.

d. Working Groups: Plans for 2006

Mr Pirotti explained that there are 3 Working Groups that ENISA should setup within 2006, a Working Group on Regulatory Issues, a Working Group on Computer Emergency Response Services and a Working Group on Risk Management.

The Chairperson asked for the final reports of the existing Working Groups.

Mr Pirotti talked about the three WGs in 2005 while Mr De Bruin, Head of Cooperation and Support, stressed the limited influence of ENISA to improve the results of these groups. The main reason is that they are not paid for their work, which has led to insufficient drive to deliver according to the expectations. There is also a need to revise the internal rules of operation, in order to improve steering and performance of the Working Groups. The Chairperson confirmed.

Replying to a question of Germany on whether the existing WGs will be dissolved or if they will go on with a shifted aim, Mr De Bruin noticed that, as laid down in the terms of reference, their mandate has a limited duration.

Mr Pirotti reminded that WGs are an instrument of ENISA staff, they are made to help the operative work of the Agency.

Mr de Bruin added that he did not want to leave the Management Board with a too negative impression of the Working Groups. He gave the example of the CERT Working Group, and the Working Group on Awareness Raising, which gave ENISA a lot of inspiration about the different target groups, described on the CD-ROM. Mr de Bruin stated that ENISA had higher expectations but the Working Groups still bring added value to the Agency.

The Chairperson re-stated the necessity to revise the present internal rules on the WGs at the next meeting of the Management Board.

Mr Pirotti outlined the three new Working Groups to be established in 2006:

- 1) WG on Regulatory Issues: Set up to make an inventory of the regulatory area pertaining to information security, to present issues addressed, and finally to make an analysis of how these requirements affect information security with - as immediate objective - to provide ENISA and its stakeholders with a full overview over the status of EU legislation in this area and as secondary one to identify gaps, overlaps and discrepancies in legislation.
- 2) WG on Computer Emergency Response Services: Set up to deal with questions related to the provision of adequate security services ("CERT services") to specific (categories or groups of) users.
- 3) WG on Risk Management: Set up to elaborate on databases with threats, threat agents and vulnerabilities.

Sweden expressed strong support for setting up a Working Group on regulatory issues. However, the Working Group should focus on an inventory, rather than making recommendations for new regulations.

UK suggested that it might be useful to map the regulatory environment. Member States are working in different ways. Other legislations should be kept in mind, as for example the Californian law.

Germany preferred ENISA to concentrate on technical topics as foreseen in the regulation rather than on legislation and especially gap analysis in regulative matters.

France shared strongly the views of Germany.

The Chairperson stated that this matter should be left at the discretion of the Executive Director who is solely responsible for the Working groups. The Management Board might only exercise an advisory role in this field.

7. Points for adoption

a. Decision on access to documents

The Chairperson explained that at the last Management Board Meeting in Budapest a draft decision of the Management Board was presented to adopt rules regarding public access to ENISA documents. The end result was that the MB postponed the decision to this MB Meeting.

The new draft decision on rules regarding public access to ENISA - documents, which has incorporated all comments received, was adopted by the Management Board.

b. Internal rules of operation on requests to the Agency

Pursuant to Article 10 of the Regulation, the Management Board has to adopt the Agency's internal rules of operation including the practical arrangements for handling requests and calls for advice and assistance to the Agency, on the basis of a proposal by the Commission (Commission Decision of 17/X/2005).

Germany asked for clarifications concerning the two different paragraphs in the ENISA Regulation, dealing with calls/requests: article 3 b (calls for advice and assistance) and article 10 (requests to the agency).

Sweden asked why Article 1 point 2 (iii) of the Internal Rules of operation on requests to the Agency was not in line with the ENISA Regulation (Article 10, point 2c), and, as a consequence, the national regulatory authorities are automatically seen as a competent body.

Mr Colasanti did not recall the reason why the Commission proposal had introduced national regulatory authorities as a separate category.

Aside this question and as per requested by Mr. Pirotti, Mr. Hance explained the modus vivendi which had progressively been developed between the Agency services and the Commission services. This could be summarized as follows:

- a) a distinction has been made between the two procedures under article 3 (b) of the ENISA Regulation) and under article 10 of the ENISA Regulation
- b) this distinction which had been agreed with the Commission's services presents the following advantages:

- a. we stay coherent as the requests under article 10 cannot be made by European bodies while they can send a call for advice/assistance under article 3(b)
- b. a request under article 10 has to emanate from the Institution itself, for instance the College of Commissioners in the case of the Commission whereas the article 3 (b) only precise the beneficiaries of the call for advice but does not oblige the Institution *itself* to send the call for advice/assistance. This interpretation allows for instance for a call for assistance to be sent to ENISA after the signature of a Director general or exceptionally a Director.
- c. Finally, the distinction guarantees some coherence as articles 3 (b) and 10 are not symmetrical and any other interpretation could reveal inconsistent.

Mr Colasanti explained that the term "request" of article 10 can also covers calls for advice and assistance.

The Netherlands is of the opinion that the difference is academic and that the Board should consider that the European Bodies can also send requests and modify the Internal Rules of Operations accordingly.

The Chairperson stated that it's up to Mr Pirotti to analyze the request and to see if a request really requires resources and efforts. Article 10 just justifies the rejection of claims out of the scope of the Agency.

The internal rules of operation on requests to ENISA were agreed upon, under the condition that they would be incorporated into an ENISA document, approved by the Management Board and signed by the Chairperson.

8. Any other business

Sweden informed the Management Board that, following a decision of the Swedish Government, the National Post and Telecom Agency (Post- och telestyrelsen) has been appointed the competent national body, which have the right to send requests for advice and assistance to ENISA.

Slovenia asked ENISA to establish a new mailing list of the Members of the Management Board and to keep it updated.

In reply to Estonia, Mr Garcia-Morán stated, that the migration to the EU domain will take place on 9 May 2006 and that all official sites of the EU, including ENISA website, will become www.enisa.europa.eu .

France requested to be kept informed about the requests addressed to ENISA and the results. Mr Hance replied that, for the time being, ENISA has received one request (from Lithuania) on training programme in the field of CERT and three other calls for advice and assistance.

9. Conclusions and dates for the next meeting

The Chairperson concluded that a workshop will be held in June in London. Next meeting of the MB will be held in Helsinki on 29 September 2006.

For the Management Board



Kristiina Pietikäinen
Chairperson

List of decisions/adoptions/approvals/agreements

1. Approval of amended agenda
2. Adoption of Opinion of Commission to Work Programme 2006
3. Adoption of Work Programme 2006
4. Acceptance of invitation of a PSG rapporteur to next MB meeting
5. Decision to send results of WG firstly to the Chairperson of the MB
6. Agreement to organize at the beginning of June in London, a workshop with the Members of the Management Board and the PSG in order to discuss the strategic orientation of ENISA
7. Decision, that the new version of ENISA's WP for 2007 will be produced by 17th March 2006 and the Management Board will have two weeks to adopt it
8. Adoption of the draft decision on rules regarding public access to European Network and Information Security Agency documents
9. Agreement on internal rules of operation on requests to ENISA, under the condition that these rules would be incorporated into a document, approved by the Management Board and signed by the Chairperson

List of actions

Item	Responsible	Timeline
Launch a written procedure about annual accounts 2005	ENISA	Probably second half of April
Invite PSG rapporteur to next MB meeting	ENISA	Not specified
MB to decide, whether results of WG – once available – to be published on website	MB - ENISA	Once results will be available
Keeping MB up-to-date on developments on Communication Strategy	ENISA	n. a.
Review of rules of operation of the Working Groups (comments to be sent to MB via e-mail). Topic at next MB meeting	MB – ENISA	Until next MB meeting
Launch a written procedure by mid March 2006 for the adoption of the general report 2005 to be approved by the MB before 31 March	MB – ENISA	Mid March
Draft decision on Confidentiality and Transparency	COM	Adoption foreseen by mid June 2006
Communication of the decision on confidentiality and transparency available to MB	COM	End of June
Send Terms of Reference of evaluation of ENISA to be approved by the Management Board by written procedure (end of April). Send a cover note from the Commission with the important points and a description of the procedure and how it has been used for other agencies	COM	'in a few weeks'
Inform on the status on arrangements with EEA / Third Countries	COM - MB	
Organize informal strategy workshop in London	UK / ENISA	Before meeting in mid June
Draft document on strategic orientation to prepare Workshop and distribute to MB and PSG	ENISA	End of May
Keep MB informed on developments of working groups	ENISA	According to state of the play

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