

Minutes

of the ENISA 10Th Management Board Meeting

22 March 2007 14h00 – 19h30 23 March 2007 09h00 – 13h00

Heraklion City Hall, Room "Eleftherios Venizelos", Agiou Titou str. 1

Participants:

Member States Representatives: Reinhard POSCH (Member, AT), Rudi SMET (Alternate, BE), Slavcho MANOLOV (Alternate BL), Antonis ANTONIADES (Alternate, CY), Jaak TEPANDI (Alternate, EE), Kristiina PIETIKÄINEN (Chairperson, FI), Isabelle VALENTINI (Alternate, FR), Anja DIEK (Member, DE), Nikolaos VLASSOPOULOS (Member, EL), Constantine STEPHANIDIS (Alternate, EL), Ferenc SUBA (Vice-Chairperson, HU), Giandonato CAGGIANO (Member, IT), Pascal STEICHEN (Alternate, LU), Raimonds BERGMANIS (Member, LV), Ingrida GAILUME (Alternate, LV), Edgar R. DE LANGE (Member, NL), Krzysztof SILICKI (Member, PL), Manuel Filipe PEDROSA DE BARROS (Alternate, PT), Liviu NICOLESCU (Member, RO), Peter BIRO (Member, SK), Gorazd BOZIC (Member, SL), Pernilla SKANTZE (Alternate, SE), Geoff SMITH (Member, UK), Diana KORSAKAITE (proxy of Lithuania), Joanna FORMOSA BORG (proxy of Malta).

Management Board Commission Representatives: Fabio COLASANTI (Member, Director General DG INFSO), Francisco Garcia Morán (Member, Director General DG Informatics)

Management Board Stakeholders' Representatives: Kai RANNENBERG (Member, Academic Rep.), Markus BAUTSCH (Member, Consumer Rep.)

EEA-Country Representatives (observers) to the Management Board: Jörn RINGLUND (NO)

ENISA: Andrea PIROTTI (Executive Director) Giorgos DIMITRIOU (Secretariat to the Board), Béatrice BALON, Ulf BERGSTRÖM, Ronald DE BRUIN, Alain ESTERLE, Aimilia FILIPPIDI, Andreas MITRAKAS, Tim MERTENS, Alex VAN DECRAEN, Sandra ZIAKAS

Other Participants: Rogier HOLLA (DG INFSO), Andrea SERVIDA (DG INFSO)

Mr. Gregory Paulger and Mr. Flemming Faber had apologised for not being able to participate in the 10th MB meeting.

Welcoming speech by the Mr. Kourakis mayor of Heraklion

The Mayor of Heraklion, Mr. Ioannis Kourakis welcomed the Management Board Members to the City Hall of Heraklion and gave a short welcoming speech.

Visit of the Vice Minister of Development, Mr. Neratzis and of Mr. Hatzimarkakis, member of the EP

The Chairperson welcomed Mr. Neratzis, the Vice Minister of Development and gave the floor for his speech.

Mr. Hatzimarkakis, member of the European Parliament, gave a speech to the Board. Firstly, he congratulated Mr. Posch and Mr. Suba for their election as Chairperson and Vice Chairperson of the MB. He explained his involvement in the budgetary committee of ENISA. He expressed his satisfaction about solid commitment of Greece towards ENISA. He then talked about the issue of the location of the Agency by saying that it is important to know that Europe is not only related to Brussels. Europe should be close to the European citizen and to the European periphery. The presence of ENISA in Heraklion has changed the mentality of Cretan people. He underlined the importance of the existence of such an Agency in Europe and the fact that it is effective.

1. Opening of the meeting and presentation of the new members

The Chairperson opened the meeting and welcomed the participants to the 10th Management Board Meeting. Mrs. Pietikainen also welcomed the new members of Romania, Mr. Liviu Nicolescu and the alternate Mrs. Christina Stan.

Mrs. Pietikainen gave the floor to Mr. Pirotti who gave a short welcoming speech due to the heavy agenda and the short time available. Mr. Pirotti thanked the Management Board members for their presence in Heraklion.

The Chairperson informed the MB for the arrival of the Vice Minister of Development in Greece, Mr. Anastasios Neratzis on 23rd March 2007. Mrs. Pietikainen highlighted the special link between Mr. Neratzis and the adoption of the ENISA Regulation.

2. Adoption of the Agenda

Due to the unforeseen weather circumstances, the meeting started at 14:00 instead of 09:00. As a consequence, the Chairperson proposed the following changes to the Agenda:

- 1. Point 4 "Approval of the General Report to become point 4b.
- 2. Point 6 "The Board's short term recommendations for the Agency to become point 7.
- 3. Point 7 "Election of the Chair and Vice Chair" to become point 9.
- 4. Point 8 "Statement of Estimates of revenue and expenditure (draft budget 2008) and the provisional work programme 2008" to become point 6.
- 5. Point 9 "Process on preparing the Work Programme 2008 and discussion on the provisional work programme" to become point 5.
- 6. Point 10 "The organisational survey of the Agency" to become point 11.
- 7. A new point was added to the Agenda. It is the point 4a. Approval of "Call for expression of interest for membership of the Permanent Stakeholders' Group of the European Network and Information Security Agency.

The Chairperson expressed her hope that the budget estimation will be approved the first day of the meeting. The elections of the new Chairperson were scheduled the second day of the meeting.

A closed session was requested by Mr. Smith.

The new agenda was adopted.

3. Approval of the minutes of the 9th Management Board

The Chairperson has asked the Board to make their comments on the minutes of the 9th Management Board.

Mr. Stephanidis expressed his dissatisfaction that the lengthy comments of Greece about the location were not incorporated.

Mr. Caggiano stressed the fact that in the previous Management Board Meeting the issue of the location was comprehensively discussed but it was not enough reflected in the minutes. In addition, the support of Italy to the location of the Agency was not quoted in the minutes.

The Chairperson responded to these comments by asking to the Secretariat of the Board to prepare a new version of the minutes incorporating the comments of Greece and Italy.

Mr. Stephanidis added that he would like the Secretariat to incorporate in the minutes all his comments made during the 9th Management Board Meeting included those concerning the location. He also expressed his preference to long and detailed minutes. Furthermore, he proposed the recording of the minutes.

The Chairperson expressed her hesitation to the idea of recording the minutes.

Mr. Colasanti stressed the need for the Management Board to be clear in the way they approach the location issue. He highlighted that the Board is free to discuss the location of the Agency but should bear in mind that the location issue is a matter falling under the responsibility of the Council. Therefore, he suggested that the Board discussion would be more effective if it would focus on the consequences of the location on the performance of the Agency.

The Chairperson insisted on her opinion to keep the minutes short. According to Mrs. Pietikainen, the minutes should mainly include the list of the participants and a short description of the decisions and discussions of the Board.

Mr. De Lange agreed with the idea of having brief minutes.

Mr. Posch stated that it is the task of the agency in coordination with the chair to produce the minutes. After that formal remarks by members would be visibly amended without changing the original minutes including the main points of the meeting in the first draft of the minutes.

Mr. Stephanidis, the Greek alternate, emphasized the fact that as long as the minutes reflect what is said there is no need to persist on recording them.

The Chairperson concluded the discussion by proposing that we do not record the meetings and continue to produce brief and accurate accounts of the Board's discussions.

4a. Approval of "Call for expression of interest for membership of the Permanent Stakeholders' Group of the European Network and Information Security Agency"

Mrs. Diek first commented on the limited timeframe of the document. Secondly, she commented on the change of the composition of the PSG. She expressed the opinion that the initial composition should not be changed and more specifically, the industry should continue to be represented by the same number of stakeholders as it was the case before this call. Finally, she proposed to leave out of the scope the cryptography.

Mr. Pirotti agreed that the timeframe is short. He justified the change of the structure of the PSG by saying that people who come from the academic society usually represent at the same time the industry. In the end, he agreed with Mrs. Diek to leave out of the scope the cryptography.

Mr. De Lange agreed with Germany that the industry should continue to be represented by the same number of stakeholders.

The Chairperson proposed to discuss again this point the second day of the meeting after a discussion that Mr. Pirotti will have with Mrs. Diek, Mr. Rannenberg and Mr. De Lange.

Mrs. Skantze has asked the Executive Director if the Agency has made any evaluation on how the PSG had performed as a group, and what the Agency has found that had worked well with the PSG, and in addition where they would like to see improvement.

Mr. Smith requested to be informed about the changes to be made in the document "Call for expression of interest for membership of the Permanent Stakeholders' Group of the European Network and Information Security Agency".

4b. Approval of the General Report

The General Report was approved.

5. The Board's recommendations for the amendment of the ENISA Regulation

Mr. Smith briefly presented the main points of the recommendations.

The Chairperson firstly asked for the general comments and then she advised examining recommendation by recommendation.

Mr. Colasanti explained that, in view of the current plan on the planned Communication on the evaluation of the Agency, he would recommend the Board to adopt its recommendations by the end of April. This would allow the Commission to include them in the planned Communication. He also informed the Board that, further to the European Parliament's request to the Commission to accompany every proposal for a new Agency by a thorough cost benefit analysis, the future proposal on the extension of ENISA would have to be supported by such an analysis. This has inevitably an impact on the calendar of the possible future proposal that is now planned for the beginning of 2008.

Mr. Vlassopoulos thanked the members of the task force. He highlighted two issues. Firstly, he expressed the opinion that a proposal of a mandate of 5 years is not satisfactory. According to his position, the mandate should be renewed for about 10-15 years. This period will enable the Agency to show its work. Secondly, he underlined that the idea of creating an office of the Agency in Brussels should not be included in the Board's recommendations.

On the issue about the process of discussing the recommendations (whether there will be a vote or not, whether a consensus should be reached or whether different opinions should be reflected), Mr. Tepandi proposed to have at least a consensus in key issues.

The Chairperson suggested the Board to comment recommendation by recommendation.

Concerning the first recommendation about the duration of the Agency, Mr. Colasanti advised the Board to try to reach a consensus. Otherwise, the opinion of the majority and the opinion of the minority should be mentioned separately.

Furthermore, he clarified that the first mandate of the Agency was the result of a compromise between those who wanted and those who were reluctant for the Agency to be created. He underlined that such a mandate of limited duration had not happened for other agencies. For that reason, he did not favour the idea of proposing another mandate of limited duration for the Agency.

Regarding the same issue, Mr. Stephanidis strongly supported the idea of an indefinite mandate for the Agency. According to his statement, if an indefinite mandate is not possible, it should be renewed for at least 10-15 years in order to avoid putting again the Agency into anxiety for a second evaluation into approximately 2 and a half years.

Mr. Caggiano expressed the opinion that the duration of the mandate is a very fragile point for ENISA. It was mentioned by Mr. Caggiano that before the Court's judgement for the ENISA Regulation, it could be supported that there is no legal base for the creation of an Agency. However, it is now clear according to Mr. Caggiano that there is a legal basis. He stated that there is no reason for ENISA to continue having a fragile profile. In addition, since the Court's decision was that there is a legal basis, there is no reason to continue with a short mandate which is an exemption for Agencies. Finally, he expressed his satisfaction with the work of ENISA in Heraklion.

According to Mr. Tepandi, it should be firstly defined if the Board wishes to extend the mandate of the Agency and following to that they should decide for how many years the Agency should be extended.

Mr. Smith said that the UK's position had been clear from the outset. It supported the Agency but had felt compelled to challenge the legal base - Article 95 - under which the Agency had been established

Mr. De Lange drew the attention of the Board to the fact that the case of ENISA is exceptional since in its field there are a lot of developments. Therefore, he recommended a limited timeframe for the mandate of the Agency. In addition, he justified his opinion by mentioning the recommendations of the IDC report which discourage an unlimited mandate for the Agency.

Mrs. Valentini supported the principle of renewing the duration of the Agency for 5 years in order to be able in the future to evaluate its impact in the information security society.

Mr. Posch proposed not to make any changes in the initial recommendation of the Task Force about the mandate.

Mr. Bozic supported the extension of the mandate of the Agency to an indefinite period. He justified his suggestion by saying that in the field of ENISA, changes are being made very rapidly, the development is dynamic and for this reason there is an imperative need for this Agency. The more complex the system gets, the more this Agency is needed.

Mrs. Diek proposed a defined extension of the mandate of ENISA.

Mr. Antoniades suggested that the mandate of ENISA should be extended indefinite instead of being limited.

Mr. Steichen showed its appreciation towards the work of ENISA taking into consideration its resources. He showed his disfavour towards the idea of putting a time limit to the mandate of the Agency. He underlined that the Board should be in favour of the existence of ENISA and this should be transmitted to the Commission.

Mr. Stephanidis contested the impact factor used in the IDC report as regards to the location.

Mrs. Korsakaite supported the idea of the permanent basis of ENISA. It was recommended that the Board should focus on what it requires from ENISA.

Mr. Tepandi proposed that if the Board does not reach to an agreement on the duration of the mandate, it should be mentioned in the recommendations that the Board supports the extension of the mandate without specifying the period.

Mrs. Skantze stated that the extension of the mandate for five years is reasonable.

The Chairperson concluded the discussion by stating that the recommendation will propose an extension of the mandate and an evaluation in the future.

Concerning the second recommendation about the scope, Mr. De Barros proposed not to change the recommendation because the scope should not be changed.

The Chairperson stated that the recommendation will not have any changes and moved to the third recommendation.

Concerning the third recommendation about the key objectives, the Chairperson proposed to delete its last words about the mandate of the Agency.

Regarding the last recommendation of the task force, Mr. Tepandi proposed to say that the ED has the right and not the obligation to appoint a stakeholder.

The Chairperson concluded the discussion as regards to the Long Term Recommendations of the Board and requested from Mr. Smith to produce an update version of the document incorporating the changes by the next day.

6. Process on Preparing the Work Programme 2008 and Discussion on the Provisional Work Programme 2008 for the amendment of the ENISA Regulation

Mr. Ronald De Bruin gave a presentation about the Working Programme 2008 development.

Mr. Tepandi and Mr. De Barros favoured the idea of involving the Board in the process of the development of the Work Programme.

Mrs. Skantze stated that she is very happy for the efforts made to improve the work programme process as Sweden has not been very happy with the last work programmes. She also hoped that the new work process presented by Mr De Bruin would not put an extra burden on the MB since the ideas for the work programme should be provided by ENISA which has the expertise. The role of the Board should only be to accept (or refuse) these ideas provided by the Agency.

Mr. Posch emphasized the importance of the outcome than that of the process.

According to Mr. De Lange, the MB should not be a working party of the Agency.

Mr. Colasanti commented on the new process by saying that he saw it as very constructive. The Agency should make most of the proposals and some adjustments should be made by the PSG, the NLO.

Mr. De Bruin thanked the Board for its support and he informed the members that he would take into consideration their comments. He replied to the comments of the Board by saying that the Agency will certainly not ask the Board to do the tasks that are allocated to the Agency. The Agency needs an interaction with the Board in order to decide which targets should be set.

Regarding the question how does a Work Programme should look like, Mr. De Bruin favoured the involvement of the Board leaving at the same time at the MB's discretion to invest as much effort as they deem necessary. In any case, according to Mr. De Bruin the time investment is less if the Programme proposal is drafted with the involvement of the Board than to ask the Board to comment a version already prepared without the input of the Board members.

Mr. De Bruin explained that the link between the packages and the WP is that the packages are planned in a way to achieve the goal. The achievement is evaluated by the Board.

According to the Greek representative, the MB members should not go into tactics and operations since they are supposed to give general orientations about the strategic goal of the Agency according to the ENISA Regulation.

The Chairperson said that the MB approves the WP and in this way it has a role in the operations of the Agency. The question is how to balance between the orientations and the idea of proposing something to the Agency.

It was added by Mr. Silicki that the Board should be sure that the task of ENISA to prepare the WP is not shifted to external bodies as the MB.

Mr. De Bruin responded to the comments of the MB members by saying that the idea is to collect all the input. In addition, there will be a chance in the PSG meeting to discuss with the Stakeholders what is happening in Europe.

The Chairperson concluded the discussion by saying that the new process is accepted by the Board.

7. Statement of estimates of revenue and expenditure (draft budget 2008) and provisional Work Programme 2008

Mr. Pirotti informed the Board about the Verbal Note ENISA has received from DG INFSO concerning the 2% increase of the Commission grant for the year 2008. ENISA has proceeded with the allocation of the additional funds.

Mr. Mitrakas has presented the changes in the budget.

The Chairperson reminded to the Board that it is the statement of estimates that is being approved and not the budget.

Mrs. Skantze noticed that there is no budget line corresponding to the information security and wondered how ENISA is dealing with the general security.

Mr. Mitrakas explained to the Board that there is no information security officer. There is IT MAC group chaired by Mr. Esterle which deals with these issues.

Mrs. Valentini requested some explanation about the reason that there was an increase in the budget line "Relations with EU Bodies and Member States"

Mr. De Bruin replied that the money in the budget line "Relations with EU Bodies and Member States" have been increased because there is a new activity added.

Mr. De Bruin explained the reason of the increased amount for the missions by saying that there is a need for the Agency to perform networking capability.

The Chairperson requested if possible not to see any major changes in the Title 1 since the establishment plan has not changed.

8. The Board's short term orientations for the Agency (the strategy)

Mr. Esterle gave a presentation on the process and content development of the Draft Strategy Paper.

Mr. Smith noticed a paradoxe: the MB has a clear role in terms of strategy that is not clearly defined. He informed the Board that there were some minor changes in the paper of the task force due to the comments of Greece, Bulgaria, and Hungary. Finally he thanked the members of the Task Force for their input in the process of drafting the document.

The Chairperson thanked the Task Force for the document and she noticed that it includes mostly general orientations for the Agency which is related to the task of the Board to give such orientations to the Agency.

The Greek representative expressed his satisfaction for incorporating the comments of Greece in the document. He also thanked the Task Force for excluding the last point of the document about the location.

The Chairperson agreed to exclude the last point of the document.

Mr. De Lange supported the idea of an office in Brussels because in this way the efficiency and the external relations of the Agency will be improved.

Mr. Stephanidis insisted on the exclusion of this point from the strategy paper. He explained that if an office is created in Brussels, it will be counter productive for the Agency. He wondered under which criteria the staff that will work there will be selected. He highlighted that this situation will create practical and operational problems.

Mr. Caggiano agreed with the points of Mr. Stephanidis by strongly opposing to the proposal of the creation of an office in Brussels. According to his view it will create problems in managing the human resources of the Agency.

Mr. Colasanti also agreed with Mr. Caggiano and Mr. Stephanidis; the Chairperson underlined that the proposal of creating an office in Brussels has no relation with the recommendations discussed in the strategy paper.

The Chairperson stated that the point is deleted. Mrs. Pietikainen asked Mr. Smith to update the document according to the discussions made during the Board Meeting.

SECOND DAY:

9. Elections of Chair and Vice Chair

The Chairperson announced that Mr. Reinhard Posch was elected as the new Chairperson of the Management Board and Mr. Ferenc Suba as the vice

Chairperson. The election results where as follows: for the position of the Chair of the MB, Mr. Posch received 23 votes, for the position of the Vice Chair Mr. Suba received 23 votes.

Follow up of the points from the first day of the meeting

It was also announced that there will be a joint PSG-MB meeting in Berlin on 6 June 2007 and the 11th MB meeting will be held in Lisbon on 10th October 2007.

Mr. De Barros proposed to the Board to organise an informal high level meeting of the Heads of centres of excellence of each Members State in Lisbon in conjunction with the October Management Board meeting.

Mr. De Bruin presented the agreed changes to the proposed PSG call.

Due to the request of Germany to put back the word cryptography, the Chairperson proposed to replace this word with the word cryptographic applications.

The new call for expression of interest for membership of the Permanent Stakeholders' Group was finally approved by the Board and the final composition will be 15 experts from industry instead of 20 which was in the past and 10 instead of 5 academic experts as it was in the past.

Follow up of the points from the first day of the meeting

Mr. Smith presented the changes that have been made in the document Long Term recommendations and General Orientations.

Mr. Suba stated that as long as the Agency is small, it is required to rely on centres of excellence in Europe like FORTH. It is a good way to raise the level of expertise.

The Chairperson proposed changing the centre of excellence to centre of competence.

The Chairperson stated to the Board that the paper on General Orientations and Long Term recommendations has been adopted.

10. The Organisational Survey of the Agency

The Chairperson explained the background of the activities of the Steering Committee. She congratulated the result of the survey while underlining its good methodology.

It was announced that 48 out of 50 people from the Agency answered to the questionnaire of the survey. A very good picture is given of what is happening in the Agency due to the participation of the whole staff of the Agency.

Mr. Pirotti thanked the HOD of the Agency for their work to overcome the challenges and informed that ENISA will work in the areas that need improvement. Mr. Pirotti announced that his intention is to organise a workshop where Ramboll will be asked to participate along with the staff with aim to improve the weaknesses that have been identified.

Presentations

Mr. Marco Thorbruegge gave a presentation on "Ad-hoc Working Group CERT Services"

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Mr. De Bruin informed the Board that ENISA is going to launch a new call for the expression of interest to refresh the experts.

Mr. Louis Marinos gave a presentation on "WG Risk Management / Risk Assessment" He informed the Board that there will be a workshop next week in Heraklion.

Mr. Andreas Mitrakas gave a presentation on "WG Ranis: An overview"

Mr. Smith expressed his concern as to how the RANIS WG conclusions would be disseminated to policy makers in Capitals who would find this work of interest.

Mr. Posch thanked Mr. Thorbruegge, Mr. Marinos and Mr. Mitrakas for the valuable contribution.

The Chair of the Board has also thanked the Secretariat of the MB, Mr. Dimitriou and the two assistants Mrs. Filippidi and Mrs. Ziakas for the excellent organisation of the meeting.

For the Management Board, Kristiina Pietikäinen Chairperson