



European Union Agency for Cybersecurity (ENISA)

Minutes of the ENISA Management Board meeting held on 16-17 November 2022 online

PARTICIPANTS:

Representatives of the European Commission (EC): Lorena BOIX ALONSO (DG CNECT), Grzegorz MINCZAKIEWICZ (DG DIGIT);

Member States' Representatives: Vinzenz HEUßLER (AT), Phedra CLOUNER (BE), Antonis ANTONIADES (CY), Tomáš MINÁRIK (CZ), Markéta AMBROŽOVÁ (CZ), Thomas FLARUP (DK), Gert AUVÄÄRT (EE), Liisa PAST (EE), Jean-Baptiste DEMAISON (Chair, FR), Aude LE TELLIER (FR), Horst SAMSEL (DE), Athanasios STAVERIS-POLYKALAS (GR), Fanis ANAGNOSTOPOULOS (GR), Krešimir ŠIPEK (HR), Bencsik BALÁZS (HU), Kevin FOLEY (IE), Kerri-Ann WOODS (IE), Gianluca GALASSO (IT), Edgars KIUKUCANS (LV), Jonas SKARDINSKAS (LT), Krzysztof SILICKI (PL), Matthew YEOMANS (MT), Han DE VRIES (NL), Maciej SICIAREK (PL), Isabel BAPTISTA (PT), Marjan KAVČIČ (SI), Dan CIMPEAN (RO), Matej SALMIK (SK), Elena de la CALLE (ES), Shafagh ELHAMI (SE) Britt-Marie JÖNSON (SE);

Observers EEA countries: Michael VALERSI (LI), Gunn PETTERSEN (NO), Hilde GOUTAL MULLER (NO);

Observers (EC): Miguel GONZALEZ-SANCHO (DG CNECT), Enrique GOMEZ;

Observers: Lajos SZABÓ (HU), Orsolya BELANYI (HU), Clarissa WILKIE (DE); Britt-Marie JÖNSON (DK), Elín Sif KJARTANSDÓTTIR (IS), Stefania DUCCI (IT), Jenny Ingelin NORDGARD (DK);

ENISA: Juhan LEPASSAAR, Jo De MUYNCK, Evangelos OUZOUNIS, Dimosthenis OIKONOMOU, Ingrida TAURINA, Georgia PAPPA, Apostolos MALATRAS, Dimitra LIVERI, Marco BARROS LOURENCO, Stefano DE CRESCENZO, Martin SPAET, Laura HEUVINCK, Natalie WENKERS, Renata JANKOWSKA, Evangelia LANTZA, Alexandre-Kim HUGE, Vangelis STAVROPOULOS, Stephen PURSER.

An informal information session took place prior to the MB, specifically designed to provide an overview for both established and new MB participants covering the roles and functions of the MB and EB, as well as specific introductory MB portal and login requirements used for information sharing and e-voting.

DAY 1: 16 NOVEMBER 2022

WELCOME

The Chair opened the ENISA Management Board (MB) meeting and welcomed the members.

He announced that an attendance quorum had been reached and announced the newly appointed MB members and alternates since the previous meeting, as well as presence of the invited observers. The floor was given to the recently appointed members and alternates for a brief introduction: Gianluca IGNAGNI (IT), Thomas WULFF, (DK).

The ENISA Executive Director (ED) welcomed the participants and informed that the Agency will provide an overview of the activities undertaken within its mandate, the outcome of which would be further followed up in the next MB meeting. He pointed out the issue of inadequate resources, which are not proportional to the tasks and sub-actions of the Agency, and the intention to discuss with the MB possible ways to address shortages. He thanked all ENISA staff for their engagement and effort to meet the objectives of all activities and the MB members for support in directing target actions and planning the processes. He thanked the NLO Network, its sub-groups and individual experts as well as the Advisory Group for their support in designing and implementing the ENISA Work Programme 2022.

The Chair outlined the agenda, which was adopted, as were the minutes of the previous MB meeting.

ITEM A - MB DECISIONS (ADOPTED BY WRITTEN PROCEDURE PRIOR TO THE MB MEETING)

The Chair informed the members that the two draft MB Decisions, which were previously endorsed by the Executive Board, had been provided to the MB for adoption by written procedure with a closing deadline of 15 November 2022 12:00 CET:

- MB Decision amending MBD 12/2019 on ENISA's Internal Control Framework
- MB Decision on dates of statutory body meetings in 2023.

A.1 MB Decision amending MBD 12/2019 on ENISA's Internal Control Framework (ICF)

ENISA informed the MB that the proposed decision updates the existing ICF decision. It does not affect the key internal control components and principles but relates to the ICF indicators and aims to improve the practical internal controls assessment and ensure the proper implementation of the ICF in the future.

Since the MB members raised no objections, the Chair announced the adoption of the decision.

A.2 MB Decision on dates of statutory body meetings in 2023

It was explained that the decision proposes dates which support the overall process of the development and implementation of the Single Programming Document (SPD) with respect of the statutory deadlines. The dates had also been cross-checked in terms of overlaps with important events.

The date for an informal MB meeting was agreed for the **23rd March 2023 in person in Athens**.

The above decision and the date for the extraordinary meeting were adopted.

ITEM 1 – MB DECISION FOR DISCUSSION AND POSSIBLE ADOPTION

MB Decision on teleworking regime

The ED reminded the MB that the topic had been addressed several times at EB and MB level and outlined the final developments and ENISA target regarding the new working regime.

Ms Georgia Pappa (ENISA Head of Corporate Support Service Unit) reminded that the present framework, which is applicable until end of 2022, foresees teleworking in the 50/50 regime, and allowing for work outside of the place of assignment.

In light of the provision for implementation of the recent Commission's Decision C(2022)1788 on working time and in view of the ENISA internal and external independent legal analysis and following

the guidance by the EB, the Agency proposed to adopt the Commission's Decision by analogy, accompanied by an internal ED policy and guidance for its application.

The basic principles were described by the HoCSS, which are in line with the ENISA regulating instruments, namely – up 60% telework, including a possibility to telework outside the place of assignment within a distance which allows the staff members to return to the place of assignment in less than 48 hours. The Executive Director may impose shorter time/distance limits for staff members holding certain function groups or duties which are essential for maintaining business continuity and critical core and corporate services.

These conditions reflect the ENISA reality and provide the necessary flexibility to keep ENISA attractive as employer and promote staff well-being.

The ED assured that principles and conditions had been agreed with the ENISA Staff Committee and proposed to report back to the MB after one year of implementation to assess if any adjustments would be necessary.

The MB Decision was adopted.

ITEM 2 – UPDATE BY THE EUROPEAN COMMISSION

The European Commission provided an update on key cybersecurity related EU initiatives:

- The **EU Cyber Solidarity** Initiative (10.11.22) aimed to strengthen common EU detection of cyber threats, incidents and situational awareness, as well as preparedness and response capabilities. It falls under a cyber defence policy (Communication) aimed at strengthening cooperation between the military and civilian actors, and which includes a number of initiatives affecting directly ENISA;
- On the future **cyber emergency response funds**; the Commission outlined the short-term solutions in the form of the pilot support mechanism funded through the DEP and which ENISA is implementing, as well as the more longer-term aims. ENISA confirmed that the objective of this initiative is in line with its mandate, therefore the Agency is well placed to support the Commission. Following the experience of the Pilot Cybersecurity Support Action, the Agency is able to assist in setting up the framework for rolling out activities supporting preparedness and resilience.
- On the status of the **Cyber Resilience Act (CRA)**, there are ongoing Council discussions on the scope and proposed actions concerning also ENISA, e.g. the mapping of existing cybersecurity standards. The Commission informed the MB about the launch of the call addressed to the European standardization bodies for proposals regarding mapping the existing standards. A number of ENISA actions were outlined, including the handling of vulnerability information.
- The Commission briefed the MB on the **Cyber Situation Centre** being set up in the Commission with an aim to provide analysis and more effective crisis management support, raise awareness and explore synergies. It was clarified that this is a procurement initiative aimed to collect information from private service providers. ENISA sees an added value in its active contribution to this initiative and plans to present to the MB a proposal for its involvement, following the consultation with the EC.
- On the **Cyber Skills Academy** proposed under the Commission's Work Programme, this was explained as an umbrella initiative aimed at increasing numbers of professionals and promoting training and certification.

In the discussion that followed the Commission provided some clarifications: on SOCs initiative and its added value; on the purpose and scope of the Cyber Situation Centre including its benefit and the

interactions with and role of ENISA and CERT-EU; on the solidarity funds, where it was clarified that the funds are offered to all MSs who demonstrate the need for ad hoc threat-related initiatives covering mutual assistance.

ITEM 3 – WORK PROGRAMME 2022 IMPLEMENTATION

As a pre-view, the ED presented the draft results of the Pilot Cybersecurity Index project. The pilot was aimed to test the feasibility of data collection and validate the index framework. The results illustrate the state of cybersecurity in the EU. The Pilot provides already a good overview which will be developed further with an aim to provide better understanding of the gaps. The results of the Index will be presented and discussed in the March MB meeting.

Budget update

Mr Alex Hüge (ENISA Accounting and Compliance Officer) was invited to provide the status update on 2022 budgetary implementation as at 9th November 2022.

He outlined the budgetary 2022 preliminary results for C1 and C8 funds and the comparison with the previous year, which shows higher commitment rates and continuous improvements of financial planning, resulting also in limited budgetary transfer requests. The breakdown of preliminary surplus results (+367k Eur) was outlined with a contingency plan for its absorption. No significant risk to the execution of the 2022 budget were reported as minimum implementation target set by the DG BUDG is expected to be achieved.

As for the funds under the ENISA Pilot Cybersecurity Support Action, it was explained that the procurement procedure had reached its final stage with contracts being prepared for signature. ENISA plans ahead and is ready for mitigation measures. Eventual budget amendment can be done through MB decision in December to fit best the actual needs.

Implementation update of ENISA's International Strategy

Stefano de Crescenzo (ENISA Team Leader for International Cooperation) provided a status update on implementation of the ENISA International Strategy. He reminded the MB that the Strategy defines the rules for ENISA engagements with non-EU entities. To fulfil its obligation in this area, the Agency has established an International Cooperation Team, which is responsible for coordinating and monitoring the implementation of the international relations. The Team is advising on international engagements, ensuring alignment with the Strategy, while the actual delivery is done by units and teams. The Team supports currently the Agency's participation in the EU high political dialogues with the US and Ukraine (UA). It is also investigating options for potential cooperation with CISA (US Cybersecurity & Infrastructure Security Agency), with Ukraine and NATO under the umbrella of Working Arrangement.

In the discussion that followed ENISA provided clarification on objectives and benefit of cooperation with the US, UA and NATO.

The ED highlighted that the Agency has not yet engaged practically in any of the above-mentioned cooperation as this requires a formal Working Arrangement. He informed the MB that the format and conditions of such agreements is subject to evaluation by the Commission legal services and required specific decision-making steps. It was also noted that such agreement would allow to respond to the pending request for cooperation from the United Kingdom. Looking at potential areas for cooperation was supported by the MB members, though formal cooperation steps remained dependent on the state of the overall EU-UK relations.

Lessons Learnt on information sharing with NIS sectors

The MB had received a discussion paper from BSI on information sharing by ENISA with third parties, as well as a paper prepared by ENISA in response to the BSI document. It was noted that both papers form a good basis to initiate a discussion and find a suitable solution for such a topic.

Mr Martin Bierwirth (German MB Alternate Member) described the background of the BSI discussion paper which is aimed to address lessons learnt on information sharing with NIS sectors. Germany provided an example from the past which created an internal issue at the national level and proposed to find a constructive way forward, in the light of common understanding on the criteria and the channels to exchange information with critical infrastructure and service providers.

The ENISA ED thanked Germany for raising the topic and appreciated an open and constructive dialogue. He ensured that ENISA welcomes the opportunity to discuss with the MB members the topic of sharing information with NIS sectorial stakeholders and receiving strategic recommendations and guidance. He informed that the topic had been already analysed internally and the Agency came out with a paper which outlines and clarifies its general approach to information sharing with sectorial stakeholders and provides a starting point for discussion about the specific rules for sharing operational information with third parties. It was proposed that the CSIRTs and CyCLONE networks could reflect on the guidance and take the necessary steps to update the relevant SOPs and rules.

ENISA welcomed any further input from MB and will report back to the MB in Q1 2023 regarding the steps to implement these principles into relevant SOPs and, if necessary, will ask further guidance on any open issues.

Germany welcomed structured and clear communication processes and channels and supported their regulation through the SOPs. The MB suggested also an assessment of the relevant regulations with an aim to address possible gaps in information sharing at the Union and national levels and necessary updates in terms of crisis communication aspects related to incidents as well as wider communication through the Cooperation Group. The importance of single contact points in the information flow was underlined, as well as avoiding side processes.

The Chair concluded the item by proposing that discussion on the topic should be continued in the March strategy meeting.

Pilot ENISA Cybersecurity Support Action 2022 status

Mr Jo De Muynck (ENISA, Head of Operational Cooperation Unit) presented the progress and overall timeline. He informed the MB that ENISA had established a list of Point of Contacts for each MS to monitor the development of engagement per country. ENISA presented a short review of the service catalogue developed based on the received requests. On the basis of this input, the three services bundles were identified and recommendations to help with adoption of the programme. A pipeline of engagements and framework contracts was presented, indicating current status per country as well as the summary of service requests.

Some members thanked ENISA for the initiative and confirmed their interest to contribute in the programme. Some concerns were also raised about a short response deadline and some confusions regarding expectations in term of the pipeline for services. ENISA explained that these shortcomings resulted from a very tight timeline and emergency circumstances, however the Pilot already allowed to collect lessons learned which can help in setting up the framework in the future.

DAY 2: 17 NOVEMBER 2022

WELCOME

With reference to the elections for the EB Alternate Member, the Chair proposed to postpone the vote in order to allow MB members to evaluate and consult their decisions nationally. It was agreed that the vote will take place on Thursday, 1 December. It will be carried out exclusively remotely, without a WebEx meeting and with the ballot being open throughout the working hours of the day and using the EU Survey tool. The ENISA MB Secretariat will communicate the results of the vote on the same day.

The Chair briefly outlined to the MB members the voting procedure: Should the votes be tied and/or should none of the candidates attain the simple majority required (15 votes), then the vote will need to be repeated. In the case of an equal number of votes per candidate, then a second vote will be held with both candidates. In case one candidate attains more votes than the other, but not the required simple majority, then only that candidate will be part of the next round for vote. A second vote, if required, will be held on 2nd December. In the case of an equal number of votes for both candidates also in the second round, the election will be considered as non-conclusive and a further vote will take place in March after a new call for applications.

The Chair emphasized the importance of prior notice, allowing candidates to present themselves and the MB members to consult the national authorities. Having this in mind and in view of future elections, ENISA was requested to prepare respective amendments to the Rules of Procedure clarifying the election process.

ITEM 4 – ENISA SINGLE PROGRAMMING DOCUMENT 2023-2025

SPD 2023-2025 finalisation including timeline and process; Timeline and process SPD 2024-2026

The ED informed that the presentation of the SPD topic focuses on highlights for 2023 resource priorities, shortfalls and planning of resources for 2024 and beyond.

Mr Vangelis Stavropoulos (ENISA, Policy and programme coordination officer) thanked the MB members for the feedback received within the consultation process and presented an overview of the changes. He informed that most of the comments were reflected in the draft SPD23.

The ED continued with describing the process for defining priorities, which is based on the analysis of the resources, both human and budget, with an aim to understand synergies across the activities. This resulted in creation of service packages. The analysis of the balance between resources and the service packages allowed to identify the operational resource priorities, which for 2023 are: Activity 4: enabling operational cooperation, Activity 3: building capacity and Activity 2: Supporting implementation of Union policy and law.

The impact of the resource shortfall was outlined which affected operational activities by postponing or reducing the scope of some projects, while corporate activities were affected by postponing new IT solutions, replaced by alternative backup solutions and reduction of staff development activities.

Following a question from the Chair, the ED explained that prioritizing activities and objectives according to KPIs is difficult and it takes time to measure impact but the Agency is constantly working on improving maturity of KPIs towards ensuring transparency.

ENISA presented the 2023 budget and its evolution since 2022, which shows increases of total staff expenditure (by 4%), as well as building and IT costs (by 19%), with unchanged operational expenditure.

The ED brought to the attention of the MB the need for a debate regarding balance between training and staff welfare, which will be addressed within the consultation of 2024 budget. The MB highlighted the importance of staff development and supported prioritisation of training needs in the future resources planning.

The ED continued by highlighting some of potential challenges in the multiannual resource planning. In view of the new tasks undertaken by the Agency and defined/limited resources available in 2023, the Agency has introduced an internal reallocation of the staff. Since the threshold for shifting resources from corporate toward operational activities has been reached there is a need to consider reducing some activities.

For the purpose of the multiannual planning, the Agency has run an internal assessment of needs for additional human resources in order to achieve its Strategic Objectives within 2023-2025. The ED presented the initial results which indicate that the actual needs significantly exceed the current resources. The ED informed that in view of this analysis and in order to meet the crucial needs, ENISA might consider a potential request for additional resources for 2024 and beyond.

Timeline and process SPD2024-2026

ENISA presented two proposals for inclusion into the SPD 2024-2026 which were indicated by the Advisory Group: (1) to enhance and integrate supply chain security actions and (2) cybersecurity experts' training and exchange. The proposals will be circulated to the MB members after the meeting (via the slides presented) for their reflection with a request for feedback on whether they could be integrated in the SPD.

ENISA plans to provide the first draft of the SPD 2024-26 to the MB by 15th December 2022 with a request for comments by 9th January 2023. The draft SPD 2024-26 is foreseen for endorsement by written procedure by 31 January 2023.

The SPD 2023-25 was adopted.

ITEM 5 – ADVISORY GROUP END OF TERM REPORT

Ms Natalie Wenkers (ENISA, Seconded National Expert, Executive Director's Office) presented the Advisory Group (AG) end of the term report.

An overview of the main AG activities was outlined which included contribution in the Work Programme output validations, participation in six meetings and additional ad-hoc calls, where the AG had provided advice on different areas of work programmes 2022-2024 and recommendations for additional topics.

Lessons learned from the AG term were outlined, in particular that AG members had indicated their wish and availability for an even broader involvement.

The MB complimented the work of the AG and agreed on the need for wider interaction with the Group.

The Chair concluded that the outcome of the lessons learned shall be addressed when the proposal for the next AG term is provided to the MB.

AOB

CLOSED SESSION

ITEM 6 - ANNUAL ACTIVITY REPORT 2021 - CONFIDENTIAL ANNEX

Follow up on the state of recommendations

Mr Steve Purser (ENISA Advisor and the Chairperson of the IT Management Committee) was invited to provide a status update on the corrective actions.

ITEM 7 ELECTIONS FOR 1 ENISA EXECUTIVE BOARD ALTERNATE POSTS

The Chair proposed to give to the candidates an opportunity to present themselves at the MB meeting while the voting shall be carried out remotely as a continuation of this meeting in two weeks' time, that is on Thursday, 1 December 2022.

The MB Secretariat informed the MB about two applications received for the position of "EB Alternate Member". The candidate names were communicated to the MB members on 15 November 2022, upon closure of the call for expression of interest:

- Mr **Kevin FOLEY** - Ireland
- Mr **Athanasios STAVERIS-POLYKALAS** – Greece

The Chair thanked the candidates for their interest in EB membership and invited them to introduce themselves and share their vision on the EB position and their role.

The Chair also invited the MB Secretariat to review MB Decision on rules of Procedure for the MB and for the EB in light of practical modalities in relation to EB membership nomination and other relevant matters.

The Chair announced adjournment of the meeting until 1st December 2022, when the voting shall be carried out.

THE MEETING CONTINUED ON 1ST DECEMBER 2022.

On 1st December 2022 the elections for the ENISA Executive Board Alternate post took place remotely via the EU Survey tool. An email with practical information and necessary authentication provisions was sent by the MB Secretariat to the MB Members on 29 November 2022 at 13:01 CET. On 1st December each voting MB member received a unique and personalized link to the voting page which was open to cast a vote from 09:00 to 16:30 CET;

Results:

19 members casted a vote.

Mr **Kevin FOLEY** attained 15 votes in favor which is simple majority of all MB members.

There were 2 abstentions and no invalid votes.

The MB Secretariat sent out the results of the vote via the MB mailing list on 1st December at 17:30 CET.

CLOSURE OF THE MEETING

The Chair concluded the meeting by expressing his gratitude to all MB members for helping ENISA in defining the directions and designing the planning and ENISA for preparing the meeting.

For the Management Board

[signed]

Mr Jean Baptiste Demaison
Chairperson of the Management Board

DAY 1 – 16 NOVEMBER 2022

TIME (CET)	ITEM	SUPPORTING DOCUMENTS
15:00 -15:20	Welcome <ul style="list-style-type: none"> - Introduction by the Chair - Introduction by the ENISA Executive Director - Adoption of the agenda - Adoption of meeting minutes of June meeting 	
15:20 – 15:30	Items A (adopted by written procedure prior to the MB meeting): A.1. Draft MBD amending MBD 12/2019 on ENISA’s internal control framework A.2. MBD on dates of statutory body meetings in 2023	
15:30 – 16:00	Items 1 (for discussion and possible adoption): 1.1. MBD on teleworking regime Presentation by ENISA	Draft MB Decisions
16:00 -16:30	Item 2 For information Update by the European Commission , including Cyber Situation Centre, Cyber Resilience Act and the future emergency response fund Presentation by EC	Oral update
16:30 – 17:45	Item 3 For information Work programme 2022 implementation <ul style="list-style-type: none"> - Budget update - Implementation update of ENISA’s International Strategy - Lessons Learnt on information sharing with NIS sectors - Pilot ENISA Cybersecurity Support Action 2022 status Presentation by ENISA	Slides and oral update
17:45 – 18:15	EU Login testing	
End of day 1		

DAY 2 – 17 NOVEMBER 2022

TIME	ITEM	SUPPORTING DOCUMENTS
10:00 – 10:05	Welcome	
10:05 -10:50	<p>Item 4 For discussion and possible adoption</p> <p>ENISA Single Programming Document 2023-2025</p> <ul style="list-style-type: none"> - SPD 2023-2025 finalisation including timeline and process - Timeline & process SPD 2024-2026 <p>Presentation by ENISA</p>	<p>Draft SPD 2023 - 2025 clean</p> <p>Draft SPD 2023 – 2025 track changes</p> <p>Table with comments</p> <p>Draft Statements of Estimates 2023</p> <p>Draft Establishment plan 2023</p> <p>Slides</p>
10:50 - 11:00	Coffee break	
11:00 – 11:20	<p>Item 5 For information</p> <p>Advisory Group end of term report</p> <p>Presentation by ENISA</p>	In accordance with Art 21.6 of CSA
11:20 – 11:30	AOB	
11:30 - 12:00	<p>CLOSED SESSION</p> <p>Item 6 For discussion</p> <p>Annual Activity Report 2021 - confidential Annex</p> <ul style="list-style-type: none"> - Follow up on the state of recommendations <p>Presentation by ENISA</p>	Slides and oral update
12:00 – 12:30	<p>CLOSED SESSION</p> <p>Item 7 Elections</p> <p>Elections for 1 ENISA Executive Board Alternate post</p> <p>Action: vote</p>	<p>In accordance with Art. 19.3 & 19.4 CSA and following Art. 18 RoP, one EB Alternate Member is to be appointed.</p> <p>Individual Members of the Management Board but not their Alternates can express an interest in being part of the Executive Board.</p>
Continued on 1st December 2022		
09:00-16:30	<p>Elections for one ENISA Executive Board alternate member post.</p> <p>Action: online vote</p>	