

## ***European Union Agency for Cybersecurity***

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**DECISION No MB/2019/15  
of the Management Board  
of the European Union Agency for Cybersecurity  
(ENISA)  
Amending the Decision No MB/2013/6 on Internal Rules of Procedure for  
the ENISA Management Board and for the ENISA Executive Board**

THE MANAGEMENT BOARD OF ENISA,

Having regard to the Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act)<sup>1</sup>, in particular Article 15.1.(c),

Whereas:

- (1) The terminology and procedures provided for in the Rules of Procedure for the Management Board and for the Executive Board (Decision No MB/2013/6 and Decision No MB/2016/2) should be compatible with the Cybersecurity Act;
- (2) The European Commission services have been consulted;
- (3) Pursuant to Article 22(1) of the Decision No MB/2013/6 of the Management Board of the European Union Agency for Network and Information Security (ENISA) on Internal Rules of Procedure for the Management Board (the Decision MB/2013/6), these rules need to be revised in the light of their practical implementation;

After consulting the ENISA Executive Board;

HAS DECIDED TO ADOPT THE FOLLOWING DECISION:

### **Article 1**

The Decision MB/2013/6 is amended as follows:

- (1) In all text the words "European Union Agency for Network and information Security" are replaced with words "European Union Agency for Cybersecurity";

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<sup>1</sup> OJ L 151, 7.6.2019, p. 15–69



(2) In all text the word "Regulation" or "regulation" is replaced with words "the Cybersecurity Act";

(3) The first paragraph of the preamble is replaced by the following:

"Having regard to the Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act)<sup>2</sup>, and in particular Articles 15.1(k) and 19 (6);"

(4) The last paragraph of the preamble is deleted;

(5) New paragraph (1a) in the preamble is added as follows:

"The present Decision lays down the Rules of Procedure for the Management Board and the Executive Board of ENISA."

(6) The words "of the Management Board" are added in Title 1 after the word "Chairperson";

(7) Article 1 is amended as follows:

a. The last sentence of paragraph 1 is replaced by the following:  
"This term **shall** be renewable".

b. The paragraph 2 is replaced by the following:  
"If a member or an alternate leaves the Board before the end of his/her term of office, he/she shall be replaced by **their Member State, or by the Commission for Commission representatives on the Board**".

(8) Article 2 is amended as follows:

a. Paragraph 1 is replaced by following:

"1. The Board shall elect its Chairperson and a Deputy Chairperson from among its members for a term of **four** years, which may be renewed **once**."

b. The word "selection" in the paragraph 4.3 is replaced by the word "election";

c. The word "selected" in the paragraph 4.3.(a) is replaced by the word "elected";

d. Words "the votes" in the paragraph 4.3.(b) is replaced by words "two third of all members";

e. The word "Management" is added before the word "Board";

f. In the paragraph 6 the word "three" is replaced by the word "four" and the word "role" is replaced by the word "functions";

g. The paragraph 7 is replaced by the following:

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<sup>2</sup> OJ L 151, 7.6.2019, p. 15–69

"7. If the office of the Chairperson or Deputy Chairperson falls vacant before the end of his or her term of office, **an election shall be called in accordance with provisions of this article.**"

(9) Article 3 is amended as follows:

a. paragraph 1 is replaced by the following:

"1. In accordance with Article **17** of the **Cybersecurity Act**, meetings of the Board shall be convened by its Chairperson, and the Board shall hold an ordinary meeting at least **twice** a year. It shall also hold extraordinary meetings at the **request** of the Chairperson, **at the request of the Commission** or at the request of at least one third of the members with a right to vote."

b. In paragraph 3 after words "at the request of" add the words "the Commission or of";

c. In paragraph 3 after words "shall be taken" add the words "at the convened meeting";

(10) Article 4 is amended as follows:

a. paragraph 1 is replaced by the following:

"1. The meetings of the Management Board shall be held either at **ENISA's seat in Athens or at its branch office in Heraklion.**"

b. In paragraph 3 after words "Management Board" delete the words "and the Executive Board meetings are" and add the word "is";

c. In paragraph 4 the word "board" is replaced with the words "Management Board", word "should" is replaced with the word "shall" and after the word "extra" the word "total" is added;

(11) Article 5 is amended as follows:

a. In paragraph 3 the word "notice" is replaced with the word "attention";

b. In paragraph 4 after the word "meeting" the following words are added "of the Management Board";

(12) The title of Article 5 is replaced by the following "Agenda of the Management Board meeting"

(13) Article 6 is amended as follows:

a. In paragraph 1 the word "Management" is added before the word "Board" and the word "should" is replaced with the word "shall";

b. In paragraph 2 the last sentence is replaced by the following "A member may represent only one member";

c. The following paragraph 2a is added:

"2.a. The Executive Director of the Agency shall participate in the meetings without voting rights, except when his or her participation may lead to a conflict of interest, as decided by the Chairperson, or when the Management Board is to take a decision pursuant to Article 36 of the Cybersecurity Act."

d. The following paragraph 2b is added:

"2.b. Staff members of the Agency shall be entitled to attend the meetings of the Management Board at the discretion of the Executive Director, unless the Management Board decides otherwise."

e. The paragraph 3 is replaced by the following:

"3. **The Chairperson may invite** members of **the ENISA Advisory Group**, and **other experts**, whose opinion can be of interest, to attend Board meetings as observers without voting rights."

f. The following paragraph 3a is added:

" 3.a. The members of the Management Board and their alternates may be assisted at the meeting by their advisers or experts. In such cases the member of the Management Board or his or her alternate shall communicate the names of their advisors or experts to the Chairperson and/or the Management Board secretariat prior to the meeting. These advisers or experts may attend Management Board meetings as observers without voting rights."

g. Paragraph 4 is replaced by the following:

"4. The participation of representatives of third countries, having concluded agreements with the European Union for the participation in ENISA, may take place in accordance with the working agreements referred to in Article 42.2 of the Cybersecurity Act."

(14) In Article 7 paragraph 1 the words "to be valid" are deleted;

(15) Article 8 paragraph 1 is amended as follows:

a. The number "9" is replaced by the number "18".

b. In the second sentence the words "an absolute" are deleted and the word "a" is added in front of the word "majority".

c. Bulletin point 1.a. is deleted;

d. Bulletin point 1.b. is deleted;

e. In bulletin point 1.d. the words "annual and multiannual work programme" are replaced by the words "single programming document".

f. In bulletin point 1.f. the word "designation" is replaced with the word "election";

(16) In Article 8 paragraph 2 the following sentence is added:

"Each member has one vote, including the Chairperson. The Executive Director of the Agency shall have no vote."

(17) In Article 8 paragraph 6 the last sentence is replaced by the following:  
"Each member shall have the right to ask to have its position recorded in the minutes on specific issues."

(18) Article 9 is amended as follows:

a. paragraph 1 is replaced by the following:

"Without prejudice to Articles 6 and 7 of these Rules, the Chairperson in consultation with the Executive Director shall initiate written procedures **if necessary or justified**, provided that one third of the Members do not object **and shall establish a response deadline.**"

b. In paragraph 4 the last sentence is replaced by the following "Any member which does not express its opposition or intention to abstain within the response deadline is considered to have given a positive vote."

c. Paragraph 5 is deleted;

d. In paragraph 7 a new sentence is added "the same voting rules as in Article 8 shall apply";

(19) Article 10 paragraph 1 is replaced by the following:

" 1. In accordance with **Article 36** of the **Cybersecurity Act**, the Management Board shall appoint the Executive Director and shall have the power to **extend his or her term or** remove him or her from office. In accordance with **Article 18** of the **Cybersecurity Act**, a two thirds majority of all members with the right to vote is required to appoint, **extend the term, at the proposal of the Commission, of,** or remove the Executive Director **from office.**";

(20) In Article 11 paragraph 1 after the word "apply" the following words are added "pursuant to Article 28(2) of the Cybersecurity Act.";

(21) In Article 11 paragraph 4 the word "board" is replaced with words "Management Board" and after the words "requested to" the following words are added "to comment and subsequently approve or reject the minutes", and the word "reply" is deleted;

(22) In Article 11 paragraph 6 the number "16" is replaced by the number "26";

(23) Article 12 is replaced by the following:

**"1. All proceedings of the Board shall be confidential. Members and others present at the meetings of the Board shall respect the confidential character of these proceedings.**

**2. The Board's decisions and minutes of meetings shall be subject to the provisions of Article 27 of the Cybersecurity Act as regards the**

**confidential treatment of information and measures taken for its implementation."**

- (24) In Article 13 before the word "Board" the word "Management" is added;
- (25) In Article 14 the number "15" is replaced by the number "25";
- (26) Article 17 paragraph 2 is replaced by the following:

**"Pursuant to Article 19(2) of the Cybersecurity Act, the Executive Board shall prepare decisions to be adopted by the Management Board, ensure adequate follow-up to the findings and recommendations stemming from investigations of OLAF and the various internal or external audit reports and evaluations, and without prejudice to the responsibilities of the Executive Director, assist and advise the Executive Director in implementing the decisions of the Management Board on administrative and budgetary matters pursuant to Article 20 of the Cybersecurity Act."**

- (27) Article 17 is amended as follows:

- a. Paragraph 2 is replaced by the following:

"2. Pursuant to Article 19(2) of the Cybersecurity Act, the Executive Board shall prepare decisions to be adopted by the Management Board, ensure adequate follow-up to the findings and recommendations stemming from investigations of OLAF and the various internal or external audit reports and evaluations, and without prejudice to the responsibilities of the Executive Director, assist and advise the Executive Director in implementing the decisions of the Management Board on administrative and budgetary matters pursuant to Article 20 of the Cybersecurity Act."

- b. the following paragraph 2a is added:

" 2.a. In accordance with Article 19(7) of the Cybersecurity Act, the Executive Board may take certain provisional decisions on its behalf where necessary on grounds of urgency, in particular on administrative management matters, including the suspension of delegation of the appointing authority powers and budgetary matters. The Executive Board shall not take decisions on behalf of the Management Board that require the approval of a majority of two – thirds of the members of the Management Board."

- c. the following paragraph 2b is added:

"2.b. The approval or rejection of the provisional decisions of the Executive Board taken pursuant to Article 19(7) of the Cybersecurity Act shall be adopted by the Management Board at the next possible meeting or by written procedure but no later than three months after the decision was taken."

- d. At the end of the paragraph 3 the following words "pursuant to Article 20 of the Cybersecurity Act" are added.

- (28) Article 18 is amended as follows:

- a. in paragraph 1 after the words "five members appointed" the following words are added "by the Management Board";

- b. in paragraph 2 words "up to" are deleted;
- c. paragraph 3 is replaced by the following:  
"3. The term of appointment of the Executive Board member or the alternate member of the Executive Board shall be **4 years, but** no longer than the duration of their Management Board membership. At the end of period of fourth year service the position shall be filled following a vote by the Management Board. **The mandate of the members of the Executive Board may be renewed.**"
- d. Paragraph 5 is replaced by the following:  
" 5. Individual members of the Management Board, but not their alternates can express an interest in being member **or alternate** of the Executive Board at the meeting during which the Executive Board members are appointed."
- e. Paragraph 6 is replaced by the following:  
" In the case where there are more candidacies than the number of vacant positions, a vote shall take place to appoint members of the Executive Board and their alternate(s). The decision shall be taken by a simple majority vote."
- (29) In Article 19 paragraph 2 the first sentence the words "if required" are deleted, and in the second sentence before the word "Director" the word "Executive" is added;
- (30) In Article 20 paragraph 1 the last sentence is deleted.
- (31) Delete Article 20 paragraph 2.
- (32) Article 20 paragraph 2a becomes paragraph 2.
- (33) In Article 20 new paragraph 2a is added as follows:  
"2.a. Arrangements shall be made to ensure that the venue of the Executive Board is fully accessible to all participants."
- (34) In Article 20 paragraph 6 words "Executive Director" are replaced with the word "Agency";
- (35) In Article 21 the words "Executive Director" are replaced with the word "Agency" and before the words "the Executive Board" the word "for" is added;
- (36) In Article 22 paragraph 1 the first sentence is replaced by the following:  
"The Management Board may amend these Rules of Procedure by **a majority of its members.**"
- (37) In Article 22a paragraph 1 before the word "observers" add the word "invited";
- (38) Article 24 is replaced by the following:  
"These Rules shall enter into force upon their adoption by the Management Board and shall repeal the Management Board Decision of 15 September 2004 Internal Rules of Procedure of the Management Board of the European Network and Information Security Agency – ENISA."



## Article 2

This decision shall enter into force upon its adoption by the Management Board. The Management Board Secretariat shall prepare the consolidated version of the Rules of Procedure for the Executive Board and for the Management Board and shall publish them on the Agency's website.

Done at Athens, 21 November 2019

*For ENISA  
On behalf of the Management  
Board*

[signed]

Mr. Jean Baptiste Demaison  
Chair of the Management Board of  
ENISA