**Minutes of
a meeting of the Management Board
of the European Union Agency for Cybersecurity
held on 15-16 October 2019 at the ENISA office in Athens**

Summary

- The Chair presented an overview of the mandate of the Executive Board, its composition and current membership with names. In July 2019, one member and one alternate have left the Executive Board. It was therefore proposed to hold elections to fill these vacant posts according to the procedure provided in the Rules of Procedure for the Management Board and for the Executive Board. After exchange of views, the Management Board decided to proceed with a call for candidates through the Management Board mailing list and to hold elections at the next MB meeting in November 2019.

- The Commission outlined the public consultation on the Digital Europe Programme and presented updates on the main ongoing cybersecurity initiatives, including the Commission Opinion on the ENISA Single Programming Document 2020 – 2022.

- The Executive Director presented the activities of the Agency carried out to implement work programme 2019.

- The MB discussed four draft decisions implementing the Cybersecurity Act, namely, 1) Amendments to the Rules of Procedure for the Management Board and for the Executive Board; 2) ENISA Financial Rules; 3) On the draft MB Decision on ad hoc working groups on certification, and 4) On the draft MB Decision authorising occupational activity after leaving service. Decisions on financial regulation and on authorising occupational activity after leaving service were adopted. The remaining decisions would be further discussed.

- The MB elected Mr Jean Baptiste Demaison and Mr Krzysztof Silicki as the MB Chairperson and the Deputy Chairperson for the period of four years.

- On Programming document 2020-2022:

    o A final round of consultations would be launched after the MB meeting with milestones agreed in the timeline that was circulated to the MB during the meeting.

    o Programming document 2020-2022, Statement of Estimates 2020, and Establishment plan 2020 would be adopted by written procedure.

Participants

Member States' Representatives: Reinhard POSCH (AT), Phedra CLOUNER (BE), Krasimir SIMONSKI (BG), Antonis ANTONIADES (CY), Jaroslav SMID (CZ), Thomas WULFF (DK), Thomas LUND-SORENSEN (joined on 16.10.2019) (DK), Piret URB (EE), Olli LEHTILA (FI), Jean-Baptiste DEMAISON (Chair, FR), Martin BIERWIRTH (DE), Horst SAMSEL (DE), Theofanis ANAGNOSTOPOULOS (EL), Bela VERECKEI (HU), Kevin FOLEY (IE), Fabrizio GENTILI (IT), Sanita ZOGOTA (LV), Rytis RAINYS (LT), Paul HERLING (LU), Hans DE VRIES (NL), Krzysztof SILICKI (PL), Isabel BAPTISTA (PT), Catalin ARAMA (RO), Rastislav JANOTA (SK), Uros SVETE (SI), Staffan LINDMARK (SE), Colin WHORLOW (UK)

Representatives of the European Commission: Despina SPANOU (Member, DG CNECT), Miguel González-Sancho (Alternate, DG CNECT)

Representative of the EEA (Observers): Martin KJELLSEN (NO), Sigurdur PALSSON (IS)

Apologies: from ES, MT, LI, BE, COM (Ken DUCATEL)

Proxies from ES to FR, from MT to SI, from COM to COM

In attendance:
ENISA:
Paulo EMPADINHAS (Head of Resources Department), Udo HELMBRECHT (on 15.10.2019) (Executive Director), Juhan LEPASSAAR (on 16.10.2019) (Executive Director), Steve PURSER (Head of Core Operations Department), Ingrida TAURINA (MB Secretariat), Rodica Tirtea (Policy Unit)

Observers: Alexandros Goniadis (DG CNECT), Juhan LEPASSAAR (incoming Executive Director of ENISA, attended on 15.10.2019), Raul Rikk (EE), Martin SPAET (DG CNECT)

ITEM 1
Opening of the meeting and announcements of the Chair
Adoption of the agenda
Approval of the minutes of the previous meeting
The Chair opened the meeting of the ENISA Management Board (MB) and announced apologies from absent members, presence of observers, and proxy votes received.

The Chair continued with a brief presentation of the agenda and invited the MB to adopt it.
The Commission asked the meeting to postpone the adoption of decisions tabled under the agenda items 5.1. and 5.2. since additional consultation with Commission Legal Services was needed. The Chair noted that this would be discussed under the agenda item 5.

The Agenda was unanimously adopted with an additional item on reporting officers for the appraisal of the ENISA Executive Director (Annex I to the minutes).

ITEM 2
Information by the Chairperson
The Chair provided a brief overview about the work of the Executive Board. He outlined the mandate, the regularity of meetings, the composition and members of the Executive Board. It was noted that the minutes of the Executive Board were made available on the MB Portal. He stressed the role of the Executive Board to review all draft MB Decisions.

The Board also exchanged views that a discussion would be required on the implementation of Article 19.7.

In addition, the Chair informed the meeting that in July 2019, one member and one alternate have left the Executive Board. It was therefore proposed to hold elections to fill these vacant posts according to the procedure provided in the Rules of Procedure for the Management Board and for the Executive Board.

The Board exchanged views on how to nominate candidates for vacant positions. The Board decided to continue with this discussion under the agenda item 9.

ITEM 3
Information by the European Commission
The Commission gave a presentation on the Digital Europe Programme which was open for public consultation to gather input from member states and stakeholders. Member States were invited by the Commission to participate in this public consultation.

The Commission continued with a status update on the implementation of certification provisions of the Cybersecurity Act. A meeting of the ECCG was held on 18 September 2019. The next meeting will be scheduled for 13 November 2019 to discuss tasks of the group and rules of procedure. It was noted that ENISA participates in the meetings of ECCG and is fully involved in the work of this group. It was also noted that in response to the call for interest for membership on SCCG, over 200 applications were received. Assessments of the applications received were ongoing.

In addition, the Commission briefly noted the publication of the risk assessment on 5G and the adoption of the Commission opinion of 14.10.2019 on the draft ENISA Programming Document 2020 –2022.

The Board invited the Commission to circulate slides presented to the MB mailing list and it was agreed that the MB Secretariat would circulate them to the MB mailing list and would make them available on the MB Portal.

The Board exchanged views on the scope of the Digital Europe programme and other programmes. It was noted that the Digital Europe does not fund research projects. The Board also briefly exchanged the status and next steps on the implementation of the Commission's recommendation on 5G.

The Board took note of the information provided.

ITEM 4
Report by Executive Director on the activities of the Agency
A presentation was given by ENISA on the activities carried out to implement work programme 2019. Topics covered included all operational activities, the budget, staff retention, media coverage, facilities management, including office space in Athens and the rent payment issues, as well as audit recommendations by Internal Audit Service and by the Court of Auditors.

The Board was also informed about the recent developments in relation to the Seat Agreement between ENISA and the Hellenic Republic. The Seat Agreement was ratified by the Hellenic Parliament, on 28 September 2019, and ENISA was informed officially by a verbal note of the Greek Ministry of Foreign Affairs, on 04 October 2019.

On budget 2019 implementation, ENISA noted that the amount of carry overs in 2019 would be high due to late implementation of the scenario 2 which started after the Cybersecurity Act came into force. At the end of 2019 some transfers would be initiated since the budget of Title 1 was planned for the maximum possible staff population in 2019 while some posts remained vacant. This would provide availability of

funding for other purposes. ENISA explained to the meeting that investments in the Title 2 were foreseen, for example in the MeliCERTes project.

Some Board members took the floor to note the following:
- ENISA was invited to consider publishing outputs of the work programme earlier in the year instead of publishing them in December.
- The process for the rent payment to ENISA for the second half of 2019 was initiated by the Ministry of Digital Governance of the Hellenic Republic.

ENISA thanked the Board for the exchange of views. It was explained by ENISA that the publication of deliverables was linked to the annual budgetary cycle. The meeting exchanged views on this further and noted that ENISA could focus on a multiannual work programme thus allowing more generic outputs and subsequently allowing multiannual projects.

The Board took note of the information provided.

ITEM 5
Implementation of the Cybersecurity Act

Draft MB Decisions:

1) Draft MB Decision amending Rules of Procedure for the Management Board and for the Executive Board';
2) Draft MB Decision on ad hoc working groups on certification;
3) Draft MB Decision on Financial Rules;
4) Draft MB Decision authorising ED on occupational activity after leaving the service.

The meeting noted that all these decisions were reviewed by the Executive Board at its meeting held on 30 September 2019.

The following comments were raised:
On the draft MB Decision on amending Rules of Procedure for the Management Board and for the Executive Board, the COM noted that their legal services will be consulted and therefore further comments at a later state are possible. In particular further amendments would be considered for the following provisions: 1) Article 18.3 should be aligned to the appointment of the Executive Board members; 2) suggested automaticity of the Deputy Chair becoming the member of the Executive Board was not provided in the Cybersecurity act and therefore can not be put in the Rules of Procedure.

Additionally some editorial suggestions were noted in particular in Article 4.1 of the Rules of Procedure. It was also agreed to delete the reference to the meeting place in Article 20 of the Rules of Procedure.

The Chair thanked for the exchange of views and noted that the MB Secretariat would prepare an updated version and will circulate it to the MB members at lunchtime. The decision would then be finalised during the closed session foreseen later on the agenda.

On the draft MB Decision on ad hoc working groups on certification, ENISA noted that the delay of the adoption of this MB Decision might slow down the work of ENISA. The Board exchanged views about the participation of observers to the ad hoc groups, in particular from other groups established by the Cybersecurity Act, e.g. ECCG and SCCG.

It was concluded that an updated version would be prepared by ENISA and would be circulated to the Executive Board for a final revision.

On the draft MB Decision on the Financial Rules, ENISA explained that these rules are based on the Commission delegated regulation (EU) No 2019/715 and are implementing Article 32 of the Cybersecurity Act. No comments were raised. In addition, the Chair informed the Board that several editorial mistakes have been noticed, in particular in the titles of Article 24 and of Article 46.
The Board approved this decision with suggested corrections for titles of Article 24 and of Article 46.

On the draft MB Decision authorising occupational activity after leaving service, the Chair gave the floor to Mr Helmbrecht to briefly explain the planned professional activity after leaving the position of the ENISA Executive Director. Mr Helmbrecht explained to the Board that from 16 October 2009 until 15 October 2019 he was on unpaid leave as a civil servant of the German Government. On 16 October 2019 he returns to the German civil service as a Professor at the University of the Bundeswehr Munich with a remuneration according to the German staff regulation for civil servants.

The Board took note of the information provided and approved this decision.

ITEM 6
Report: handover to the incoming Executive Director
A presentation was given by the current Executive Director of ENISA on actions taken for a handover to the incoming Executive Director. It was noted that several meetings bilaterally between them have been organised as well as meetings with ENISA Management Team.

The incoming Executive Director added that the handover process was exemplary, and organised in a very open, transparent and friendly atmosphere. The incoming Executive Director also noted that he felt confident that he could start efficiently.

Several Management Board members thanked the current Executive Director since it was the last agenda item with his presence.

Closed session.
The Board started this session with a continuation of the agenda item 5. The Board reviewed the updated version of the draft MB Decision on amendments of the Rules of Procedure for the Management Board and for the Executive Board.

The Commission noted that they would advise to wait for the opinion of the Commission's Legal Services before adopting this decision.

The Chair concluded that after the Commission receives a reply from its Legal Services, the draft MB decision would be finalised by the Executive Board and would be adopted by Written Procedure.

The meeting continued with agenda item 7 and item 8.
The meeting was advised by the Chair that the Board should select the member to chair the electoral operations. It was explained to the meeting that the selection of the member to chair the electoral operations would be decided by a simple majority vote by raise of hands.

Mr Reinhard Posch, member from Austria, was nominated to chair electoral operations for the elections of the Chairperson and for the Elections of the Deputy Chairperson on 15 October 2019.

The meeting unanimously decided that the member from Austria Mr Reinhard Posch would be chairing the electoral operations foreseen under agenda items 7 and 9.

As from this point the meeting was chaired by Mr Posch.

Item 7
Elections of the MB Chairperson

The meeting was advised by the Chair that pursuant to Article 2 (4) of the Rules of Procedure for the Management Board and for the Executive Board:
1. One candidacy was received, from Mr Jean Baptiste Demaison, France.
2. A vision statement was also received.

The Chair briefly outlined to the Meeting that he would, firstly, invite the candidate to briefly present his vision statement and, secondly, invite the Board to vote on the candidacies by secret ballot.

Additional explanations were provided by the Chair that two thirds majority of all members of the Management Board would be required for the election of the Chairperson, which was interpreted as 20 votes in support.
No objections were raised by the Board to the explanations provided.

The floor was given to the candidate to briefly present his vision statement.

Mr Jean Baptiste Demaison from France outlined his vision and noted that the Board and the incoming Executive Director has new challenges ahead to implement the Cybersecurity Act. He noted that he would like to build upon all the work accomplished by the Board so far by supporting ENISA's transformation towards a more mature and platform-based model.

He expressed his objective to establish trustworthy and efficient working relationship with the incoming Executive Director and to work towards ENISA's new strategy, including a strategy on relations with third countries and international organisations. He in particular stressed the role of the Management Board to ensure that ENISA becomes a inclusive, safe and responsible Agency, fighting all forms of violence, ensuring professional equality and tackling the Agency's environmental responsibility.

The Chair thanked the candidate and noted that a statement of commitment of time and effort was a requirement provided in the Rules of Procedure. The Candidate confirmed his commitment of time and effort.

The Chair explained to the meeting that 29 votes were present at the Meeting. The first round was to vote on the Management Board Chairperson.
The result of the votes was:
29 envelopes with ballots were distributed and received.
29 votes were in favour for Mr Jean Baptiste Demaison.

As Mr Demaison had received 29 votes, which is above the required 2/3 majority of all Management Board members, the Chair of electoral procedures deemed that the Management Board Chairperson had been elected.

Item 8
Elections of the MB Deputy Chairperson

The Chair of electoral procedures explained to the meeting that the same procedural steps described under the previous agenda item should be applied for the election of the Deputy Chairperson.

As these steps were clear to the Board, no further explanations were requested or provided.

One candidacy was received, from Mr Krzysztof Silicki, Poland. The vision statement was also received.

The floor was given to the candidate to briefly present his vision statement.

Mr Krzysztof Silicki from Poland briefly explained that that the Chairperson and the Deputy Chairperson have submitted a common vision and see themselves as a team. He continued with a statement of commitment of time and effort.

The Chair thanked the candidate.
The result of vote:
29 envelopes with ballots were distributed and received.
29 votes were received in favour for Mr Krzysztof Silicki.

As Mr Silicki received 29 votes, which was above required 2/3 majority of all Management Board members, the Chair of electoral procedures deemed that the Deputy Chairperson of the Management Board had been elected.

The meeting noted that the mandate of the Chairperson and of the Deputy Chairperson becomes effective as of the date of elections, which is 15 October 2019.

Several Management Board members congratulated the elected Chairperson and the elected Deputy Chairperson.

The Board thanked Mr Posch for chairing electoral operations and the MB Chairperson chaired the remaining items.

Item 9
Elections: a member of the Executive Board and an alternate member of the Executive Board

The Board noted that pursuant Article 19.3 of the Cybersecurity Act, the appointment of the members of the Executive Board shall aim to ensure gender balance on the Executive Board.

The Board noted the number of female members on the Management Board, which is 4 female members.

The Board concluded that a call for expression of interest would be best practice and to hold elections at the next MB meeting.

The Board decided that the Chair would send out a call for candidates for the vacant positions on the Executive Board indicating the deadline for applications.

New item 9a:
Reporting officers for the appraisal of the ENISA Executive Director.

The Board decided to continue with Mr Krzysztof Silicki from Poland and Mr Ken Ducatel from the Commission as reporting officers for the probationary period and subsequent appraisal of the ENISA Executive Director.

ITEM 10
A welcome introduction to the incoming Executive Director by the Chairperson

The Chair opened the agenda item with a tour de table to introduce MB members to the ENISA Executive Director.

The Chair continued with a presentation of his vision, with the following highlights:
Establishing a trustworthy working relationship with the new Executive Director ;
An active and engaged Management Board, at the right positioning ;
An inclusive MB, taking into account gender balance as an objective and a success factor;
Continuing to improve the efficiency of the MB (meetings, communication, documents' handling, etc.) ;
Further developing and structuring of outreach of the MB to the staff
Maintaining a positive, respectful and constructive atmosphere, for a trust-building and collaborative working environment.

The Executive Director thanked the Chair for the welcome and noted that collaboration would be a key concept in his work.

ITEM 11
Presentation by the (incoming) Executive Director

The Executive Director highlighted 7 key steps that he would like to achieve as his vision, without order of priority. He would work together with the MB to draft the direction towards ENISA 2027.

He noted that sources for the work programme should be reviewed to look into the priorities of the European Union, in particular its institutions. An example for the multiannual multistage project was given with regards to the 5G risk assessment which evolved into a discussion about possible certification in future.

He continued his presentation with a conclusion that quality versus quantity of deliverables of ENISA would be addressed. Stakeholder communications should be revisited to make sure that they are involved in developing ENISA documents. An updated proposal would be provided on the draft MB Decision on ad hoc working groups. He noted that addressing transparency and integrity arrangements internally in the area of the certification framework would be one of his actions.

He outlined the approach he would like to take by involving member states and stakeholders when developing ENISA reports to take into account diversity of views. A creation of peer-review panels for studies/analysis composed of 4-8 members for ENISA reports would be organised. Review of current flagships to make them more relevant for the EU bodies and national agencies and other target audience would be carried out as well. He also noted that a rolling plan for 3 months for core actions would be established. In his view ENISA should be European with the EU based operations.

As regards staff matters, he stressed that he would not tolerate any kind of discrimination and any kind of harassment. A regular dialogue with staff would be organised to assess whether steps taken so far are enough. Creating an atmosphere to be heard, to be involved by providing a platform for regular interchange between management and staff.

The Chair welcomed the aspects presented and opened the floor for exchange of views.

Several members took the floor to congratulate the Executive Director on the start of the role and exchanged views with him on the following:
- The role of the Advisory Group to reflect the European strategies;
- ENISA as a platform to gather views from broad range of stakeholders with diverse opinions; bringing in national expertise to ENISA projects thus avoiding redundancies and taking into account initiatives at the national level; member state (MB and NLO) in particular as an entry point;
- Dialogue between the Executive Director and the Management board is welcomed;
- A cooperation with ETSI, CEN -CENELEC would be beneficial for ENISA;
- Idea of virtual teaming, working on a global scale was suggested because expectations are high. The identification of what "not to do" was suggested as well.
- International cooperation through multistakeholder platform groups and involving ENISA Advisory Group, and the MB.
- In addition to general recruitment procedures, more agile and short term solutions are needed. This would be presented by the Executive Director to the MB in the future.
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The slides presented were circulated to the Management Board during the meeting.

ITEM 12
Draft programming document 2020-2022
The Chair opened the discussion by indicating that the opinion of the European Commission is mandatory to adopt the programming document. The opinion was received on 14 October 2019 and comments raised would be implemented in the updated version of the programming document.

ENISA outlined the status by explaining that a new version 3.1 has been circulated to reflect new initiatives. It was noted by ENISA that comments received from the Management Board were generally on the structure and wording.

The floor was taken by several members of the Board. The following aspects were raised:
- Cross border dependencies on sectors of the NIS Directive were identified. ENISA's papers should not be developed in isolation but by working together with member state authorities to develop a product that would fit member states. A virtual cooperation mechanism was mentioned as a tool to achieve cooperation between ENISA and Member States; Number of work streams and direct communication with 5-8 member states to come up with a joint report was suggested.
  In response to this it was agreed that a survey would be circulated to the MB with themes to identify groups of interest.

- The multiannual priorities should be redrafted based on the vision of the Executive Director.

- Streamlining and grouping deliverables would be welcomed.

The chair thanked for the comments raised and continued with a timeline for next steps.

A timeline with milestones was agreed and presented to the MB, and circulated to the MB after the meeting. It was concluded that the programming document will be adopted by written procedure in November 2019.

ITEM 13

Statement of estimates 2020
Establishment plan 2020
Given the discussion under the agenda item 12, the Board concluded that some adjustments would be required to align figures of the Draft Budget 2020 with the final version of the Programming Document 2020-2022 These documents would be adopted by written procedure, together with the Programming Document 2020- 2022.

ITEM 14
Programming document 2021-2023: Timeline

ENISA presented a timeline to prepare the first draft programming document 2021-2023. The MB has to adopt the first draft by 31 January 2020 as required in the annual budgetary cycle of the EU.

The Board agreed to have 2 days meeting - 20 and 21 November to discuss the first version of the programming document 2020 - 2021.

ITEM 15
HR at ENISA: Anti-harassment action plan
The Chair gave the floor to the Head of HR unit at ENISA Ms Laurence Caratini who presented a follow up on the anti-harassment activities at ENISA. The meeting was reminded that the results of the staff survey were presented to the Management Board at its meeting on 28 March 2019.

It was concluded that measuring the effect of the follow up activities was a challenge. The ED noted that the implementation of the action plan needs time and a new survey would be conducted in due course to be able to measure the effect of the implementation of the action plan.

The Chair thanked Ms Caratini for the presentation and advised on having her on the Board and that this issue is a priority issue for the MB.

AOB1) FIRST.ORG Board of Directors (by BE)
BE reiterated the question sent to the Management Board. The Board was informed that ENISA staff has been appointed *ad personam* as the member of the Board on FIRST.org and activities of the Board are in no way affecting the work of ENISA. ENISA also noted that these kind of concerns should be raised and thanked the Board for addressing them. ENISA staff is bound by the confidentiality and conflict of interest rules and in this case it is understood that these aspects have been internally vetted and cleared.

Closure of the meeting
The Chair thanked the Meeting for discussions and cooperation, and closed the meeting.

For the Management Board

Jean Baptiste Demaison
The Chairperson