



European Union Agency for Cybersecurity (ENISA)

Minutes of the ENISA Management Board meeting held on 17-18 November 2021 (hybrid event)

Member States' Representatives present physically: Reinhard POSCH (AT), Antonis ANTONIADES (CY), Elena de la CALLE (ES), Jean-Baptiste DEMAISON (Chair, FR), Anders LINDELL (SE);

Member States' Representatives present online: Herbert LEITOLD (AT), Miguel DE BRUYCKER (BE), Peter KIRKOV (BG), Jaroslav SMID (CZ), Martin BIERWIRTH (DE), Eva LEISNER (DK), Raul RIKK (EE), Heidi KIVEKAS (FI), Aude LE TELLIER (FR), Theofanis ANAGNOSTOPOULOS (GR), Zdravko JUKIC (HR), Eva SPINA (IT), Edgars KIUKUCANS (LV), Jana LUSVERE (LV), Rytis RAINYS (LT), François THILL (LU), H.L. (Hans) de VRIES (NL), Matthew YEOMANS (MT), Krzysztof SILICKI (PL), Isabel BAPTISTA (PT), Iulian ALECU (RO) - Day 1, Rastislav JANOTA (SK), Marjan KAVČIČ (SI), Britt- Marie JONSON (SE);

Representatives of the European Commission present online: Lorena BOIX ALONSO (DG CNECT), Miguel GONZÁLEZ-SANCHO (DG CNECT), Ken DUCATEL (DG DIGIT) – day 2, Jakub BORATYNSKI (DG CNECT);

Observers present physically: Hilde Goutal MULLER (NO), Michaelsen Bente LUND (NO);

Observers present online: Elín SIF KJARTANSDÓTTIR (IS), Sigurdur Emil PÁLSSON (IS), Eva VEIDENBERGA (LV), Bianca LINS (LI), Fraga TURIUC (RO) – day 2, Polyxeni MITSAKI (DG CNECT), Alexandros GONIADIS (DG CNECT); Boryana HRISTOVA (DG CNECT);

ENISA: Juhan LEPASSAAR (Executive Director), Marco Barros Lourenco (Team Leader for Research and Innovation), Andreas MITRAKAS (Head of Market, Certification and Standardisation Unit), Jo DE MUYNCK (Head of Operational Cooperation Unit), Evangelos OUZOUNIS (Head of Policy Development and Implementation Unit), Georgia PAPPA (Head of Corporate Support Services Unit), Ingrida TAURINA (Head of Executive Director Office), Martin SPAET (Executive Director Support Team); Laura HEUVINCK (Executive Director Support Team), Vangelis STAVROPOULOS (Executive Director Support Team), Natalie WENKERS (ED Office), Alexandre HUGE (Accounting and Compliance Officer, for Item 2), Steve Purser (ED Office, for Item 2), Renata JANKOWSKA (MB Secretariat), Evangelia LANTZA (MB Secretariat) Magdalena LENART (ED Office).

Apologies: Ken DUCATEL (DG DIGIT) – day 1, Kevin FOLEY (IE);

Proxies: from IE to NL, from LU to AT, from RO to SK.

DAY 1: 17 November 2021

Welcome

The Chair opened the meeting and welcomed the members participating both online and in Athens. He announced the update of the MB membership and gave the floor to the new MB members and alternates since the previous meeting for a brief introduction: Ms Eva LEISNER (DK), Mr. Balázs BENCSIK (HU), Mr Edgars KIUKUCANS (LV), Jana LUSVERE (LV), Mr Anders LINDELL (SE), Elin Sif KJARTANS DOTIR (IS). Presence of observers for the MB and from ENISA was also announced.

In continuation, the Chair outlined the agenda and introduced the new standing item on environmental and social responsibility. He also reminded about the elections for the vacant Executive Board positions: two Members and one Alternate Member. The MB was informed about two applications received so far from Greece and Poland. The Chair underlined the importance of the EB role and invited the MB members to consider this opportunity and still express their interest by informing the MB Secretariat during the meeting right until the time of the election.

The Agenda was adopted with the following AOB points requested by ENISA and NL:

- Working outside place of assignment;
- Proposal for joint administrative services between ECCC and ENISA;
- Confirmation of reporting officers for the Executive Director's appraisal;
- ENISA-UK relations in the context of the International Strategy

The ENISA Executive Director welcomed the participants and shared with the members the results of the staff satisfactory survey launched by the Agency. He presented the outcome of the main elements: on management, leadership, anti-harassment and internal communication and outlined the main challenges.

The Chair thanked for the overview and transparency on identification of issues for improvement.

ITEM 1 - MB Decisions

The floor was given to Ms Ingrida Taurina, the Head of the Executive Director's Office, who presented two draft MB Decisions proposed for adoption.

1.1 MB Decision on Conflict of Interest

It was clarified that the draft MB Decision on Conflict of Interest reviews the existing decision from 2013 and provides an update in terms of statutory bodies and certification bodies. It also aims at reducing the scope of the provisions and excluding matters already regulated by the Staff Regulation. The draft was consulted with the EB and provided to the MB on 4 November 2021.

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

1.2. MB Decision on dates of meetings in 2022

It was explained that the draft decision proposes dates, which support the overall process of the development and implementation of the Single Programming Document and respect statutory deadlines set in the legal acts.

Following the consultation with the EB, it is proposed to include an informal MB meeting in March 2022 in order to allow more strategic discussion among the MB members on operational matters, with probable topics including JCU, EU Cybersecurity Index, Exercises & Training Strategy. The Chair proposed the March meeting to be held physically and linked with the inauguration of the new ENISA

headquarters in Athens. For the two statutory MB meetings the remote or hybrid format has been proposed.

In addition, the first EB meeting in January was proposed possibly as face-to-face event, which could be a good opportunity for official opening of the CyberHub of the DG DIGIT.

The Chair opened the vote on the decision and the proposal for a physical informal MB meeting in March. Since no objections were raised, the decision was adopted.

ITEM 2 – Work Programme 2021 implementation

The Chair gave the floor to ENISA to present the state of play of the Work Programme 2021 implementation.

Status update on recruitment

Ms. Georgia Pappa, the Head of Corporate Support Services Unit, presented the state of play of the ENISA recruitment procedure and the establishment plan, as well as the evolution of CAs and the SNEs plan until the end of December 2021.

Teleworking rules

The ED introduced the topic explaining that following the pandemic experience, ENISA had identified the need for a new regime for teleworking rules. The Agency's plans in this regard had been discussed with the Executive Board.

Ms. Pappa presented to the MB members the key proposed amendments, resulting from the revision of teleworking conditions by a dedicated team, also in view of a reduction of heavy administrative process. It was explained that the proposal had been agreed during the ENISA Management Team seminar and it includes the teleworking rule of 50% counted per quarter and location independent. The approach is widely accepted by the staff, and the proposal is being analysed in detail by ENISA (EDO and CSS) and will be consulted with the Commission. Based on the result of the analysis and consultation, next steps will be proposed.

The Chair underlined the importance of making the teleworking rules fit for the staff, taking into consideration the specific of the organisation.

Budget update

Mr. Alex Hüge, the acting head of the Finance Sector, was invited to present the budget 2021 implementation report. He outlined the budget 2021 execution overview for C1 and C8 funds and the comparison with the previous year, which shows a slightly higher commitment rate. Improvements in financial planning had resulted mainly in fewer budgetary transfer requests. It was underlined that all the potential end-of-year budgetary adjustments were manageable within the 2021 framework set by the MB and they do not represent any risk for the Agency to comfortably fulfil its 95% budget implementation target.

The MB was notified about possible small year-end budget transfers (just above 10%) related to the use of potential surplus. The final figures and information about all budgetary transfers will be provided to the MB for transparency.

Following the question from the MB, the ED provided an update on the preliminary ECA findings on the budget 2020, which were reported to the MB in the June meeting. He explained that the financial irregularities reported by ECA were addressed both internally (the Internal Control in the Agency after

the reorganization has been improved) and through the long follow-up process with the Court of Auditors. The ECA report is being presented to the EP and awaiting the decision on positive discharge. Besides, the ED informed about his decision to launch an administrative inquiry with an aim to investigate the case to avoid similar issues in the future.

On the question on foreseen controlling measures in terms of budget management, the ED explained that it is foreseen to broaden budgetary accountability to the managers and to consolidate budget resources by merging budget lines. The importance of clarity on responsibility on budget lines was underlined.

Location update

Ms Taurina presented an update on the location of the new ENISA HQ in Athens. It was explained that ENISA is still in the process of identifying needs for the office design and the budgetary impact in relation to IT requirements. The procurement works and furniture planning is in progress and with priority given to the boardroom to host the MB meeting in March.

Mr. Stephen Purser from the ED Office provided an update on the developments for the ENISA local office in Brussels, which is set in a modern building, with good range of meeting space and next to CERT-EU, what will help in establishing synergies. The office is ready in terms of resources and the space specifications are completed. The office accreditation process needs to be finalized and the secured room specifications are pending finalisation.

The Chair congratulated ENISA on the progress for both offices.

ITEM 3 – ENISA & JCU – status update and 2022 plans

The Chair explained that the EB requested an informative session in the MB meeting, where ENISA presents how the Joint Cyber Unit (JCU) aspects have been addressed so far by the Agency and outlines the next steps. The more advanced discussion around the JCU initiative is foreseen in the strategic MB meeting in March.

The ED reminded the MB that under Article 7 of the CSA ENISA has a mandate for operational cooperation, which is referenced intensively in the JCU Recommendation. The floor was given to Mr. Jo De Muynck, the Head of the Operational Cooperation Unit, who described the role of ENISA in supporting to build the JCU, based on the Commission Recommendation C(2021) 4520. He presented some milestones so far, which include two workshops co-organised by ENISA.

It was explained that in the meantime, a number of discussions took place with the Council (HWPCI) allowing to reflect on the way forward for ENISA. It was agreed that a JCU-linked process should be implemented gradually.

The next workshop is planned in December and aims to enhance situational awareness across the Union and build a roadmap on future activities in this context.

It was clarified that ENISA is not engaging in any specific activities, rather is testing the ground for its future possible contribution to a future JCU. In the discussion that followed, the MB members exchanged views on different aspects in regards to ENISA's role and form of engagement in the JCU concept.

The Chair noted that the MSs will play a key role and should be engaged more actively in the preparation process as partners. ENISA reminded the MB of the different existing bodies, where the MSs are represented (like Cyclone, CSIRT Network).

Some members challenged the idea of focusing on EUIBAs and underlined the importance of national coordination to make sure that the MSs are the driving force (not institutions). The importance of clarity on the direction and the timeframe was also stressed, as well as the need for better understanding of the process.

It was mentioned that the complexity of the cybersecurity initiatives and instruments in crisis management makes addressing the recommendation challenging. It was also noted that Article 7 of the CSA covers aspects broader than the JCU and in this view, it was proposed to reflect on situational cooperation as a whole.

ENISA welcomed the initiative for broader discussion with the members on its contribution in the JCU process and agreed that the MB meeting in March will be a good opportunity to address the issue and that a half-day session will be dedicated for further debate with the MB.

ITEM 4 - Update by the European Commission

The European Commission presented an update on cybersecurity work in current EU Initiatives, namely European Cybersecurity Competence Centre & Network, NiS2, JCU, 5G, Certification, SOCs, CRA and European Digital Identity.

On the question about progress of the candidate EU Cloud scheme, it was clarified that the draft is currently going through different consultations (ECCG, sub-groups), including deliberations on legal requirement and is expected to be finalised in the beginning of the next year.

DAY 2: 18 November 2021

ITEM 5 - ENISA Single Programming Document 2022-2024

The Chair welcomed the participants on the second day and gave the floor to the ENISA ED, who briefly described the Single Programming Document 2022-2024. He explained that the framework for the new SPD has not changed and underlined the importance of clarity on objectives, which can be reached through a proper validation process. In this view, the validation process has been adjusted to better reflect the work and help the validators in identifying the objectives. It was clarified that the SPD proposal presented to the MB captures the consolidated comments resulting from the consultation launched by ENISA.

The floor was given to Vangelis Stavropoulos, the SPD coordinator at ENISA, who presented the process for the development of the SPD22-24, the budget 2022 forecast and its evolution. The ED provided the reasoning for decrease of the budget for the temporary assistance (under Title 1) which reflects the approach for long-term solutions (long term contract services, temporary staff covering the need) and possible increase of expenditure under Title 2. It is expected that the SPD22-24 will be adopted by 30th November and published in January 2022.

In continuation, the members exchanged views on the proposed SPD22-24 document and the following comments were received and discussed:

- proposal to separate ISACS and SOCs - it was agreed that the change will be reflected in the next WP iteration;
- aligning AD figures in the Establishment Plan with activities for NIS2 and budget 2022 - ENISA maintains the position that grades should be high given the nature of the work;
- prioritisation of issues and additional resources – ENISA clarified that the Annual Activity Report is used as the baseline for planning next activities; it was agreed that discussion on priorities will be addressed in the strategic MB meeting in March, while the discussion on resource allocation and needs should be tackled by the MB in the June meeting.
- JCU and the related wording - the MB requested to keep wording close to the Council Conclusions; it was also agreed to change wording on page 8 to “contribute to establishment”.
- on the International Strategy - it was proposed to clarify the operational cooperation concept where ENISA should consult and inform the EB before engaging with a 3rd country when it comes to outreach; an editorial change from “international Treaties” to “agreements” was agreed;

It was proposed that ENISA provides the short version of the SPD to the MB members for reading.

ENISA continued with the presentation of the process for the SPD 2023-25. The first draft of the SPD was outlined and two proposals coming from the consultation with the Advisory Group were presented:

- to set up a Standby Emergency Incident Analysis Team aimed to provide analysis on incidents in order to support MS and EU Institutions, Bodies and Agencies;
- to create an output or project with the goal to understand opportunities and certification challenges on market and industry.

Besides, in the process of consultation of SPD 22-24 a proposal was received to create a new activity specifically for the Article 11 of the CSA.

The Chair invited the MB members to contribute with written comments on the presented proposals. The input received will be further elaborated in the March strategic MB meeting.

ITEM 6 – ENISA environmental and social responsibility

Ms. Ingrida Taurina shared a presentation on the climate neutral mission of the Agency. The objectives for 2022-2023 were set so to carry out an audit linked to The EU Eco-Management and Audit Scheme (EMAS). It was underlined that the staff members have reacted with enthusiasm on “green activities” and have already engaged in some proactive initiatives.

The Chair noted that through the NIS Directive several sectors are tackled by carbon neutrality and welcomed ENISA’s challenging approach and setting up ambitious environmental goals.

The floor was given then to Ms. Georgia Pappa who presented the ENISA framework for diversity and inclusion which includes multilingualism and outreach campaigns to diversify talent attraction. Staff surveys are conducted on a yearly basis and confidential counsellors are appointed for dignity and respect issues. The future goals include developing the HR strategy to further promote inclusion, diversity and collaborative way of working.

The ED pointed out that developing climate activities will require both dedication and investment and suggested to follow up with a discussion on resources in the June MB meeting, as well as to develop indicators allowing to track the Agency’s progress towards climate impact.

ITEM 7 – Elections for ENISA Executive Board

The Chair continued with the election procedure requesting the observers from ENISA, the Commission and from the MSs to leave the meeting.

The MB members were advised by the Chair that pursuant to Article 19.3 & 19.4 of the CSA and following Article 18 of the Rules of Procedure (RoP) for the Management Board and for the Executive Board, two EB Members and one EB Alternate Member are to be appointed to vacant positions.

He informed about three candidates for the position of “EB Member” received (in alphabetical order):

1. Rastislav Janota, Slovakia
2. Krzysztof Silicki, Poland
3. Athanasios Staveris-Polykalas, Greece

The Chair briefly outlined to the MB members the voting procedure and announced the voting quorum which is a two-thirds majority of all members with the right to vote (19 votes) had been reached and informed about the proxy votes received: from IE to NL, from LU to AT, from RO to SK.

According to Article 18 of the CSA and following Article 8 of the RoP for the Management Board and for the Executive Board on voting procedures, and since a secret ballot was not requested by at least one-third of the voting members (9 votes), it was agreed to proceed with an open vote through a show of hands (either in the meeting room or remotely via chat in Webex).

The candidates were invited to briefly present themselves and the Board was invited to vote on each candidate separately (in alphabetical order).

The first round was to vote for Mr. Rastislav Janota, Slovakia

The result of the votes was:

- 19 votes in favour
- 5 votes abstain

As Mr Janota had received 19 votes in favour, which is above the simple majority of all Management Board members, the Chair announced he was elected as EB Member.

The second round was to vote for Mr. Krzysztof Silicki, Poland

The result of the votes was:

- 25 votes in favour

As Mr Silicki had received 25 votes in favour, which is above the simple majority of all Management Board members, the Chair announced he was elected as EB Member.

The third round was to vote for Mr. Athanasios Staveris-Polykalas, Greece

The result of the votes was:

- 3 votes in favour
- 21 votes abstain
- 1 vote against

As Mr Staveris-Polykalas did not receive required votes in favour, which is simple majority of all Management Board members, the Chair announced he was not elected for the position of EB Member.

Following the result of the elections for the EB Members the Chair announced two vacant posts for Alternate Members.

As no applications were received for Alternate positions, the Chair postponed the elections for the Alternate Members to the next MB meeting.

Some MB members pointed out the challenge for elections carried out in hybrid format and invited ENISA to review the voting procedure and investigate possible options for electronic vote in secure manner.

AOB

Teleworking rules

The ED informed the MB members about the intention to extend the exceptional measures allowing tele-working outside of the place of assignment until summer 2022. This proposal takes into account the growing spread of the COVID-19 virus and the increasing number of Member States who have put in place or are contemplating restrictions and mandatory teleworking. This decision is also aimed to provide to the ENISA staff assurance and help to find the most suitable solution during the pandemic.

Proposal for joint administrative services between ECCC and ENISA

The ED informed the MB members about the initiative to set up joint administrative services between the European Cybersecurity Competence Centre and ENISA. The proposal is in line with the Regulation, which encourages to seek for synergies in view of cooperation and potential benefit for both parties.

Following the positive reaction from the ECCC Governing Board, ENISA had delivered to the ECCC interim director a list of services that can be provided by the Agency and it is expecting feedback on the way forward. He also proposed to have a resource related discussion with the MB members at the June meeting.

Confirmation of reporting officers for the Executive Director appraisal;

The Executive Director informed the meeting that the MB Chair confirmed his candidacy for the 3rd reporting officer for his 2020 appraisal. That concludes the list of reporting officers consisting of Mr. Ken Ducatel, Mr. Krzysztof Silicki and Mr. Jean-Baptiste Demaison which will allow to finalise the 2020 appraisal exercise.

After the meeting it was noted that the Chairman cannot act as the reporting officer since he has a role of an "appeal assessor".

ENISA-UK relations in context of international strategy

On the request from NL, clarification was provided regarding the pending request from the UK for participation in the activities of the Agency and establishing working arrangements. The Commission explained that working arrangements with the UK on EU level are in progress and the requested cooperation will depend on the negotiations. The Commission is in close contact with ENISA on this matter which will be followed up with the MB after the finalization of the International Strategy. ENISA already sent a holding reply to the UK and the copy of the letter will be distributed to the MB members for information.

Reinhar Posch termination of mandate

Mr Reinhard Posch announced his last meeting as an MB Member and thanked all MB members and ENISA for the cooperation. The Chair and the ED thanked Mr Posch for his engagement and active contribution over the years of his membership.

Closure of the meeting

The Chair thanked the MB members for their contribution and ENISA for preparing the meeting.

For the Management Board

Mr Jean Baptiste Demaison
Chairperson of the Management Board

DAY 1 - 17 NOVEMBER, 2021 15.00 – 17.00 BRUSSELS TIME

TIME	ITEM	SUPPORTING DOCUMENTS
15:45 – 16:00 EET	Welcome coffee and registration – for physical participants	
16:00 -16:10 EET	Welcome Introduction by the Chair Introduction by the ENISA Executive Director	
16:10 -16:30 EET	Items 1 (for discussion and possible adoption): 1.1. MBD on conflict of interest 1.2. MBD on dates of meetings in 2022 Presentation by ENISA Action: exchange of views	Draft MB Decisions
16:30 -17:15 EET	Item 2 For information Work programme 2021 implementation - Recruitment update - Budget update - Location update - Teleworking rules Presentation by ENISA Q&A	Slides and oral update
(at the request)	Coffee break	
17:15 – 18:00 EET	Item 3 For information and exchange ENISA environmental and social responsibility Environment, diversity & prevention of risks for staff Presentation by ENISA Q&A	Overview slides
18:00 – 18:30 EET	Item 4 For information Update by the European Commission Presentation by EC	Oral update
End of day 1		

DAY 2 - 18 NOVEMBER, 2021 09.45 – 13.00 BRUSSELS TIME

TIME	ITEM	SUPPORTING DOCUMENTS
09:15 - 09:45 EET	Coffee – for physical participants	
09:45 – 09:50 EET	Welcome	
09:50 -11:45 EET	<p>Item 5 For discussion and possible adoption</p> <p>ENISA Single Programming Document 2022-2024</p> <ul style="list-style-type: none"> - ENISA & JCU – status update and 2022 plans - SPD 2022 finalisation including International Strategy and Annual Cooperation Programme (ACP) with CERT-EU - SPD 2023 timeline and process <p>Presentation by ENISA Action: Exchange of views</p>	<p>Draft SPD 2022 - 2024 clean</p> <p>Draft SPD 2022 – 2024 track changes</p> <p>Table with comments</p> <p>Draft Statements of Estimates 2022</p> <p>Draft Establishment plan 2022</p> <p>Slides</p>
(at the request)	Coffee break	
11:45 – 12:45 EET	<p>Item 6 Elections Elections for ENISA Executive Board Overview by ENISA</p>	<p>In accordance with Art. 19.3 & 19.4 CSA and following Art. 18 RoP, two EB Members and one EB Alternate Member are 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>
12:45 – 13:00 EET	AOB	
End of day 2		
13:00-14:00 EET	Lunch	