



European Network and Information Security Agency

**DECISION OF THE MANAGEMENT BOARD
of 9 October 2012,
on the appointment of the Accounting Officer of ENISA**

THE MANAGEMENT BOARD OF THE EUROPEAN NETWORK AND INFORMATION SECURITY AGENCY,

Having regard to:

- The Treaty on the Functioning of the European Union, and in particular Article 266 thereof;
- Regulation (EC) No 460/2004 of the European Parliament and of the Council of 10 March 2004 establishing the European Network and Information Security Agency and in particular article 7 thereof;
- Management Board Decision of 8th January 2009 on the Financial Regulation applicable to the European Network and Information Security Agency in conformity with the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) 1605/2002 of 25 June 2002 (Financial Regulation applicable to the general budget of the European Communities) and in particular Article 43 thereof;
- The proposal of the Executive Director of ENISA of 9th October 2012
- Judgement of the Civil Service Tribunal of 2nd October 2012 in case F-118/10 Psarras vs ENISA;

HAS DECIDED

Whereas the abovementioned judgment annulled the Management Board Decision of 7th February 2010, terminating, with immediate effect, the functions of M.Psarras as Accounting Officer and appointing the Budget Officer, M.Christidis, to the post of Accounting Officer

Whereas, according to relevant case-law, the compliance measures need to be taken in a 'reasonable period of time'

Whereas, for reasons related to the proper functioning of the Agency, it is particularly urgent to fulfil the post of Accounting Officer

Whereas the contract of M.Psarras was terminated on the 4th September 2012, for grounds demonstrating a breach of confidence and with explicit request not to serve the notice period, and, therefore, his nomination to the said post cannot even enter into consideration and would, in any event be contrary to the interest of service

Whereas in the exercise of the duties of the Accounting Officer up to now M.Christidis gave full satisfaction to the Agency

Whereas, therefore, and notwithstanding any compliance obligation towards M.Psarras, it is appropriate and in conformity with the interest of service, to appoint M.Christidis as Accounting Officer and to proceed with his appointment as a matter of urgency

Whereas, for legal certainty purposes, it is appropriate that this appointment is of retroactive character

Whereas it is appropriate to determine the date on which the said appointment will take effect

Whereas, and irrespective of the question whether the grounds of termination of M.Psarras' contract, on 4th September 2012, could have justified an earlier date for the retroactive appointment of M.Christidis, it is appropriate that the latter takes effect on the 4th of September 2012.

HAS DECIDED

Article 1

Mr. Michail Christidis is appointed as Accounting Officer of the European Network Information Security Agency.

Article 2

This decision shall take effect as from 4th September 2012.

Done at Limasol, 9th October 2012

On Behalf of the Management Board of ENISA,

Mari Herranen
Chair



Pursuant to Judgement F63/13 of the European Union Civil Service Tribunal dated the 2nd July 2014 the court “Annuled the decision of 4 September 2012 of the Executive Director of the European Union Agency for Network and Information Security terminating the contract of the temporary agent, Mr Psarras.”