

**DECISION NO MB/2020/15
OF THE MANAGEMENT BOARD OF
THE EUROPEAN UNION AGENCY FOR CYBERSECURITY
AUTHORIZING AN OCCUPATIONAL ACTIVITY
AFTER LEAVING THE SERVICE**

THE MANAGEMENT BOARD OF ENISA,

Having regard to Regulation (EU) (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), and in particular Article 15.1 (I);

Having regard to Regulation No 31 (EEC), 11 (EAEC) laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community of 01.01.2014, and in particular Article 16;

Having regard to the Decision No MB/2019/7 of the Management Board of ENISA authorizing an occupational activity after leaving the service;

Having regard to the Decision No MB/2018/19 of the Management Board of ENISA on outside activities and assignments and on occupational activities after leaving the service, and in particular Articles 19, 20, and 21

Whereas

- The term of office of Mr Udo Helmbrecht, as Executive Director of ENISA ended on 15 October 2019;
- Before leaving the service he has informed on 27 September 2019 the Executive Board about his intention to engage in an occupational activity after leaving the service and the Management Board as the Appointing Authority has granted the relevant authorization on 15 October 2019;
- On 25 May 2020 Mr Udo Helmbrecht sent a request to the Chairperson of the Management Board in his capacity as Appointing Authority of the Executive Director, to authorize additional occupational activity after leaving the civil service. The additional occupational activity would be a consultant for EUTOP on Information and Communication Technologies (ICT).
- Executive Board has discussed this matter at its meeting held on 29 May 2020;
- European Commission Services were consulted on this matter and it is advised that such authorisation may be granted with several restrictions in place.

HAS DECIDED TO ADOPT THE FOLLOWING DECISION:**Single article**

1. Former ENISA Executive Director Mr Udo Helmbrecht is authorized to engage in the notified occupational activity provided that:
 - a. In accordance with Article 17 of the Staff Regulations, he shall refrain from any unauthorised disclosure of information received in the line of duty during his work as Executive Director of ENISA, unless that information has already been made public or is accessible to the public. In this context, he should refrain from exploiting insights of confidential nature in policy, strategy or internal processes that he may have acquired in the line of service and that have not yet been public or are not commonly available in the public domain.
 - b. In accordance with Article 40 of the Staff Regulations, he shall refrain from engaging in any activity or role which involves lobbying or advocacy vis-à-vis staff of ENISA and of other European Commission services, he closely worked with in his capacity as Executive Director of ENISA (indicatively DG CONNECT, DIGIT, HOME) which could lead to the existence or possibility of a conflict with the legitimate interests of ENISA or of the European Commission.
 - c. He shall abstain to deal in any way with files, cases or matters related to the work carried out by him during his last three years of service in his capacity as Executive Director of ENISA, including related or subsequent cases and/or court proceedings which could lead to a conflict with the legitimate interests of ENISA or of the European Commission or in order to avoid the perception of any conflict of interest.
 - d. He shall always make clear to his interlocutors that he intervenes (or acts) only in his own capacity not representing in any way the opinion or interest of ENISA or of the European Commission. In this regard and in the framework of his new activity, he shall refrain from associating his former position as Executive Director of ENISA with his new role in discussions with clients of EUTOP.
 - e. He shall refrain from making public statements that could damage the image of ENISA or of the European Commission.
 - f. According to Article 21 of the Decision No MB/2018/19 of the Management Board of ENISA on outside activities and assignments and on occupational activities after leaving the service, he shall not participate in meetings or have contacts of professional nature with the staff of ENISA and European Commission Services he closely worked with for a period of one (1) year, thus until 1st of November 2020.
 - g. According to Article 16 of the Staff Regulations, he acknowledges that he remains bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefit.
2. He would share the above restrictions with the EUTOP in order for the latter to help ensure compliance.

3. He acknowledges that in case of breach of the abovementioned conditions, he would be personally liable for any damage towards ENISA and/or the European Commission.

The decision enters into force on the day of its adoption.

Done by written procedure on 06 July 2020.

On behalf of the Management Board

[Signed]
Chairperson
Jean Baptiste Demaison

