



Minutes of the ENISA Management Board Meeting held on 16-17 November 2023 as videoconference

PRESENT:

Fabienne Tegeler – MB Chairperson (DE), Lorena Boix-Alonso (CNECT), Grzegorz Minczakiewicz (DG DIGIT), Arno Spiegel (AT), Phédra Clouner (BE), Tomáš Minárik (CZ), Thomas Flarup (DK), Elena de la Calle (ES), Antonis Antoniadis (CY), Stefan Lee (FI), Aude Le Tellier (FR), Theofanis Anagnostopoulos (GR), Lajos Szabo (HU), Adam Fekete (HU), Kevin Foley (IE), Gianluca Galasso (IT), Liudas Alisauskas (LT), Edgars Kiukucāns (LV), Frank Lieser (LU), Matthew Yeomans (MT), Krzysztof Silicki (PL), Katarzyna Prusak-Gorniak (PL), Lino Santos (PT), Gabriel Dinu (RO), Emilie Didrick (SE), Sebastian Åsberg (SE), Marjan Kavcic (SI), Matej Salmik (SK).

IN ATTENDANCE:

ENISA: Juhan Lepasaar (Executive Director), Ingrida Taurina (Head of ED Office), Martin Spaet (EDO), Natalie Wenkers (EDO), Georgia Pappa (Head of Corporate Support Service), Jo De Muynck (Head of Operational Cooperation Unit), Stefano De Crescenzo (International Team Leader), Andreas Mitrakas (Head of Market Certification and Standardisation Unit), Evangelos Ouzounis (Head of Policy Development Implementation Unit), Dimosthenis Oikonomou (Head of Capacity Building Unit), Dimitra Liveri (Awareness Raising and Education Team Leader), Apostolos Malatras (Knowledge and Information Team Leader) Vangelis Stavropoulos (EDO), Renata Jankowska (MB Secretariat).

OBSERVERS: Miguel Gonzalez-Sancho (CNECT), Antonio Jesús Moreno (CNECT), Enrique Gomez (CNECT) Roberto Barcellan (DIGIT), Elin Carolina Leis (EE), Kjartansdottir (IS), Gunn Pettersen (NO), Clarissa Wilkie (DE), Peter Sas (HU), Szilard Szabo (HU).

WELCOME

Introduction by the Chair

The Chair opened the meeting by thanking the Management Board (MB) members for their trust and welcomed the participants. She reported about the Executive Board (EB) meeting which was held on 19-20 October 2023 and for the first time in its new composition.

The Chair confirmed the quorum established for the meeting. She announced the proxy given from Estonia to Latvia, as well as the new members since the previous meeting and the presence of the invited observers.



The members were informed about the EB decision to improve the preparatory phase of elections by nominating an observer from among EB members for a pre-check of the process. Mr Krzysztof Silicki was nominated by the Executive Board for such role for the current elections of the EB Alternate Member.

The Chair also reported to the Board about her participation in the ENISA Threat Hunt conference and in the meeting of the Advisory Group (AG) in Athens in September. For a better alignment between the MB and the AG, it was proposed to organise a back-to-back meeting in March with a joint dinner, also to strengthen the alignment between ENISA statutory bodies.

Introduction by the ENISA Executive Director

The Executive Director (ED) welcomed the Chair and the Vice-Chair to their 1st MB meeting in this role. He reminded members that the November MB meeting is crucial for ENISA in terms of setting the Single Programming Document (SPD) and the budget for the next year and thanked the MB for their feedback to the draft and the Commission for the good dialogue.

Adoption of the Agenda and meeting minutes

The Chair outlined the draft agenda which was adopted with an additional point under AOB on the GSMA update. The draft minutes from the June ordinary and the October extraordinary MB meetings were also adopted since no comments had been received.

ITEM A – ADOPTION OF MB DECISION

Adoption of MB Decision on dates of statutory meetings in 2024

Martin Spaet (EDO) outlined the dates of statutory meetings for 2024 as proposed in the draft MB Decision. The proposed dates are based on the institutional timetable and are in line with the overall process of the development and implementation of the SPD. They respect statutory deadlines set in the legal acts and also take account other key events organised by the Presidency of the Council of the EU.

The Chair informed the Board about the discussion at the EB meeting, who noted the predominance of MB meetings in a hybrid format and pointed out the advantage of physical meetings in terms of building the MB network and efficiency of the decision-making. The Meeting continued with ENISA presenting various options with different format combinations for the MB meetings. Following the MB members exchange, it was agreed that the June meeting should be held in a hybrid format.

The Chair announced adoption of the draft MB decision on dates, with the amendment of the format for the June meeting from online to hybrid/Athens.



ITEM 1 - ENISA SINGLE PROGRAMMING DOCUMENT 2024-2026

SPD 2024-2026 finalisation including timeline and process

Timeline and process SPD 2025-2027

The ED introduced the item highlighting the main challenges in preparation of the draft SPD and clarified that the draft SPD takes into account the thresholds set in the Corporate Strategy.

Vangelis Stavropoulos (EDO, SPD coordinator) provided an overview of the feedback received from the Commission and the MSs to the draft SPD and the ENISA clarifications/response to the received comments, and confirmed that the establishment plan had been updated in line with the Commission's comment. The evolution of the operational budget per activity over the past three years was presented, and the ED indicated to the meeting the overall improvement in the fulfilment of the establishment plan, a stabilising tendency of the budget in view of the tasks, and a balance between operational activities and corporate support services.

The overview of the principles of the Corporate Strategy resourcing objectives was presented with a highlight on the increase of the budget allocated for investment in talent development and IT investment with the aim of ensuring the cybersecurity of the ENISA systems and on strengthening the corporate service cost model by selling corporate services. Types and level of related revenues will be monitored per activity and is planned to be included in the SPD2025.

The figures for the draft budget 2024 were outlined with highlights of the main changes and the overview of the multi-annual resource planning, including the evolution of the establishment plan and monitoring the balance of the workforce between operational and corporate areas. Finally, an overview of the new activity was provided on contribution to response at the Union and MS's level through ex-ante and ex-post services provision.

It was recalled that the SPD24-26 shall be submitted to the EU budgetary authorities by 30th November.

The draft SPD2024-2026 was then adopted as presented and the Agency was congratulated for the document preparations.

ITEM 2 – UPDATE BY THE EUROPEAN COMMISSION

Lorena Boix-Alonso (DG CNECT) provided an update on the recent developments of the cybersecurity related files, including the eIDAS Wallet, the Cyber Solidarity Act (CSOA), the Cyber Resilience Act (CRA), and the work related to the preparation for the review of the Cybersecurity Act (CSA). On the latter, the Commission has launched a study which shall serve as a basis for the evaluation of the CSA and ENISA shall play a significant role in the process. The evaluation report should be completed in 2024.

The ED thanked the Commission for involving ENISA in providing expertise on technical issues related to legislative files, adding that the EP and the Council through the Horizontal Working Party on Cybersecurity Issues (HWPCI) had also reached out to ENISA and ENISA had recently hosted the Council Horizontal Working Party on Cyber Issues in Athens.

On the question from the MB about the timeline for finalising the Contribution agreement on the Support Action (SA) services, the Commission informed that the process remained on track.

Asked about the Situation Centre, Commission noted the possibility of a win-win situation for ENISA and the Commission, with the expectation of this taking on a physical form soon. The ED commented also in this regard, that the actual workload on ENISA would also depend on the outcome of the Contribution agreement which should provide extra FTE count and budget. The Commission expressed overall positive feedback on the cooperation with ENISA on the matter, while any lessons learned can be reported at a later stage only.

While some MS stressed a less optimistic picture regarding the outlook for the CSOA, the Chair welcomed the progress reported by the Commission on the ongoing negotiations and the positive feedback about ENISA's contribution and good cooperation.

ITEM 3 – ENISA BEYOND 2024

The Chair introduced the item reminding the MB about the next year's evaluation of the CSA.

The ED explained that in view of the foreseen review of the ENISA's Strategy (the current one reaches until June 2024), the forthcoming evaluation of the Cybersecurity Act (CSA) and in light of the encouraging reply to the MB letter by the Commissioner Breton, the Agency would like to engage with the MB in a discussion on planning the process of review of the Strategy. He clarified the aim of the exercise which is building the blocks of the process and their alignment with the Commission approach. The ED presented to the MB members the timeline for the planned review (indicating engagement points with the MB) and the proposals for consolidating and adjusting operational activities in the draft SPD 2025-2027. The 1st draft of the SPD 2025-27 would be distributed to the MB for consultation on 15th December 2023 with the consolidated input from the MB to be submitted to the Commission in January. The draft Strategy implementation assessment shall be distributed to the MB two weeks in advance of the MB March meeting. The alignment of the SPD2025 with the MB strategic discussions would be performed between March-June 2024.

The Chair pointed out that the main legislative acts lead to increased support by the Agency on the implementation of legislation and that should be reflected in the revised Strategy, as well as the aspects related to the crisis in Ukraine and to the Support Action services. ENISA had also invited the Chair and Deputy Chair to participate to an ENISA Management Team seminar on this topic.

In the discussion that followed the MB members indicated the importance of a clear picture of ENISA challenges with the new legal acts coming in force and advised prudence in planning new engagements, in view of possible gaps between the Agency's ambitions and resources. They shared recommendations and directions for consideration like reprioritising and planning the way ahead in terms of the challenges. The importance of addressing implementation of legislation, on complementarity and stakeholder engagement, avoiding overlaps, focusing on added value, strengthening activities of value for MS, and leveraging on the development of the European cybersecurity ecosystem were raised in the discussion.

The Chair announced overall endorsement of the proposed process by the MB, with a reservation for possible future discussion on a larger mandate for ENISA in the EU eco system.



ITEM 4 – WORK PROGRAMME 2023 IMPLEMENTATION UPDATES

A. Administrative and budgetary matters – Budget and Audit updates

Alexandre Huge (ENISA Accounting Officer) presented the status of the ENISA budget 2023 implementation based on the data reported as on 16 November 2023. He reported the 2023 (C1 funds) preliminary forecasted results and explained the main challenges. MB members were ensured that ENISA is closely monitoring the figures and prioritizing the remaining projects to be committed. So far, only one budgetary transfer is being considered to rebalance budget lines mainly within the same title. As for the funds carried forward from the 2022 budget (C8 funds), the main risk in the 2023 implementation lies with the remaining payment of the Support Action assistance funds. On the question from the MB, ENISA explained the procedure for carrying forward funds and clarified the target set by the Commission which is 95% of the total budget.

The ED thanked the team working on the implementation of the Support Action funds both from operational and a corporate support services side.

Alexandre Huge, in his capacity of the Internal Controls Coordinator, provided a debrief on the ongoing audits. Regarding the audit on the ENISA 2022 annual accounts, a clean ECA report is expected to be formally issued, with some minor weaknesses detected in the procurement, which ENISA acknowledged and already addressed through the corrective actions. As for the 2023 annual accounts, the on-going discussion was reported on a potential finding due to a different legal interpretation by ENISA and ECA regarding the derogation for the provision of the support to the MSs due to the spill-over effect from the Ukraine/Russia conflict.

The IAS status update was also provided to the MB, including the follow-up of the report on the HR (closed with adoption of the HR Strategy by the MB) and IAS audit report on strategic planning, programming and performance management (closed following the corrective actions undertaken by ENISA). The final report from the ongoing audit on procurement and contract management is expected in December 2023, with the corrective action plan to be executed in 2024 (Q2-Q4).

The ED informed that in order to finalise the 2023 reclassification exercise, there is a need for a budget-neutral adjustment of the Establishment Plan 2023. The MB Secretariat will follow up by launching a written procedure for endorsement of MB Decision on modification of the Establishment Plan 2023, which will be accompanied by a respective explanatory note.

B. Operational activities

International strategy

Stefano De Crescenzo (International Team Leader) provided an update on the developments in terms of the international cooperation related activities, namely cooperation with Ukraine, United States, NATO, Western Balkans and Eastern Partnership. He announced the main achievement which is the signature of the Working Arrangement (WA) with Ukraine, while the arrangement with US/CISA is expected to be finalized during the December EU-US Cyber Dialogue. It was noted that both WAs envisage slightly different types of cooperation and agreed that ENISA will share the work plan with the MB for information.

As for the relationship with the UK, which was also recommended by the MB, ENISA clarified that the cooperation with the UK is still subject to discussion at the Commission level and that ENISA is ready to support in preparation of the upcoming dialogue, should such a request arrive, and that any possible engagement would be discussed with the EB and the MB before taking a decision.

The Chair congratulated ENISA's signature of the WA with Ukraine and welcomed the important developments strengthening collaboration between EU and other countries.

Pilot ENISA Cybersecurity Support Action 2022 status

Jo De Muynck (Head of Operational Cooperation Unit) introduced the item by emphasizing the joint effort across the Agency to implement the Support Action project and the importance of the good cooperation with the MS. He informed the MB about the lessons-learned workshop organised in Brussels with the MS' Point of Contacts (PoC) and the Commission to collect feedback, which will support the effort for improvement of the SA approach during the next year. The feedback is being currently analysed and after its consolidation will be shared with the participants, ECCC and reported to the MB. The current status of the pipeline for 2024 was presented and it was reminded that the SA will become a new activity in the SPD 2024-2026 and that the Contribution Agreement is being currently discussed with the Commission.

The MB congratulated ENISA for the achievements so far and shared some recommendations and ideas for consideration. ENISA already confirmed that in order to address some shortcomings in the procurement procedure it is planned to involve PoCs with the possibility to join tender committees as observers.

Cyber Partnership Programme update

Stefano de Crescenzo (International Team Leader) reminded the EB on the scope of the Programme which, through cooperation with the private sector, is aimed to support the Agency to gain further visibility in understanding of threats, vulnerabilities incidents and cyber security events which would result to an increase of the Union common situational awareness. ENISA presented the so far operationalisation aspects, including the 1st Workshop with the pilot partner (which took place in September) and the process of the input for the upcoming Joint Cyber Assessment Report (JCAR) and the meeting to be planned with the CSIRT Network on technical aspects of the latest vulnerabilities.

ENISA explained that in order to attract prospective partners, it is important to set clear expectations and build trusted relationship. The Agency is open to discuss with the MB possible motivation-raising aspects.

ITEM 5 – OTHER MATTERS

EUAN Chairmanship

The Chair introduced the topic, where ENISA is seeking the MB advice on the invitation to take on the Chairmanship of the EU Agencies Network (EUAN) for the year 2025. The proposal had been discussed with the EB which recommended to reflect on the link to the operational objectives and re-assess the human resources requirements.

The ED clarified that the Chairmanship of the Network is rotating between agencies and bodies alphabetically to take on such a role. Following the recommendation by the EB, ENISA had investigated how this role could help to deliver the ENISA Strategy and the ED outlined the links with the strategic objectives as well as the updated resource estimation. The main opportunity is related to the increase of ENISA's work in the field of cybersecurity, as well as visibility, building partnerships. The key contributor to the task would be the ED Office and the Corporate Support Services, which will utilize the results of operational work to promote the NIS framework among EU entities.

The MB supported the proposal which is seen as an opportunity to position the Agency and expand the mission for awareness raising for cybersecurity goals and build the chain of ambassadors of cybersecurity across different sectors.

The proposal of the EUAN Chairmanship was endorsed.

MB rules of procedure & representation at MB (follow-up to mb request for further options)

The Chair reminded the MB that the topic was initiated upon the request from Estonia to extend the representation of an MB member beyond the Alternate. The MB Secretariat has explored the request and presented a summary of rules and possibilities for such alternating, which confirm that the provisions of the CSA and the current Rules of Procedure (RoP) for the MB do not foresee that representation can be extended or delegated to a further person within the organization of the MB Member. Such solution would require a change of the CSA, RoP or opening the room for exceptions.

The Chair informed that the request was discussed by the EB, who referred to the complexity of MB matters and reiterated the importance of ensuring that the continued corporate knowledge remains within the MB. They agreed that the already existing option of being represented at the meeting by another MB Member via proxy (also in terms of conveying votes) should be sufficient.

The MB agreed with the EB interpretation and the Chair concluded with adoption of the option A as per the Cover Note, that implies limited flexibility for such delegation.

AOB

GSMA follow-up

As follow-up of the discussion in the June MB meeting, Andreas Mitrakas (Head of Market, Certification and Standardisation Unit) was invited to update the MB on the status of the ENISA's request for engaging with the 5G standardisation organisations, in the context of development of the 5G certification schemes. He confirmed the need to formalize the relationships with ETSI and GSMA respectively for the purposes of the EU5G scheme and reported no progress on the matter. Since further delay of a decision puts the future availability of the EU5G scheme at risk, ENISA decided to move forward in solidifying the working arrangement (structural cooperation) with ETSI.

It was agreed that the MB will be notified should ENISA need any further support from the MB on this matter.

CLOSURE OF THE MEETING

The Chair and the Vice-Chair were invited by the ED to the ENISA Management Team Seminar taking place at end of November to participate in the discussion on preparation of the ENISA Strategy implementation assessment and mandate. In this context the Chair invited the MB members to share opinions and input on the strategic outlook and expectations from the MS. The outcome of the MT discussion will be reported to the MB members.

The Chair thanked the MB members for their active contribution to the discussions and ENISA for the implementation updates.



For the Management Board

Ms Fabienne Tegeler
The Chairperson of the Management Board



DAY ONE

TIME (CET)	ITEM	SUPPORTING DOCUMENTS
16 November 2023 15:00 – 18:15 CET TIME You can connect as of 14:45 CET time to test the connection, while the actual meeting will start at 15:00 CET.		
15:00-15:20	Welcome - Introduction by the Chair - Introduction by the ENISA Executive Director - Adoption of the agenda - Adoption of meeting minutes of June ordinary and October extraordinary meeting	
15:20-15:30	Items A – Adoption of MB Decision - Discussion on format of MB ordinary meetings - Adoption of MBD on dates of statutory body meetings in 2024	
15:30-16:30	Item 1 ENISA Single Programming Document 2024-2026 - SPD 2024-2026 finalisation including timeline and process - Timeline & process SPD 2025-2027 Presentation by ENISA For discussion and possible adoption	Draft SPD 2024 - 2026 clean Draft SPD 2024 - 2026 track changes Table with comments Draft Statements of Estimates 2024 Draft Establishment plan 2024 Slides
16:30-17:00	Item 2 For information Update by the European Commission Presentation by EC	
17:00-17:15	Coffee break	
17:15-18:15	Item 3 ENISA beyond 2024 - Response by Commissioner Breton to MB letter; - ENISA Strategy revision & preparatory steps; - SPD 2025 & ENISA structural adjustments Presentation by ENISA Action: For MB endorsement	- Response letter by Commissioner - ENISA presentation (documents shared at the meeting)
End of day 1		

DAY TWO

TIME	ITEM	SUPPORTING DOCUMENTS
<p>17 November 2023 10:00 – 12:30 CET TIME You can connect as of 9:45 CET time to test the connection, while the actual meeting will start at 10:00 CET</p>		
10:00 – 10:05	Welcome	
10:05-11:00	<p>Item 4 For information Work programme 2023 implementation updates A. Administrative and budgetary matters - Budget update - Audits update B. Operational activities - International Strategy (including co-sealing procedure) - Pilot ENISA Cybersecurity Support Action 2022 status - Cyber Partnership Programme update</p> <p>Presentation by ENISA</p>	Slides and oral update
11:00-11:30	<p>Item 5 Other matters - EUAN Chairmanship - MB Rules of Procedure & representation at MB (follow-up to MB request for further options)</p> <p>Presentation by ENISA</p> <p>For discussion and possible adoption</p>	Cover Note and slides
11:30 - 11:45	AOB	
11:45 – 12:30	<p>CLOSED SESSION Item 6 Elections Elections for ENISA Executive Board – 1 Alternate post</p> <p>Action: vote</p>	<p>In accordance with Art. 19.3 & 19.4 CSA and following Art. 18 RoP, one EB Alternate Member is to be appointed. Individual Members of the Management Board but not their Alternates can express an interest in being part of the Executive Board.</p>

End of day 2