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WORKING PAPER

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From:	Greek delegation
To:	Horizontal Working Party on Cyber issues
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ENISA, the "EU Cybersecurity Agency", and repealing Regulation (EU) 526/2013, and on Information and Communication Technology cybersecurity certification ("Cybersecurity Act") - Comments from the Greek delegation on Article 19

Delegations will find in Annex the comments of the Greek delegation on Article 19 of the above mentioned proposal.

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Article 19 – Responsibilities of the Executive Director

par.5

The Executive Director shall decide whether it is necessary to locate members of staff in one or more Member States for the purpose of carrying out the Agency's tasks in an efficient and effective manner to establish one or more local offices in one or more Member States. Before deciding to establish a local office the Executive Director shall **seek the opinion of the Member State(s) concerned, including the Member State where the seat of the Agency is located, and** obtain the prior consent of the Commission, **and** the Management Board **and the Member State(s) concerned, including the Member State where the seat of the Agency is located.** The decision, based on an appropriate cost-benefit analysis, shall specify the scope of the activities to be carried out at the local office in a manner that avoids unnecessary costs and duplication of administrative functions of the Agency. ~~An agreement with the Member State(s) concerned shall be reached, where appropriate or required.~~ **The number of the staff in all local offices should be kept to a minimum and the number of the staff of each local office should not exceed 10% of the number of staff located in the Member State where the seat of the Agency is located, whereas the total number of the staff in all local offices should not exceed 40% of the number of the staff located in the Member State where the seat of the Agency is located.**

*Justification for the proposed changes (highlighted text): We are of the view that the wording contained in the text of doc. ST-8209/18 referring to the “opinion” (which is by no means binding) of the Member State where the seat of the Agency is located instead of the “consent” is not appropriate and disregards the efforts Greece is making in supporting the Agency. **Therefore we urge the Presidency to refer to the “consent” as has been suggested repeatedly.** Moreover, as already stated orally during the HWP CYBER meetings and in writing, this suggestion is in consistence with the wording contained in article 25(j) of Regulation proposal on ACER (12953/5/17 REV 5/6 March 2018) on which the Member States have not expressed any objections during the negotiations within the respective Council WP. Finally, we are of the view that the local offices should not grow more than the headquarters of the Agency in a “hydrocephalic” way, because this would not allow the Agency to perform its very important role. We strongly believe that if this happen, it would contradict to the instructions given by the Member States leaders for “strong” mandate of the ENISA. Although we are in favour of the wording originally proposed in doc. WK-4571/2018-INIT (i.e. the number of the staff in all local offices should not exceed in total 10% of the staff located at the headquarters of the Agency in the Member State where the seat of the Agency is located), alternatively, in the spirit of compromise, we can live with the wording proposed above in the highlighted text at the end of para.5 of article 19.*