

**DECISION No GB/2021/1**

**of**

**The Governing Board of the European Cybersecurity Industrial, Technology and  
Research Competence Centre**

**Adopting its Rules of Procedure**

The Governing Board (hereinafter “GB”) of the European Cybersecurity Industrial, Technology and Research Competence Centre (hereinafter “ECCC”),

having regard to Regulation (EU) No 2021/887 of the European Parliament and of the Council of 20 May 2021 establishing the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres (hereinafter “the Regulation”),<sup>1</sup> and in particular Article 13(2) thereof;

HAS ADOPTED THE FOLLOWING DECISION:

*Article 1*

*Composition of the Governing Board*

1. In accordance with Article 12(1) of the Regulation, the GB shall be composed of one representative of each Member State, and two representatives of the Commission who act on behalf of the Union.
2. In accordance with Article 12(2) of the Regulation, each member of the GB (hereinafter “member”) shall have an alternate, who shall represent the member in the member’s absence.
3. A balanced representation between men and women on the GB shall be aimed at.
4. The Member States and the Commission shall notify appointments, substitutions or removals of representatives or their alternates to the Chairperson of the GB and the Executive Director of the ECCC, as soon as possible and in writing. For the Member States, the notice shall be signed by the relevant Minister or Secretary of State, or by a person who is empowered to sign on behalf of the respective Minister or Secretary of State, or by the Permanent Representative to the EU or his/her Deputy. The notice shall indicate the date on which the appointment, substitution or removal takes effect. In case of absence of such date of application in the notice, the effective date shall be the date on which the notice is received by the Chairperson of the GB and the Executive Director of the ECCC.

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<sup>1</sup> OJ L 202/1 of 8 June 2021

5. The functions/positions and names of the GB members and alternates and permanent observers shall be published on the website of the ECCC.

6. In accordance with Article 12(7) of the Regulation, a representative from the European Union Agency for Cybersecurity (“ENISA”) shall be a permanent observer in the GB. ENISA shall notify the name of its representative for the position of permanent observer, as well as his/her replacement as applicable.

## *Article 2*

### *Duration of terms of office of members of the Governing Board*

1. The term of office of members and of their alternates shall be four years, and shall be renewable.

2. If a member or an alternate leaves the GB before the end of his/her term of office, a new member shall be appointed by the relevant Member State or for Commission representatives on the GB, by the Commission, for a new four-year term.

## *Article 3*

### *Chairperson and Deputy Chairperson of the Governing Board*

1. In accordance with article 14(1) of the Regulation, the GB shall elect a Chairperson and a Deputy Chairperson from among its members, for a period of three years or, in case the previous Chairperson or Deputy Chairperson would have stepped down before their term of office, for the remainder of that term. The mandate of the Chairperson and the Deputy Chairperson may be extended once, following a decision by the GB. If, however, their membership of the GB ends at any time during their term of office, their term of office shall automatically expire.

2. In accordance with Article 14(1) of the Regulation, the Deputy Chairperson shall replace the Chairperson if the latter is unable to attend to his or her duties.

3. The Chairperson and the Deputy Chairperson shall take part in the voting.

4. The terms of office of the Chairperson and of the Deputy Chairperson shall begin from the meeting of the GB at which the decision on their election is taken, unless otherwise specified in that decision.

5. The elections of the first Chairperson and Deputy Chairperson shall take place as soon as possible. Until the first Chairperson is elected, one of the representatives of the Commission shall act as interim Chairperson. Further elections shall take place at the last meeting of the GB under the Chairmanship of the outgoing Chairperson.

6. The Chairperson shall be elected by secret ballot and, in accordance with Article 15 paragraph 1 of the Regulation, by consensus. If the Governing Board fails to achieve consensus on the appointment of the Chairperson, it shall take its decision in compliance with the rules laid down in Article 15 paragraph 2 and paragraph 5 of the Regulation.

7. In case no candidate obtains a sufficient number of votes in the second round, Governing Board members acting in a spirit of cooperation and with a view to ensuring the smooth functioning of the ECCC may strive to facilitate a decision. In particular, they may consider

repeating the vote while voluntarily concentrating their votes on the two candidates that obtained the most support in the previous voting round, and if necessary agreeing by consensus to select the candidate who obtains the higher number of votes. If two candidates obtain exactly the same number of votes during the repeated vote, GB deliberations may continue until consensus is reached on the selected candidate.

8. Following the election of the Chairperson, the GB shall elect a Deputy Chairperson according to the same procedure as defined in paragraphs 6 and 7 of this Article.

9. Candidates shall notify the GB secretariat of their intention to stand for election in advance of the relevant GB meeting in writing, or announce their candidature at the meeting at the latest. Members may present themselves as candidates or be proposed by other members. The candidates shall declare that they are prepared to accept the post of Chairperson or Deputy Chairperson when their candidature is announced.

10. Candidates may withdraw their candidature at any time during the procedure.

11. The Chairperson may resign by notifying his/her resignation to the Executive Director and the GB in writing. The GB shall elect a new Chairperson at the following meeting. In the meantime, the Deputy Chairperson shall act as interim Chairperson.

12. The Deputy Chairperson may resign by notifying his/her resignation to the Chairperson. The GB shall elect a new Deputy Chairperson at the following meeting.

13. In the absence of a duly elected Chairperson or Deputy Chairperson, the GB shall temporarily be chaired by a representative of the Commission as interim Chairperson.

#### *Article 4*

##### *Tasks of the Chairperson and Deputy Chairperson*

The Chairperson's tasks shall consist of:

- (a) Organising and chairing the meetings and moderating the discussions of the GB;
- (b) Representing the GB.

#### *Article 5*

##### *Meetings of the Governing Board*

1. In accordance with Article 14(2) of the Regulation, the GB shall hold ordinary meetings at least three times a year.

2. In accordance with Article 14(2) of the Regulation, the GB may hold extraordinary meetings at the request of:

- i. the Commission;
- ii. one third of its members;
- iii. the Chairperson; or
- iv. the Executive Director in the fulfilment of his/her tasks.

3. The Chairperson shall convene the meetings of the GB by written notice, accompanied by the provisional agenda and the relevant documents for decision-making and for any other relevant item on the agenda of the meeting, sent to each GB member at least 14 (fourteen) calendar days prior to each meeting. The Executive Director and the GB secretariat shall assist the Chairperson in the organisation of the meetings.
4. If an extraordinary meeting is requested or in case of urgency, the written notice, accompanied by the provisional agenda and the relevant documents, may be forwarded to the members at a shorter notice.
5. In accordance with Article 14(7) of the Regulation, the ECCC shall provide the GB secretariat. The Commission shall provide the GB secretariat until the ECCC has the operational capacity to do so.

#### *Article 6* *Venue*

1. The meetings of the GB shall be in principle held at the seat of the ECCC in Bucharest or remotely via videoconferencing facilities or as hybrid meetings (physical presence and videoconferencing). While the ECCC is being setup, meetings should in principle be organised in Brussels or remotely via videoconferencing facilities or as hybrid meetings.
2. On the basis of an invitation from a GB member, the Chairperson in consultation with the Executive Director may decide on another venue in the European Union than those specified in paragraph 1. In that case, the relevant decision should take into account the accessibility of the venue, and the country hosting that meeting may contribute as appropriate to the costs related to the change of venue.

#### *Article 7* *Agenda of the Governing Board meetings*

1. The Chairperson with the assistance of the Executive Director shall draw up the provisional agenda of the meetings. The provisional agenda shall contain, in addition to items requested by a member, any item requested by the Executive Director.
2. The GB members may request specific items to be included, deleted or substituted on the provisional agenda no later than 10 (ten) working days<sup>2</sup> before the date of the meeting. Such requests shall be submitted in writing to the Chairperson and the GB secretariat. The Chairperson shall bring any such requests to the attention of the other GB members at the beginning of the meeting.
3. The provisional agenda shall make a distinction between:
  - i. the adoption of the agenda and of the last meeting's minutes;
  - ii. items for decision or opinion;

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<sup>2</sup> Working days shall be Monday through Friday except major holidays such as Christmas and Easter (orthodox and catholic/protestant). Exact deadlines will be clarified on a case-by-case basis if need be.

- iii. items for information or discussion;
  - iv. any other business.
4. The agenda shall be adopted at the beginning of each meeting.
5. With the agreement of the GB, the Chairperson may add urgent items to the agenda at any time prior to the end of the meeting. However, decisions on items that were not included in the provisional agenda circulated to the GB members shall be subject to a written procedure in accordance with Article 10 unless otherwise decided at the meeting by the majority of the GB members present and in duly justified cases.
6. With the agreement of the GB, the Chairperson may delete or carry items on the agenda over to a subsequent meeting at any time prior to the end of the meeting.

#### *Article 8* *Attendance to the meetings*

1. Members shall attend all the meetings of the GB in order to ensure continuity of the GB work.
2. In case members are unable to attend, their alternates shall attend in their stead. Both members and alternates may participate together in meetings, but, in these cases, only members have the right to vote.
3. In accordance with article 14(6) of the Regulation, the members and their alternates may be assisted at the meetings by a reasonable number of advisers or experts. In such cases, the member of the GB or his or her alternate shall communicate the names of their advisers or experts to the Chairperson and the GB secretariat at least 24 hours prior to the meeting. The advisers or experts may attend GB meetings as observers.
4. If a member or his or her alternate is not able to physically attend a meeting, he/she may participate by means of videoconferencing, by informing the Chairperson and the GB secretariat no later than 48 hours prior to the meeting.
5. If a member and his or her alternate are unable to attend a meeting, the member may be represented at the meeting by another member, provided that written authorisation from the absent member is submitted to the Chairperson and the GB secretariat before or at the beginning of the meeting. No member of the GB shall represent more than one other member.
6. If a member is not able to attend a meeting either physically or by means of videoconferencing, and is not represented at the meeting by another member, he or she may decide to send his/her position on items listed in the agenda in writing to the Chairperson, copy to the GB secretariat. His/her position shall be taken into account as appropriate when taking the decision.
7. In accordance with Article 14(4) of the Regulation, the Chairperson, acting on behalf of the GB, may invite observers on a case-by-case basis, including representatives of relevant Union institutions, decentralised agencies and other EU bodies, to take part in the meetings of the GB as appropriate. All members may propose observers to be invited.

8. In accordance with Article 14(5) of the Regulation, representatives of the Cybersecurity Competence Community may take part, upon invitation from the Chairperson, acting on behalf of the GB, in the meetings of the GB, as observers.
9. In accordance with Article 12(7) of the Regulation, the Chairperson, acting on behalf of the GB, may invite a representative from the Strategic Advisory Group to participate as an observer.
10. In accordance with Article 14(3) of the Regulation, the Executive Director shall take part in the meetings of the GB, unless decided otherwise by the GB, but shall have no voting rights. Staff members of the ECCC may accompany the Executive Director, unless the GB decides otherwise.
11. Any member present or the Executive Director may request the Chairperson to restrict the meeting or part of it to a closed session, requiring all persons to leave the meeting with the exception of the members and their alternates. Following an explanation by the member(s) or the Executive Director requesting the closed session, the GB shall decide whether:
  - i. to consider the matter in a closed session;
  - ii. to consider the matter in an extended closed session with the inclusion of such additional persons as the GB may decide; or
  - iii. to consider the matter under the normal meeting arrangements.
12. At each meeting, the GB secretariat shall draw up an attendance list specifying the authorities, bodies or organisations to which the attendees belong.
13. The members shall be entitled to reimbursement of travel and accommodation expenses related to their attendance at the meetings of the GB on the terms laid down in Article 18.

## *Article 9*

### *Organisation of proceedings*

1. Two thirds of all members present physically or by videoconferencing shall constitute the necessary quorum for a GB meeting. For purposes of achieving the quorum, alternates or representatives in the meaning of Article 8(5) are considered as members voting on behalf of the member they represent.
2. In the absence of a quorum, the Chairperson shall decide to close the meeting and convene another meeting as soon as possible, or to hold a meeting without adopting any decisions.

## *Article 10*

### *Decisions of the Governing Board and voting rules*

1. In accordance with Article 15(1) of the Regulation, the GB shall adopt a consensual approach. A vote shall be held if the members of the GB fail to achieve consensus.
2. In accordance with Article 15(2) of the Regulation, if the GB fails to achieve consensus on a matter, it shall take its decisions by a majority of at least 75 % of the votes of all its members,

the representatives of the Commission constituting a single member for that purpose. An absent member of the GB may delegate his or her vote to his or her alternate or, in the absence of his or her alternate, to another member. No member of the GB shall represent more than one other member.

3. In accordance with Article 15(3) of the Regulation, decisions to allocate funds from the Union budget to joint actions shall be taken in accordance with Article 15(2) of the Regulation. The decisions relating to the description of the joint actions and laying down conditions for their implementation referred in point (g) of Article 13(3) of the Regulation shall be taken by participating Members States and the Commission, subject to the right to vote of the members being proportional to their respective contributions to that joint action, calculated in accordance with the methodology adopted pursuant to point (x) of Article 13(3) of the Regulation.

4. The Commission shall have 26% of the total votes within the GB for decision referred to in Article 15(4) of the Regulation.

5. In accordance with Article 15(5) of the Regulation, for decisions other than those on the description and laying down conditions for implementation of joint actions referred to in point (b) of Article 15(3) of the Regulation and decisions referred in the Article 15(4) of the Regulation, each Member State and the Union shall have one vote. The vote of the Union shall be cast jointly by the two representatives of the Commission.

6. In accordance with Article 13(4) of the Regulation, the Executive Director and the Governing Board shall take into account any relevant strategic advice and input provided by ENISA regarding the decisions set out in points (a), (b) and (c) of Article 13(3) of the Regulation.

### *Article 11*

#### *Decisions by written procedure*

1. The Chairperson in consultation with the Executive Director may initiate written procedure if necessary or justified, and shall establish a reasonable response deadline. Members opposing to the usage of the written procedure shall inform the Chairperson within two (2) working days of the launch of the procedure. An initiated written procedure shall be interrupted if more than one third of the members object to proceeding with taking a decision by written procedure. In this case, a decision shall be sought during the following GB meeting. An extraordinary GB meeting may be organised for that purpose in line with Article 5.

2. Proposed decisions to be adopted by written procedure shall be addressed to members and after approval of the Chairperson, for information, to ENISA in its capacity as permanent observer.

3. Votes shall be cast by return of email sent to the Chairperson, with copy to the GB secretariat. Any member who does not express its opposition or intention to abstain within the response deadline is considered to have voted in favour.

4. Notwithstanding paragraphs 1 and 2 of this Article, in exceptional and duly justified cases, where an urgent decision of the GB is needed, documents and information may be transmitted

and votes cast by the quickest available means which are acceptable to members. In such cases the Chairperson shall document the casting of votes in an appropriate manner.

5. A proposal for a decision by written procedure shall be accepted or rejected in its entirety, without amendments. If the proposal is rejected, a modified proposal for decision may be made for adoption by written procedure.

6. For the adoption of decisions by written procedure, the voting rules as in Article 10 shall apply.

7. Each written decision adopted by the GB shall be recorded. Upon request by a member, a statement of his/her views may be recorded together with the decision taken.

8. The result of a written procedure shall be notified without delay to the members.

#### *Article 12*

##### *Appointment and removal of the Executive Director*

1. In accordance with point (h) of Article 13(3) of the Regulation, the GB shall adopt decisions on the procedure for appointing the Executive Director and on the appointment and on the dismissal of the Executive Director. These decisions shall reflect the relevant provisions of Article 16 of the Regulation.

2. In accordance with Article 16(8) of the Regulation, the Executive Director shall be removed from office only by a decision of the GB, acting on a proposal from the Commission or from at least 50% of the Member States, represented by the respective GB members for this purpose.

#### *Article 13*

##### *Minutes*

1. Minutes of the GB meetings shall include the list of participants, a summary of the decisions taken and main points of discussion and a publishable summary.

2. At the request of a member or his/her alternate, the number of votes cast at each decision as well as associated vote-statements shall be recorded in an anonymous manner.

3. The provisional minutes of each meeting shall be drawn up by the GB secretariat. They shall be communicated to all GB members, within 10 (ten) working days after the date of the meeting. Members of the GB are then requested to comment within 20 (twenty) working days. The revised minutes shall be approved at the following GB meeting.

4. The approved minutes shall be signed by the Chairperson. The signed copy of the minutes shall be kept in the archives of the ECCC for the duration of the ECCC's mandate as set out in Article 47 paragraph 1 of the Regulation. For this purpose, the signature can be made either on hard copy or electronically. Whenever applicable, records of number of votes and related statements shall also be kept together with the relevant minutes in the archives of the ECCC.

5. In line with Article 34 of the Regulation and after approval by the GB following the same process, a publishable summary of the minutes shall be made available on the website of the ECCC.

#### *Article 14* *Working groups*

1. Where appropriate, the GB may set up *ad hoc* working groups made up of some of its members or their alternates, including for the purpose of examining particular issues and for a specified time period.
2. The representative from ENISA or his/her replacement may attend working groups in ENISA's capacity as permanent observer and may provide strategic advice and input.
3. A working group shall elect a lead person by simple majority of its members. The election shall be conducted on the basis of 'one working group member, one vote'.
4. The lead persons of the working groups shall report back to the GB on the ongoing work of the working group and after the end of working group's mandate on the work/tasks accomplished.
5. A working group may invite external experts from the Strategic Advisory group or from the Community to participate as observers in its meetings.

#### *Article 15* *Confidentiality*

1. In accordance with Article 36(2) of the Regulation, GB members, their alternates, and their advisers, permanent observers, the Executive Director, external experts participating in *ad hoc* working groups, and members of the staff of the ECCC shall comply with the confidentiality requirements as laid down in Article 339 of the Treaty on the Functioning of the European Union, even after their duties have ceased. They shall protect any sensitive information according to EU and national law, the disclosure of which could damage the interests of the ECCC, its members and partners, and/or the participants in the activities of the ECCC. Members of the GB, their alternates, and their advisers, observers and external experts and any other attendee to a meeting shall respect the confidential character of the discussions of the GB and sign confidentiality agreements in that regard [cf. Annex 1 and 2 respectively].
2. Members of the GB, their alternates, and their advisers, and permanent observers shall, in accordance with paragraph 1, not disseminate any information which they have received in the framework of GB proceedings, unless expressly authorised by the Chairperson in consultation with the Executive Director. This shall be without prejudice to the preparation and follow-up of GB meetings among relevant national authorities.

3. If specifically requested by the Chairperson and in line with paragraphs 10 and 11 of Article 8, the GB may decide to examine specific items of the GB discussions in the exclusive presence of GB members or alternates. This shall be clearly indicated in the minutes of the meeting.

#### *Article 16*

##### *Language regime of the Governing Board*

1. The working language at the GB shall be English. Documents, written contributions, and all other written or electronic communication concerning the functioning of the GB shall be drawn up, as a principle, also in English. The costs of translation shall be borne by the respective member, observer, external expert or other interested person submitting the document in another language, unless decided otherwise by the GB.

2. The GB may decide to depart from the language regime only by consensus.

#### *Article 17*

##### *Conflicts of interest*

1. In accordance with paragraph 2 of Article 13 and 43 of the Regulation, and in accordance with the financial rules of the ECCC to be adopted in line with Article 28 of the Regulation, GB shall adopt its rules of procedure which shall include specific procedures for the prevention and management of conflicts of interest in respect of its members and their alternates, taking into account the relevant measures applied by the Commission for Union programmes committees. The members of the GB and their alternates shall always act in accordance with these rules.

2. The members of the GB and their alternates shall carry out their duties objectively and impartially and keep their duty of loyalty to the ECCC. They shall avoid any conflicts of interest in carrying out their activities and commit themselves to performing their duties to the best of their abilities, in the best interest of the European Union and of the ECCC. They shall not seek or act in any way to take undue advantage, or exercise undue influence on the implementation of the mandate and activities of the ECCC. They shall also abstain from any action adversely affecting the reputation of the ECCC.

3. Upon their appointment, the GB members and alternates they shall make a personal declaration of confidentiality, interests and conflicts of interest based on the template in Annex 1 [Annex 1: Declaration of confidentiality, interests and conflicts of interest of the ECCC of the GB Members]. The declaration shall be updated at the initiative of the individual concerned whenever a change occurs, and in particular when there are relevant changes in the interests that any GB member or alternate member has the obligation to declare.

4. Observers and external experts and any other attendee to a meeting shall make a personal declaration of confidentiality and conflicts of interest based on the template in Annex 2 prior to their attendance to the GB meetings [Annex 2: Declaration of confidentiality and of conflict of interest for the ECCC GB Meetings]. The declaration shall be updated before subsequent attendances at the GB meetings whenever relevant.

5. In making the declarations referred to in paragraphs 3 and 4 of this Article, the GB members and their alternates, observers and external experts agree that the relevant information can be used as evidence in audit procedures where relevant.
6. In this context a member of the GB and their alternates and advisers or experts shall not occupy any of the following positions:
- i. Member of the Strategic Advisory Group;
  - ii. Expert evaluator of applications, proposals and tenders submitted to a Call for Expression of Interest, call for proposals or tenders of the ECCC;
  - iii. Expert observer of the evaluation of applications, proposals and tenders submitted to a Call for Expression of Interest, call for proposals or tenders of the ECCC.
7. A potential conflict of interest exists when GB members and/or their alternates have direct or indirect links to their respective National Coordination Centre or other Member State authorities in the area of cybersecurity which may receive funding by the ECCC. In deciding on the ECCC's work programme, the GB members shall in any case act so as to maximise the European Union value added and shall not seek special benefits for their respective organisation. Within 18 months after adoption of the rules of procedure, the GB shall review the rules in this Article and, where necessary, amend them, acting on a proposal by the Executive Director.
8. Before or during a meeting, any GB member, alternate member, or other attendee whose participation in the work of the GB leads or may lead to a conflict of interest with regard to a particular agenda item shall without delay, as soon as he or she becomes aware of the possibility of a conflict of interest, inform the Chairperson and the Executive Director. The Chairperson, after consulting the GB as appropriate, shall then, without delay and before any discussion on this particular agenda item is initiated, decide on any specific measure in this respect in consultation with the Executive Director, including the possibility of excluding the member or other attendee from the discussion on that agenda item.
9. The GB may decide to examine and take a decision on specific items of its agenda without the presence of the GB members whose participation may lead to a conflict of interest. For that purpose, any member may submit a request to exclude herself/ himself or another GB member to the Chairperson and the Executive Director no later than the day before the meeting. Such request shall be motivated. The Chairperson shall present such request and the associated justification at the opening of the GB meeting. If the request concerns the Chairperson, the request shall be submitted to the Deputy Chairperson, who shall present such request and the associated justification at the opening of the meeting. The Chairperson shall then, without delay and before any discussion is initiated, decide on any specific measure in this respect in consultation with the Executive Director, in particular to exclude the GB member from specific discussions or decisions. If the request concerns the Chairperson, the Deputy Chairperson shall decide in consultation with the Executive Director. The member concerned shall not vote in the decision regarding his/her possible exclusion from specific items in the agenda.
10. Members of the GB or their alternates must inform the Chairperson and the Executive Director of all interests, not explicitly stated above, which could be considered prejudicial to their duties as GB members.
11. When a member or an alternate of the GB is in breach of the requirements set out in this Article, the GB shall decide on the appropriate measures to be taken, after hearing the concerned

person. Such measures could consist in sending a letter of reprimand to the concerned person or asking the competent Member State (or the Commission if the member concerned represents it) to replace the concerned person. Such decisions shall be taken by a majority of at least 75 % of the votes of all GB members except the concerned person, the representatives of the Commission constituting a single member for that purpose. Such decisions shall take into account the reasons for being in breach of the requirements set out in this Article (e.g. negligence, justified lack of knowledge).

12. In accordance with Article 43 of the Regulation, the GB shall in due course adopt rules for the prevention, identification and resolution of conflicts of interest in respect of all the bodies and staff of the Competence Centre, including the Executive Director.

### *Article 18* *Reimbursement of expenses*

1. Travel and accommodation expenses incurred by members in relation with their attendance at GB meetings will be paid by the ECCC, unless a person concerned does not claim the payment.
2. Travel and accommodation expenses incurred by alternate members in relation with their attendance at GB meetings will only be paid by the ECCC, in accordance with paragraph 1, in case the alternate replaces the member for whom he/she has been appointed as alternate.
3. Travel and accommodation expenses incurred by invited observers and external experts in relation with their attendance at GB meetings may be paid by the ECCC further to a decision by the Executive Director.

### *Article 19* *Correspondence*

1. All correspondence addressed to the GB shall be sent to the seat of the ECCC. Nevertheless, in exceptional situations, correspondence may be addressed directly to the Chairperson.
2. Electronic communications related to GB matters addressed to the ECCC shall be sent to the GB secretariat with a copy to the Chairperson.
3. In accordance with Article 16, all correspondence shall be written in English and sent by electronic means, preferably by email, unless agreed otherwise between a member and the GB secretariat.
4. The GB shall use, whenever possible, electronic means (e.g. secure shared spaces) for the exchange and sharing of information. The GB shall define an appropriate access policy to this information to be implemented by the ECCC.
5. Any issue related to the protection of classified information and sensitive non-classified information shall be set in the Competence Centre's security rules as adopted by the GB following approval by the Commission in line Article 36 (1) of the Regulation.

## *Article 20*

### *Appointment of Members of the Strategic Advisory Group*

1. In accordance with Articles 13(3)(o) and 18(1) of the Regulation, the GB shall appoint the 20 members of the Strategic Advisory Group (SAG), acting on a proposal from the Executive Director from among the representatives of members of the Cybersecurity Competence Community (Community) mentioned in Article 8(2) of the Regulation other than representatives of Union institutions, bodies, offices and agencies.
2. The Executive Director shall draw up a list of representatives of members of the Community on the basis of the results of an open call for expression of interest and submit that list to the GB for approval. The call shall be drawn up in line with Art.18(1) of the Regulation. Prior to the publication of the Call, the Executive Director shall submit the text of the Call to the GB for approval. Only representatives of members of the Community which are not controlled by a third country or by an entity established in a third country shall be eligible. The appointment shall be made in accordance with an open, transparent and non-discriminatory procedure. The GB shall aim to achieve a balanced representation of the Community between scientific, industrial and civil society entities, demand and supply-side industries, large enterprises and SMEs, as well as balanced representation in terms of geographical provenance and gender. It shall also aim to achieve an intra sectorial balance, having regard to the cohesion of the Union and all of the Member States in the area of cybersecurity research, industry and technology.
3. The GB shall approve the complete list of SAG members in line with the voting rules set out in paragraphs 2 and 5 of Article 15 of the Regulation. In the case that a list of SAG members does not receive the sufficient number of votes, the Executive Director shall revise his/her list of candidates and invite the GB to approve the revised list.
4. Appointments for SAG members shall be made "ad personam". They shall therefore not delegate their responsibilities to another member, or to a third person.
5. Pursuant to Article 18(4), the appointment to the SAG shall be for a period of two years, which shall be renewable once.
6. In case an SAG member leaves before the end of his/her two-years year term, the position shall remain vacant until the end of that term.
7. The operation and functioning of the SAG shall be set out in its own Rules of Procedure.

## *Article 21*

### *Amendments to the Rules of Procedure*

1. The GB may amend these rules of procedure in accordance with Article 15 of the Regulation.
2. The GB shall assess, 18 months after entry into force of these rules and once every two years thereafter, the need to revise these rules of procedure in the light of their practical application.

*Article 22*  
*Publicity*

The rules of procedure shall be published on the website of the ECCC.

*Article 23*  
*Protection of personal data*

In accordance with Article 44 of the Regulation, the processing of personal data by the ECCC shall be subject to Regulation (EU) 1725/2018. The GB may adopt additional measures necessary for the application of that Regulation by the ECCC.

*Article 24*  
*Entry into force*

The rules of procedure shall enter into force upon their adoption by the GB.

Done on 20 October 2021,

For the European Cybersecurity Industrial,  
Technology and Research Competence  
Centre  
*(e-signed)*

## ANNEX I

**[MODEL] Declaration of confidentiality, interests and conflicts of interest of the Governing Board members of the European Cybersecurity Industrial, Technology and Research Competence Centre (ECCC) and their alternates, permanent observers, the Executive Director and other ECCC staff that regularly attend Governing Board meetings**

*[To be signed by the members of the ECCC GB upon appointment, as well as by the Executive Director and other ECCC staff that regularly attend GB meetings, and then renewed annually]*

The undersigned..... [Full Name],

..... [Function or Title].

I hereby undertake to:

1. Act in the performance of my duties in the general interest of the European Cybersecurity Competence Centre.
2. Ensure the confidentiality of sensitive information whose disclosure could damage the interests or the reputation of the ECCC, the staff of the ECCC or of participants in the activities of the ECCC even after my duties have ended. This includes the confidential nature of all opinions expressed by members during discussions in meetings or provided in written form. I understand that the obligations of non-disclosure set forth above shall not extend to information which is or became publicly known or available through no fault of myself.
3. Declare promptly any conflict of interest that may arise from my participation in the Governing Board. At each meeting of the Governing Board or before any decision is taken by written procedure, I shall declare any interest which might be considered to influence or bias my judgment and therefore be prejudicial to the way an item on the agenda is handled. I will therefore not participate in any discussion on the item, and leave the meeting room or videoconference accordingly in case of conflict of interest.
4. To the best of my knowledge, the only direct or indirect interests I have in the Cybersecurity Sector [are][is] those listed below:

**(a) Past activities:**

[posts held over the last 5 years in foundations or similar bodies, educational institutions, companies or other organisations (the nature of the post and the name of those bodies should also be indicated); other membership/affiliation or professional activities held over the last 3 years, including services, liberal professions, consulting activities, and relevant public statements]

**(b) Current activities:**

[posts held in foundations or similar bodies, educational institutions, companies or other organisations (the nature of the post and the name of those bodies should also be indicated); other

membership/affiliations or professional activities, including services, liberal profession, and consulting activities.]

[Link with the National Coordination Centre nominated pursuant to Article 6 of the Regulation.]

**(c) Current Financial Interests**

[Above 25.000 euros, any direct financial interests (managerial stakes in companies, including ownerships of patents or any other relevant intellectual property rights), or assets (shares and/or securities held in companies) or grants or other funding which might create a conflict of interests in the performance of their duties, with an indication of their number and value, as well as the name of the company/provider of the grant/funding.]

[No Interest Declared]/ [Interest...]

**(d) Any other relevant interests**

[No Interest Declared]/ [Interest...]

**(e) Family Member Interest**

[Spouse's/partner's/dependent family members' current activity and financial interests that might entail a risk of conflict of interest.]

[No Interest Declared]/ [Interest...]

I confirm the information declared on this form is accurate to the best of my knowledge and I consent to my information being stored electronically by the European Cybersecurity Competence Centre.

Done at [place], [date]

Made in [place], in two original copies, on .....

Signed [date] [name] [signature].....

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## ANNEX II

### **[MODEL] Declaration of confidentiality and conflicts of interest**

[to be signed by all participants to the meetings of the GB of the ECCC before each meeting, with the exception of the ECCC GB members and their alternates, the Executive Director and ECCC staff that regularly attend GB meetings, who are already covered by a general declaration of confidentiality, interests and conflicts of interest]

The undersigned..... [Name],

..... [Function or Title].

I hereby:

1. Declare that I do not have any direct or indirect personal [or corporate] interest in the discussions and the outcome of any points on the agenda of the meeting of the ECCC Governing Board of .....[date], *or alternatively*
2. Declare that I do have a direct or indirect personal [or corporate] interest in the discussions and the outcome of point.....on the agenda of the meeting of the ECCC Governing Board of .....[date]
3. Commit myself to strict confidentiality with regards to any oral or written information pertaining to the work of the ECCC Governing Board even after my duties have ended. I also commit to respect the confidential nature of all opinions expressed by members during discussions in meetings or provided in written form. I understand that the obligations of non-disclosure set forth above shall not extend to information which are or became publicly known or available through no fault of myself.

Made in [place], in two original copies, on .....

Signed [date] [name] [signature].....