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from : General Secretariat of the Council

to: Permanent Representatives Committee

Subject: **The future of SCIFA**

SCIFA was set up by COREPER as part of a new working structure to prepare the Council's discussions with regard to immigration, frontiers and asylum following the entry into force of the Amsterdam Treaty (doc. 6166/2/99).

In the context of the preparations for the entry into force of the Treaty of Lisbon, COREPER decided that SCIFA should continue to meet until 1 January 2012 and that, before that time, the necessity of having SCIFA should be re-evaluated by COREPER, taking into account the efficiency and coherence of Council working structures (doc. 16072/09).

SCIFA's role and working methods were subsequently discussed under the Belgian Presidency. As a result, the approach and proposals set out in doc. 17476/10 were endorsed by SCIFA on 10 December 2010 as a guide to its future work.

In view of the decision to continue SCIFA's mandate beyond 2011, Member States held an exchange of views on the future of SCIFA at the informal meeting of the Committee, in Toruń, on 5/6 September 2011.

After careful consideration and taking into account the results of the above discussions, the Presidency believes that there are good reasons for SCIFA to continue its role. Over the years SCIFA has proved to be an invaluable network for senior officials acting in politically sensitive and fast-developing EU policy field to find solutions to interrelated problems, covered by several working parties, before these escalate, thus allowing COREPER and the Council to focus on the most contentious political issues.

It is also the opinion of the Presidency that in order to ensure better efficiency and coherence of Council working structures, the working methods of SCIFA will require some improvements. To this end, the Presidency proposes a number of guidelines, presented in the Annex attached to this document.

COREPER is invited to confirm the decision to prolong SCIFA's mandate and to endorse the guidelines on improving its working methods, in accordance with Article 19(3) of the Council's Rules of Procedure.

1. SCIFA shall assist COREPER in relation to legal, horizontal and strategic matters in the field of immigration, asylum and frontiers, working in collaboration with other Council working parties and relevant Committees. However, COREPER remains solely responsible for preparing legislative acts and preparing the JHA Council.
2. SCIFA shall continue to meet beyond 2011 subject to further evaluations to be carried out by COREPER. These evaluations will be undertaken and endorsed by COREPER, in conjunction with the adoption of each multiannual program in the area of freedom, security and justice. The next evaluation will take place towards the end of the Stockholm programme and before the adoption of the next multiannual programme, and, if necessary, should also address the working structures in the Council in the JHA area.
3. SCIFA shall continue to play a key strategic role in the field of immigration, asylum and frontiers, focusing on horizontal and/or cross cutting issues and on politically important legislative proposals and non-legislative initiatives
4. SCIFA shall in particular:
 - be involved in in-depth discussions on relevant multiannual programs and their evaluation;
 - facilitate work in the field of immigration, frontiers and asylum by clearing outstanding questions and thus narrowing down the number of issues to be examined by COREPER and Council;
 - serve as a forum for a first exchange of views in case of politically important legislative proposals and initiatives and set the direction for work at expert level in the relevant working parties;
 - serve as a complementary forum for the purpose of informing and/or consulting Member States by the Commission in relation to important forthcoming initiatives;
 - be a forum for the exchange of information on developments of interest in the areas of its mandate, in particular pending cases and developments in the case law of the Court of Justice / European Court of Human Rights.

5. Member States are solely competent to designate their national representatives in SCIFA. However, in order for the group to perform its functions in the most efficient way, it is recommended that SCIFA continues to be composed of senior officials responsible for or involved in the policy areas examined by the group and who are responsible for preparing Ministers for the Council meetings.
6. In order to achieve the above objectives, SCIFA shall follow the guidelines mentioned hereafter:
- Agendas of meetings should be shortened and focused on complex legislative and/or political files and/or certain outstanding issues of strategic nature.
 - Agenda points should distinguish between discussion and information points, with the latter kept to a minimum.
 - Annotated agendas should continue to be a regular tool.
 - Exchange of information should, as a rule, be done in writing unless agreed or requested otherwise.
 - Exchanges of views on politically important proposals and initiatives should be organized on the basis of documents circulated well in advance accompanied by concrete questions proposed by the Presidency.
 - Relevant agencies, in particular EASO and Frontex, may, upon invitation, participate in the meetings as required for the discussion of issues which relate to the tasks and competences of the Agency concerned.
 - Coordination with the external dimension of JHA should be ensured by the Presidency through participation of the Chair of SCIFA, where appropriate, in the meetings of HLWG and JAIEX and vice versa, and ensuring that SCIFA plays the lead role in coordination of and interplay between the internal and external dimensions of migration issues.
