



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 30 June 2014  
(OR. en)**

**11425/14**

**LIMITE**

**ASIM 54**

**NOTE**

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From: Presidency  
To: Strategic Committee on Immigration, Frontiers and Asylum (SCIFA)  
Subject: Discussion on the role and working methods of SCIFA

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SCIFA has been established by the Permanent Representatives Committee (COREPER) as part of a working structure entrusted with preparing the discussions in COREPER concerning immigration, frontiers and asylum following the entry into force of the Treaty of Amsterdam (doc. 6166/2/99). Its role was confirmed by COREPER when it reviewed the working structures in the JHA area in advance of the entry into force of the Lisbon Treaty (doc. 16072/09).

The role and working methods of SCIFA have since been reviewed several times with the objective of improving its functioning and streamline its action in order to respond to the needs emerging from new challenges and from the changing architecture of the European Union and to ensure a constant and adequate assistance to COREPER on legal issues and horizontal and strategic topics in the fields of immigration, frontiers and asylum.

Following discussions in SCIFA on the basis of document 17476/10, COREPER decided in November 2011, in accordance with Article 19(3) of the Council's Rules of Procedure, to prolong SCIFA's mandate, and endorsed the guidelines on improving its working methods set out in document 17182/11. The prolongation of the mandate provided for a further evaluation to be carried out by COREPER towards the end of the Stockholm programme and before the adoption of the next multiannual programme. The Presidency intends to prepare the ground for this evaluation.

The changes in the legal and operational framework of the EU in the field of immigration, frontiers and asylum brought up by the Lisbon Treaty will come to maturity in the coming months as the strategic guidelines for legislative and operational planning within the area of freedom, security and justice, which have been defined by the European Council in June 2014, are being implemented. This opens a new phase in the efforts of the EU to develop an area of freedom, security and justice. This renewed strategic vision comes at a time when the evolution of crisis scenarios and their impact on the migratory trends call for a broader and more coordinated EU action, based on the principles of responsibility and solidarity, where mutual trust among Member States underpins a better sharing of responsibilities both in the internal and external dimensions of influx management.

The Presidency is convinced that SCIFA continues to have an important role to play by contributing, in terms of technical and strategic assistance, to the future development of the policies of the European Union in the fields of immigration, frontiers and asylum. For this reason, the Presidency considers it appropriate to re-examine the 2011 guidelines and to adapt them as necessary for the continuation of SCIFA's activity in a new context, with due regard for the original purpose of SCIFA as a forum for open and strategic discussions between delegations and the Commission in the field of immigration, frontiers and asylum.

The present paper is intended to serve as a basis for a discussion among SCIFA members, with a view to adapting thereafter, if need be, the existing guidelines that define the role and the working methods of SCIFA.

## 1. Role

SCIFA should:

- Assist COREPER in relation to legal, horizontal and strategic matters in the field of immigration, frontiers and asylum. To this end, SCIFA should cooperate with other relevant Council working parties, providing them with strategic guidance and support.
- Provide strategic guidance to the Commission on topics falling within SCIFA's remit.
- Contribute to the overview of the application of the immigration, frontiers and asylum policies developed at EU level.
- Support operational cooperation at EU level on issues related to immigration, frontiers and asylum.

## 2. Composition

Without prejudice to the prerogatives of Member States and of the Commission to designate their representatives in SCIFA, the participants should be senior officials of their respective administrations, in order to provide both in-depth technical expertise on the issues covered by the Committee and representation of their administration at senior level, so that clear political orientations can be given as necessary.

Where needed, in order to ensure open discussions, informal meetings as well as working lunches and/or dinners may be organized.

## 3. Frequency of the meetings

Meetings should be organized when issues requiring strategic input arise and should therefore reflect actual and emerging needs.

#### 4. Agenda

- a) The agenda should be commented and foresee a limited number of topics, differentiating between discussion items and information points. The former should receive priority while the latter could be dealt with in written form, through the circulation of short information notes, and therefore not be discussed unless a delegation ahead of the meeting asks to do so.
- b) Both the discussion and the information points should normally be prepared through background documents to be provided to the delegations sufficiently in advance of the meeting.
- c) As a matter of principle, discussions on legislative issues should deal with issues which have remained unresolved during the discussions of legislative proposals in the relevant Council working parties and which need to be addressed prior to the continuation of the discussions on a given legal text. These issues should be presented by the Presidency with the support of the General Secretariat of the Council, highlighting the aspects where SCIFA is called to take a position and specifying the positions of delegations. Moreover, delegations and the Commission are encouraged to ensure a direct link between their representatives in SCIFA and those in the relevant Council working parties in order to facilitate an in-depth analysis of the issues raised.
- d) The points of strategic and political nature should focus on issues of common interest, which should be prepared by the Presidency, if necessary on the basis of questionnaires, in consultation with the other delegations and with the Commission in order to facilitate an efficient discussion in SCIFA leading to an agreement. For example, such points could touch upon the elaboration of long-term initiatives, the exchange of opinions on legislative proposals in preparation or other issues of political relevance and requests of the Commission for an opinion on issues that it deems of relevance for SCIFA.

- e) The traditional point concerning "migratory pressures – trends and outlook" should feature in no more than two meetings each semester unless there is a specific need to treat it in further meetings. Discussions should be focused on specific trends of general interest linked to emerging developments in migratory inflows and should be adequately prepared through the work of the relevant EU agencies (EASO, Frontex, EUROPOL). In order to leave more time for the discussion and achieve a comprehensive picture, the agencies are encouraged to coordinate their presentations. Delegations should focus their interventions on the selected topic with a strategic and operational focus.
- f) EASO and Frontex should be invited by the General Secretariat of the Council, on behalf of the Presidency, to present the priorities contained in their respective work programmes after they are adopted by their respective Management Boards. Delegations and the Commission are encouraged to ensure a direct link between their representatives at SCIFA and the representatives in the respective Management Boards of those two agencies in order to facilitate cross fertilization of the discussions and avoid incoherent strategic approaches.
- g) Any request for intervention under AOB should be transmitted to the Presidency and the General Secretariat of the Council at least 10 days before the date foreseen for the meeting unless duly justified by emerging and unexpected developments. An explanatory document should be provided in advance of the meeting to guide the discussions.

## 5. Participation

The European External Action Service should be invited for all agenda items relevant to its mission. EU Agencies, in particular Frontex and EASO, may be invited to attend SCIFA meetings for agenda items where their expertise contributes to the work of the Committee, in addition to items mentioned under points 4 (e) and (f) above. A similar invitation could also be extended to relevant international organizations such as the UNCHR and the IOM. The participation of external experts addressing the Committee in order to inform its discussions should be considered when appropriate.

## 6. Coordination with other working parties and bodies

Although coordination should primarily take place within each Member States, there is a need to strengthen the existing mechanisms to coordinate the activities of different Council working parties and EU bodies, without prejudice for their respective remits, in particular considering the strong existing relationships between the internal and external dimensions of the topics examined by SCIFA.. To foster this cooperation, the following could be explored:

- a) Among the information points prepared for SCIFA, the General Secretariat of the Council could refer delegations to the outcome of discussions taking place in other relevant groups and forums (such as JAIEX, HLWG, COSI, PSC, etc.), as necessary.
- b) In addition to what is mentioned under point 4 (f), the Chair of SCIFA, through its National Representative, should follow the discussions held in the Management Boards of Frontex and EASO. For issues of particular strategic relevance, the Agency and the Support Office could be invited to bring discussions held and decisions taken to the attention of the Committee.

## 7. External Dimension

Besides what is foreseen under point 6 above, the SCIFA Presidency, upon its initiative or on request of one or more delegations, in consultation with the Commission and the EEAS and after having consulted the delegations, could consider the possibility to extend invitations to one or more third countries to take part in the discussions concerning one or more relevant points on the Committee's agenda.

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### Questions for discussion:

- 1) Do you agree that SCIFA continues to have an important role to play by contributing, through strategic and technical guidance, to the further development of the policies of the European Union in the fields of immigration, frontiers and asylum, and that its mandate, adapted as necessary, should be confirmed by COREPER as the Strategic Guidelines defined by the European Council start to be implemented?

- 2) Do you agree on the overarching objective to redefine the role of SCIFA in light of the emerging changes in the field of immigration, borders and asylum?
  - 3) If this is the case, do you agree with the orientations contained in this document?
  - 4) Do you have any further suggestion to be included for the preparation of the future meetings of SCIFA?
  - 5) How would you ensure a better coordination between the various Council preparatory bodies dealing with issues related to immigration, frontiers and asylum, both in the internal and external dimension, with due consideration for their respective roles in the decision-making process?
  - 6) Further comments and observations?
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