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**NOTE**

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from:	Presidency
to:	CIREFI/ Strategic Committee on Immigration, Frontiers and Asylum/ Mixed Committee (EU-Iceland/Liechtenstein/Norway/Switzerland)
Subject:	New JHA working structures: Abolition of CIREFI and transfer of its activities to FRONTEX and the Working Party on Frontiers

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**I. Background**

On 18 December 2009, Coreper decided to adapt the JHA working structures in order to address the consequences of the entry into force of the Lisbon Treaty and introduce more efficiency into the work of the Council in this area (doc. 17653/09 POLGEN 239 JAI 931).

In this context, Coreper decided to abolish CIREFI and to transfer its functions to FRONTEX. FRONTEX should report to the Council on statistics. In addition, Coreper decided that the Working Party on Frontiers may "where necessary, deal with aspects of issues previously dealt with by CIREFI". In addition, Coreper decided that the updated list of JHA working structures would enter into force on 1 July 2010 at the latest and that it was for the Presidency to decide to advance that date if it so wishes.

The purpose of this note is to inform delegations of the abolition of CIREFI and the transfer of its activities to FRONTEX and to the Working Party on Frontiers. This note has been prepared by the Presidency in close cooperation with FRONTEX and the Commission.

## II. Transfer of CIREFI activities

In general, the Presidency considers that a significant part of CIREFI's tasks<sup>1</sup> could be taken over swiftly and smoothly by FRONTEX.

As regards *statistics*, FRONTEX collects monthly detection figures within the regular information exchange system provided by the Frontex Risk Analysis Network (FRAN). The figures collected include illegal border crossings, refusals of entry, asylum applications, detections of illegal stay, use of forged documents and detections of facilitators. This data forms the foundation for all Frontex risk analysis products and is similar to that included in the CIREFI assessment format (doc. 10526/05 CIREFI 17 COMIX 420). In CIREFI, statistics sent by each delegation are compiled in a situation report which is accessible to all delegations. Within the FRAN regular information system, monthly detection figures are uploaded to country folders in a secure web space (ICONet for the time being) and can be accessed immediately by all Member States and Schengen Associated Countries. In addition to statistics, the FRAN regular information exchange system also includes Member States' qualitative bi-monthly reports as well as ad hoc analytical incident reports. Member States' monthly statistics and bi-monthly reports are processed, analysed and reported back on quarterly basis in FRAN Quarterly reports.

It appears clearly that on the basis of statistical and other data provided by Member States on regular basis, FRONTEX should continue to provide the high-quality strategic, operational and tactical analysis, *inter alia*, Annual Risk Assessment, FRAN Quarterlies, tailored risk analyses and threat assessments, Tactical Focused Assessments, Analytical Evaluation reports and other related advice to internal and external stakeholders. As it is the current practice, FRONTEX will continue to report upon invitation from the Presidencies, on the main findings of its risk analysis reports to the Working Party on Frontiers and where necessary to SCIFA<sup>2</sup>.

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<sup>1</sup> See Council Conclusions on the organization and development of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI): OJ C 274, 19.9.1996, p. 50-51.

<sup>2</sup> See Article 4 of Frontex Regulation (Council Regulation 2007/2004 of 26.1.2004, OJ L 349, p.1-11)

The mandate given to CIREFI did not include the exchange of information with other third countries on issues covered by it. However, several years after the creation of CIREFI, joint meetings with candidate countries and other third countries such as Canada and USA have been regularly organised on the initiative of the Presidency- in- office. If need be, for policy-related issues, representatives of third countries could still be invited by the Presidency on ad hoc basis to participate in the relevant working body of the Council. FRONTEX will continue to develop cooperation with competent authorities of third countries in the framework of working arrangements.

Over the past years and in the framework of its mandate, CIREFI has presented analysis and recommendations on a wide range of issues such as illegal immigration trends, illegal work, abuse of legal status, use of false documents, unaccompanied minors, etc. While FRONTEX may be well in a position to provide support and advice on most of the relevant issues, the note of Coreper states that the Working Party on Frontiers "may, where necessary, deal with aspects of issues previously dealt with by CIREFI". The Presidency, therefore, believes that the Working Party on Frontiers may decide for a specific reason to focus attention and propose specific activities on issues previously dealt with in CIREFI where delegations agree to gain further knowledge of a particular aspect of a topic of relevance for the work of that Working Party. In addition, the Presidency believes that nothing prevents another relevant Council working body wishing to deal with an specific issue in relation to its activities which was previously covered in the mandate of CIREFI (e.g.: facilitation of illegal immigration, illegal immigration trends, bogus marriages, etc) from doing so if it deals with that specific issue for its work.

The mandate of CIREFI did not include *the presentation of the Immigration Liaison Officers (ILOs) reports* which were presented by each Presidency in CIREFI before submitting them to SCIFA for information as Council Regulation (EC) No 377/2004 of 19 February 2004<sup>1</sup> on the creation of an immigration liaison officers' network was adopted after the Council defined CIREFI's mandate. Given Coreper's decision, it seems reasonable that from now on the ILOs report by each Presidency should be presented in the Working Party on Frontiers.

### **III. Conclusion**

The Presidency invites CIREFI to take note of this Information Note and to submit it to SCIFA.

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<sup>1</sup> Official Journal L 064 , 02/03/2004 P. 0001 - 0004.