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NOTE

From: Presidency
To: Strategic Committee on Immigration, Frontiers and Asylum
Subject: **The future of SCIFA – Contribution to the evaluation by COREPER**

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 work in order to respond to the needs emerging from new challenges and from the changing architecture of the European Union and to ensure 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.

After a first discussion in SCIFA on 11 July 2014 on the basis of doc. 11425/14, the Presidency has reviewed this document in light of comments received by delegations during the SCIFA meeting and submitted in writing thereafter. It has prepared the following contribution for the evaluation to be undertaken by COREPER, together with draft guidelines on SCIFA's role and working methods, completing and replacing the previous set of guidelines endorsed by COREPER as an annex to doc. 17182/11 of 18 November 2011.

Delegations are invited to present their comments on this contribution and on the draft revised guidelines during the next SCIFA meeting on 19 September 2014.

ROLE AND FUNCTION OF THE STRATEGIC COMMITTEE ON IMMIGRATION, FRONTIERS AND ASYLUM
CONTRIBUTION TO THE EVALUATION BY COREPER

The changes in the legal and operational framework of the EU in the field of immigration, frontiers and asylum brought about 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, as 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.

Over the years, SCIFA has proved to be an invaluable network for senior officials acting in this politically sensitive and fast-developing EU policy field, committed to finding solutions to interrelated problems covered by several working parties, thus allowing COREPER and Council to focus on the most contentious political issues.

The challenges brought about by the rapidly evolving migratory trends and immigration flows need to be met with reinforced coordination at EU level, both between national administrations and between various relevant EU working parties, agencies and bodies so that external and internal priorities of the European Union remain altogether consistent.

National administrations responsible for matters related to immigration, frontiers and asylum in the Member States strongly believe that SCIFA continues to have an important role to play in this regard 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. They also stress the importance of enhancing coordination and coherence between different Council Committees and working parties, by improving cooperation and working methods and by providing them where appropriate with strategic guidance and support from SCIFA. In particular, given the increasing relevance of the coordination between the internal and external dimensions of migratory policies, the relationship between SCIFA and the HLWG is considered crucial.

On that basis, it is therefore recommended that SCIFA continues to meet beyond 2014, assisting COREPER in relation to legal, horizontal and strategic matters in the field of immigration, asylum and frontiers. Further evaluations of SCIFA's work could be subsequently undertaken and endorsed by COREPER, as appropriate, and may be in particular relevant in conjunction with the definition by the European Council of the strategic guidelines for legislative and operational planning within the area of freedom, security and justice. If necessary, these evaluations should also assess the working structures in the Council in this area.

It is also recommended that the working methods of SCIFA be adapted to this increasingly demanding environment. To this end, 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, and also to the need to respond with increased flexibility to new challenges, SCIFA has prepared revised guidelines for the continuation of its work, presented in the Annex attached to this document.

COREPER is invited to take these considerations into account when pronouncing itself on the future of SCIFA and, should the prolongation of SCIFA's mandate be decided, to endorse the attached guidelines on SCIFA's role and working methods, in accordance with Article 19(3) of the Council's Rules of Procedure.

STRATEGIC COMMITTEE ON IMMIGRATION, FRONTIERS AND ASYLUM
GUIDELINES ON ITS ROLE AND WORKING METHODS ^(*)

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 relevant Council Committees and working parties and providing them where appropriate with strategic guidance and support.

SCIFA shall continue to meet beyond 2014 subject to further evaluations to be carried out by COREPER, as appropriate. These evaluations may be in particular relevant in conjunction with the definition by the European Council of the strategic guidelines for legislative and operational planning within the area of freedom, security and justice, as provided for by the Treaty on the Functioning of the European Union (art. 68). If necessary, these evaluations should also assess the working structures in the Council in this area.

SCIFA shall pursue its strategic function 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 as well as by fostering operational cooperation and strategic thinking on EU challenges. However, in accordance with its overall responsibility for preparing the work of the Council as provided for by the Treaty, COREPER remains solely responsible for preparing legislative acts and preparing the Council (Justice and Home Affairs).

SCIFA shall in particular:

- 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;
- foster shared analysis of relevant developments at EU level and support operational cooperation at EU level on issues related to immigration, frontiers and asylum;
- serve as a forum for a first exchange of views in case of politically important legislative proposals and initiatives and provide guidance, without prejudice to the role of JHA Counsellors, for work at expert level in the relevant working parties;
- contribute to the overview of the application of the immigration, frontiers and asylum policies developed at EU level;
- serve as a complementary forum for the purpose of informing and/or consulting Member States by the Commission in relation to important forthcoming initiatives;

(*) These guidelines complete and replace those endorsed by Coreper on 23 November 2011 (annex to document 17182/11).

- 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.

Composition and frequency of meetings

The Member States and the Commission are solely competent to designate their representatives in SCIFA. However, in order for the committee to perform its functions in the most efficient way and in particular to issue clear political orientations, it is recommended that SCIFA continues to be composed of high-level senior officials responsible for or involved in the policy areas examined by the committee and who are responsible for preparing Ministers for the Council meetings.

Participation of the European External Action Service is encouraged and this service shall be invited for all agenda items relevant to its mission.

Relevant agencies, in particular EASO, Frontex, EU-LISA EUROPOL, 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, thus providing, whenever needed, updated analytical and operational reports as well as technical assistance on various initiatives and proposals which have an impact on the performance of their tasks.

Invitation to external experts, for instance from relevant international organizations such as the UNHCR and the IOM, might be considered in a limited number of cases, whenever such exchanges of views are appropriate to inform SCIFA's subsequent discussions. Written contributions from external sources might also be considered.

Meetings shall be organized when issues requiring strategic input arise, reflecting current and emerging needs, as a rule three to four times per semester. To increase flexibility, it may be appropriate to simplify the interpretation regime.

Where needed, informal meetings as well as working lunches and/or dinners may also be organized, and could be restricted to Heads of Delegation only. The possibility of conducting field trips, at the initiative of the Presidency or of any other delegation, should be further explored as a source of direct, operational information on important issues dealt with by SCIFA.

Agenda

- Annotated agendas should continue to be a regular tool.
- Agendas of meetings should consist of a limited number of topics, with a focus on complex legislative and/or political files and/or certain outstanding issues of strategic nature.
- Thematic/horizontal policy discussions should be regularly organized, for instance, but not only, when assessing the impact of EU action on migration pressures. More generally, there should be reinforced coordination of policy areas related to visas, border control and asylum/refugees, free movement within the Schengen area and migration and security issues.

- Agenda points should distinguish between discussion and information points, with the latter kept to a minimum.
- 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.
- The Commission is invited to consider presenting relevant new legislative proposals to SCIFA whenever appropriate.
- 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. For those discussions to be as productive as possible, delegations and the Commission are encouraged to ensure coordination between their representatives in SCIFA and those in the relevant Council working parties.
- The regular presentations of EASO and Frontex on trends and outlook in migratory pressures should whenever possible be communicated to delegations prior to the SCIFA meetings, so that strategic discussions could be held on that basis.
- EASO and Frontex should be invited 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 coordination between their representatives in SCIFA and the representatives in the respective Management Boards of those two agencies in order to enhance coherence and follow-up at operational level of decisions and strategic orientations developed by the Council in the areas covered by SCIFA.

Coordination with other working parties and bodies

Coordination primarily takes place within each Member State. However, there is a need to strengthen the mechanisms that coordinate the activities of different Council working parties and EU bodies, without prejudice to their respective remits, in particular considering the strong links between the internal and external dimensions of matters dealt with by SCIFA.

To reinforce this coordination, the following shall be considered:

- Delegations should ensure appropriate coordination between the activities of SCIFA and those of other Council Committees and working parties (such as PSC, COSI, HLWG, JAIEX, etc.). The Presidency should work actively to facilitate this coordination.

- In particular, coordination with the external dimension of JHA should be facilitated by the Presidency, for instance through participation of the Chair of SCIFA, where appropriate, in the meetings of HLWG and JAIEX and vice versa, ensuring that SCIFA plays the lead role in coordination of and interplay between the internal and external dimensions of migration issues.

Furthermore, joint meetings as well as back-to-back meetings could be organized as appropriate.

- 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, as necessary.
- 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 SCIFA Chair shall bring discussions held and decisions taken to the attention of the Committee.
