



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 6 December 2010

17476/10

LIMITE

ASIM 123

NOTE

from:	Presidency
to:	Strategic Committee on Immigration, Frontiers and Asylum (SCIFA)
Subject:	SCIFA's role and working methods

Background

1. COREPER decided on the working structures for establishing an area of Freedom, Security and Justice following the entry into force of the Amsterdam Treaty at its meeting on 17 March 1999 (doc. 6166/2/99). SCIFA was set up as part of a new working structure to prepare the Council's discussions with regard to immigration, frontiers and asylum. The tasks of this Committee, consisting of senior officials, was to issue strategic guidelines in matters relating to immigration, frontiers and asylum, to deal with questions arising from Articles 62, 63 and 64 of the TEC with a view to synthesising and, where necessary, solving them and to give substantive input to Coreper's discussions.
2. COREPER decided at its meeting on 24 November 2009 (doc. 16072/09), in the context of the preparations for the entry into force of the Treaty of Lisbon, that SCIFA shall continue to meet until 1 January 2012 and that , before that time, the necessity of having SCIFA shall be re-evaluated by COREPER, taking into account the efficiency and coherence of Council working structures. COREPER also decided that:

- (a) SCIFA shall focus its discussions on strategic issues where COSI would not be able to contribute and meet as necessary, as convened by the Presidency.
- (b) SCIFA could be involved, when deemed appropriate, in legislative work. Coreper shall remain solely responsible for preparing legislative acts.

The functions of the standing Committee on operational cooperation in internal security are set out in the Council Decision on its establishment (doc. 16515/09).

Making SCIFA more effective and efficient

- 3. The Presidency, against the background of these developments and the ambitious work programme set out in the Stockholm Programme and Pact on Immigration and Asylum, organised an exchange of views on the role SCIFA should now play on the occasion of the informal meeting of the Committee on 6/7 September 2010.
- 4. The focus of the discussion was on the further development of the strategic role of SCIFA as well as the specific role it might play in the context of the legislative process and in relation to the Union's external policies.
- 5. The purpose of this paper is to synthesise the main ideas and views expressed in the course of the discussion on the role of SCIFA with a view to providing guidance for the future organisation of the work of the Committee. The paper is without prejudice to the decision which will be required before 1 January 2012 on the continuation of the mandate of SCIFA.

Strategic Role

- 6. There was recognition of the fact that SCIFA occupied a special place in the JHA Council structures in that it was the only group which could provide an overview of the full range of activities in the fields of immigration, asylum and frontiers. The fact that its members were traditionally drawn from senior level officials in these fields also meant that it had the capacity to resolve issues which may not be capable of resolution at working party level.

7. There was general support for the view that SCIFA should consequently focus to a greater extent on in-depth discussions on issues of a more strategic nature. The focus for this purpose should be on politically important issues and issues of a horizontal or cross cutting character (e.g. follow-up of the Stockholm Programme and Pact on Immigration and Asylum, illegal immigration, intra-Union solidarity, unaccompanied minors etc.). There will also be circumstances where SCIFA could usefully undertake a first discussion on important initiatives in order to provide appropriate guidance to the relevant working parties. Likewise it was suggested that the Commission may also wish to consider the extent to which SCIFA could complement other fora for the purpose of informing and/or consulting Member States in relation to important forthcoming initiatives.

Legislation

8. SCIFA should continue to play a role in the legislative process where necessary but not take over or duplicate the responsibilities of the working parties. The focus for this purpose should be on providing guidance to the working parties on any important policy questions arising in the early stages of the legislative process in Council and, as that work is advanced, facilitating the work of COREPER by helping to resolve outstanding issues and narrow the questions on which COREPER needs to be consulted. This work should be based on clear discussion points and specific questions to the maximum extent possible.
9. SCIFA should also continue to be the forum where horizontal questions arising in the context of legislative proposals in relevant fields - e.g. financial instruments and the asylum proposals - should be addressed.

External Relations

10. There was a view that SCIFA should not duplicate the work of the HLWG or JAIEX.
11. SCIFA can nevertheless play a valuable role in connecting the internal and external dimensions of asylum and migration policies. The focus for this purpose should be on issues, such as readmission and visa policy, in which SCIFA can bring its own particular perspective and added value.

12. It was also considered desirable that SCIFA should be kept informed of developments in the external field and take account of work of international organisations (UNHCR, IOM) relevant to the Committee's areas of responsibility

Other Issues

13. The nature of SCIFA also meant that it could serve as a valuable forum for the exchange of information on developments of interest in the areas of its responsibility. It should continue to be briefed on major projects such as the VIS. The exchange of information on pending cases and developments in the case law of the Court of Justice / European Court of Human Rights was seen as a particularly valuable recent initiative in this respect. There should also be regular exchanges of view with relevant EU agencies (FRONTEX, EASO).
14. There was recognition that, if these approaches set out above were to be followed, it would necessarily mean shorter and more focussed agendas for SCIFA meetings as well as a need to clearly distinguish between agenda points intended for discussion and those intended for information purposes only. Likewise SCIFA meetings should be scheduled to facilitate the preparation of Council.

Conclusion

15. The Committee is asked to confirm the approach and proposals set out above as a guide to its future work.
