

EN
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Answer given by Ms Brunner
on behalf of the European Commission
(16.1.2025)

EU law¹ requires external borders to be managed efficiently and in full compliance with fundamental rights. The implementation of European integrated border management is the responsibility of Member States' authorities and the European Border and Coast Guard Agency 'Frontex'. In line with the February 2023 European Council conclusions, the Commission maintains that effective external border management is a priority for the EU as a whole and that an integrated approach must be taken.

Within its competences, the Commission supports Member States and EU agencies, such as Frontex and the European Union Agency for Law Enforcement Cooperation 'Europol', to boost their cooperation with third countries to prevent and counter irregular migration, as per the renewed EU action plan against migrant smuggling (2021-2025)² and the multiannual strategic policy for European integrated border management³. Furthermore, in November 2023, the Commission launched a Global Alliance to Counter Migrant Smuggling and proposed to strengthen the EU legal framework against migrant smuggling with two legal instruments⁴.

The Return Directive⁵ sets common standards and procedures for returning illegally staying third country nationals. It provides for the detention of third country nationals subject to return under strict conditions: among others, a person may be kept in detention only if less coercive measures cannot be applied effectively, in order to prepare the return, in particular if there is a risk of absconding or if the third country national hampers the preparation of return or the removal process, after an individual assessment, in full compliance with fundamental rights and for as short a period as possible.

¹ Article 1 of Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 PE/33/2019/REV/1 OJ L 295, 14.11.2019, p. 1.

² COM (2021) 591 final, 29 September 2021.

³ COM (2023)146 final, 14 March 2023.

⁴ Proposal for a Directive of the European Parliament and of the Council laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union, and replacing Council Directive 2002/90/EC and Council Framework Decision 2002/946 JHA, COM/2023/755 final, 28 November 2023; and Proposal for a Regulation of the European Parliament and of the Council on enhancing police cooperation in relation to the prevention, detection and investigation of migrant smuggling and trafficking in human beings, and on enhancing Europol's support to preventing and combating such crimes and amending Regulation (EU) 2016/794, COM/2023/754 final, 28 November 2023.

⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.