

*(English version)*

**Question for written answer E-002370/24  
to the Commission  
Pernando Barrena Arza (The Left)  
(31 October 2024)**

*Subject:* Italy-Albania agreement on extraterritorial detention of refugees and migrants

The Italian Government built a detention camp in Albania to hold asylum seekers from safe countries. Subsequently, the immigration unit of the Rome Court of First Instance ordered that the migrants Italy had already transferred to the centre in Albania be returned to Italy, citing a CJEU judgment of 4 October 2024, which called into question the Italy-Albania pact.

In view of this:

1. Does the Commission believe that Italy's model of outsourcing asylum seekers to a third country respects migrants' right to effective protection of the rights enshrined in international humanitarian law?
2. Does it believe that this type of offshore detention centre is legal, given that it is under the legal jurisdiction of an EU Member State but is not located in EU territory? Is it legal to expel migrants from the EU and keep them in ad hoc camps outside the EU?

Submitted: 31.10.2024

**Answer given by Mr Brunner on behalf of the European Commission  
(23 January 2025)**

When Member States extend the application of national law implementing EU law to situations falling outside the scope of EU law, they must do it in a way that does not undermine or circumvent the application of rules or obligations under EU law.

As regards the initiative carried out by Italy following the signature of a Protocol on migration management with Albania, the implementation of the Protocol under Italian law must not undermine the Common European Asylum System or be detrimental to common EU rules.

Moreover, it needs to be complementary to the existing avenues to access asylum and cannot prevent the aims and objectives of EU law in this field, nor prejudice the rights and guarantees that persons in these situations must be afforded by Member States.

In the Commission's understanding, Italy's initiative is aimed at enabling applications for international protection lodged by third-country nationals intercepted in the high seas to be examined in the centres in the Albanian territory, under Italian jurisdiction.

In case of rejection of such applications, Italy would carry out return procedures from these centres. The Commission understands that the Italian authorities intend to conduct all administrative and judicial procedures and give access to legal remedies as regards decisions on the applications for international protection and return procedures in the facilities located in the Albanian territory based on Italian law and jurisdiction.

This includes decisions on detention, which are to be reviewed by Italian national courts.

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