

EN
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Answer given by Mr Brunner
on behalf of the European Commission
(29.4.2025)

The Commission is aware of the report by the Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

In the context of the Schengen evaluation and monitoring mechanism, the Commission with the Member States experts assesses the implementation of the return *acquis*, in particular the Return Directive¹, by Member States. Following the Schengen evaluation carried out in Italy in 2021, the Council issued recommendations², which concerned, among others, the detention conditions. The Commission is closely following up and monitoring the effective implementation of those recommendations by Italy.

As a follow up to the Lampedusa 10-point plan³, a dedicated working group on returns was set up with Italy on 25 September 2023. The group regularly meets to discuss return matters, including issues linked to detention conditions. The findings of the Council of Europe's report to which the Honourable Members make reference is discussed with Italy in this context.

As regards the initiative carried out by Italy following the signature of a protocol with Albania, the implementation of the protocol under Italian law must not undermine or be detrimental to common EU rules. Moreover, it cannot prevent the aims and objectives of EU law, and it must be without prejudice to the rights and guarantees that persons in these situations are afforded by Member States, in line with their national law and obligations under international law.

¹ 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, OJ L 348, 24.12.2008, p. 98.

² Council Implementing Decision 10415/22 setting out a recommendation on addressing the deficiencies identified in the 2021 evaluation of Italy on the application of the Schengen *acquis* in the field of return.

³ https://ec.europa.eu/commission/presscorner/detail/en/ip_23_4503