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E-000494/2025

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

On 11 March 2025, the Commission adopted a proposal for a Regulation establishing a common system for the return of third-country nationals staying illegally in the Union¹. The aim is to increase the effectiveness of returns of people with no right to stay in the EU through simplification, clarity and more efficiency. Credible returns are crucial for a comprehensive approach to migration and a deterrent for illegal migration.

The proposal aims also at widening the third countries to which an illegally staying third-country national can be returned, provided that those third countries respect international human rights standards and the principle of non-refoulement and an agreement or arrangement is concluded.

The return of third-country nationals subject to return as a criminal law sanction or as a consequence of a criminal law sanction or who are subject to extradition procedures is regulated either by Directive 2008/115/EC² or by national law, when a Member State has decided not to apply the Directive in accordance with article 2(2)(b), or relevant international conventions on the transfer of prisoners.

Member States are generally bound by the European Convention of Human Rights. As regards criminal detention issues, Member States have committed to respect the standards on this matter drafted by the Council of Europe, such as the 2006 European Prison Rules. Also, on 8 December 2022, the Commission adopted a Recommendation on the procedural rights of suspects and accused in pre-trial detention and on material detention conditions³.

¹ Proposal for a Regulation of the European Parliament and of the Council establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC, COM/2025/101 final.

² 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.

³ https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7570