

(English version)

**Question for written answer E-002653/25
to the Commission**

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(1 July 2025)

Subject: Returns of migrants from detention centres in Albania and breach of Directive 2008/115/EC by the Italian Government

On 9 May 2025, the Italian Government carried out the first repatriation of five Egyptian nationals directly from Albania, taking them from the Gjadër detention centre for repatriation and putting them onto a flight to Cairo, without any Italian judicial oversight at the transfer stage and in the absence of clear regulatory coverage ⁽¹⁾.

There are serious doubts as to whether these actions are compatible with Directive 2008/115/EC on returns and with the principles enshrined in the Charter of Fundamental Rights of the European Union, in particular with the right to an effective remedy and the protection of fundamental rights.

The Italian Court of Cassation has questioned the compatibility of the extraterritorial management of detentions and returns at the centres in Albania, indicating that such centres are not considered to be on Italian or EU territory. It has raised the issue with the Court of Justice of the European Union.

The Commission has already said that the extraterritorial management of returns has no basis in EU law.

In light of the above:

1. Is the Commission aware of what happened on 9 May 2025?
2. Does it consider this action by the Italian Government to be in line with the EU legislation in force? If not, where is there a conflict?
3. Will it take action to ensure full compliance with EU law on returns and also uniform application of EU migration and asylum rules?

Supporter ⁽²⁾

Submitted: 1.7.2025

**Answer given by Mr Brunner on behalf of the European Commission
(15 September 2025)**

The Commission is aware of the return operation that took place on 9 May 2025. This return operation is a development in the implementation of the Italy Albania protocol ⁽¹⁾ and of the decree-law (converted into law) ⁽²⁾ introducing new provisions for the use of the centre in Gjadër, Albania.

The Commission is monitoring the development and its compatibility with Directive 2008/115/EC ⁽³⁾. The Commission expects Member States to act fully in line with European law and international obligations.

The Commission is also aware of the case at the Court of Justice of the European Union mentioned by the Honourable Members ⁽⁴⁾.

In the context of the Schengen evaluation and monitoring mechanism, the Commission with the Member States experts assesses the implementation of the Schengen *acquis*, in particular the directive 2008/115/EC, by Member States.

¹ <https://altreconomia.it/il-primo-rimpatrio-italiano-di-migranti-irregolari-direttamente-dallalbania/>.

² This question is supported by a Member other than the authors: Dario Tamburrano (The Left)

⁽¹⁾ Protocollo tra il Governo della Repubblica italiana e il Consiglio dei ministri della Repubblica di Albania per il rafforzamento della collaborazione in materia migratoria, Roma 6 novembre 2023.

⁽²⁾ <https://www.gazzettaufficiale.it/eli/id/2025/05/23/25G00083/SG>.

⁽³⁾ 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 -107.

⁽⁴⁾ Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on 24 June 2025 — Ministero dell'Interno, Questura di Roma v S.H., A.H. (Case C-414/25, Sedrata).

The last Schengen evaluation of Italy took place in 2021, and the next periodic evaluation is foreseen in 2027. The Commission will ensure that all the relevant aspects of the return policy are evaluated. This periodic assessment is without prejudice to the Commission's role as guardian of the Treaties.
