

EN
E-004848/2025
Answer given by Mr Brunner
on behalf of the European Commission
(1.4.2026)

The Commission is aware that, under the Italy-Albania Protocol, Italian authorities are transferring third-country nationals subject to a return decision to the centre in Gjadër for the purpose detention pending removal. Concerning the EU legal framework relevant to the protocol, the replies provided to previous parliamentary questions already contained relevant elements¹.

The detention of illegally staying third-country nationals is regulated at EU level by Directive 2008/115/EC (the 'Return Directive'²). Articles 1 and 5 of that Directive state that Member States shall take due account of the state of health of the third-country national concerned and ensure that the procedures applied for returning illegally staying third-country nationals are in accordance with fundamental rights. In relation to detention, the Return Directive³ provides that particular attention shall be paid to the situation of vulnerable persons and that emergency health care and essential treatment of illness shall be provided.

Member States are primarily responsible for the implementation of national law implementing the EU legal framework. The Commission is in contact with the Italian authorities on migration management, including on the implementation of the Italy-Albania protocol dialogue.

Member States are responsible for the organisation and delivery of health services and medical care, in accordance with Article 168(7) of the Treaty on the Functioning of the European Union⁴. The EU's role in those fields is to complement national policies and encourage knowledge sharing and coordination between Member States.

¹ P-002206/2024, E-001425/2025 and E-001648/2025.

² <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:32008L0115>.

³ Article 16(3) of the Return Directive.

⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>.