

EN
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Answer given by Mr Brunner
on behalf of the European Commission
(11.9.2026)

The detention of third-country nationals for the purpose of return is currently governed by the Return Directive¹, which lays down common standards and procedures for return and detention, including requirements concerning the grounds for detention, judicial oversight, detention conditions, and the protection of fundamental rights.

Under the EU legal framework, Member States are responsible for organising and managing detention facilities and for ensuring that any deprivation of liberty complies with EU law, including the Charter of Fundamental Rights of the European Union².

The Commission does not keep any inventory of all facilities that may be used by Member States for the temporary holding or detention of third-country nationals pending return. Consequently, the Commission is not in a position to provide such information.

The Commission monitors compliance with the Schengen *acquis* related to the return of third-country nationals through the Schengen Evaluation and Monitoring Mechanism³. Italy's last periodic Schengen evaluation took place in June and July 2021, including visits of pre-removal detention facilities. During a monitoring visit to some of these specialised detention facilities in April 2026, the evaluation team noted some improvements, while further efforts to improve detention conditions are still required.

¹ Directive 2008/115/EC: <https://eur-lex.europa.eu/eli/dir/2008/115/oj/eng>.

² https://eur-lex.europa.eu/eli/treaty/char_2012/oj/eng.

³ Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and repealing Regulation (EU) 1053/2013, OJ L 160, 15.6.2022, pp. 1–27: <https://eur-lex.europa.eu/eli/reg/2022/922/oj/eng>.