

**Priority question for written answer P-002206/2024
to the Commission**

Rule 144

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Subject: Compliance of the Italy-Albania protocol with EU law

On 15 October 2024, during the midday press briefing, in response to a question concerning the legality of transfers of migrants to countries outside the EU under the newly established Italy-Albania protocol, the Commission spokesperson acknowledged that:

‘It is currently not possible for the EU to have this option right now. To make such a model possible, the EU law would need to regulate the forced return to a third country, which is not the country of origin. So in our assessment, the current rules do not foresee this.’

Under Article 17 of the Treaty on European Union, the Commission is to ensure the application of the Treaties, and of measures adopted by the institutions pursuant to them, as well as oversee the application of Union law under the control of the Court of Justice of the EU (CJEU).

In light of the above, and considering the recent CJEU ruling of 4 October 2024 on the designation of non-EU countries as safe countries of origin for the purpose of accelerated border procedure, will the Commission:

1. Abide by its position from 2018 confirming the illegality of such measures under current EU law?
2. Launch a formal infringement procedure against the Italy-Albania protocol, ratified by Italy’s Law No 14/24, in accordance with Articles 258-260 of the Treaty on the Functioning of the European Union?

Supporters¹

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¹ This question is supported by Members other than the authors: Nicola Zingaretti (S&D), Sandro Ruotolo (S&D), Leoluca Orlando (Verts/ALE), Dario Nardella (S&D), Dario Tamburrano (The Left), Antonio Decaro (S&D)