

**Question for written answer E-003289/2023
to the Commission**

Rule 138

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Subject: Compliance of the Italy-Albania memorandum of understanding with international law and EU asylum rules

Italy has signed a memorandum of understanding with Albania for the management of migratory flows which stipulates that facilities are to be set up at the port of Shëngjin and the inland area of Gjadër for the temporary reception, identification and repatriation of third-country nationals rescued in SAR operations by Italian military vessels.

The protocol is in breach of European and international standards requiring disembarkation in the nearest safe port and enshrining the right to seek international protection and guarantees to protect personal freedom.

Given the above:

1. Does the Commission consider that handing over persons rescued at sea to the Albanian authorities may constitute collective refoulement similar to that found in *Hirsi Jamaa and Others v. Italy*?
2. Does the protocol not risk giving rise to unequal treatment between persons rescued in the Mediterranean by civilian vessels and by military vessels, who for that reason alone would be subject to accelerated procedures in non-EU territory?
3. Does the protocol not risk undermining the rights of defence and the guarantees of personal freedom enshrined in the Italian constitution and European and international rules on repatriation and procedures for the recognition of international protection?

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