

[REDACTED]

From: [REDACTED]
Sent: 14 December 2023 12:17
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Flash news: Up-date on the IT-ALB migration agreement

Thanks both for this useful update!

Very clear and good summary.

Best,

[REDACTED]

From: [REDACTED]
Sent: 14 December 2023 11:44
To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Flash news: Up-date on the IT-ALB migration agreement

Dear [REDACTED],

As there have been a lot of interesting developments on the IT-ALB migration deal in the recent days, we prepared a short overview of the key facts:

- **EU bodies:** COM President Von der Leyen in the letter sent to the MS on the state of implementation of the migration issue, in view of the European summit today and Friday praised IT-ALB as an "example of out-of-the-box thinking" for cooperation with third countries on migration. "We have also seen important initiatives promoted by Member States, such as the Operational Agreement between Italy and Albania. This is an example of out-of-the-box thinking, based on fair sharing of responsibilities with third countries and in line with obligations under EU and international law," writes von der Leyen in the letter. (Source: [link](#))
- **Albania:** Yesterday, the Constitutional Court in Albania endorsed an opposition request to review the constitutionality of the deal thereby suspending ratification of an agreement until the final decision of the Court. The Albanian parliament was due to ratify the pact today. The lawmakers had complained about procedural errors during the negotiation and signing of the deal, which also must be authorised by the Albanian president as it affects issues of territory and fundamental rights, the court said in a statement. Court's hearing on the issue is scheduled for Jan. 18. The Court has 3 months to review the case. According to vice president of the Italian Chamber of Deputies, the left-wing parliamentarians' appeal to the Constitutional Court is entirely instrumental, aimed precisely at slowing down the parliamentarisation of the agreement. The Court is not expected to enter into the merits of the agreement but to express its opinion on the procedural aspects of signing it (the opposition insists that Prime Minister should have obtained the president's authorization for such an agreement). The vice president stated that it appears that the Albanian Constitution was not violated because the procedures were respected and were to be completed on

Thursday through parliamentary passage. The immediate consequence of the need to await the Court's judgement is that the two planned centres will not be ready before the summer. (Sources: [link](#), [link](#), [link](#))

- **Italy:** Ratification bill has been approved by the Council of Ministers on the 6th December. The bill includes the following provisions:
 - The clause was introduced to equate the areas provided for by the Protocol with the border or transit zones (as prescribed by Legislative Decree no. 25/2008 in which asylum accelerated procedures at the border are conducted);
 - Designated areas in Albania are assimilated to hotspots and detention centres for repatriation (as referred to in the Consolidated Law on Immigration);
 - Only migrants intercepted/rescued by vessels of the Italian authorities outside the Italian territorial sea or other EU MS will be accommodated in the Albania;
 - Procedures conducted in the centers will fall under the jurisdiction of city of Rome (i.e. Prefect, the Police Headquarters' Chief, the Territorial Commission and the Civil Court, specific sections will be established in those entities); migrants who wish to appeal their asylum decisions will be able to do so—but not in person as they will be granted a videoconference with Italian judges while remaining in Albania. Approximately 135 people to work in the two centres will be recruited, while other advertised vacancies will include medical professionals.

Importantly, the Cassation Court will adjudicate on 30th Jan on the legality and a potential conflict with European legislation of the so-called Cutro decree which introduced the accelerated procedures at the border for those arriving from safe country of origin (case concerns measures taken by the Court of Catania which denied the validation of detention of Tunisian migrants in Pozzallo stating that it would violate the recast Reception Directive). This procedure forms the cornerstone of the agreement with Albania. (Source: [link](#), [link](#)).

Best – [REDACTED]

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