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From:	Permanent Representation of Denmark to the European Union
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To:	General Secretariat of the Council
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Subject:	Regulation (EU) 2017/458 of the European Parliament and of the Council of 15 March 2017 amending Regulation (EU) 2016/399 as regards the reinforcement of checks against relevant databases at external borders

Delegations will find attached the notification from Denmark regarding the abovementioned Regulation.

PERMANENT REPRESENTATION OF DENMARK TO THE EUROPEAN UNION
Brussels

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For the attention of: Mr Bent MEJBORN

BY HAND

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15 September 2017

Notification concerning Denmark's participation in the Regulation amending the Schengen Borders Code

The European Parliament and the Council have adopted the following Regulation under the Treaty on the Functioning of the European Union, and in particular Article 77(2)(b) thereof,

- **Regulation (EU) No 2017/458 of the European Parliament and of the Council of 15 March 2017 amending Regulation (EU) No 2016/399 as regards the reinforcement of checks against relevant databases at external borders**

This Regulation constitutes an act building on the Schengen acquis.

In accordance with Article 1 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark does not take part in the adoption by the Council of proposed measures pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union (see, however, Article 6 of the Protocol as regards certain measures concerning visas).

Denmark therefore did not participate in the Council's adoption of the above Regulation, which is not binding upon or applicable in Denmark (see Article 2 of the Protocol).

In accordance with Article 4 of Protocol No 22 on the position of Denmark, Denmark has to decide, within a period of six months after the Council has decided on a proposal to build upon the Schengen acquis under the provisions of Title V of the Treaty on the Functioning of the European Union, whether it will implement the Regulation in its national law. If Denmark decides to do so, that decision will create an obligation under international law between Denmark and the other Member States bound by the measure.

On that basis, Denmark hereby gives notice that it has decided to implement the above Regulation in Danish law, under Article 4 of Protocol No 22 on the position of Denmark.

Following a decision by the Danish Government, Denmark will participate in the Regulation from 15 September 2017.

It should be noted that, pursuant to Article 8 of Regulation (EU) No 2016/399, as amended by Regulation (EU) 2017/458, the Government has, to date, informed the European Commission, the other Member States and the Schengen associated countries, as well as the European Border and Coast Guard Agency, that Denmark wishes to make use of the derogation provided therein and will perform targeted checks against relevant databases on persons enjoying the right of free movement under Union law in Copenhagen Kastrup Airport until 7 October 2017.

A copy of this letter is being sent, for information, to the European Commission's Directorate-General for Migration and Home Affairs.

(Complimentary close)

Vibeke Pasternak Jørgensen
Ambassador, Deputy Permanent Representative
