



Council of the
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COVER NOTE

From: Danish delegation
date of receipt: 5 July 2021
To: General Secretariat of the Council

No. prev. doc.: PE-CONS 26/21

Subject: Regulation of the European Parliament and of the Council on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) with regard to third-country nationals legally staying or residing in the territories of Member States during the COVID-19 pandemic
- notification by Denmark

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

PERMANENT REPRESENTATION OF DENMARK TO THE EUROPEAN UNION

Brussels

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Notification concerning the implementation by Denmark of Regulation (EU) 2021/954

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

- **Regulation (EU) 2021/954 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) with regard to third-country nationals legally staying or residing in the territories of Member States during the COVID-19 pandemic (text with EEA relevance)**

In accordance with Article 1 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (hereinafter: TFEU), Denmark does not take part in the adoption by the Council of measures pursuant to Title V of Part Three TFEU. Denmark therefore did not take part in the adoption of the Regulation, which is not binding upon Denmark or applicable in Denmark (see Article 2 of the Protocol).

However, the measure constitutes a development of the Schengen acquis. In accordance with Article 4 of the Protocol, 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 Part Three TFEU, whether it will implement this measure 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 that measure.

On that basis, Denmark hereby gives notice that it has decided to implement the above measure in Danish law in accordance with Article 4 of the Protocol.

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