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From:	Permanent Representation of Denmark to the European Union
date of receipt:	4 June 2018
To:	General Secretariat of the Council

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Subject:	Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 as regards the use of the Entry/Exit System Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 - Notification from Denmark
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Delegations will find attached the notification from Denmark regarding the above-mentioned Regulations.

Permanent Representation of Denmark to the European Union

Brussels

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Justice and Home Affairs
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BY HAND

Reference no.
2016-46926

30 May 2018

Notifications concerning Regulations (EU) 2017/2225 and (EU) 2017/2226

The European Parliament and the Council have adopted the following Regulations under the Treaty on the Functioning of the European Union, and in particular Article 77(2)(b) and (d) and Article 87(2)(a) thereof.

- **Regulation (EU) 2017/2225 of the European Parliament and of the Council of 30 November 2017 amending Regulation (EU) 2016/399 as regards the use of the Entry/Exit System**
- **Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011**

The Regulations constitute a development of 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 Regulations, which are 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 Regulations 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 measures.

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

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

For the Ambassador
As instructed

(s.)
Eydbjørn Djurhuus
Justice and Home Affairs Counsellor
