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COVER NOTE

From:	Danish delegation
date of receipt:	31 August 2022
To:	General Secretariat of the Council
No. prev. doc.:	8720/22
Subject:	Council Recommendation on operational law enforcement cooperation – notification from Denmark

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

**PERMANENT REPRESENTATION
OF DENMARK TO THE
EUROPEAN UNION**

Council of the European Union
Justice and Home Affairs
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Att. : Director-General, Ms. Christine Roger

BY HAND

Enclosure	File	Department	Date
	2022-12237		30 August 2022

Notification regarding Council Regulation (EU) 2022/8720

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 87(3) and Article 89, in conjunction with Article 292, thereof, the Council has adopted the following non-binding legal act:

- **Council Recommendation (EU) 2022/8720 of 24 May 2022 on operational law enforcement cooperation**

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.

Denmark therefore did not take part in the Council's adoption of the above measure, which is not applicable in Denmark (see Article 2 of the Protocol).

The measure constitutes a development of the Schengen acquis, although it is of a non-binding nature.

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 covered by Title V of Part Three of the Treaty on the Functioning of the European Union, whether it will implement the legal act. As they are not binding measures, Denmark's implementation of the Recommendation will not lead to an obligation under international law for Denmark. The Recommendation will thus have the same status for Denmark as it has for the other Member States.

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

It should be noted that the transposition of the act into Danish law will take place within the framework of the Constitution, which includes the unwritten constitutional principle of exclusive competence.

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

(Complimentary close)

Per Fabricius Andersen
Ambassador, Deputy Permanent Representative
