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COVER NOTE

From:	Mr Thomas Højgaard, Attaché for judicial affairs, Permanent Representation of Denmark to the European Union
date of receipt:	13 October 2015
To:	Ms Christine Roger, General Secretariat of the Council of the European Union

No. prev. doc.:	7796/15
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Subject:	Regulation (EU) No 1051/2013 of the European Parliament and of the Council of 22 October 2013 amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances - Notification by Denmark
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Delegations will find attached the notification from Denmark regarding the abovementioned subject.

PERMANENT REPRESENTATION OF DENMARK
to the European Union
Brussels

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For the attention of Christine Roger

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DELIVERED BY HAND

Enclosures	File no.	Office	
1	2015-36254		12 October 2015

Denmark's implementation of a corrigendum to the Schengen Borders Code

1. The European Parliament and the Council have adopted the following measure having regard to procedure (c) in the Council statement of 3 December 1975 and Council document 5980/07 JUR 49:

- Corrigendum published in Council document 7796/15 JUR 234 SCHENGEN 16 SCH-EVAL 14 FRONT 72 COMIX 162 CODEC 466 to Regulation (EU) No 1051/2013 of the European Parliament and of the Council of 22 October 2013 amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances.

2. Regulation (EU) No 1051/2013 of the European Parliament and of the Council was adopted having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2) thereof.

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 take part in the adoption by the Council of Regulation (EU) No 1051/2013 of the European Parliament and of the Council.

Regulation (EU) No 1051/2013 of the European Parliament and of the Council constituted a development of the Schengen acquis.

Article 4 of Protocol No 22 on the position of Denmark states that 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 that 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 the measure.

Pursuant to Article 4 of Protocol No 22 on the position of Denmark, Denmark accordingly notified the Council and the European Commission on 10 March 2014 that it had decided to implement Regulation (EU) No 1051/2013 of the European Parliament and of the Council in Danish law.

3. The measure referred to in paragraph 1 relates to a corrigendum to Regulation (EU) No 1051/2013 of the European Parliament and of the Council which, as stated above, was adopted having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2) thereof.

Denmark therefore did not take part in the adoption by the Council of the measure referred to in paragraph 1 and the measure is not binding upon or applicable in Denmark (see Article 2 of the Protocol).

The measure referred to in paragraph 1 constitutes a development of the Schengen acquis.

On that basis, Denmark hereby gives notice that it has decided to implement in Danish law the measure referred to in paragraph 1, under Article 4 of Protocol 22 on the position of Denmark.

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

For the Ambassador

As instructed

Thomas Højgaard

Attaché for judicial affairs

CORRIGENDA**Corrigendum to Regulation (EU) No 1051/2013 of the European Parliament and of the Council of 22 October 2013 amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances**

(Official Journal of the European Union L 295 of 6 November 2013)

On page 4, Article 1(1):

For: "(1) In Title II, the following Chapter is added:

'CHAPTER IVa

Specific measures in the case of serious deficiencies relating to external border control

Article 19a

Measures at external borders and support by the Agency

1. (...)"

Read: "(1) In Title II, the following Chapter is added:

'CHAPTER IVa

Specific measures in the case of serious deficiencies relating to external border control

Article 19b

Measures at external borders and support by the Agency

1. (...)"
