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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) 2016/1624 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC - Notification from Denmark

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: Secretary-General Jeppe Tranholm-Mikkelsen

BY HAND

14 March 2017

Dear Sir,

The European Parliament and the Council have adopted the following Regulation under the Treaty on the Functioning of the European Union, in particular Article 77(2)(b) and (d) and Article 79(2)(c) thereof.

- **Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC.**

The Regulation constitutes a development of 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 that decision 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.

On 8 February 2017, the Government tabled a legislative proposal to implement the necessary legislative amendments. The proposal was adopted today, 14 March 2017, and will enter into force tomorrow, 15 March 2017.

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

Vibeke Pasternak Jørgensen
Ambassador, Deputy Permanent Representative
