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COVER NOTE

From:	Permanent Representation of Denmark to the European Union
date of receipt:	29 April 2019
To:	General Secretariat of the Council
No. prev. doc.:	PE-CONS 34/18, PE-CONS 35/18, PE-CONS 36/18
Subject:	<p>Schengen Information System (SIS)</p> <ul style="list-style-type: none">– Proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) for the return of illegally staying third-country nationals– Proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1987/2006– Proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU <p>- Notification from Denmark</p>

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

THE PERMANENT REPRESENTATION OF DENMARK
to the European Union
Brussels

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The European Parliament and the Council have adopted the following Regulations in accordance with the Treaty on the Functioning of the European Union, and in particular Article 77(2)(b) and (d), Article 79(2)(c), Article 82(1)(d), Article 85(1), Article 87(2)(a) and Article 88(2)(a) thereof.

- **Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals,**
- **Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006, and**
- **Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU.**

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 legal act 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 three aforementioned Regulations in Danish law, under Article 4 of Protocol No 22 on the position of Denmark.

A copy of this letter has been sent for information to the European Commission, Directorate-General for Home Affairs.

Yours sincerely,

Christina Pind
Chargée d'affaires