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From:	Permanent Representation of Denmark to the European Union
date of receipt:	12 September 2016
To:	General Secretariat of the Council
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Subject:	Regulation of the European Parliament and of the Council on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codification)

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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Council of the European Union
General Secretariat
D - Justice and Home Affairs
Rue de la Loi/Wetstraat 175
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For the attention of: Christine Roger, Director-General

BY HAND

File no.
2016-8273

9 September 2016

Dear Ms Roger,

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

- **Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codification).**

The Regulation constitutes 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 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.

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

Kim Jørgensen
Ambassador, Permanent Representative