Council of the European Union

Brussels, 11 January 2023
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COVER NOTE

From:	Danish delegation
date of receipt:	6 January 2023
To:	General Secretariat of the Council
No. prev. doc.:	PE-CONS 16/22
Subject:	Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1862 as regards the entry of information alerts into the Schengen Information System (SIS) on third-country nationals in the interest of the Union – notification by Denmark

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

Ministry of Foreign Affairs
Asiatisk Plads 2
1448 Copenhagen K
DK Denmark

Date: 2 January 2023
Office: Office for Organised Crime
Case officer: Simon Holmelund Lange
Case no.: 2021-3050-0088
Doc.: 2674403

The Ministry of Justice asks the Ministry of Foreign Affairs to provide written notification of the following to the Council, via the Permanent Representation of Denmark to the European Union:

'The European Parliament and the Council have adopted the following legal act under the Treaty on the Functioning of the European Union, and in particular Article 88(2)(a) thereof:

- **Regulation (EU) 2022/1190 of the European Parliament and of the Council of 6 July 2022 amending Regulation (EU) 2018/1862 as regards the entry of information alerts into the Schengen Information System (SIS) on third-country nationals in the interest of the Union**

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 Council's adoption of the above legal act, which is not binding upon or applicable in Denmark (see Article 2 of the Protocol).

The measure constitutes a development of the Schengen acquis.

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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 under the provisions of Title V of Part Three of the Treaty on the Functioning of the European Union , whether it will implement this 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 that measure.

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

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

The letter to the Council can be sent to:
Council of the European Union
Justice and Home Affairs
Rue de la Loi/Wetstraat 175
B-1048 Bruxelles/Brussel
Att.: The Director-General, Ms Christine Roger

The letter to the Commission can be sent to:
European Commission
DG HOME
Rue de la Loi/Wetstraat 200
B-1049 Bruxelles/Brussel
Att.: The Director-General, Ms Monique Pariat

The Ministry of Justice requests a copy of the Permanent Representation's letter to and acknowledgement of receipt by the Council and the European Commission.

(Complimentary close)

Niklas V. Johansen