



Council of the
European Union

Brussels, 30 March 2023
(OR. en, da)

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Interinstitutional Files:
2022/0301(NLE)
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COVER NOTE

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| From: | Danish delegation |
| date of receipt: | 28 March 2023 |
| To: | General Secretariat of the Council |
| No. prev. doc.: | 12894/22; 12895/22 |
| Subject: | <p>Council Decision on the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of North Macedonia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of North Macedonia</p> <p>Council Decision on the conclusion of the Agreement between the European Union and the Republic of North Macedonia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of North Macedonia</p> <p>– Notification by Denmark</p> |

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

PERMANENT REPRESENTATION OF DENMARK
TO THE EUROPEAN UNION

Council of the European Union
Justice and Home Affairs
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For the attention of: Ms Christine Roger, Director-General

BY HAND

| | | | |
|-----------|-----------|------------|---------------|
| Enclosure | File | Department | Date |
| | 2020-7005 | | 28 March 2023 |

Decision on the implementation of a legal act.

Dear Ms Roger,

Having regard to the Treaty on the Functioning of the European Union, and in particular points (b) and (d) of Article 77(2) and point (c) of Article 79(2), in conjunction with Article 218(5) thereof, the Council has adopted the following legal act:

- **Council Decision (EU) 2022/1958 of 13 October 2022 on the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of North Macedonia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of North Macedonia**

Having regard, furthermore, to the Treaty on the Functioning of the European Union, and in particular points (b) and (d) of Article 77(2) and point (c) of Article 79(2) in conjunction with point (a) of Article 218(6) thereof:

- **Council Decision (EU) 2023/418 of 24 February 2023 on the conclusion of the Agreement between the European Union and the Republic of North Macedonia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of North Macedonia**

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 acts, which are not binding upon or applicable in Denmark (see Article 2 of the Protocol).

The measures constitute a development of the Schengen acquis.

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 above legal act 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.

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(Complimentary close)

Per Fabricius Andersen
Ambassador, Permanent Representative
