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COVER NOTE

From:	Danish delegation
date of receipt:	26 April 2021
To:	General Secretariat of the Council
No. prev. doc.:	12224/20
Subject:	Council Recommendation on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic in the Schengen area - notification by Denmark

Delegations will find attached the notification by Denmark regarding the abovementioned Recommendation.

PERMANENT REPRESENTATION OF DENMARK TO THE EUROPEAN UNION
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For the attention of: Director-General, Ms Christine Roger

BY HAND

Annex	Reference number	26 April 2021
	2021-4831	

Notification regarding a Council decision

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2)(c) and (e) and Article 292, first and second sentence thereof, the Council has adopted the following non-binding legal act:

- COUNCIL RECOMMENDATION (EU) 2020/1632 of 30 October 2020 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic in the Schengen area

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 (hereinafter: 'TFEU'), Denmark does not take part in the adoption by the Council of proposed measures pursuant to Title V of Part Three TFEU. Denmark therefore did not take part in the adoption of the Recommendation, which is not applicable in Denmark (see Article 2 of the Protocol).

However, the measure constitutes a development of the Schengen acquis, although it is of a non-binding nature.

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 TFEU, whether it will implement this measure. As it is not a binding measure, Denmark's implementation of the Recommendation will not lead to an obligation under international law for Denmark. The Recommendation will thus have the same status for Denmark as it has for the other Member States.

On that basis, Denmark hereby gives notice that it has decided to implement the above measure 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.

(Complimentary close)

Jonas Bering Liisberg
Ambassador, Permanent Representative