



Council of the  
European Union

Brussels, 16 May 2023  
(OR. en)

9101/23

**LIMITE**

**CORLX 475**  
**CFSP/PESC 670**  
**CSDP/PSDC 345**  
**PESCO 9**  
**FIN 514**

#### **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION confirming the participation of Denmark in PESCO, and amending Decision (CFSP) 2017/2315 establishing permanent structured cooperation (PESCO) and determining the list of participating Member States

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**COUNCIL DECISION (CFSP) 2023/...**

**of ...**

**confirming the participation of Denmark in PESCO,  
and amending Decision (CFSP) 2017/2315  
establishing permanent structured cooperation (PESCO)  
and determining the list of participating Member States**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 46(3) thereof,

Having regard to Protocol No 10 on permanent structured cooperation established by Article 42 of the Treaty on European Union attached to the Treaty on European Union and to the Treaty on the Functioning of European Union,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Having regard to the opinion of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) Article 46(3) of the Treaty on European Union (TEU) provides that any Member State which wishes to participate in permanent structured cooperation (PESCO) is to notify its intention to the Council and to the High Representative of the Union for Foreign Affairs and Security Policy ('the High Representative').
- (2) On 1 June 2022, a referendum was held in Denmark on revoking the exemption from participation in decisions and actions of the Union which have defence implications laid down in Article 5 of Protocol No 22 to the Treaties on the position of Denmark. That referendum resulted in a vote in favour of revocation.
- (3) In accordance with Article 7 of Protocol No 22, Denmark informed the other Member States that it no longer wished to avail itself of Article 5 of that Protocol as from 1 July 2022, by a letter from its Minister for Foreign Affairs of 20 June 2022.

- (4) On 23 March 2023, the Council and the High Representative received a notification in accordance with Article 46(3) of the TEU from Denmark that Denmark has the intention to participate in PESCO.
- (5) Denmark has set out in its National Implementation Plan its ability to meet the more binding commitments, contained in the Annex to Council Decision (CFSP) 2017/2315<sup>1</sup>, that the participating Member States have made to one another.
- (6) The necessary conditions having been met, it is therefore appropriate for the Council to adopt a decision confirming the participation of Denmark in PESCO.
- (7) Decision (CFSP) 2017/2315 should be amended accordingly,

HAS ADOPTED THIS DECISION:

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<sup>1</sup> Council Decision (CFSP) 2017/2315 of 11 December 2017 establishing permanent structured cooperation (PESCO) and determining the list of participating Member States (OJ L 331, 14.12.2017, p. 57).

*Article 1*

The participation of Denmark in PESCO is hereby confirmed.

*Article 2*

In Article 2 of Decision (CFSP) 2017/2315, the following indent is inserted after the third indent:

‘- Denmark,’.

*Article 3*

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council*

*The President*

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