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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Council Decision on the consequences of Denmark informing the other Member States that it no longer wishes to avail itself of Article 5 of Protocol n°22 on the position of Denmark

1. Pursuant to Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union (TEU) and to the Treaty on the Functioning of the European Union (TFEU), until 30 June 2022, Denmark did not participate in the elaboration, the adoption or the implementation of decisions and actions of the Union based on Article 26(1), Article 42 and Articles 43 to 46 TEU which had defence implications. Until the same date, Denmark did not contribute to the financing of operational expenditure arising from such measures and did not make military capabilities available to the Union.
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.
3. On 20 June 2022, by means of a letter from its Minister for Foreign Affairs, Denmark, in accordance with Article 7 of Protocol No 22, informed the other Member States that it no longer wished to avail itself of Article 5 of Protocol No 22 as from 1 July 2022.

4. On 4 May 2023, the High Representative submitted to the Council a proposal for a Council Decision on the consequences of Denmark informing the other Member States that it no longer wishes to avail itself of Article 5 of Protocol n° 22 on the position of Denmark and amending Council Decision (CFSP) 2021/509 establishing a European Peace Facility and repealing Decision (CFSP) 2015/528, as well as Council Decision 2014/401/CFSP on the European Union Satellite Centre and repealing Joint Action 2001/555/CFSP on the establishment of a European Union Satellite Centre (doc. 9040/23).
5. On 8 May 2023, the Working Party of Foreign Relations Counsellors (RELEX) agreed the text of the draft Council Decision.
6. In these circumstances, COREPER is invited to:
 - confirm the agreement on the text of the draft Council Decision;
 - recommend that the Council adopt the Council Decision on the consequences of Denmark informing the other Member States that it no longer wishes to avail itself of Article 5 of Protocol n° 22 on the position of Denmark and Decision 2014/401/CFSP on the European Union Satellite Centre as set out, after finalisation of the text by the legal/linguistic experts, in document 9047/23;
 - decide to publish the Council Decision in the Official Journal.