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from : Poul Skytte Christoffersen, Ambassador, Permanent Representative of Denmark  
date of receipt : 25 May 2001  
to : Anna Lindh, President of the Council of the European Union

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Subject : Communication from Denmark concerning implementation in Danish law  
pursuant to Article 5 of the Protocol on the position of Denmark

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Delegations will find attached a copy of a letter on the above subject.

**PERMANENT REPRESENTATION OF DENMARK  
TO THE EUROPEAN UNION  
BRUSSELS**

**BY COURIER**

Ms Anna Lindh  
President of the Council of the European Union  
Rue de la Loi 175  
1048 Brussels

Ref. no.: 400.Y.1-0

25 May 2001

**Communication from Denmark concerning implementation in Danish law pursuant to Article 5 of the Protocol on the position of Denmark.**

At the meeting of the Agriculture Council on 24 April 2001, the following four acts, which all build upon the Schengen acquis, were adopted in accordance with Title IV of the Treaty establishing the European Community:

Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications,

Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance,

Council Decision updating Part VI and Annexes 3, 6 and 13 of the Common Consular Instructions and Annexes 5(a), 6(a) and 8 to the Common Manual, and

Council Decision updating Annex 10 to the Common Consular Instructions, Annex 6(c) to the Common Manual and Annex 8 to the technical specifications for the Schengen consultation network (confidential).

In accordance with Article 1 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark does not take part in the adoption by the Council of proposed measures pursuant to Title IV of the Treaty establishing the European Community (however, cf. Article 4 of the Protocol on certain provisions concerning visas).

Denmark therefore did not participate in the Council's adoption of the above acts, which are not binding upon or applicable in Denmark (cf. Article 2 of the Protocol).

Denmark has to decide within a period of 6 months after the Council has decided on a proposal to build upon the Schengen *acquis* under the provisions of Title IV of the Treaty establishing the European Community, whether it will implement this decision in its national law. If it decides to do so, this decision will create an obligation under international law between Denmark and the other Member States referred to in Article 1 of the Protocol integrating the Schengen *acquis* into the framework of the European Union as well as Ireland or the United Kingdom if those Member States take part in the areas of cooperation in question.

On that basis I hereby inform you that Denmark has decided to implement the four aforementioned acts in Danish law, pursuant to Article 5 of the Protocol on the position of Denmark.

The four acts will be implemented in Denmark without new national rules being issued. The provisions will apply in Denmark with effect from the date of this communication.

A copy of this letter has been sent to the President of the Commission.

(Complimentary close)

P. Skytte Christoffersen  
Ambassador, Permanent Representative

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