



**COUNCIL OF
THE EUROPEAN UNION**

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COVER NOTE

from: Poul Skytte Christoffersen, Ambassador, Permanent Representative
date of receipt: 21 May 2003
to: General Secretariat of the Council of the European Union
Subject: Notification by Denmark concerning implementation in Danish law under
Article 5 of the Protocol on the position of Denmark

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

from: Danish Permanent Representation to the European Union, Brussels

to: General Secretariat of the Council of the European Union, Brussels

BY HAND

19 May 2003

Implementation of four Schengen legal instruments in Danish law

At the General Affairs and External Relations Council meeting on 14 April 2003, the Council adopted a Regulation establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (Council Regulation (EC) No 693/2003) and a Regulation on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No 693/2003 (Council Regulation (EC) No 694/2003).

At the Justice and Home Affairs Council meeting on 27 and 28 February 2003, the Council adopted a Regulation on the issue of visas at the border, including the issue of such visas to seamen in transit (Council Regulation (EC) No 415/2003).

At the Justice and Home Affairs Council meeting on 28 and 29 November 2002, the Council adopted a Decision updating the Schengen Consultation Network – Annex 8.

The above legal instruments were adopted on the basis of Title IV of the Treaty establishing the European Community. They constitute further development of the Schengen *acquis*.

Under Article 1 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to 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, subject to Article 4 of that Protocol as regards certain visa measures.

Denmark thus did not participate in the adoption by the Council of the above legal instruments, which, under Article 2 of the Protocol, are not binding upon or applicable in Denmark.

Under Article 5 of the Protocol on the position of Denmark, Denmark has to decide within six months after the Council has taken a decision on a proposal to build upon the Schengen *acquis*, under Title IV of the Treaty establishing the European Community, whether it will implement that decision in its national law. If it decides to do so, the 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.

The Permanent Representation to the EU accordingly gives notice that, under Article 5 of the Protocol on the position of Denmark, Denmark has decided to implement the above four legal instruments in Danish law.

Their implementation does not require any legislative amendments in Denmark. Their provisions are binding upon Denmark under international law.

Copies of this letter have been sent, for information, to the Directorate-General for Justice and Home Affairs at the Commission and to Directorate-General H (Justice and Home Affairs) at the Council.

(Complimentary close)

(s.) Poul Skytte Christoffersen
Ambassador, Permanent Representative

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