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from :	Poul Skytte Christoffersen, Ambassador, Permanent Representative of Denmark
date of receipt :	9 December 2002
to :	General Secretariat of the Council of the European Union
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.

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

General Secretariat  
Council of the European Union  
Rue de la Loi 175  
1048 Brussels

**BY COURIER**

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

9 December 2002

**Implementation of three Schengen acts in Danish law**

At the meeting of the Justice, Home Affairs and Civil Protection Council on 13 June 2002, the Council adopted Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals, which contains guidelines and specifications for a uniform residence permit.

At the Economic and Financial Affairs Council on 12 July 2002 the Council adopted a Decision on the amendment of part VI of the common consular instructions (2002/586/EC), which amongst other matters concerns the filling in of the uniform visa sticker. The Council also adopted a Decision on the adaptation of parts III and IV of the common consular instructions (2002/585/EC) which concerns local cooperation with travel agents and tour operators in connection with the issuing of visas.

The Regulation and Decisions were adopted on the basis of Title IV of the Treaty establishing the European Community.

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).

In accordance with Article 5 of the Protocol on the position of Denmark, 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 three aforementioned acts in Danish law, pursuant to Article 5 of the Protocol on the position of Denmark.

The implementation of the Regulation and Decisions in Denmark does not require changes to the law in Denmark. The provisions will apply in Denmark with effect from the date of this communication and are binding in international law.

A copy of this letter has 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)

P. Skytte Christoffersen  
Ambassador, Permanent Representative

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