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Commission defines a framework for the relations between the EU and Denmark in the implementation of common visa, asylum and immigration policies as well as other issues related to the free movement of persons

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Brussels, 30 April 2002

Commission defines a framework for the relations between the EU and Denmark in the implementation of common visa, asylum and immigration policies as well as other issues related to the free movement of persons

The European Commission has held today an orientation debate on the eventual participation of Denmark in Community measures on which it does not have an opt-in. The political guidelines approved indicates the four following areas where for reasons of good governance there would be a Community interest in the participation of Denmark : the Dublin and Eurodac acquils (on the mechanisms and criteria for determining the Member States responsible for considering an application for asylum), the Regulations "Brussels I" (jurisdiction and recognition and enforcement of judgements in civil and commercial matters) and "Transmission of judicial and extra-judicial documents".

The Commission has invited Justice and Home Affairs Commissioner António Vitorino to finalise in the coming weeks draft negotiating mandates on these four topics to be submitted to the member states in order to facilitate the final decision to be taken at Council level.

According to the protocol on the specific situation of Denmark, Denmark does not participate in measures adopted by the Community in the area of visas, asylum, immigration and judicial co-operation in civil matters. Denmark has an optin on such measures, only when they constitute a development of the Schengen acquils. Despite the absence of an opt-in on the other measures, Denmark has expressed an interest in participating, via the conclusion of an agreement with the Community, in some of these other measures adopted in order to implement the Tampere conclusions in view of the creation of an area of freedom, security and justice.

Today's decision underlines also the following important observations :

- It is Denmark itself that holds the key to the definitive solution of the problem: Denmark may at any time, in accordance with its constitutional requirements, inform the other Member States that it no longer wishes to avail itself of this protocol;
- therefore other solutions to be found in the meantime such as parallel agreements could only be of an exceptional and transitional nature, whilst maintaining the ultimate objective of terminating the protocol;
- such an interim solution should also only be accepted if the participation of Denmark is fully in the interest of the Community and its citizens, and if the requirements imposed on Denmark are identical to those imposed on all Member States, so as to ensure that rules with the same content are applied in Denmark and in the other Member States.