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The Danish EU Opt-Outs

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The Danish EU Opt-Outs: Their Legal Significance, Past and Present

Christian Thorning

PROPOSITIONS

1. The Edinburgh *Decision* is actually a *treaty* binding the EU Member States under International law; it does not form part of, but complements, EU law.
2. The opt-out on Union Citizenship is in effect not an opt-out at all.
3. There are no spill-over effects of the euro opt-out outside of its well-defined scope.
4. Unlike the other opt-outs, the scope of the defence opt-out was qualitatively-defined and contained a specific provision on implementation.
5. The legal nature of the AFSJ opt-out is not on the *substance* of EU cooperation but on the *form*; consequently, Denmark sometimes does cooperate on AFSJ matters, albeit as if Denmark were a third country.
6. Unlike other forms of differentiated integration, amending the special Danish position requires changes to the 'constitutional' setting of primary EU law.
7. A bunker is a surprisingly conducive setting for writing a PhD thesis.