

This article analyses opt-out practices by countries like Denmark or the United Kingdom. Contrary to existing research, the author argues that in practice, these decisions do not lead to exclusion but that Danish and British representatives do participate in the shaping of EU legislation even in politically sensitive areas covered by the JHA opt-outs. There are differences in their opportunities for participation in some JHA decision-making processes, depending on how their opt-out protocol are interpreted. The UK has relative influence or opt-in possibility, within asylum and immigration policies for example, while almost none regarding Schengen, because it does not participate in its core co-operation. For Denmark, it is the opposite. The influence also depends on national role conception i.e. whether or not they consider it appropriate to seek influence, even as 'outsiders'. Finally, this article shows that these opt-outs are not a reason to see Denmark and the UK as 'bad Europeans'. On the contrary, pragmatic and consensus-oriented norms enable their inclusion. It is a way to circumvent national opt-outs and to allow integration.