# Crossing at external borders of the States, Schengen cooperation. Annual reports 1998

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This document presents the Commission's opinion on Ireland's request to participate in some of the Schengen Acquis provisions. In accordance with Article 4 of the Schengen Protocol, the two Member States who did not subscribe to the Schengen Acquis at the moment of its signature, could at any time ask to participate in all or part of the provisions of that acquis. It is thus on the 29 May 2000, the Council decided to give authorisation to the United Kingdom to participate in the provisions by its 2000/365/EC Decision. In a letter dated 16 June 2000, the Irish Government put in a similar request in order to participate in the provision of the Schengen Acquis relating in particular to the area of police and judicial cooperation, the fight against drug trafficking, as well as the SIS. Like with the United Kingdom, the Council's status on such a request is on unanimity of the signatory States and from the representative of the Irish Government. This document aims at expressing the Commission's opinion on Ireland's request, as was the case for the United Kingdom (Refer to COS/2000/2098). Overall, the Commission's opinion follows the same criteria as those applicable to the United Kingdom and in particular the guidelines of the Council on the matter. In principle, the Commission's opinion is positive, even if the Commission believes that in the future the cooperation should extend to other aspects of free movement covered by the Schengen Acquis. It considers also that the request from Ireland is an important step in the realisation towards an area of freedom, justice and secuirty. However, the Commission does make a number of recommendations, which, on the whole, are similar to those they expressed in its opinion on the United Kingdom; - the part participation of Ireland in the Schengen acquis must not affect the good functioning of the whole of this acquis for the other Member States; - this part participation should cover elements which can be applied in a coherent manner, without needing to call on other aspects of the Schengen Acquis not covered by this decision. Furthermore, the Commission believes that in principle these two criteria are fulfilled in the case of Ireland. It also makes other remarks : in comparison to the British request, the Irish request does not deal with the Schengen provision concerning cross-border observation (Article 40 and the follow-up from the Schengen Convention). Moreover, as well as the Schengen provisions to which the UK and Ireland shall be authorised to participate in, it shall also apply to the relationships between these two Member States, it is understood that at this stage, one could exclude Ireland from the application of cross-border observation from these reports. In addition, the Commission also believes that when the Council fixes the dates for the implementation of the different provisions of the Schengen Acquis applicable to Ireland, it will be necessary to evaluate the possibility of simultaneous implementation in certain elements of the "Common Travel Area" between these two Member States in order toensure regional coherence in the development of the area of freedom, security and justice. Putting aside these recommendations, the Commission concludes its opinion by requesting that the Council maintain a favourable continuation of the Irish request and to approve a decision which, mutatis mutandis, includes all the important provisions of Decision 2000/365/EC applicable to the United Kingdom.