



Council of the  
European Union

Brussels, 26 July 2016  
(OR. en)

10408/16

INF 113  
API 72

**NOTE**

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From: General Secretariat of the Council  
To: Working Party on Information  
Subject: Public access to documents  
- Confirmatory application No 15/c/01/16

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Delegations will find attached:

- request for access to documents sent to the General Secretariat of the Council on 18 March 2016 and registered on the same day ([Annex 1](#));
- replies from the General Secretariat of the Council dated 13 April and 9 June 2016 ([Annex 2](#));
- confirmatory application dated 15 June 2016 and registered on 16 June 2016 ([Annex 3](#))

**[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on 18 March 2016 - 12:05]**

From: Othman El Ferdaous [mailto:ask+request-2698-54f5eca0@asktheeu.org]  
Sent: Friday, March 18, 2016 12:05 PM  
To: SECRETARIAT DGF Access  
Subject: Freedom of information request - Exchanges concerning Morocco's application to join the EU

Dear Council of the European Union,

On the basis of the right of access to documents established in the EU treaties and developed in Regulation (EC) No 1049/2001, I request the documents containing the following information:

- the minutes, in full if possible, of discussions at the European summit on 25 and 26 June 1984;
- all documents making up the application file for membership of the European Communities submitted by the Kingdom of Morocco in the context of the European Council meeting on 25 and 26 June 1984;
- the minutes, in full if possible, of the negotiations that began on 16 December 1985 between the European Economic Community (EEC) and the Kingdom of Morocco;
- all documents making up the European Communities' response of 1 October 1987 to the membership application submitted by the Kingdom of Morocco;
- all communications (letters, communiqués, minutes, memoranda, etc.) directly or indirectly concerning that membership application that took place between the Council of the European Union and the Kingdom of Morocco between 25 June 1984 and 1 December 1988;

- all communications (letters, communiqués, minutes, memoranda, etc.) directly or indirectly concerning that membership application that took place between the Council of the European Union and the other European institutions between 25 June 1984 and 1 December 1988.

(Complimentary close).

Othman El Ferdaous

PS I sent another request along the same lines to the European Council via AskTheEu.org because it is not clear according to the explanations on Wikipedia (<http://tinyurl.com/hqfcz6f>) whether Morocco sent its application to the Council of the European Communities or to the European Council, or to both institutions at the same time.

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**Council of the European Union**

General Secretariat

Directorate-General Communication and Document Management

Directorate Document Management

Transparency and Access to Documents Unit

*Head of Unit*

Brussels, 13 April 2016

Mr Othman El Ferdaous  
Email: ask+request-2698-54f5eca0@asktheeu.org

Ref. 16/0725-nh/mf

Request made on: 18 March 2016

Dear Mr El Ferdaous,

Thank you for your request for access to documents of the Council of the European Union<sup>1</sup>.

You request access to the documents containing the following information:

*- the minutes, in full if possible, of discussions at the European summit on 25 and 26 June 1984;*

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<sup>1</sup> The General Secretariat of the Council has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35).

- all documents making up the application file for membership in the European Communities submitted by the Kingdom of Morocco in the context of the **European Council** meeting on 25 and 26 June 1984;

- the minutes, in full if possible, of the negotiations that began on 16 December 1985 between the EEC and the Kingdom of Morocco;

- all documents making up the European Communities' response of 1 October 1987 to the membership application submitted by the Kingdom of Morocco;

- all communications (letters, communiqués, minutes, memoranda, etc.) directly or indirectly concerning that membership application that took place between the Council of the European Union and the Kingdom of Morocco between 25 June 1984 and 1 December 1988;

- all communications (letters, communiqués, minutes, memoranda, etc.) directly or indirectly concerning that membership application that took place between the Council of the European Union and the other European institutions between 25 June 1984 and 1 December 1988.

The General Secretariat of the Council has identified the following documents:

- **15061984**
- **08071987**
- **7843/87**
- **SN 2711/87**
- **SN 2759/87**
- **8439/87**
- **8567/87**
- **0110187**

You may have access to documents **7843/87**, **8439/87**, **8567/87** and **01101987**.

The General Secretariat is still examining the following documents: **15061984**, **08071987**, **SN 2711/87** and **SN 2759/87**. You will receive a reply as soon as possible.

(Complimentary close).

Jakob Thomsen

Annexes



**Council of the European Union**

General Secretariat

Directorate-General Communication and Document Management

Directorate Document Management

Transparency and Access to Documents Unit

*Head of Unit*

Brussels, 9 June 2016

Mr Othman El Ferdaous  
Email: ask+request-2698-54f5eca0@asktheeu.org

Ref. 16/0725-nh/mf

Request made on: 18 March 2016

Dear Mr El Ferdaous,

Further to our letter of 13 April 2016, the General Secretariat of the Council of the European Union has finished examining your request<sup>2</sup>.

Please find attached documents **15061984** and **08071987** which you requested.

Document **SN 2711/87** is a note from the President of Coreper concerning the letter in reply from King Hassan II of Morocco dated 8 July 1987.

Document **SN 2759/87** is a note from the (Foreign Affairs) Council of 14 September 1987 concerning Morocco's membership application.

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<sup>2</sup> The General Secretariat of the Council has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35).

They contain details relating to internal Council discussions on the strategic approach concerning that membership application.

Unilateral release of the information contained in those documents would prejudice relations between the European Union and Morocco.

Disclosure of the documents would therefore undermine the protection of the public interest as regards international relations. As a consequence, the General Secretariat has to refuse access to those documents<sup>3</sup>.

We have also looked into the possibility of releasing parts of document **SN 2711/87**<sup>4</sup>. However, as the exception to the right of access applies to its entire content, the General Secretariat is unable to give partial access.

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<sup>3</sup> Article 4(1)(a), third indent, of Regulation (EC) No 1049/2001.

<sup>4</sup> Article 4(6) of Regulation (EC) No 1049/2001.

However, you may have access to those parts of document **SN 2759/87** which are not covered by this exception.

You can ask the Council to review this decision within 15 working days of receiving this reply (confirmatory application).<sup>5</sup>

(Complimentary close).

Jakob Thomsen

Annexes

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<sup>5</sup> Article 7(2) of Regulation (EC) No 1049/2001.  
Council documents on confirmatory applications are made available to the public. According to data protection rules at EU level (Regulation (EC) No 45/2001), if you make a confirmatory application your name will only appear in related documents if you have given your explicit consent.

**[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on 15 June 2016 - 10:54]**

From: Othman El Ferdaous [mailto:ask+request-2698-54f5eca0@asktheeu.org]  
Sent: Wednesday, June 15, 2016 10:54 PM  
To: SECRETARIAT DGF Access  
Subject: Internal review of freedom of information request - Exchanges concerning Morocco's application to join the EU

Dear Council of the EU,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Council of the EU's handling of my FOI request 'Exchanges concerning Morocco's application to join the EU'.

In your his answer to my request, as the secretary general of the EU Council (Ref: 16/0725-nh/dm), M. Jakob Thomsen told me that access to the documents SN 2711/87 and SN 2759/87 could not be granted because it would be "detrimental" to EU-Morocco relations.

<https://www.asktheeu.org/en/request/2698/response/10194/attach/html/4/16%200725.fr.elf.nh.dm.ADD1.docx.html>

Given that these documents are more than 29 years old, I would like this decision to be reviewed and overturned. Especially I would argue that on the contrary these documents would allow a better understanding of EU-Morocco relations in the light of the 1987 refusal of Morocco's candidacy.

If necessary these documents could be made available to me on an individual and contractual basis, for historiographical/research purposes.

A full history of my FOI request and all correspondence is available on the Internet at this address:  
[https://www.asktheeu.org/en/request/echanges\\_concernant\\_la\\_candidatu](https://www.asktheeu.org/en/request/echanges_concernant_la_candidatu)

Yours faithfully,

Othman El Ferdaous

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