



Council of the  
European Union

098015/EU XXV. GP  
Eingelangt am 29/03/16

Brussels, 29 March 2016  
(OR. en)

7227/16

INF 44  
API 30

#### NOTE

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From:	General Secretariat of the Council
To:	Working Party on Information
Subject:	Public access to documents - Confirmatory application No 06/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 23 February 2016 and registered on the same day ([Annex 1](#));
- reply from the General Secretariat of the Council dated 15 March 2016 (Annex 2);
- confirmatory application dated 16 March 2016 and registered on the same day ([Annex 3](#))

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on 23 February 2016 - 10:18 using the electronic form available in the Register application]

Family Name: **DELETED**

First Name: **DELETED**

E-Mail: **DELETED**

Occupation: **DELETED**

On behalf of:

Address: **DELETED**

Telephone: **DELETED**

Mobile:

Fax:

Requested document(s):

Dear Sir/Madam,

I kindly request your institution to send me the following documents in the context of the research that I am currently conducting on the EU-Morocco cooperation in the field of security and defence.

I understand that this article is almost identical to the agreements already signed by the EU on information security and framework agreements for the participation in crisis management operations, also held with several third States. Therefore, I consider that its disclosure should neither affect the relations between the EU and Morocco, nor jeopardize the signing of such agreements.

In case of refusal, I request the institution to inform me in detail of the reasons for this denial.

Thank you in advance and I remain at your disposal.

1st preferred linguistic version: ES - Espagnol

2nd preferred linguistic version: FR - Français



**Council of the European Union**

General Secretariat

Directorate-General Communication and Document Management

Directorate Document Management

Transparency and Access to Documents Unit

Brussels, 15 March 2016

**DELETED**

Email: **DELETED**

Ref. 15/0438-nh/ns

Request made on: 23.2.2016

Dear Mr **DELETED**

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

Please find attached document **14260/15**.

I regret to inform you that access to document **9354/15** cannot be given for the reasons set out below.

Document **9354/15** contains the Agreement between the European Union and the Kingdom of Morocco establishing a framework for the participation of the Kingdom of Morocco in European Union crisis management operations.

The agreement is the result of five years of negotiations (launched in 2010) between the European Union and the Kingdom of Morocco. Although the Council adopted the Council Decision concerning the signing and conclusion of the Agreement on 14 September 2015, the agreement has not yet been signed, and its unilateral disclosure by the EU would prejudice relations between the European Union and Morocco.

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<sup>1</sup> The General Secretariat of the Council has examined your request on the basis of the applicable laws: 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).

The immediate disclosure of this information would therefore undermine the protection of the public interest as regards international relations. As a consequence, the General Secretariat must refuse access to the document until the time of its signature<sup>2,3</sup>. We have also looked into the possibility of releasing parts of the document<sup>4</sup>. However, given that the information in the document forms an inseparable whole, the General Secretariat is unable to grant partial access.

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

(complimentary close)

Jakob THOMSEN

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<sup>2</sup> Article 4(1)(a), third indent, of Regulation (EC) No 1049/2001.

<sup>3</sup> Once the agreement has been signed, it will be published in all language versions at the same time.

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

<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 on 16 March 2016 - 13:38 ]**

From: **DELETED**

Sent: Wednesday, March 16, 2016 13:38

To: SECRETARIAT DGF Access <Access@consilium.europa.eu>

Subject: Re: Ref. 15/0438-nh/ns---REQUEST TO REVIEW

J. THOMSEN

HEAD OF UNIT COUNCIL OF THE EU

DG COMMUNICATION AND DOCUMENT MANAGEMENT

DOCUMENT MANAGEMENT DIRECTORATE

TRANSPARENCY AND ACCESS TO DOCUMENTS UNIT

Ref: 15/0438-nh/ns

Dear Mr Thomsen,

Following the refusal, communicated in the letter from your Unit dated 15 March 2016, to grant my request for access to Council document 9345/15, with due respect and pursuant to Article 7(2) of Regulation 2001/1049/EC, I ask for that refusal to be reconsidered for the following reasons:

1. I am a professor of International and European Law at the University of Cádiz (Spain) and my reasons are purely academic insofar as I am conducting research into Morocco's cooperation within the Common Security and Defence Policy. My publications can be found at:

<https://dialnet.unirioja.es/servlet/autor?codigo=1174903>

2. The text of the agreement between the European Union and Morocco establishing a framework for participation in (civilian and military) crisis management operations must follow the same structure as previous framework agreements that the EU has already signed on this subject, for example with Korea, Australia, Colombia and Bosnia and Herzegovina. These, in turn, are based on Council document 6040/04. Its disclosure would therefore be unlikely to prejudice the EU's

bilateral relations, as I believe the clauses it contains are no different from those included in previous agreements.

3. Similarly, I do not share the view that its disclosure would undermine the protection of the public interest. Moreover, it would seem imperative for the public to know that the EU is considering this kind of draft agreement with a partner country such as Morocco, which has its own political and cultural traditions, and is a representative of the Mediterranean and Muslim world.

In the light of the above, I request that the decision be reconsidered and that I be allowed access to the content of the final version of document 9354/15.

(Complimentary close).

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