

DOCUMENT PARTIELLEMENT
ACCESSIBLE AU PUBLIC
(14.05.2013)

11993/97

LIMITE

INF 110
API 103
JUR 371

NOTE DE TRANSMISSION

du : Secrétariat Général du Conseil
au : Groupe de l'Information

Objet : Accès du public aux documents
- demande confirmative de SUPPRIMÉ

Les délégations trouveront en annexe à la présente note :

1. une demande de documents adressée au Secrétariat général du Conseil par SUPPRIMÉ, datée du 23 septembre 1997 et enregistrée le 25 septembre 1997 (Annexe I) ;
2. la réponse du Secrétariat Général datée du 27 octobre 1997 (Annexe II) ;
3. une demande confirmative de SUPPRIMÉ, datée par erreur du 30 novembre 1997, la date correcte étant le 30 octobre 1997, et enregistrée le 4 novembre 1997 (Annexe III).

Ces annexes ne sont disponibles qu'en anglais.



THE ROYAL
INSTITUTE OF
INTERNATIONAL AFFAIRS

ANNEXE I

SECRETARIAT GÉNÉRAL DE L'UNION EUROPÉENNE
N° D'ARCH. 676847
REÇU 25-09-1997
DEST. PR. NO. 1
BOIXAREU, CARRERA / J. C. Sel
DEST. COR. 1

Mr Jürgen Trumpf
Secretary General
General Secretariat of the Council of the EU
Rue de la Loi 175
B-1048 Brussels
Belgium

23 September 1997

Dear Mr Trumpf,

*Request for Council Documentation on the Negotiation of the European Economic Area
(EEA)*

I am currently undertaking a research project which examines different forms of integration into the single market (from Association to EU Accession). A key part of this project will examine the lessons from the EEA, and how the EEA-idea could be adapted for other circumstances. In order to do this well, I really need to have a good impression of how the structure and policies of the EEA were conceived within the Council.

I would like to request any Council documentation relating to the negotiation of the European Economic Area (EEA) 1990 -1992. I would, in particular, like to request a copy of the Council negotiating mandate and negotiating directives (AELE 57 (7164/90)). If possible, I would also like to see any draft versions of this mandate, including the original Commission draft, along with any minutes discussing this topic.

I am also interested to find out more information on how the ideas behind the EEA institutional structure and EEA competition policy evolved within the Council and Commission during the negotiation period. If there are any Council documents which address these themes, and which are available, I would be very pleased to see them. Any documentation would be used for background and would not be quoted directly.

Yours sincerely

DELETED

The Royal Institute
of International Affairs

Brussels,

27. X. 1997

DELETED

12361

Ref.: 97/200

Dear DELETED,

I refer to your letter dated 23 September 1997 and received by the General Secretariat of the Council on 25 September, requesting:

"any Council documentation relating to the negotiation of the European Economic Area (EEA) 1990 - 1992."

You specify your request furthermore, asking for:

"a copy of the Council negotiating mandate and negotiating directives (AELE 57 (7164/90))" and "any draft versions of this mandate, including the original Commission draft."

Your application has been carefully examined in accordance with Council Decision 93/731/EC (OJ No. L 340/43 of 31.12.1993), hereinafter referred to as "the Decision".

As a result of this consideration, the General Secretariat has drawn the following conclusions:

- Document SEC (90) 699 final 2 contains the European Commission's Recommendation for a Council Decision authorizing the Commission to negotiate an agreement with the EFTA countries setting up a European economic space and, by virtue of article 2(2) of the Decision, you must address to the author.
- Document 7164/90 contains the draft negotiating directives for the creation of a European Economic Area. Disclosure of the European Union's internal negotiating directives could, even after the conclusion of the agreement in question, be harmful for the good functioning of the agreement and/or weaken the European Union's position in negotiations with other third countries. Therefore, access to the document in question must be denied by virtue of Article 4(1) of the Decision, since its disclosure could undermine the protection of the public interest with regard to international relations.

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- Document 7325/90 contains the Council Decision on the negotiating directives and, for the same reasons as given for document 7164/90, access has to be denied by virtue of Article 4(1).

Considering the general nature of your request, I would like to inform you:

During the negotiations, which lasted from mid-1990 until mid-1993, a large number of documents have been drawn up which cannot all be taken into consideration for this application. Therefore, the General Secretariat has tried to determine those documents which could give you an outline of the history of negotiation.

You will find enclosed the following documents which seem to be important for the understanding of the process:

- Document 8751/90 Report from the ad hoc Working Party on EFTA (EEA negotiations) on Relations with EFTA countries
- Document 10274/90 Note from the Presidency on the relations with EFTA countries
- Document 5322/91 Memorandum from the Working Party on EFTA on institutional provisions, structure
- Document 5389/91 Memorandum from the Working Party on EFTA on institutional provisions, decision-making
- Document 5819/91 Presidency conclusions following the Council meeting on 15 April 1991
- Document 6059/91 Community position concerning EEA negotiations - Institutional provisions
- Document 8817/91 Draft Minutes - Summary results of the EEA negotiations
- Document 5944/92 Press Release of 2 May 1992
- Document 9416/93 Report from the Working Party on EFTA concerning the Conclusions of the European Community on i.a. the Agreement on the European Economic Area and the Adjusting Protocol
- Document 10722/93 "I"/"A" Item Note from the General Secretariat concerning i.a. the Agreement on the European Economic Area and the Adjusting Protocol.

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According to the Decision of the Secretary-General of the Council (96/C 74/02) relating to fees in the context of public access to Council documents, the number of pages exceeding 30 (80), you are requested to transfer the amount of

ECU 10 + 0.036 x 40 sheets = 11.44 ECU x 0.690455
(Infor ECU no 10/97) = 7.90 UKL

UKL 7.90

to our account number 426-4482203-05 (Kredietbank, agence Schuman, rond-point Schuman 4, 1040 Bruxelles), mentioning: Access 90.
Yours sincerely

For the General Secretariat


L. Goebel

Enclosures

Please note that under article 7 (1) of Council Decision of 20 December 1993 on public access to Council documents, when an applicant is informed that the intention is to reject his application he has one month to make a confirmatory application for that position to be reconsidered, failing which he will be deemed to have withdrawn his original application.



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ANNEXE III

Mr Jürgen Trumpf
Secretary General
General Secretariat of the Council of the EU
Rue de la Loi 175
B-1048 Brussels
Belgium

30 November 1997

Ref: 97/200

Dear Mr Trumpf,

Confirmatory application for reconsideration of document request

I refer to the letter dated 27 October 1997 from M. Goebel and the decision under Article 4(1) to deny public access to documents 7164/90 and 7325/90.

Under article 7(1) of Council Decision 20 December 1993 on public access to Council documents, I hereby make a confirmatory application for that position to be reconsidered.

I would like to stress that the documents will be used as background research for a project into future relations with Central and Eastern Europe.

Yours sincerely

DELETED

SECRETARIAT DU CONSEIL DE L'UNION EUROPEENNE	
N° ENREG.	678668
REÇU:	04 -11- 1997
DEST. PRINC. :	FOERER ✓
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