



Council of the  
European Union

Brussels, 2 May 2023  
(OR. en)

14352/09  
ADD 1 EXT 1

TRANS 383  
COWEB 215  
ALB 10  
BIH 29  
ELARG 76

#### **PARTIAL DECLASSIFICATION**

---

of document: 14352/09 ADD 1

dated: 16 October 2009

new status: Public

---

Subject: Draft Council Decision on the complementary negotiating directives in the framework of the negotiations of the Transport Community Treaty between the European Community and Albania, Bosnia & Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia as well as Kosovo, under Resolution 1244(1999) of the United Nations Security Council

– Statements for the minutes

---

Delegations will find attached the partially declassified version of the above-mentioned document.



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 16 October 2009 (20.10)  
(OR. en,it)**

**14352/09  
ADD 1**

**RESTREINT UE**

**TRANS 383  
COWEB 215  
ALB 10  
BIH 29  
ELARG 76**

**ADDENDUM TO OUTCOME OF PROCEEDINGS**

---

from: General Secretariat of the Council  
to: Delegations

---

No. prev. doc.: 13883/09 + COR 1

---

Subject: Draft Council Decision on the complementary negotiating directives in the framework of the negotiations of the Transport Community Treaty between the European Community and Albania, Bosnia & Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia as well as Kosovo, under Resolution 1244(1999) of the United Nations Security Council  
– Statements for the minutes

---

Delegations will find attached the statements for the Council minutes made at the time of adoption of the above Decision on 9 October 2009.

**STATEMENTS FOR THE COUNCIL MINUTES**

**STATEMENT BY THE COUNCIL**

"The Council underlines that neither these negotiating directives nor the ensuing Treaty can be considered as setting a precedent with regard to market integration between the European Community and other third countries."

**STATEMENT BY THE PRESIDENCY**

"About the mention of the legal basis of Article 71 in the Council Decision on the complementary negotiating directive, it is clear that the interpretation of the judgment of the Court of Justice on 1 October 2009 in Case C-370/07 will have to be discussed thoroughly by legal experts to determine if and how it affects decisions like the one we are taking today.

Therefore, the mention of Article 71 in our decision is without prejudice to the outcome of these discussions and does not in any way prejudice the issue."

**NOT DECLASSIFIED**

**NOT DECLASSIFIED**

**NOT DECLASSIFIED**

**NOT DECLASSIFIED**

**NOT DECLASSIFIED**

**NOT DECLASSIFIED**

## **STATEMENT BY THE UNITED KINGDOM**

"The United Kingdom welcomes the work by the Presidency and the Commission on this complementary negotiating directive for this agreement which will facilitate market integration between the Western Balkans and the EU, which is essential for economic growth of this region and will help the West Balkans partners to prepare for eventual accession.

Recognising that market access and certain areas of compliance required of Western Balkan partners, as listed in paragraph 1 of the Annex to the proposed complementary mandate, are areas of shared external competence, the UK notes that the granting of a mandate to negotiate these areas with the Western Balkan partners does not affect the existing division of competence between the Community and the Member States."

=====