



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Director-General

Brussels, **07 FEB. 2017**
MOVE (2017) 482591

By registered letter with acknowledgment of receipt

Mr Bryan CARTER
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1050 Ixelles
BELGIUM

Advance copy by email:

ask+request-3706-455af7ee@asktheeu.org

Subject: Your application for access to documents - Ref GestDem No. 2017/97

Dear Mr Carter,

We refer to your email dated 05/01/2017 in which you make a request for access to documents, registered under the above-mentioned reference number and to our holding reply of 27/01/2017.

Your application concerns the following documents:

Minutes and supporting documents (reports, presentations, etc.) of the meetings:

1. Between the European association for forwarding, transport, logistic and Customs services (CLECAT) and Director-General Henrik Hololei on 4 May 2016.
2. Between the European association for forwarding, transport, logistic and Customs services (CLECAT) and Desiree Oen on 12 May 2015.
3. Between the International Road Transport Union Permanent Delegation to the EU (IRU) and Director-General Henrik Hololei on 17 May 2016.
4. Between the International Road Transport Union Permanent Delegation to the EU (IRU) and Director-General Henrik Hololei on 2 March 2016.
5. Between the International Road Transport Union Permanent Delegation to the EU (IRU) and Jocelyn Fajardo on 17 July 2015.
6. Between the International Road Transport Union Permanent Delegation to the EU (IRU) and Commissioner Violeta Bulc on 17 July 2015.
7. Between the International Road Transport Union Permanent Delegation to the EU (IRU) and Desiree Oen on 19 May 2015.
8. Between the International Road Transport Union Permanent Delegation to the EU (IRU) and Jocelyn Fajardo on 3 December 2014.

In addition, you also request a copy of the speech given by Commissioner Violeta Bulc at the International Road Transport Union Permanent Delegation to the EU (IRU) Spring Cocktail on 4 March 2015.

Firstly, we regret to inform you that no documents were found that would correspond to number 4 and 8 of your application.

Indeed, as specified in Article 2(3) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents¹, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents have been identified, the Commission is not in a position to handle your request.

In addition, documents 5 and 6 refer to the same meeting on 17 July 2015. Partial access of document number 6 is granted.

Having examined the documents number 1, 2, 3, 6 and 7, I regret to inform you that your application cannot be granted, as disclosure is prevented by exception to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001.

In particular, Article 4(2) of such Regulation states as follows:

*"2. The institutions shall refuse access to a document where disclosure would undermine the protection of:
— commercial interests of a natural or legal person, including intellectual property,
(...),
unless there is an overriding public interest in disclosure."*

Disclosure of the documents requested would undermine the protection of the commercial interests of CLECAT and IRU, as putting this information in the public domain would affect the competitive position of its members on the market. Therefore, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to these documents.

The exceptions laid down in Article 4(2) of Regulation 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. We have examined whether there could be an overriding public interest in disclosure, but have not been able to identify such an interest.

We have also considered whether partial access could be granted to the documents requested and we have come to the conclusion that partial access may be granted under the condition that the information that affects the commercial interests of the persons or entities concerned are not disclosed.

In addition, pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual.

In particular, Article 4(1)(b) of Regulation (EC) No 1049/2001 establishes as follows:

¹ OJ L 145 of 31.5.2001, p.43.

"1. The institutions shall refuse access to a document where disclosure would undermine the protection of:

(...)

(b) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data."

The applicable legislation in the field of the protection of personal data is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data².

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable³.

Therefore, some parts of the documents disclosed have been made illegible because they contain personal data, (including names) pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001.

Finally, please find enclosed a copy of the speech given by Commissioner Violeta Bulc at the International Road Transport Union Permanent Delegation to the EU (IRU) Spring Cocktail on 4 March 2015.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/282
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,



Henrik HOLLEI

² OJ L 8 of 12.1.2001, p. 1.

³ Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

[REDACTED] 16

Meeting of DG Henrik Hololei with CLECAT

Wednesday 4 May 2016, 10:00-10:45

MOVE Participants:

HH [REDACTED]

CLECAT Participants:

[REDACTED]
[REDACTED]
[REDACTED]

Although the meeting had as main subject the Land and Air Security, it covered mainly aspects related to Road and Rail Transport, with a limited coverage of Maritime (amendment of IMO-SOLAS on weighing of containers) and Aviation Security (Pre-Load Advance Cargo Information).

Road Freight Transport

Discussions were held on issues related to Road Transport (freight on board of trucks) linked to the Road Package and the added value of some elements such as the digitalisation and telematics of procedures and devices used by the sector in the different areas (road tolls, tachometers, border controls/checkpoints), where the industry calls for more efficiency, effectiveness and facilitations for the transport of freight.

[REDACTED]
[REDACTED]

HH made clear that while harmonisation and common understanding of the issues are at all times objectives to pursue, however, there are limits when it comes to national legal frameworks in some areas. We must see the digitalisation and its added value on a wider perspective also in the context of all other modes of transport.

The parties discussed on the issue of road/motorway tolls with reference, for example, to:

- the link with the use of the related revenues to finance development and maintenance of roads
- the road concessions that may contribute to have better quality roads
- the possibility to have electronic/satellite-based pay-toll devices capable to account the tolls charged by different road authorities along the same itinerary, so to facilitate the obstacles posed by current scenario.

Maritime

On maritime, the parties discussed on the consequences of the amendment of IMO-SOLAS on weighing of containers. [REDACTED]
[REDACTED]

It was stressed the need for more coordination and coherent position of MS individually and as a block when negotiating policy in the different for a that have subsequent impact on EU policy and obligations for States and operators engaged in the maritime sector.

Aviation Security

Due to the lack of time, aviation security discussions briefly covered only the topic of PLACI (Pre-Load Advance Cargo Information) where Commission provided an overview of the current situation at EU and at international level, as well as on the next steps. [REDACTED]
[REDACTED]
[REDACTED]

On the operational implications related to the submission of information, [REDACTED]
[REDACTED]

[REDACTED]. The Commission agreed on the principle, although such achievement may be too ambitious at the moment and could pursued at a later stage, as it requires a significant effort by different regulators in all Member States, as well as the willingness to share data for multiple purposes and in different format.

[REDACTED]. The Commission confirmed that the dialogue with the industry is a key element for regulators and operational feasibility will be always born in mind when designing the regime.

[REDACTED]
[REDACTED]
[REDACTED]



EUROPEAN COMMISSION
CABINET OF COMMISSIONER VIOLETA BULC

DEPUTY HEAD OF CABINET

Brussels, 12 May 2015

Note to Marjeta Jager, Head of Cabinet

Subject: meeting with CLECAT

Participants:

[REDACTED]

Purpose of the meeting: requested by Clecat

1. (Main) issues discussed

[REDACTED] introduced Clecat; it is gathering all the national associations from the 28MS and Switzerland and Turkey. It is their European voice. Globally they are under FIATA. They have a holistic view and comprise all the modes. Clecat is also doing the secretariat for the ELP.

[REDACTED] explained the 3 key content drivers of Csr VB: digitalisation, decarbonisation and internationalisation. Clecat is very much in line with it.

Further [REDACTED] explained what she expects from logistics.. the homework: 5 objectives, 5 obstacles and what needs to be done at EU level, at MS level and in sector. [REDACTED] explained what is on the agenda: aviation package by end this year and road package next year.

[REDACTED]

2. Any personal comments/observations about the meeting/atmosphere/people'

Conclusions/follow up/instructions for the services

[REDACTED]

Meeting minutes Henrik Hololei - IRU, 17 May 2016

Participants:

IRU: (DELETED)

MOVE: Henrik Hololei and (DELETED)

Road initiatives: The IRU requested clarifying rules on access to the profession and to the market. In particular, rules on cabotage and also minimum salaries should be clarified.

[REDACTED]. HH, confirming that the road initiative will clarify and simply current rules in those particular areas, mentioned that the road initiatives probably would be adopted early 2017. HH also referred to the forthcoming communication on decarbonisation and recommended IRU to set-up a meeting with [REDACTED].

Digitalisation: The IRU highlighted that digitalisation could optimise efficiency of transport and at the same time improve enforcement by introducing and combining the e-CMR and the smart tachograph. [REDACTED]. HH very much welcomed this development and mentioned that MOVE is working on these matters, and would like to be informed of the proposal of IRU.

Mobility as a Service (MaaS): The [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] s. HH agreed that MOVE should take part in this work.

Taxis: [REDACTED] The IRU acknowledged that some national rules are overly protective and the reason why service levels of traditional taxis are failing [REDACTED]

Immigration: The IRU mentioned that problems related to immigration is adding complexity and time to international transport operations already suffering from a patchwork of different national rules. At Calais, hauliers are being fined heavily for carrying stowaways. HH mentioned that he had been to Calais and that some hauliers are accepting to carry immigrants, [REDACTED]. It was suggested that controls should be based on information in ERRU to avoid checking all hauliers systematically.

TIR: The IRU informed that China will join the TIR system and that India also is interested. This could pave the way for road transport between Asia and Europe, [REDACTED] a [REDACTED]. HH asked why shippers would not rather use the existing rail line, [REDACTED]. [REDACTED]. HH closed by suggesting that we should compare notes on this point and that COM could discuss such possibilities in bi-laterals with relevant countries.

Meeting minutes

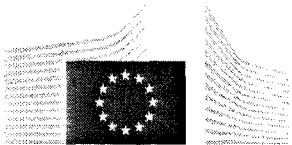
Ms Bulc meeting IRU on 17 July 2015

Participants: (DELETED)

The following points were discussed in the meeting:

- Access to market for coach/bus services: Occasional coach/bus services are already liberalised, as well as international regular services. The only services which remain closed to competition are domestic regular services. [REDACTED]
- Contribution of electronic documentation for the control of road operations: Electronic documents, called "e-CMRs", could reduce the administrative burden of having to fill-in paper-based documents, and could also contribute to better enforcement of EU legislation, possibly together with the electronic tachograph. [REDACTED]
- Taxis: [REDACTED]
- Cabotage: Current rules on cabotage are not enforceable. Clarification of these rules is crucial. Better enforcement is needed by electronic means. The e-CMR could contribute to that objective. [REDACTED]
- National measures creating barriers to internal market (minimum wage, prohibition of weekly rest in cabin, etc.): The proliferation of national rules is fragmenting the internal market and do not ensure a protection of social rights. [REDACTED]
- Enforcement of legislation: Better enforcement is needed. Electronic means, as mentioned above (E-CMR and electronic Tachograph) could help in this regard. [REDACTED]
- Social dialogue: IRU and [REDACTED] are fully committed to have a concrete and successful social dialogue, with the objective of defining concrete rules ("social code")
- Eurovignette & Electronic tolling: [REDACTED]
- Illegal immigration: This is becoming a huge issue. Queues at Calais getting longer and hauliers are being fined for having illegal immigrants on-board while not being able to avoid this due to long waiting times, which give immigrants the possibility to board the trucks

Contact: (DELETED)



EUROPEAN COMMISSION
CABINET OF COMMISSIONER VIOLETA BULC

DEPUTY HEAD OF CABINET

Brussels, 19 May 2015

Note to Marjeta Jager, Head of Cabinet

Subject: meeting with (DELETED) (IRU)

Participants:
DELETED

Purpose of the meeting: requested by (DELETED)

1. (Main) issues discussed

(DELETED) and [REDACTED] met at a platooning event in NL and (DELETED) invited [REDACTED] to catch up.

(DELETED) also underlined that no date has yet been found for meeting Commissioner Bulc; IRU is representing 120 countries and is the largest association, refers to the good cooperation with VP Kallas. [REDACTED] said that agenda has been overbooked but that JF will work on finding a date.

(DELETED) wanted to know whether the road package will still be adopted as foreseen, [REDACTED] said that so far we are still pushing for it and that indeed we are looking at the 3 pillars: (1) social issues: taking stock of social acquis, (2) market opening and (3) charging

(Deleted) asked whether we are going ahead with the road agency. [REDACTED] said that we are still reflecting and asked what IRU is thinking. (DELETED) said that he has mixed feelings. It

[REDACTED]
[REDACTED]
(DELETED) discussed ideas about electrification of highways and the different projects that are running, on tolling, on parking sites.

[REDACTED] asked whether he would participate in TEN-T Days and he said that he would if there would be a session on roads/innovation/electrification.

2. Any personal comments/observations about the meeting/atmosphere/people'

Nice meeting

Conclusions/follow up/instructions for the services

to find a date for a meeting with VB

to ensure that IRU can participate in TEN-T Days

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Keynote address by Ms Bulc

IRU Spring Cocktail, Brussels, 4 March 2015

Good evening ladies and gentlemen,

I would like to thank the IRU and all its members for inviting me to this event. Spring is the time of year when nature is starting a new cycle, which we all very much look forward to. We could not find a better time to talk about transport, in particular road transport.

We also need to start a new cycle for transport, which is more sustainable and innovative. These are two of the main aspects that I want to underline during my mandate as Transport Commissioner. We need more innovation to drive jobs and growth and we need sustainability to ensure that our environmental and social needs go hand-in-hand with economic growth.

Road transport carries more passengers and freight than any other mode of transport. Without road transport of some form – be it by cars, buses, coaches, taxis or bikes - most of us would not be here tonight.

Similarly, without trucks or delivery vans, most of our shops would be empty. This makes road transport very important for people and businesses, but it also creates several challenges. Road transport is posing a strain on our environment and on the health of people, it causes accidents, congestion and it takes up a lot of space.

It is therefore obvious that road transport is part of my vision for the next five years of my mandate. The Commission is preparing a Road Package, some ideas on which I would briefly like to share with to you.

Innovation will be a fundamental pillar of the road package. A lot of innovation has taken place in the road transport sector as far as vehicles are concerned. The revision of the directive on weights and dimensions to make vehicles more aerodynamic and to give incentives to alternative propulsion systems will further improve the fuel-efficiency of vehicles.

Interoperability and integration between modes of transport are other matters where a lot more could be done. Data is absolutely key in the context. Without common data standards and sharing of data, the EU transport map will remain as patchy as it is today. It will not be able to serve our Internal Market and the European competitiveness will suffer.

Road charging in the EU is a typical example of this patchwork. There are 12 different distance-based tolling schemes in the EU and 6 different time-based systems. Although there is some movement toward interoperability at regional levels, it is clear that the current situation is not what the Commission had in mind when proposing the so-called EETS (European Electronic Tolling Service) Directive. The technology exists to make a single European tolling system possible. Why can we not make it a reality?

We therefore plan to address innovation in the Road Package, looking very much at digitalisation. This will not only create new business opportunities, it will also pave the way for new and value-added services. Transport should rise to a new level of service for people and businesses.

A fully integrated Internal Market for road transport is also key to sustainability. Too many barriers create uncertainty and obstacles to people travelling and goods being transported. Cross-modality is still an objective to attain, unfortunately not a reality. The Commission services recently launched an evaluation of existing legislation on access to the profession of road transport operator and on access to freight and passenger markets. I understand that IRU has been asked to participate in this evaluation. I can only encourage you to be fully part of the process of preparation of the road package.

As many of you know, we are currently seeing a lot of initiatives taken by Member States imposing own-rules or interpreting EU legislation in different ways. While this development creates fragmentation for transport operators and transport users, it also has important social impacts, which is at the heart of the objectives of the new Commission.

Therefore, when further integrating the Internal Market for road transport, it has to go hand-in-hand with social initiatives protecting workers and providing clear and uniform rules that can easily be controlled. We need a level playing field where competition is based on service and optimisation rather than on infringing social rights. During my mandate I want to promote a culture of compliance and co-responsibility of all actors involved in the transport operation chain.

Firstly we need to clarify and, where necessary, propose modifications to existing legislation so that it can meet its objectives. Secondly enforcement of social legislation should be strengthened. To help achieving this objective we are currently reflecting on the possibility to set-up a road agency. Thirdly, it is my intention to revive the dialogue with social partners and employers with a view to improve social and working conditions in the road transport sector. I would like to see concrete results out of this process, which could take the form of a "social code".

All in all, we plan to launch an ambitious and wide-ranging road package. It will address many areas in a balanced manner. I invite all of you to participate in the preparation of the Road Package via the consultations, conferences and meetings that we will organise. In this way we will make sure that initiatives are pertinent and in line with expectations of all stakeholders, including the members of IRU.

I would also like to use this occasion to support the already on-going work between IRU and the Commission on passenger transport. The Smart Move awareness campaign aiming at increasing the use of buses and coaches as well as the Citizens Mobility Fora have generated some very useful recommendations, which we should build on.

We need to keep people in the focus of our future transport policies. Especially in an increasingly aging and urban society where we have to respond to new needs and to rising congestion levels. There is a need for sustainable mobility solutions. These solutions should be cross-modal and include not only road transport but also on other modes of transport. Only in this way we will be able to deal with future challenges.

On this important note, I would like to thank IRU again for having invited me to this Spring Cocktail. I am convinced that we will have a close and fruitful corporation during my mandate. Please know that my door is always open.

I wish you all a very pleasant evening.

