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## **REPORT**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	ST 13036/18
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Subject:	Proposal for a Directive of the European Parliament and of the Council discontinuing seasonal changes of time and repealing Directive 2000/84/EC – Progress report

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## **I. INTRODUCTION**

1. The proposal was presented by European Commission President, Juncker, on the occasion of his annual State of the Union address to the European Parliament in Strasbourg on 12 September 2018.
2. The main elements of the proposal are:
  - to put an end to seasonal time changes in a harmonised manner in all Member States as from 1 April 2019 - following one last switch to summer time on 31 March 2019;

- to give Member States the option of one final seasonal switch back to standard time ("wintertime") on the last Sunday of October 2019;
- to introduce, irrespective of the right of Member States to decide on their standard time, a notification system, whereby a Member State that wishes to make any further change to its standard time in the future should inform the Commission at least 6 months before the change takes effect.

## **II. WORK IN OTHER INSTITUTIONS**

3. At the European Parliament, the Committee on Transport and Tourism has been designated as the responsible committee for this file and Ms Marita ULVSKOG (S&D, SE) as the rapporteur. The draft report is not yet available. Six other committees (ENVI, ITRE, IMCO, AGRI, JURI and PETI) will deliver an opinion on the proposal.
4. The European Economic and Social Committee adopted an opinion at the plenary session on 17 October 2018.

## **III. WORK AT THE COUNCIL PREPARATORY BODIES**

5. The proposal was presented to the Working Party on Land Transport on 13 September 2018 and was examined on five further occasions in September and October 2018. An informal meeting of transport attachés was convened on 8 November and a detailed debate on the proposal was held at the informal meeting of transport and environment Ministers in Graz on 29 October 2018.
6. The various rounds of discussions at the Land Transport Working Party highlighted in particular the following points:

7. Regarding the main question raised by the proposal whether bi-annual seasonal changes of time should discontinue in all EU Member States, delegations in general were open to discuss the matter. The majority of them, however, indicated that they had not yet concluded relevant national inter-ministerial and stakeholder consultations and thus they did not have a final position as yet. Several delegations expressed their support for the proposal while some other delegations were in favour of keeping seasonal time changes on their territory, mainly due to the lack of plausible available evidence regarding the possible benefits that the abolition of time changes could bring about. In this respect, several delegations encouraged the Commission to carry out a detailed impact assessment which could help Member States take a well-informed and consistent decision.
8. Concerning the question as to which 'standard time' EU Member States would adhere to after the abolition of bi-annual clock switches, all delegations underlined that a harmonized and well-coordinated approach across the EU was crucial in order to avoid fragmentation, 'time zone patchworks' and to safeguard the proper functioning of the EU's Internal Market.
9. In order to allow for sufficient time to conduct and evaluate all necessary national consultations and a thoroughly coordinated approach with neighbouring countries and other EU Member States, most delegations asked to extend the timeframe for the application of the Directive as they found the foreseen date of 1 April 2019 too ambitious.
10. Two delegations, supported by several others, raised questions of legal nature related to Article 1 and 2 of the proposal and to the choice of Art. 114 TFEU as the legal base. These questions, alongside with some other legal matters, were clarified by the Council Legal Service at the Working Party meeting on 25 October 2018.

11. In order to address Member States' timing concerns regarding the application of the Directive, the Presidency tabled a compromise proposal<sup>1</sup> at the Working Party on 22 October 2018, which defers the application of the Directive to 1 April 2021. This approach was generally supported by delegations.
12. During the informal meeting of transport Ministers in Graz on 29 October 2018, a majority of Ministers expressed a positive view regarding the abolition of seasonal changes of time in general, while some Member States indicated that they would prefer the status quo. Almost all Member States underlined the need for further consultations both internally and between neighbouring Member States before a final decision on abolishing the seasonal changes of time could be taken.
13. As a follow-up to the informal meeting of transport Ministers, and in order to ensure a coordinated EU-level approach towards the establishment of new time zones in Europe following the possible discontinuation of seasonal time changes, the Presidency came forward with a revised compromise<sup>2</sup> at an informal meeting of land transport attachés on 8 November 2018. In this compromise, a coordination process and the unanimous approval of its result is introduced as a precondition for the application of the Directive. This Presidency proposal raised some legal questions and could not address the concerns expressed by Member States, despite the fact that all delegations underlined the importance of a harmonized EU-level approach, and the majority of them preferred to coordinate first before continuing work on the revision of Directive 2000/84/EC.
14. Therefore, at that meeting it was concluded that:
  - the Presidency would revert to its previous compromise text set out in the Annex in order to present a progress report;

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<sup>1</sup> Doc. 13036/18

<sup>2</sup> Doc. 13036/1/18 REV 1.

- a statement by the Representatives of the Governments of the Member States, meeting within the Council, would be submitted for approval stating Member States' strong commitment to first conclude an EU-level coordination process that has started but will need to be continued.

#### IV. CONCLUSION

15. In the light of the above, it can be concluded that more time will be needed for Member States to establish a final position on the main elements of the proposal. In the meantime, an EU-level coordination-process should be initialized to facilitate the decision-making.
  16. The Permanent Representatives Committee and Council are invited to take note of the progress made on the examination of the proposed Directive and the Representatives of the Governments of the Member States, meeting within the Council, are invited to approve the statement set out in Addendum 1 to this report.
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Proposal for a  
**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**discontinuing seasonal changes of time and repealing Directive 2000/84/EC**  
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>3</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Member States chose in the past to introduce summer-time arrangements at national level. It was, therefore, important for the functioning of the internal market that a common date and time for the beginning and end of the summer-time period be fixed throughout the Union. In accordance with Directive 2000/84/EC of the European Parliament and of the Council<sup>4</sup>, all Member States currently apply summer-time arrangements from the last Sunday in March until the last Sunday in October of the same year.

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<sup>3</sup> OJ C , , p. .

<sup>4</sup> Directive 2000/84/EC of the European Parliament and of the Council on summer-time arrangements (OJ L 31, 2.2.2001, p. 21).

- (2) In its resolution of 8 February 2018, the European Parliament called on the Commission to conduct an assessment of the summer-time arrangements provided by Directive 2000/84/EC and, if necessary, to come up with a proposal for its revision. That resolution also confirmed that it is essential to maintain a harmonised approach to time arrangements throughout the Union.
- (3) The Commission has examined available evidence, which points to the importance of having harmonised Union rules in this area to ensure the proper functioning of the internal market and avoid, inter alia, disruptions to the scheduling of transport operations and the functioning of information and communication systems, higher costs to cross-border trade, or lower productivity for goods and services. Evidence is not conclusive as to whether the benefits of summer-time arrangements outweigh the inconveniences linked to a biannual change of time.
- (4) A lively public debate is taking place on summer-time arrangements and some Member States have already expressed their preference to discontinue the application of such arrangements. In the light of these developments, it is necessary to continue safeguarding the proper functioning of the internal market and to avoid any significant disruptions thereto caused by divergences between Member States in this area. Therefore, it is appropriate to put an end in a coordinated way to summer-time arrangements.
- (5) This Directive should not prejudice the right of each Member State to decide on the standard time or times for the territories under its jurisdiction and falling under the territorial scope of the Treaties, and on further changes thereto. However, in order to ensure that the application of summer-time arrangements by some Member States only does not disrupt the functioning of the internal market, Member States should refrain from changing the standard time in any given territory under their jurisdiction for reasons related to seasonal changes, be such change presented as a change of time zone. Moreover, in order to minimise disruptions, inter alia, to transport, communications and other concerned sectors, they should notify the Commission in due time of their intention to change their standard time and subsequently apply the notified changes. The Commission should, on the basis of that notification, inform all other Member States so that they can take all necessary measures. It should also inform the general public and stakeholders by publishing this information.

- (6) Therefore, it is necessary to put an end to the harmonisation of the period covered by summer-time arrangements as laid down in Directive 2000/84/EC and to introduce common rules preventing Member States from applying different seasonal time arrangements by changing their standard time more than once during the year and establishing the obligation to notify envisaged changes of the standard time. This Directive aims at contributing in a determined manner to the smooth functioning of the internal market and should, consequently, be based on Article 114 of the Treaty on the Functioning of the European Union, as interpreted in accordance with the consistent case-law of the Court of Justice of the European Union.
- (7) This Directive should apply from 1 April ~~2019~~ **2021**, so that the last summer-time period subject to the rules of Directive 2000/84/EC should start, in every Member State, at 1.00 a.m., Coordinated Universal Time, on ~~31~~ **28** March ~~2019~~ **2021**. Member States that, after that summer-time period, intend to adopt a standard time corresponding to the time applied during the winter season in accordance with Directive 2000/84/EC should change their standard time at 1.00 a.m., Coordinated Universal Time, on ~~27~~ **31** October ~~2019~~ **2021**, so that similar and lasting changes occurring in different Member States take place simultaneously. It is desirable that Member States take the decisions on the standard time that each of them will apply as from ~~2019~~ **2021** in a concerted manner.
- (8) Implementation of this Directive should be monitored. The results of this monitoring should be presented by the Commission in a report to the European Parliament and to the Council. That report should be based on the information that is made available to the Commission by the Member States in a timely fashion to allow for the report to be presented at the specified time.
- (9) Since the objectives of this Directive as regards harmonised time arrangements cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve those objectives.



(10) The harmonised time arrangements should be applied in accordance with the provisions on the territorial scope of the Treaties specified in Article 355 of the Treaty on the Functioning of the European Union.

(11) Directive 2000/84/EC should therefore be repealed,

HAVE ADOPTED THIS DIRECTIVE:

#### *Article 1*

1. Member States shall not apply seasonal changes to their standard time or times.
2. Notwithstanding paragraph 1, Member States may still apply a seasonal change of their standard time or times in ~~2019~~ **2021**, provided that they do so at 1.00 a.m., Coordinated Universal Time, on ~~27~~ **31** October ~~2019~~ **2021**. The Member States shall notify this decision in accordance with Article 2.

#### *Article 2*

1. Without prejudice to Article 1, if a Member State decides to change its standard time or times in any territory under its jurisdiction, it shall notify the Commission at least ~~6~~ **18** months before the change takes effect. Where a Member State has made such a notification and has not withdrawn it at least ~~6~~ **18** months before the date of the envisaged change, the Member State shall apply this change.
2. Within 1 month of the notification, the Commission shall inform the other Member States thereof and publish that information in *the Official Journal of the European Union*.

#### *Article 3*

1. The Commission shall report to the European Parliament and to the Council on the implementation of this Directive by 31 December ~~2024~~ **2026** at the latest.
2. Member States shall provide the Commission with the relevant information by 30 April ~~2024~~ **2026** at the latest.

#### *Article 4*

1. Member States shall adopt and publish, by 1 April ~~2019~~ **2021** at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 April ~~2019~~ **2021**.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.
3. **Article 2 shall apply as from 1 April 2020.**

#### *Article 5*

Directive 2000/84/EC is repealed with effect from 1 April ~~2019~~ **2021**.

#### *Article 6*

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

#### *Article 7*

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*

*The President*

*For the Council*

*The President*

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