

Bruxelles, 19. studenoga 2018.  
(OR. en)

14224/18

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Međuinstitucijski predmet:  
2018/0332(COD)

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TRANS 534  
MI 827  
ENER 374  
AGRI 548  
SAN 388  
CODEC 1981

## IZVJEŠĆE

|                  |                                                                                                                                                                                             |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Od:              | Glavno tajništvo Vijeća                                                                                                                                                                     |
| Za:              | Odbor stalnih predstavnika / Vijeće                                                                                                                                                         |
| Br. preth. dok.: | ST 13036/18                                                                                                                                                                                 |
| Br. dok. Kom.:   | ST 12118/18 + ADD 1                                                                                                                                                                         |
| Predmet:         | Prijedlog direktive Europskog parlamenta i Vijeća o ukidanju pomicanja sata uvjetovanog izmjenom godišnjih razdoblja i stavljanju izvan snage Direktive 2000/84/EZ<br>– izvješće o napretku |

## I. UVOD

1. Navedeni prijedlog predstavio je predsjednik Europske komisije, g. Juncker, prilikom svojega godišnjeg govora o stanju Unije koji je 12. rujna 2018. u Strasbourgu održao Europskom parlamentu.
2. Glavni su elementi prijedloga:
  - ukidanje pomicanja sata uvjetovanog izmjenom godišnjih razdoblja na usklađen način u svim državama članicama počevši od 1. travnja 2019., nakon što se 31. ožujka 2019. posljednji put prijeđe na ljetno vrijeme;

- omogućivanje državama članicama da izvrše još jedan, posljednji prelazak natrag na standardno vrijeme („zimsko vrijeme”) posljednje nedjelje u listopadu 2019.;
- uvođenje, bez obzira na pravo država članica da same odluče o svojem standardnom vremenu, sustava obavješćivanja prema kojem bi država članica koja u budućnosti bude željela uvesti bilo kakvu daljnju promjenu svojeg standardnog vremena trebala o tome obavijestiti Komisiju najmanje šest mjeseci prije nego što ta promjena stupi na snagu.

## **II. RAD U DRUGIM INSTITUCIJAMA**

3. U Europskom parlamentu Odbor za promet i turizam imenovan je odborom odgovornim za navedeni predmet, a gđa Marita ULVSKOG (S&D, SE) izvjestiteljicom. Nacrt izvješća još nije dostupan. O prijedlogu će mišljenje dati šest drugih odbora (ENVI, ITRE, IMCO, AGRI, JURI i PETI).
4. Europski gospodarski i socijalni odbor donio je mišljenje na plenarnoj sjednici 17. listopada 2018.

## **III. RAD U PRIPREMNIM TIJELIMA VIJEĆA**

5. Prijedlog je 13. rujna 2018. predstavljen Radnoj skupini za kopneni promet, a zatim tijekom rujna i listopada 2018. razmatran još pet puta. Neformalni sastanak atašea nadležnih za područje prometa održan je 8. studenoga, a o prijedlogu se detaljno raspravljalo i na neformalnom sastanku ministara prometa održanome 29. listopada 2018. u Grazu.
6. Tijekom više krugova rasprava u okviru Radne skupine za kopneni promet posebno su istaknute sljedeće točke:

7. Delegacije su općenito bile otvorene za raspravu o glavnom pitanju iz prijedloga: bi li pomicanje sata uvjetovano izmjenom godišnjih razdoblja dvaput godišnje trebalo ukinuti u svim državama članicama EU-a. Međutim, većina je delegacija navela da još nisu dovršile relevantna nacionalna međuministarska savjetovanja i savjetovanja s dionicima te da stoga još nemaju konačno stajalište. Nekoliko je delegacija prijedlog podržalo, dok bi druge na svojem državnom području željele zadržati pomicanje sata uvjetovano izmjenom godišnjih razdoblja, i to uglavnom zbog toga što nisu dostupni vjerodostojni dokazi o mogućim koristima koje bi mogle proizići iz ukidanja pomicanja sata. U tom je pogledu nekoliko delegacija potaknulo Komisiju da provede detaljnu procjenu učinka koja bi državama članicama mogla pomoći da donesu dosljednu odluku koja se temelji na kvalitetnim informacijama.
8. U vezi s pitanjem o tome kojeg bi se „standardnog vremena” države članice EU-a trebale pridržavati nakon ukidanja pomicanja sata dvaput godišnje sve su delegacije istaknule da u cijelom EU-u treba primijeniti usklađen i dobro koordiniran pristup kako bi se izbjegla fragmentacija i „šarenilo” vremenskih zona te zaštitilo ispravno funkcioniranje unutarnjeg tržišta EU-a.
9. Kako bi se osiguralo dovoljno vremena za provedbu i evaluaciju svih potrebnih nacionalnih savjetovanja i omogućila primjena pomno koordiniranog pristupa sa susjednim zemljama i drugim državama članicama EU-a, većina je delegacija zatražila odgodu primjene direktive jer predviđeni datum, 1. travnja 2019., smatra preambicioznim.
10. Dvije su delegacije, uz potporu nekoliko drugih, postavile pitanja pravne prirode u vezi s člancima 1. i 2. prijedloga te u vezi s odabirom članka 114. UFEU-a kao pravne osnove. Njih je, zajedno s nekoliko drugih pravnih pitanja, na sastanku radne skupine 25. listopada 2018. pojasnila Pravna služba Vijeća.

11. Kako bi se odgovorilo na razloge za zabrinutost država članica u vezi s vremenom početka primjene direktive, predsjedništvo je na sastanku radne skupine 22. listopada 2018. predstavilo kompromisni prijedlog<sup>1</sup> kojim se primjena direktive odgađa do 1. travnja 2021. Taj su prijedlog delegacije općenito podržale.
12. Tijekom neformalnog sastanka ministara prometa održanog 29. listopada 2018. u Grazu većina je ministara izrazila pozitivan stav o općenitom ukidanju pomicanja sata uvjetovanog izmjenom godišnjih razdoblja, dok su neke države članice navele da bi radije zadržale dosadašnje stanje. Gotovo su sve države članice istaknule da su prije donošenja konačne odluke o ukidanju pomicanja sata uvjetovanog izmjenom godišnjih razdoblja potrebna daljnja savjetovanja i unutar država i među susjednim državama članicama.
13. U okviru daljnjeg djelovanja slijedom neformalnog sastanka ministara prometa, a s ciljem da se na razini EU-a osigura koordinirani pristup uspostavi novih vremenskih zona u Europi nakon mogućeg ukidanja pomicanja sata uvjetovanog izmjenom godišnjih razdoblja, predsjedništvo je na neformalnom sastanku atašea za kopneni promet 8. studenoga 2018. predstavilo revidirani kompromis<sup>2</sup>. U njemu su kao preduvjeti za primjenu direktive navedeni postupak koordinacije i jednoglasno odobrenje njegova rezultata. Iz tog su prijedloga predsjedništva proizišla neka pravna pitanja te se njime nisu mogli ukloniti razlozi za zabrinutost država članica, usprkos činjenici da su sve delegacije istaknule važnost primjene usklađenog pristupa na razini EU-a i da ih većina prije nastavka rada na reviziji Direktive 2000/84/EZ želi provesti postupak koordinacije.
14. Stoga je na navedenom sastanku zaključeno sljedeće:
  - predsjedništvo će se u svrhu predavljanja izvješća o napretku vratiti na svoj raniji kompromisni tekst naveden u Prilogu;

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

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

- izjava predstavnika vlada država članica, koji su se sastali u okviru Vijeća, u kojoj se izražava čvrsta predanost država članica tome da se najprije provede postupak koordinacije na razini EU-a koji je započet, ali će se morati nastaviti, bit će podnesena u svrhu odobravanja.

#### IV. **ZAKLJUČAK**

15. S obzirom na navedeno može se zaključiti da će državama članicama biti potrebno više vremena za utvrđivanje konačnog stajališta o glavnim elementima prijedloga. U međuvremenu bi trebalo pokrenuti postupak koordinacije na razini EU-a kako bi se olakšalo donošenje odluka.
  16. Odbor stalnih predstavnika i Vijeće poziva se da prime na znanje napredak postignut u vezi s razmatranjem predložene direktive, a predstavnike vlada država članica, koji su se sastali u okviru Vijeća, poziva se da odobre izjavu navedenu u Dopuni 1. ovom izvješću.
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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 [...] **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 [...] **28** March [...] **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 [...] **31** October [...] **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 [...] **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 [...] **2021**, provided that they do so at 1.00 a.m., Coordinated Universal Time, on [...] **31** October [...] **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 [...] **18** months before the change takes effect. Where a Member State has made such a notification and has not withdrawn it at least [...] **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 [...] **2026** at the latest.
2. Member States shall provide the Commission with the relevant information by 30 April [...] **2026** at the latest.

#### *Article 4*

1. Member States shall adopt and publish, by 1 April [...] **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 [...] **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 [...] **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*      *For the Council*

*The President*      *The President*

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