Svet
Evropske unije

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POROČILO

Pošiljatelj:	generalni sekretariat Sveta
Prejemnik:	Odbor stalnih predstavnikov/Svet
Št. predh. dok.:	ST 13036/18
Št. dok. Kom.:	ST 12118/18 + ADD 1
Zadeva:	Predlog direktive Evropskega parlamenta in Sveta o opustitvi premikanja ure na poletni oz. zimski čas in razveljavitvi Direktive 2000/84/ES – poročilo o napredku

I. UVOD

1. Predsednik Evropske komisije Juncker je predlog predstavil v svojem govoru o stanju v Uniji Evropskemu parlamentu v Strasbourgu 12. septembra 2018.

2. Glavni elementi predloga so:

- usklajeno v vseh državah članicah odpraviti premikanje ure na zimski oz. poletni čas s 1. aprilom 2019 – po zadnjem premiku na poletni čas 31. marca 2019;

- državam članicam omogočiti zadnji premik na standardni čas („zimski čas“) zadnjo nedeljo v oktobru 2019;
- vzpostaviti, ne glede na pravico držav članic, da se same odločijo, kateri standardni čas bodo uporabljale, sistem obveščanja, s katerim bi države članice, ki želijo v prihodnosti dodatno spreminjati svoj standardni čas, Komisijo o tem obvestile najmanj 6 mesecev, preden se sprememba uvede.

II. DELO V DRUGIH INSTITUCIJAH

3. V Evropskem parlamentu je bil kot pristojni odbor za navedeno zadevo določen Odbor za promet in turizem, za poročevalko pa je bila izbrana Marita ULVSKOG (S&D, SE). Osnutek poročila še ni na voljo. Šest drugih odborov (ENVI, ITRE, IMCO, AGRI, JURI in PETI) bo o navedenem predlogu izrazilo mnenje.

4. Evropski ekonomsko-socialni odbor je mnenje sprejel na plenarnem zasedanju 17. oktobra 2018.

III. DELO V OKVIRU PRIPRAVLJALNIH TELES SVETA

5. Delovna skupina za kopenski promet je predlog prejela na seji 13. septembra 2018 in ga petkrat preučila na sejah septembra in oktobra 2018. Atašeji za promet so se neuradno sestali 8. novembra, ministri za promet in okolje pa so o predlogu podrobno razpravljali na neuradnem srečanju v Gradcu 29. oktobra 2018.

6. V različnih krogih razprav delovne skupine za kopenski promet so bile izpostavljene zlasti naslednje točke:

7. Delegacije so bile pripravljene razpravljati v zvezi z glavnim vprašanjem, ki je izpostavljeno v predlogu, tj. ali bi bilo treba odpraviti premikanje ure dvakrat letno za vse države članice. Vendar je večina delegacij poudarila, da posvetovanja zadevnih nacionalnih ministrov in deležnikov še niso zaključena, zato njihova končna stališča še niso oblikovana. Nekaj delegacij je izrazilo podporo predlogu, nekatere druge pa so zagovarjale ohranitev premikanja ure na poletni oz. zimski čas na svojem ozemlju, predvsem zaradi pomanjkanja razpoložljivih verodostojnih dokazov glede morebitnih prednosti opustitve premikanja ure. V zvezi s tem je več delegacij Komisijo pozvalo, naj opravi podrobno oceno učinka, ki bi državam članicam lahko pomagala sprejeti utemeljeno in dosledno odločitev.

8. V zvezi z vprašanjem, kateri „standardni čas“ bi po ukinitvi premikanja ure dvakrat letno veljal v državah članicah EU, so vse delegacije izpostavile, da je nujen harmoničen in usklajen pristop v celotni EU, da bi se izognili razdrobljenosti, „sestavljenim časovnim pasovom“ in da bi zaščitili ustrezno delovanje notranjega trga EU.

9. Da bi se zagotovilo dovolj časa za izvedbo in oceno vseh potrebnih nacionalnih posvetov ter natančno usklajen pristop s sosednjimi državami in drugimi državami članicami EU, je večina delegacij zaprosila za podaljšanje časovnega okvira za uporabo Direktive, saj so menile, da je predvideni datum 1. aprila 2019 preveč ambiciozen.

10. Dve delegaciji, ki so ju podprle številne druge, sta zastavili vprašanja pravne narave v zvezi s členom 1 in 2 predloga in z izbiro člena 114 PDEU kot pravne podlage. Pravna služba Sveta je ta vprašanja skupaj z nekaterimi drugimi pravnimi zadevami pojasnila na seji delovne skupine 25. oktobra 2018.

11. Da bi odpravili pomisleke držav članic glede časovnega okvira uporabe Direktive, je predsedstvo na seji delovne skupine 22. oktobra 2018 predložilo kompromisni predlog[1], ki uporabo Direktive odlaga do 1. aprila 2021. Delegacije so ta pristop na splošno podprle.

12. Večina ministrov za promet je na neuradnem srečanju v Gradcu 29. oktobra 2018 odpravo premikanja ure na poletni oz. zimski čas na splošno pozitivno ocenila, nekatere države članice pa so nakazale, da ne želijo spremembe statusa quo. Skoraj vse države članice so izpostavile potrebo po nadaljnjih posvetovanjih znotraj držav in s sosednjimi državami članicami, preden se lahko sprejme končna odločitev o opustitvi premikanja ure na poletni oz. zimski čas.

13. Predsedstvo je v odgovor na neuradno srečanje ministrov za promet in z namenom zagotoviti usklajen pristop na ravni EU k vzpostavitvi novih časovnih pasov v Evropi po morebitni odpravi premikanja ure na poletni oz. zimski čas na neuradnem srečanju atašejev za kopenski promet 8. novembra 2018 predstavilo spremenjen kompromisni predlog[2]. Navedeni kompromisni predlog uvaja postopek usklajevanja in soglasno odobritev njegovih rezultatov kot nujen pogoj za uporabo Direktive. Navedeni predlog je odprl nekaj vprašanj pravne narave in ni odpravil skrbi držav članic, kljub temu, da so vse delegacije izpostavile nujnost usklajenega pristopa na ravni EU in da večina delegacij želi uskladiti mnenja, preden nadaljujejo z revizijo Direktive 2000/84/ES.

14. Zato je bilo na tem srečanju sklenjeno, da:

– bo predsedstvo ponovno preučilo kompromisno besedilo iz Priloge, z namenom da pripravi poročilo o napredku;

[1] Dokument 13036/18.
[2] Dokument 13036/1/18 REV 1.

– bo izjava predstavnikov vlad držav članic, ki so se sestali v okviru Sveta, predložena v odobritev, v njej pa bo navedena močna zavezanost držav članic, da najprej zaključijo postopek usklajevanja na ravni EU, ki se je že začel, vendar bo z njim treba nadaljevati.

IV. ZAKLJUČEK

15. Glede na navedeno je mogoče zaključiti, da države članice potrebujejo več časa za sprejetje končnega stališča v zvezi z glavnimi elementi predloga. Do takrat bi bilo treba začeti postopek usklajevanja na ravni EU, da bi se olajšalo sprejemanje odločitev.

16. Odbor stalnih predstavnikov in Svet naj se seznanita z napredkom, doseženim pri obravnavanju predlagane direktive, predstavniki vlad držav članic, ki so se sestali v okviru Sveta, pa naj odobrijo izjavo iz Dodatka 1 k temu poročilu.

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[3],

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[4], all Member States currently apply summer-time arrangements from the last Sunday in March until the last Sunday in October of the same year.

[3] OJ C , , p. .

[4] 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*