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INFORME

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A:	Consejo
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Asunto:	Propuesta de Directiva del Parlamento Europeo y del Consejo por la que se eliminan los cambios de hora estacionales y por la que se deroga la Directiva 2000/84/CE – Informe de situación

I. INTRODUCCIÓN

1. El presidente de la Comisión Europea, Jean-Claude Juncker, presentó esta propuesta en Estrasburgo, el 12 de septiembre de 2018, con motivo de su discurso anual sobre el estado de la Unión al Parlamento Europeo.
2. Los elementos principales de la propuesta son los siguientes:
 - poner fin a los cambios de hora estacionales de forma armonizada en todos los Estados miembros a partir del 1 de abril de 2019, después de realizar un último cambio a la hora de verano el 31 de marzo de 2019;

- ofrecer a los Estados miembros la opción de aplicar un último cambio estacional para volver al horario normal (hora de invierno) el último domingo de octubre de 2019;
- introducir un sistema de notificaciones mediante el cual —independientemente del derecho de los Estados miembros a decidir su horario normal— cualquier Estado miembro que en el futuro decida cambiar de nuevo su horario normal deberá informar a la Comisión al menos seis meses antes de que el cambio surta efecto.

II. TRABAJOS EN OTRAS INSTITUCIONES

3. En el Parlamento Europeo, la responsabilidad de este expediente ha recaído en la Comisión de Transportes y Turismo y se ha nombrado ponente a Marita ULVSKOG (S&D, SE). El proyecto de informe aún no está disponible. Otras seis comisiones parlamentarias (ENVI, ITRE, IMCO, AGRI, JURI y PETI) emitirán un dictamen sobre la propuesta.
4. El Comité Económico y Social Europeo emitió un dictamen en el pleno del 17 de octubre de 2018.

III. TRABAJOS EN LOS ÓRGANOS PREPARATORIOS DEL CONSEJO

5. El 13 de septiembre de 2018 se presentó la propuesta en el Grupo «Transportes Terrestres» y durante los meses de septiembre y octubre de 2018, esta se estudió en otras cinco ocasiones.
6. En este momento, todas las delegaciones mantienen una reserva general de estudio sobre la propuesta, así como sobre la fórmula transaccional de la Presidencia presentada durante las deliberaciones y sobre la que figura en el anexo.
7. Las diversas rondas de debate del Grupo «Transportes Terrestres» pusieron especialmente de manifiesto los siguientes puntos:

8. En general, las delegaciones se mostraron receptivas a debatir la principal cuestión planteada por la propuesta, esto es: si en todos los Estados miembros debe ponerse fin a los cambios de hora estacionales bianuales. Ahora bien: la mayoría indicó que aún no había finalizado las consultas nacionales pertinentes, interministeriales y a las partes interesadas, y que, por lo tanto, aún no tenía una posición definitiva. Diversas delegaciones expresaron su respaldo a la propuesta, mientras que otras se manifestaron a favor de mantener los cambios de hora estacionales en su territorio, principalmente por la falta de pruebas convincentes que respaldasen los posibles beneficios que podría comportar la abolición de los cambios de hora. Algunos Estados miembros señalaron que las pruebas disponibles muestran que el sistema actual es el más apropiado. Dado que la propuesta no va acompañada de una evaluación del impacto, diversas delegaciones instaron a la Comisión a realizar una evaluación del impacto pormenorizada que ayudase a los Estados miembros a tomar una decisión congruente y con conocimiento de causa.
9. En relación con la cuestión de la hora oficial a la que los Estados miembros de la UE se acogerían si la abolición de los cambios de horario bianuales se llevase a cabo, todas las delegaciones destacaron que sería crucial adoptar un enfoque armonizado y bien coordinado en toda la Unión, para evitar la fragmentación y el mosaico de husos horarios, así como para salvaguardar el buen funcionamiento del mercado interior.
10. En vista del tiempo que es necesario para realizar y evaluar todas las consultas nacionales y favorecer un enfoque coordinado a conciencia con los países vecinos y otros Estados miembros, la mayoría de las delegaciones consideraron que la fecha prevista del 1 de abril de 2019 era demasiado ambiciosa.
11. Dos delegaciones, con el respaldo de otras, plantearon preguntas de naturaleza jurídica relativas a los artículos 1 y 2 de la propuesta y a la elección del artículo 114 del TFUE como base jurídica. Se aclararon estas cuestiones y otros asuntos jurídicos en la reunión del grupo de trabajo del 25 de octubre de 2018.

12. En la reunión del grupo del 22 de octubre de 2018, la Presidencia presentó una propuesta transaccional¹ que aplaza la aplicación de la Directiva hasta el 1 de abril de 2021, para responder a la inquietud de los Estados miembros sobre los plazos de aplicación. Las delegaciones acogieron favorablemente este enfoque, que se consideró un paso en la dirección correcta.
13. En la reunión informal de los Ministros de Transportes celebrada en Graz el 29 de octubre de 2018, los representantes de los Estados miembros acogieron el inicio de las conversaciones sobre la propuesta, pero destacaron la necesidad de llevar a cabo más consultas antes de que prosigan las conversaciones en los órganos preparatorios del Consejo.

IV. CONCLUSIÓN

14. En vista de lo anterior, puede concluirse que los Estados miembros necesitan más tiempo para adoptar una posición definitiva sobre los elementos principales de la propuesta. Por consiguiente, se invita al Consejo a tomar nota de los avances logrados en el estudio de la Directiva propuesta.

¹ Documento 13036/18.

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 Committee²,

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 Council³, all Member States currently apply summer-time arrangements from the last Sunday in March until the last Sunday in October of the same year.

² OJ C , , p. .

³ 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

The President

For the Council

The President
