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RAPPORT

minn:	Segretarjat Ġenerali tal-Kunsill
lil:	Kunsill
Nru. dok. preċ.: ST 14224/1/18 REV 1 ST 13036/18	
Nru dok. Cion:	ST 12118/18 + ADD 1
Sugġett:	Proposta għal Direttiva tal-Parlament Ewropew u tal-Kunsill li ttemm il-bidliet staġonali fil-ħin u tħassar id-Direttiva 2000/84/KE – Rapport ta' progress

I. INTRODUZZJONI

1. Il-proposta giet ipprezentata mill-President tal-Kummissjoni Ewropea, Juncker, fl-okkażjoni tal-indirizz annwali tiegħu dwar l-Istat tal-Unjoni lill-Parlament Ewropew fi Strasburgu fit-12 ta' Settembru 2018.
2. L-elementi ewlenin tal-proposta huma:
 - li jintemmu l-bidliet staġonali fil-ħin b'mod armonizzat fl-Istati Membri kollha sa mill-1 ta' April 2019 - wara l-aħħar bidla għall-ħin tas-sajf fil-31 ta' Marzu 2019;

- li l-Istati Membri jingħataw l-ghażla ta' bidla staġonali aħħarija lura għall-hin standard (il-"hin tax-xitwa") fl-aħħar Hadd ta' Ottubru 2019;
- li tiddaħħal sistema ta' notifika, irrISPettivament mid-dritt tal-Istati Membri li jiddeciedu dwar il-hin standard tagħhom, li permezz tagħha Stat Membru li jkun jixtieq iwettaq bidla oħra għall-hin standard tiegħu fil-ġejjieni jkollu jgħarraf lill-Kummissjoni mill-inqas sitt xhur qabel ma l-bidla tidhol fis-seħħ.

II. HIDMA F'ISTITUZZJONIJIET OĦRA

3. Fil-Parlament Ewropew, il-Kumitat għat-Trasport u t-Turiżmu nħatar bħala l-kumitat responsabbli għal dan il-fajl, bis-Sinjura Marita ULVSKOG (S&D, SE) bħala r-rapporteur. L-abbozz tar-rapport għadu mhux disponibbli. Sitt kumitati oħra (ENVI, ITRE, IMCO, AGRI, JURI u PETI) ser joħorġu opinjoni dwar il-proposta.
4. Il-Kumitat Ekonomiku u Soċjali Ewropew adotta opinjoni fis-sessjoni plenarja tas-17 ta' Ottubru 2018.

III. HIDMA FIL-KORPI PREPARATORJI TAL-KUNSILL

5. Il-proposta ġiet ippreżentata lill-Grupp ta' Hidma dwar it-Trasport fuq l-Art fit-13 ta' Settembru 2018 u ġiet eżaminata f'ħames okkażjonijiet oħra f'Settembru u Ottubru 2018.
6. F'dan l-istadju, id-delegazzjonijiet kollha qed iżommu riżerva ta' skrutinju ġenerali fuq il-proposta, kif ukoll fuq il-kompromess tal-Presidenza ppreżentat waqt id-diskussjonijiet u dak li hemm ippreżentat fl-anness.
7. Id-diversi sessjonijiet ta' diskussjonijiet fil-Grupp ta' Hidma dwar it-Trasport fuq l-Art enfasizzaw b'mod partikolari l-punti li ġejjin:

8. Dwar il-kwistjoni prinċipali msemija fil-proposta ta' jekk il-bidliet staġonali fil-ħin ta' darbtejn fis-sena għandhomx jintemmu fl-Istati Membri kollha, id-delegazzjonijiet b'mod ġenerali kienu lesti jiddiskutu l-kwistjoni. Fil-maġġoranza ta' tagħhom, madankollu, huma indikaw li kienu għadhom ma kkonkludewx il-konsultazzjonijiet rilevanti interministerjali u mal-partijiet ikkonċernati u b'hekk kien għad ma kellhomx pożizzjoni finali. Diversi delegazzjonijiet esprimew l-appoġġ ta' tagħhom għall-proposta waqt li xi ftit oħra kienu favur li jinżammu l-bidliet staġonali fil-ħin fit-territorju ta' tagħhom, l-aktar minhabba nuqqas ta' evidenza disponibbli plawżibbli dwar il-benefiċċji possibbli li tista' tgħid l-abolizzjoni tal-bidliet fil-ħin. Xi Stati Membri semmew evidenza disponibbli li tindika li s-sistema attwali hija l-aktar waħda adatta. Peress li l-proposta mhix akkumpanjata minn valutazzjoni tal-impatt, diversi delegazzjonijiet hegġew lill-Kummissjoni biex twettaq valutazzjoni tal-impatt dettaljata li tkun tista' tgħid lill-Istati Membri jiehdu deċiżjoni infurmata tajjeb u konsistenti.
9. Dwar il-kwistjoni ta' liema "ħin standard" għandu jibqa' jinżamm fl-Istati Membri tal-UE jekk issehh l-abolizzjoni tal-bidliet fil-ħin ta' darbtejn fis-sena, id-delegazzjonijiet kollha enfasizzaw l-importanza kruċjali ta' approċċ armonizzat u kkoordinat tajjeb fl-UE kollha sabiex jiġu evitati l-frammentazzjoni, "tahlita ta' żoni tal-ħin" u biex jiġihares il-funzjonament tajjeb tas-Suq Intern tal-UE.
10. Minhabba ż-żmien meħtieġ biex jitmexxew u jiġu evalwati l-konsultazzjonijiet nazzjonali kollha u biex jippermetti approċċ koordinat bir-reqqa mal-pajjiżi ġirien u Stati Membri oħra tal-UE, il-biċċa l-kbira tad-delegazzjonijiet qiesu d-data prevista tal-applikazzjoni tal-1 ta' April 2019 bħala ambizzjuża żżejjed.
11. Żewġ delegazzjonijiet, appoġġati minn għadd ta' oħrajn, ressqu mistoqsijiet ta' natura legali b'rabta mal-Artikoli 1 u 2 tal-proposta u mal-għażla tal-Artikolu 114 TFUE bħala l-bażi legali. Dawn il-mistoqsijiet, flimkien ma' kwistjonijiet legali oħra, ġew diskussi fil-laqgħa tal-Grupp ta' Hidma tal-25 ta' Ottubru 2018.

12. Biex tindirizza t-thassib tal-Istati Membri dwar iż-żmien fir-rigward tal-applikazzjoni tad-Direttiva, il-Presidenza ressqet proposta ta' kompromess¹ fil-Grupp ta' Hidma tat-22 ta' Ottubru 2018, li ddewwem l-applikazzjoni tad-Direttiva sal-1 ta' April 2021. Dan l-approċċ intlaqa' tajjeb mid-delegazzjonijiet u tqies bħala pass fid-direzzjoni t-tajba.
13. Fl-okkażjoni tal-laqgħa informali tal-Ministri tat-trasport tad-29 ta' Ottubru 2018 fi Graz, ir-rappreżentanti tal-Istati Membri apprezżaw it-tnedija tad-diskussjonijiet fuq il-proposta, iżda enfasizzaw il-htieġa għal aktar konsultazzjonijiet qabel ma jkunu jistgħu jkomplu d-diskussjonijiet fl-istanzi preparatorji tal-Kunsill.

IV. KONKLUŻJONI

14. Fid-dawl ta' dan ta' hawn fuq, jista' jiġi konkluż li jenħtieġ aktar żmien biex l-Istati Membri jistabbilixxu pożizzjoni finali dwar l-elementi prinċipali tal-proposta. Għalhekk, il-Kunsill huwa mistieden jieħu nota tal-progress li sar fl-eżami tad-Direttiva proposta.

¹ Dok. 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
