

Bruxelles, den 19. november 2018
(OR. en)

14224/18

**Interinstitutionel sag:
2018/0332(COD)**

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

RAPPORT

fra:	Generalsekretariatet for Rådet
til:	De Faste Repræsentanters Komité/Rådet
Tidl. dok. nr.:	ST 13036/18
Komm. dok. nr.:	ST 12118/18 + ADD 1
Vedr.:	Forslag til Europa-Parlamentets og Rådets direktiv om afskaffelse af sæsonbestemte tidsomstillinger og om ophævelse af direktiv 2000/84/EF – Statusrapport

I. INDLEDNING

1. Forslaget blev forelagt af Europa-Kommissionens formand, Jean-Claude Juncker i anledning af hans årlige tale i Europa-Parlamentet om Unionens tilstand den 12. september 2018 i Strasbourg.
2. De vigtigste elementer i forslaget er:
 - på en harmoniseret måde at sætte en stopper for sæsonbestemte tidsomstillinger i alle medlemsstater pr. 1. april 2019 - efter en sidste omstilling til sommertid den 31. marts 2019

- at give medlemsstaterne mulighed for en sidste sæsonbestemt omstilling tilbage til standardtid ("vintertid") den sidste søndag i oktober 2019
- uanset medlemsstaternes ret til at træffe afgørelse om deres standardtid at indføre en meddelelsesordning, hvorved en medlemsstat, som ønsker at foretage yderligere ændringer i sin standardtid, i fremtiden bør underrette Kommissionen, mindst seks måneder før ændringerne træder i kraft.

II. ARBEJDET I ANDRE INSTITUTIONER

3. I Europa-Parlamentet er Transport- og Turismeudvalget blevet udpeget som det ansvarlige udvalg i denne sag, og Marita ULVSKOG (S&D, SE) er blevet udnævnt til ordfører. Udkastet til betænkning foreligger endnu ikke. Yderligere seks udvalg (ENVI, ITRE, IMCO, AGRI, JURI og PETI) skal afgive udtalelse om forslaget.
4. Det Europæiske Økonomiske og Sociale Udvalg vedtog sin udtalelse på plenarmødet den 17. oktober 2018.

III. ARBEJDET I RÅDETS FORBEREDENDE ORGANER

5. Forslaget blev forelagt Landtransportgruppen den 13. september 2018 og drøftet på yderligere fem møder i september og oktober 2018. Der blev indkaldt til et uformelt møde mellem transportattachéerne den 8. november, og der fandt en detaljeret debat sted om forslaget på det uformelle møde mellem transport- og miljøministrene den 29. oktober 2018 i Graz.
6. De forskellige runder af drøftelser i Landtransportgruppen fremhævede især følgende punkter:

7. For så vidt angår hovedspørgsmålet i forslaget om, hvorvidt de halvårslige sæsonbestemte tidsomstillinger bør ophøre i alle EU's medlemsstater, var delegationerne generelt åbne over for at drøfte spørgsmålet. De fleste af dem tilkendegav dog, at de endnu ikke havde afsluttet de relevante nationale tværministerielle høringer og høringer af interessenter, og at de derfor endnu ikke havde en endelig holdning. Flere delegationer gav udtryk for støtte til forslaget, mens andre delegationer gik ind for at bibeholde sæsonbestemte tidsomstillinger på deres område, hovedsagelig på grund af manglende troværdige beviser vedrørende de eventuelle fordele, som afskaffelsen af tidsomstillingerne kan medføre. I denne forbindelse har flere delegationer opfordret Kommissionen til at foretage en detaljeret konsekvensanalyse, som kan hjælpe medlemsstaterne med at træffe en velinformeret og sammenhængende afgørelse.
8. Med hensyn til spørgsmålet om, hvilken "standardtid" EU-medlemsstaterne skal tilslutte sig efter afskaffelsen af de halvårslige tidsomstillinger, understregede alle delegationer, at en harmoniseret og velkoordineret tilgang i hele EU er afgørende for at undgå fragmentering, "et sammensurium af tidszoner" og sikre, at EU's indre marked fungerer korrekt.
9. For at afsætte tilstrækkelig tid til at gennemføre og evaluere alle nødvendige nationale høringer og en tilgang, der er nøje koordineret med nabolandene og andre EU-medlemsstater, anmodede de fleste delegationer om at forlænge fristen for anvendelse af direktivet, da de fandt den planlagte dato den 1. april 2019 for ambitiøs.
10. To delegationer, der blev støttet af flere andre, rejste spørgsmål af juridisk karakter om forslagets artikel 1 og 2 og om valget af artikel 114 i TEUF som retsgrundlag. Disse spørgsmål blev sammen med nogle andre juridiske spørgsmål afklaret af Rådets Juridiske Tjeneste på gruppens møde den 25. oktober 2018.

11. For at imødekomme medlemsstaternes betænkeligheder med hensyn til tidsplanen for anvendelsen af direktivet, fremlagde formandskabet et kompromisforslag¹ på gruppens møde den 22. oktober 2018, der udskyder anvendelsen af direktivet til den 1. april 2021. Denne tilgang mødte bred opbakning fra delegationerne.
12. Under transportministrenes uformelle møde den 29. oktober 2018 i Graz udtrykte et flertal af ministre sig positivt om afskaffelsen af sæsonbestemte tidsomstillinger i almindelighed, mens nogle medlemsstater tilkendegav, at de ville foretrække status quo. Næsten alle medlemsstaterne understregede behovet for yderligere høringer, både internt og mellem nabomedlemsstater, før der kan træffes en endelig afgørelse om afskaffelse af de sæsonbestemte tidsomstillinger.
13. Som opfølgning af det uformelle møde mellem transportministrene og med henblik på at sikre en koordineret tilgang på EU-plan hen imod etableringen af nye tidszoner i Europa efter den mulige afskaffelse af sæsonbestemte tidsomstillinger, fremsatte formandskabet et revideret kompromisforslag² på et uformelt møde mellem landtransportattachéerne den 8. november 2018. I dette kompromisforslag indføres der en koordineringsproces og enstemmig godkendelse af resultatet heraf som en forudsætning for anvendelsen af direktivet. Formandskabets forslag gav anledning til en række juridiske spørgsmål og kunne ikke imødekomme de betænkeligheder, der blev fremført af medlemsstaterne, på trods af at alle delegationer understregede betydningen af en harmoniseret tilgang på EU-plan, og at størstedelen af dem foretrak at koordinere først, inden de fortsætter arbejdet med revisionen af direktiv 2000/84/EF.
14. Derfor blev det på dette møde konkluderet, at:
 - formandskabet vil vende tilbage til sin tidligere kompromistekst i bilaget med henblik på at forelægge en fremskridtsrapport

¹ Dok. 13036/18.

² Dok. 13036/1/18 REV 1.

- der vil blive forelagt en erklæring til godkendelse fra repræsentanterne for medlemsstaternes regeringer, forsamlet i Rådet, der fastslår, at medlemsstaterne har et stærkt ønske om først at afslutte en koordineringsproces på EU-plan, som er blevet indledt, men som vil skulle fortsættes.

IV. **KONKLUSION**

15. I lyset af ovenstående kan det konkluderes, at medlemsstaterne har behov for mere tid til at fastlægge en endelig holdning til de vigtigste elementer i forslaget. I mellemtiden bør koordinationsprocessen på EU-plan sættes i gang for at lette beslutningstagningen.
 16. De Faste Repræsentanternes Komité og Rådet opfordres til at notere sig de fremskridt, der er gjort i forbindelse med gennemgangen af det foreslåede direktiv, og repræsentanterne for medlemsstaternes regeringer, forsamlet i Rådet, opfordres til at godkende erklæringen i addendum 1 til denne rapport.
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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 Committee³,

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 Council⁴, 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*
