



2018/0332(COD)

21.2.2019

OPINION

of the Committee on Legal Affairs

for the Committee on Transport and Tourism

on the proposal for a directive of the European Parliament and of the Council discontinuing seasonal changes of time and repealing Directive 2000/84/EC (COM(2018)0639 – C8-0408/2018 – 2018/0332(COD))

Rapporteur for opinion: Pavel Svoboda

PA_Legam

SHORT JUSTIFICATION

Your rapporteur welcomes the Commission's proposal to put an end to seasonal time changes in a harmonised manner in all Member States, thereby taking Parliament up on its numerous calls for such measures over the last several years.

The practice of bi-annual clock changes, which has been prescribed by Union legislation for close to 40 years, has recently been met with much opposition by citizens and civil society.

It is important to underline that such seasonal changes of time affect not only the functioning of the internal market but also raise multiple public health concerns, not least related to the protection of specific minority groups which are disproportionately affected by the disruption of the circadian cycle. Studies have furthermore shown that the number of accidents and heart attacks increase during the days following a clock change.

While it is clear that action is needed at Union level in order to harmonise the end of seasonal time changes, rules in the form of a directly applicable Regulation which would prescribe the use of either standard time or summer time in all Member States would be needlessly over-reaching and would not take into account different needs and conditions in different parts of the EU. The Member States should therefore be free to make their own choice. They should however be given more time before the Directive starts to apply in order to prepare for the change, which should be implemented in a concerted and coordinated manner.

Your rapporteur regrets that the Commission did not conduct any proper impact assessment and did not hold a full 12 weeks long public and stakeholder consultation before it presented the proposal to update Directive 2000/84/EC. It must be underlined that in the Interinstitutional Agreement on Better Law-Making, the institutions have committed to the understanding that impact assessments and consultations constitute essential tools for improving the quality of Union legislation.

This rapporteur nevertheless fully agrees with the rapporteur in the lead committee that this directive should be adopted as soon as possible, and preferably before the end of the current legislature in order to ensure legal certainty and to allow Member States to well prepare for the upcoming changes.

AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive Citation 4 a (new)

Text proposed by the Commission

Amendment

Having regard to the results of the online consultation conducted by the European Commission between 4 July 2018 - 16 August 2018

Amendment 2

Proposal for a directive Recital 2

Text proposed by the Commission

(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.

Amendment

(2) **Against the background of several petitions and numerous initiatives from citizens, parliamentary questions and a public hearing on the matter, the European Parliament**, in its resolution of 8 February 2018, 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.

Amendment 3

Proposal for a directive Recital 3

Text proposed by the Commission

(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**

Amendment

(3) **Harmonised** Union rules **must** ensure the proper functioning of the internal market **with a long term focus and predictability**, 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, **which are issues with a significant impact both on the proper functioning of the internal market, business activity and the lives of citizens**. Evidence is not conclusive **that**

inconveniences linked to a biannual change of time.

there are no significant benefits from the biannual change of time, although numerous scientific studies, including the European Parliamentary Research Service study of October 2017 on EU summer-time arrangements under Directive 2000/84/EC, indicate the existence of negative effects on human health, in particular for certain groups such as children and the elderly, and suggest a link with cardiovascular diseases through the internal chronodisruption. From an economic perspective, bi-annual change implies additional costs and administrative burdens for many sectors.

Amendment 4

Proposal for a directive

Recital 4

Text proposed by the Commission

(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.

Amendment

(4) A public ***consultation*** on summer-time arrangements ***held by the Commission in July-August 2018 received 4.6 million responses, which is the largest number ever received in any Commission consultation, and indicated that it is the citizens preference to stop bi-annual clock changes.*** Also, 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.

Amendment 5

Proposal for a directive

Recital 5

Text proposed by the Commission

(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.

Amendment 6

Proposal for a directive Recital 5 a (new)

Text proposed by the Commission

Amendment

(5) This Directive should not prejudice the right of each Member State, **in accordance with the principle of subsidiarity**, 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. **In** order to minimise disruptions **to the functioning of the internal market relating to**, inter alia, to transport, communications and other concerned sectors, **and to allow for coordination**, they should notify the Commission **by 1 April 2020** of their intention to change their standard time. The Commission should, on the basis of that notification, inform all other Member States, the general public and stakeholders by publishing this information **in an appropriate and timely manner. It should also assess the impact on the functioning of the internal market of the envisaged changes of standard time and conduct an expert analysis on the subject, taking into account nature, health and social aspects as well as geographical differences among Member States.**

Amendment

(5a) For the purpose of ensuring a harmonised implementation of this directive, Member States should coordinate in advance their decision on the envisaged standard times. The Commission should therefore establish a coordination mechanism with the aim to ensure a harmonised and coordinated

approach to time arrangements throughout the Union. The coordination mechanism should consist of one designated representative of each Member State and one representative of the Commission.

Amendment 7

Proposal for a directive Recital 6

Text proposed by the Commission

(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.

Amendment

(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. 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.

Amendment 8

Proposal for a directive Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) A time change unrelated to seasonal shifts will lead to transition costs, especially with regard to IT systems in transport and other sectors. In order to reduce significantly the costs of transition, a reasonable preparation

period is needed for implementation of this Directive.

Amendment 9

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) This Directive should apply from 1 April 2019, 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 31 March 2019. 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 27 October 2019, 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 2019 in a concerted manner.

Amendment

(7) In order to ensure a concerted and coordinated harmonisation of standard time in accordance with the aim of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of postponing the date of application of this Directive in when time arrangements would have the potential to seriously disrupt the proper functioning of the internal market. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment 10

Proposal for a directive

Recital 7 a (new)

(7a) Member States should coordinate among themselves the standard times for which they opt, which should be as fully harmonised between Member States as possible in order to avoid excessively different time zones in the EU, so as to ensure the proper functioning of the internal market and make it predictable for the citizens, consumers and sectors concerned.

Amendment 11

Proposal for a directive Recital 8

Text proposed by the Commission

(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.

Amendment

(8) Implementation of this Directive should be monitored. The results of this monitoring should be presented by the Commission in a **sufficiently substantiated** 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.

Amendment 12

Proposal for a directive Article 1 – paragraph 2

Text proposed by the Commission

2. Notwithstanding paragraph 1, Member States may still apply a seasonal change of their standard time ***or times in 2019, provided that they do so at 1.00 a.m., Coordinated Universal Time, on 27 October 2019.*** The Member States shall notify this decision in accordance with

Amendment

2. Notwithstanding paragraph 1, Member States may still apply a seasonal change of their standard time. The Member States shall notify this decision in accordance with Article 2.

Article 2.

Amendment 13

Proposal for a directive Article 2

Text proposed by the Commission

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 6 months before the change takes effect. Where a Member State has made such a notification and has not withdrawn it at least 6 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.*

Amendment

1. *The Commission shall establish a coordination mechanism with the aim to ensure a harmonised and coordinated approach to time arrangements throughout the Union. The coordination mechanism shall consist of one representative for each Member State and one representative of the Commission.*

2. *Member States shall notify to the Commission of their intentions according to Article 1 by 1 April 2020. Without delay, the coordination mechanism shall discuss and assess the potential impact of the envisaged change on the functioning of the internal market, in order to avoid significant disruptions.*

3. *Where on the basis of the assessment referred to in paragraph 2, the Commission considers that an envisaged change will significantly disrupt the functioning of the internal market, it shall inform the Member State in question.*

4. *By 31 October 2020 at the latest, the Member States shall decide whether to maintain its intention or not. It shall provide a detailed explanation how it will address the negative impact of the change on the functioning of the internal market.*

Amendment 14

Proposal for a directive Article 2 a (new)

Article 2a

- 1. The Commission, in close cooperation with the coordination mechanism referred to in Article 2, shall closely monitor the foreseen time arrangements throughout the Union.**
- 2. The Commission is empowered to adopt delegated acts in accordance with Article 2b in order to postpone the date of application of this Directive, by no more than 12 months, where it determines that the foreseen time arrangements, as notified by the Member States, have the potential to seriously disrupt the functioning of the internal market.**
- 3. Where imperative grounds of urgency so require, the procedure provided for in Article 2c shall apply to delegated acts adopted pursuant to this Article.**

Amendment 15

**Proposal for a directive
Article 2 b (new)**

Article 2b

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.**
- 2. The power to adopt delegated acts referred to in Article 2a shall be conferred on the Commission for a period of [TBD] years from the [date of entry into force of the Directive].**
- 3. The delegation of power referred to in Article 2a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take**

effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 2a shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [TBD] months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [TBD] months at the initiative of the European Parliament or of the Council.

Amendment 16

Proposal for a directive Article 2 c (new)

Text proposed by the Commission

Amendment

Article 2c

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2.
2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use

of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 2b. In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.

Amendment 17

Proposal for a directive Article 3 – paragraph 1

Text proposed by the Commission

1. The Commission shall report to the European Parliament and to the Council on the implementation of this Directive by 31 December **2024** at the latest.

Amendment

1. The Commission shall report to the European Parliament and to the Council on the implementation of this Directive by 31 December **2025** at the latest. ***In this implementation report, a special emphasis shall be put on the effects on human health.***

Amendment 18

Proposal for a directive Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall conduct a comprehensive impact assessment and a cost / benefit analysis regarding the discontinuing seasonal changes of time in the EU.

Amendment 19

Proposal for a directive Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall provide the Commission with the relevant information by 30 April **2024** at the latest.

2. Member States shall provide the Commission with the relevant information by 30 April ***five years after the adoption of this Directive*** at the latest.

Amendment 20

Proposal for a directive Article 4 – paragraph 1

Text proposed by the Commission

Member States shall adopt and publish, by **1 April 2019** 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.

Amendment

Member States shall adopt and publish, by **2020** 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.

Amendment 21

Proposal for a directive Article 5 – paragraph 1

Text proposed by the Commission

Directive 2000/84/EC is repealed with effect from **1 April 2019**.

Amendment

Directive 2000/84/EC is repealed with effect from **2020**.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Discontinuing seasonal changes of time
References	COM(2018)0639 – C8-0408/2018 – 2018/0332(COD)
Committee responsible Date announced in plenary	TRAN 13.9.2018
Opinion by Date announced in plenary	JURI 13.9.2018
Rapporteur Date appointed	Pavel Svoboda 24.9.2018
Discussed in committee	23.1.2019
Date adopted	19.2.2019
Result of final vote	+: 21 –: 1 0: 0
Members present for the final vote	Max Andersson, Joëlle Bergeron, Jean-Marie Cavada, Kostas Chrysogonos, Mady Delvaux, Rosa Estaràs Ferragut, Enrico Gasbarra, Sajjad Karim, Sylvia-Yvonne Kaufmann, Gilles Lebreton, António Marinho e Pinto, Emil Radev, Evelyn Regner, Pavel Svoboda, Axel Voss, Francis Zammit Dimech, Tadeusz Zwiefka
Substitutes present for the final vote	Pascal Durand, Angelika Niebler, Tiemo Wölken, Kosma Złotowski
Substitutes under Rule 200(2) present for the final vote	Ingeborg Gräßle, Joëlle Mélin

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

21	+
ALDE	Jean-Marie Cavada, António Marinho e Pinto
ECR	Sajjad Karim, Kosma Złotowski
EFDD	Joëlle Bergeron
ENF	Gilles Lebreton, Joëlle Mélin
PPE	Rosa Estaràs Ferragut, Ingeborg Gräßle, Emil Radev, Pavel Svoboda, Axel Voss, Francis Zammit Dimech, Tadeusz Zwiefka
S&D	Mady Delvaux, Enrico Gasbarra, Sylvia-Yvonne Kaufmann, Evelyn Regner, Tiemo Wölken
VERTS/ALE	Max Andersson, Pascal Durand

1	-
GUE/NGL	Kostas Chrysogonos

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention