



3.12.2018

NATIONAL PARLIAMENT REASONED OPINION ON SUBSIDIARITY

Subject: Reasoned opinion of the Danish Parliament 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))

Under Article 6 of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, national parliaments may, within eight weeks of the date of transmission of a draft legislative act, send the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why they consider that the draft in question does not comply with the principle of subsidiarity.

The Danish Parliament has sent the attached reasoned opinion on the aforementioned proposal for a directive.

Under Parliament's Rules of Procedure the Committee on Legal Affairs is responsible for matters relating to compliance with the subsidiarity principle.

Reasoned opinion on the Commission's proposal to discontinue seasonal changes of time – COM(2018)0639

Dear Mr Juncker,

On 18 September 2018, the Danish Parliament (Folketing) received the Commission's proposal for a directive discontinuing seasonal changes of time, which, under Directive 2000/84/EC, take place throughout the EU in the final weekend of March and October respectively.

The Danish Parliament's European Affairs Committee and Transport, Building and Housing Committee have considered the proposal and investigated whether it complies with the principle of subsidiarity in Article 5(3) of the Treaty on European Union (TEU). Under the principle of subsidiarity, the EU may only legislate in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and are better achieved at Union level. In addition, pursuant to Protocol 2 to the Treaty, the Commission's proposal must include a detailed statement making it possible to appraise compliance with the principle of subsidiarity. The reasoning should be substantiated by qualitative and, wherever possible, quantitative indicators.

In the light of this, a majority comprising Socialdemokratiet, Dansk Folkeparti and Enhedslisten consider that the Commission's proposal to discontinue seasonal clock changes violates the principle of subsidiarity. The three parties' assessment is based on the three explanatory statements below, which are enclosed with the reasoned opinion.

Socialdemokratiet acknowledges the overall aim of the Commission proposal to achieve a coordinated approach to ensure the proper functioning of the internal market. However, Socialdemokratiet considers that the proposal lacks sufficient justification as to why this objective is best achieved by discontinuing the current coordinated bi-annual clock changes. On the contrary, the Commission's proposal risks creating increased fragmentation of the EU countries' time zones, with negative consequences for business and consumers, the extent of which would require further investigation and must be assumed to depend on whether neighbouring countries subsequently choose summer or winter time as their standard time.

Socialdemokratiet also questions the Commission's second justification for the proposal, which refers to the fact that EU citizens, the European Parliament and a growing number of Member States are increasingly questioning the current system of bi-annual clock changes. The Commission bases this conclusion on a consultation carried out in the period 4 July-16 August 2018. However, the representativeness of the Commission's consultation can be questioned, as approximately 70 % of the 4.6 million responses came from Germany, followed by France with 8.6 % and Austria with 6 %.

The Commission states in its justification for the proposal that the impact of using summer time or winter time on a permanent basis depends on the Member State's geographical location. Denmark and other northern European countries experience major seasonal variations in daylight, with dark winters when there is little daylight and bright summers with short nights. Furthermore, the Commission states that the countries' locations within their

respective time zones are likely to be of major significance. These regional differences support the idea that coordination at EU level is merited, but do not support a ban on seasonal changes to the respective Member States' standard time.

The Danish Government has carried out a consultation in conjunction with the proposal for a directive. The consultation responses show that there are conflicting interests.

Socialdemokratiet notes that there is no broad agreement on abolishing summer time or on whether the standard time, if that were to be done, should be winter time or summer time. There is also no clear pattern indicating whether time zones should be harmonised across the EU or should remain a national concern. For example, hotel, catering and tourism businesses and sports and cultural associations are concerned at the prospect of losing an hour of daylight in the evenings in summer if Denmark were to choose winter time as its permanent time. On the other hand, a number of industry, business and transport representatives advocate choosing winter time as standard time or coordinating with neighbouring countries.

Finally, the proposal's financial impact on Denmark is not clear, as the Commission has not carried out an impact analysis.

Time is therefore needed to investigate the impact of the proposal in more detail – including the impact with regard to energy.

Dansk Folkeparti considers that the principle of subsidiarity has not been complied with, as the Commission's proposal means that the Member States cannot decide themselves whether to change between summer time and winter time. Even if Dansk Folkeparti does not consider in principle that the clock changes should continue, it is the view of the minority that it should be up to individual countries to decide. The Commission's proposal does not allow for this. Dansk Folkeparti also considers that the proposal does not give sufficient justification as to why its intended objectives are best achieved at EU level.

Enhedslisten considers that the proposal violates the principle of subsidiarity. In Enhedslisten's view, it should be up to individual countries – not the EU – to decide whether they want to switch between summer time and winter time. This does not preclude a voluntary agreement between Member States on a coordinated model for summer and winter time. In this connection, Enhedslisten calls on the Commission to present a new proposal to discontinue the harmonised EU regulation of summer time so that countries can again decide for themselves.

When the Danish Parliament last considered the current EU Directive on Summer Time in 2000, Enhedslisten voted against the Government's negotiating text, citing a violation of the subsidiarity principle. Enhedslisten still considers that it would constitute a violation of the principle if, with its proposal, the Commission were to force the Member States to choose either summer time or winter time as a permanent time for the whole year.

Yours sincerely,

Erik Christensen
Chair of the Danish Parliament's European Affairs Committee