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POSITION OF THE EUROPEAN PARLIAMENT

adopted at first reading on 26 March 2019 with a view to the adoption of Directive (EU) .../... of the European Parliament and of the Council discontinuing seasonal changes of time and repealing Directive 2000/84/EC (EP-PE_TC1-COD(2018)0332)

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with a view to the adoption of Directive (EU) .../... 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 Committee¹,

Acting in accordance with the ordinary legislative procedure²,

Whereas:

¹ OJ C 62, 15.2.2019, p. 305.

² Position of the European Parliament of 26 March 2019.

- (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 *to coordinate the changing of clocks in Member States*. In accordance with Directive 2000/84/EC of the European Parliament and of the Council¹, all Member States currently apply *biannual seasonal changes of time*. *Standard time is switched to* summer-time arrangements ~~from~~ *on* the last Sunday in March until the last Sunday in October of the same year. [Am. 1]
- (2) *Against the background of several petitions, citizens' initiatives and parliamentary questions, the European Parliament*, in its resolution of 8 February 2018, ~~the~~ European Parliament called on the Commission to conduct an *a thorough* 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~~ *stressed the importance of maintaining* a harmonised *and coordinated* approach to time arrangements throughout the Union *and a unified EU time regime*. [Am. 2]

¹ Directive 2000/84/EC of the European Parliament and of the Council of 19 January 2001 on summer-time arrangements (OJ L 31, 2.2.2001, p. 21).

- (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, ***create predictability and long-term certainty*** 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.~~ [Am. 3]
- (3a) ***The public debate on summer-time arrangements is not new and since the introduction of summer-time there have been several initiatives that aimed to discontinue the practice. Some Member States have held national consultations and a majority of businesses and stakeholders have supported the discontinuation of the practice. The consultation initiated by the European Commission has come to the same conclusion.*** [Am. 4]

(3b) In this context, the situation of livestock farmers can serve as an example of how the summer-time arrangements were initially deemed incompatible with agricultural working practices, in particular regarding the already very early start of the working day under standard time. Also, the bi-annual transition to summer-time was thought to make it harder to get the produce or animals out to the markets. And finally, due to cows following their natural milking rhythm, a reduction of milk yields was assumed. However, modern agricultural equipment and practices have revolutionised farming in a way that makes most of these concerns no longer relevant, while concerns regarding the biorhythm of animals as well as farmers' working conditions are still relevant. [Am. 5]

- (4) A lively public debate is taking place on summer-time arrangements. *Around 4,6 million citizens participated in the public consultation held by the Commission, which is the largest number of responses ever received in any Commission consultation. Also a number of citizens' initiatives have highlighted public concern as regards the biannual clock change* and some Member States have already expressed their preference to discontinue the application of such *summer-time* 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 *and harmonised* way to summer-time arrangements. [Am. 6]
- (4a) *Chronobiology shows that the biorhythm of the human body is affected by any changes of time, which might have an adverse impact on human health. Recent scientific evidence clearly suggests a link between changes of time and cardiovascular diseases, inflammatory immune diseases or hypertension, linked to the disturbance of the circadian cycle. Certain groups, such as children and older people, are particularly vulnerable. Therefore, in order to protect public health, it is appropriate to put an end to seasonal changes of time.* [Am. 7]

- (4b) *Territories other than overseas territories of the Member States are grouped over three different time zones or standard times, i.e. GMT, GMT +1 and GMT +2. The large north-south extension of the European Union means that daylight effects of time vary across the Union. It is therefore important that Member States take into consideration the geographical aspects of time, i.e. natural time zones and geographical position, before changing their time zones. Member States should consult citizens and relevant stakeholders before deciding to change their time zones. [Am. 8]*
- (4c) *A number of citizens' initiatives have highlighted citizens' concerns about the biannual clock change and Member States should be given the time and opportunity to carry out their own public consultations and impact assessments in order to better understand the implications of discontinuing season time changes in all regions. [Am. 9]*
- (4d) *Summer time, or daylight saving, has enabled later apparent sunsets during the summer months. In the minds of many Union citizens summer is synonymous with sunlight being available late into the evening. A reversion to "standard" time would result in summer sunsets being an hour earlier, with a much-reduced period of the year where late evening daylight is available. [Am. 10]*

- (4e) *Numerous studies looked into the link between the switch to summer time and the risk of heart attacks, disrupted body rhythm, sleep deprivation, lack of concentration and attention, increased risk of accidents, lower life satisfaction and even suicide rates. However, longer daylight, outdoor activities after work or school and exposure to sunlight clearly have some positive long-term effects on general well-being. [Am. 11]*
- (4f) *Seasonal changes of time also have an adverse impact on the welfare of animals, which is evident in agriculture, for example, where cows milk production suffers. [Am. 12]*
- (4g) *It is widely assumed that seasonal changes of time bring about energy savings. Indeed, that was the main reason for their initial introduction in the last century. Research shows, however, that while the seasonal changes of time might be marginally beneficial to reducing energy consumption in the Union as a whole, it is not the case in every Member State. The energy for lighting saved by switching to summer time might be also outweighed by increased consumption of energy for heating. Moreover, results are difficult to interpret as they are strongly influenced by external factors, such as meteorology, behaviour of energy users or ongoing energy transition. [Am. 13]*

- (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~~ **by 1 April 2020 at the latest in the event that they intend** to change their standard time and subsequently apply the notified changes. ~~The Commission should, *standard time* 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 *last Sunday in October 2021.*~~ [Am. 14]

- (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 (TFEU), as interpreted in accordance with the consistent case-law of the Court of Justice of the European Union. [Am. 15]
- (6a) *The decision on which standard time to apply in each Member State needs to be preceded by consultations and studies which would take into account citizens' preferences, geographical variations, regional differences, standard working arrangements and other factors relevant for the particular Member State. Therefore, Member States should have sufficient time to analyse the impact of the proposal and to choose the solution best serving its populations, while taking into account the well-functioning of the internal market.* [Am. 16]

(6b) *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 the implementation of this Directive.* [Am. 17]

(7) This Directive should apply from 1 April ~~2019~~ **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 ~~31~~ **the last Sunday in** March ~~2019~~ **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 ~~27~~ **on the last Sunday in** October ~~2019~~ **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 ~~2019~~ **2021** in a concerted manner.

[Am. 18]

- (7a) For the purpose of ensuring a harmonised implementation of this Directive, Member States should cooperate with one another and take decisions on their envisaged time arrangements in a concerted and coordinated manner. Therefore, a coordination mechanism should be established, consisting of a designated representative from each Member State and a representative of the Commission. The coordination mechanism should discuss and assess the potential impact of any envisaged decision on a Member State's standard times on the functioning of the internal market, in order to avoid significant disruptions. [Am. 19]*
- (7b) The Commission should assess whether the envisaged time arrangements in the different Member States have the potential to significantly and permanently hamper the proper functioning of the internal market. Where that assessment does not lead to Member States reconsidering their envisaged time arrangements, the Commission should be able to postpone the date of application of this Directive by no more than 12 months and submit a legislative proposal, if appropriate. Therefore, and in order to ensure the proper application of this Directive, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to postpone the date of application of this Directive by no more than 12 months. [Am. 20]*

- (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 TFEU.
- (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~~ **By way of derogation from** paragraph 1, Member States may still apply a seasonal change of their standard time or times in ~~2019~~ **2021**, provided that they do so at 1.00 a.m., Coordinated Universal Time, on ~~27~~ **the last Sunday in** October ~~2019~~ **of that year**. The Member States shall notify this decision ~~in~~ accordance with ~~Article 2~~ **to the Commission by 1 April 2020 at the latest**. [Am. 21]

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 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~~ **A coordination mechanism is hereby established with the aim to ensure a harmonised and coordinated approach to time arrangements throughout the Union**. [Am. 22]

2. ~~Within 1 month of the notification,~~ ***The coordination mechanism shall consist of one representative for each Member State and one representative of the Commission shall inform the other Member States thereof and publish that information in the Official Journal of the European Union. [Am. 23]***
- 2a. ***Where a Member State notifies the Commission of its decision pursuant to Article 1(2), the coordination mechanism shall convene to discuss and assess the potential impact of the envisaged change on the functioning of the internal market, in order to avoid significant disruptions. [Am. 24]***
- 2b. ***Where on the basis of the assessment referred to in paragraph 2a, the Commission considers that the envisaged change will significantly affect the proper functioning of the internal market, it shall inform the notifying Member State thereof. [Am. 25]***
- 2c. ***By 31 October 2020 at the latest, the notifying Member State shall decide whether to maintain its intention or not. Where the notifying Member State decides to maintain its intention, it shall provide a detailed explanation of how it will address the negative impact of the change on the functioning of the internal market. [Am. 26]***

Article 3

1. ***By 31 December 2025 at the latest*** the Commission shall ~~report~~ ***submit*** to the European Parliament and to the Council ***an evaluation report*** on the ***application and*** implementation of this Directive, ~~by 31 December 2024 at the latest~~ ***accompanied, where necessary, by a legislative proposal for its review based on a thorough impact assessment, involving all relevant stakeholders.*** [Am. 27]
2. Member States shall provide the Commission with the relevant information by 30 April ~~2024~~ ***2025*** at the latest [Am. 28].

Article 4

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

[Am. 29]

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.

Article 4a

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. *Where the Commission determines that the envisaged time arrangements, notified by the Member States pursuant to Article 1(2), have the potential to significantly and permanently hamper the proper functioning of the internal market, it is empowered to adopt delegated acts to postpone the date of application of this Directive by no more than 12 months and submit a legislative proposal, if appropriate. [Am. 30]*

Article 4b

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 4a shall be conferred on the Commission from [date of entry into force of this Directive] until [date of application of this Directive].*
3. *The delegation of power referred to in Article 4a may be revoked at anytime 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 of 13 April 2016 on Better Law-Making.*
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 4a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two 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 two months at the initiative of the European Parliament or of the Council. [Am. 31]*

Article 5

Directive 2000/84/EC is repealed with effect from 1 April ~~2019~~ **2021**. [Am. 32]

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 ...,

For the European Parliament
The President

For the Council
The President