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## INFORMATION NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL discontinuing seasonal changes of time and repealing Directive 2000/84/EC  
- Outcome of the European Parliament's first reading,  
(Strasbourg, 25 to 28 March 2019)

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### I. INTRODUCTION

The rapporteur, Marita ULVSKOG (S&D, SE), presented a report on the proposal for a Directive on behalf of the Committee on Transport and Tourism. The report contained thirty two amendments (amendments 1 - 32) to the proposal.

In addition, the EFDD political group tabled one amendment (amendment 33). A group of more of 38 MEPs also tabled one amendment (amendment 34).

## II. VOTE

When it voted on 26 March 2019, the plenary adopted amendments 1-32 to the proposal for a Directive.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto<sup>1</sup>.

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<sup>1</sup> The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

## **Discontinuing seasonal changes of time \*\*\*I**

**European Parliament legislative resolution of 26 March 2019 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))**

### **(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0639),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0408/2018),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Danish Parliament, the United Kingdom House of Commons and the United Kingdom House of Lords, asserting that the draft legislative act does not comply with the principle of subsidiarity,
  - having regard to the opinion of the European Economic and Social Committee of 17 October 2018<sup>2</sup>,
  - having regard to the results of the online consultation conducted by the European Commission between 4 July 2018 - 16 August 2018,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism and the opinions of the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy, the Committee on the Internal Market and Consumer Protection, the Committee on Agriculture and Rural Development, the Committee on Legal Affairs and the Committee on Petitions (A8-0169/2019),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>2</sup> OJ C 62, 15.2.2019, p. 305.

## Amendment 1

### Proposal for a directive

#### Recital 1

*Text proposed by the Commission*

(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 Council<sup>21</sup>, all Member States currently apply summer-time **arrangements from** the last Sunday in March until the last Sunday in October of the same year.

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<sup>21</sup> Directive 2000/84/EC of the European Parliament and of the Council on summer-time arrangements (OJ L 31, 2.2.2001, p. 21).

*Amendment*

(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 Council<sup>21</sup>, all Member States currently apply **biannual seasonal changes of time. Standard time is switched to** summer-time **on** the last Sunday in March until the last Sunday in October of the same year.

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<sup>21</sup> Directive 2000/84/EC of the European Parliament and of the Council on summer-time arrangements (OJ L 31, 2.2.2001, p. 21).

## 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

*Amendment*

(2) **Against the background of several petitions, citizens' initiatives and parliamentary questions, the European Parliament**, in its resolution of 8 February

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.

2018, called on the Commission to conduct **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 **stressed the importance of maintaining** a harmonised **and coordinated** approach to time arrangements throughout the Union **and a unified EU time regime**.

### 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 inconveniences linked to a biannual change of time.**

##### *Amendment*

(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.

### Amendment 4

#### Proposal for a directive Recital 3 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

**(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.*

#### *Justification*

*The introduction of a time change had its adversaries in the beginning, but the current proposal follows a series of studies and consultations that bring arguments into the ideological debate. To that end, it is proper to mention the previous debates and the process that led to the current proposal.*

#### **Amendment 5**

##### **Proposal for a directive Recital 3 b (new)**

*Text proposed by the Commission*

*Amendment*

*(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.*

## Amendment 6

### 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 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.

## Amendment 7

### Proposal for a directive Recital 4 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(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.*

## **Amendment 8**

### **Proposal for a directive Recital 4 b (new)**

*Text proposed by the Commission*

*Amendment*

*(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.*

## **Amendment 9**

### **Proposal for a directive Recital 4 c (new)**

*Text proposed by the Commission*

*Amendment*

*(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.*

## **Amendment 10**

### **Proposal for a directive Recital 4 d (new)**

*Text proposed by the Commission*

*Amendment*

*(4d) Summer time, or daylight saving, has enabled later apparent sunsets during the summer months. In the minds of many EU 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.*

## **Amendment 11**

### **Proposal for a directive Recital 4 e (new)**

*Text proposed by the Commission*

*Amendment*

*(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.*

## **Amendment 12**

### **Proposal for a directive**

## Recital 4 f (new)

*Text proposed by the Commission*

*Amendment*

***(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.***

## Amendment 13

**Proposal for a directive  
Recital 4 g (new)**

*Text proposed by the Commission*

*Amendment*

***(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.***

## Amendment 14

**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*

(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 ***by 1 April 2020 at the latest in the event that they intend*** to change their ***standard time*** on the ***last Sunday in October 2021.***

## Amendment 15

### 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

*Amendment*

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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.

introduce common rules preventing Member States from applying different seasonal time arrangements by changing their standard time more than once during the year. 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 16

### Proposal for a directive Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(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.***

## Amendment 17

### Proposal for a directive Recital 6 b (new)

*Text proposed by the Commission*

*Amendment*

*(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 implementation of this Directive.*

## Amendment 18

### 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) 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 ***the last Sunday in* 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 ***the last Sunday in* 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 from **2021** in a concerted manner.

## Amendment 19

### Proposal for a directive Recital 7 a (new)

***(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.***

## **Amendment 20**

### **Proposal for a directive Recital 7 b (new)**

***(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 of the Treaty on the Functioning of the European Union should be delegated to the Commission to postpone the date of application of this Directive by no more than 12 months.*

## Amendment 21

### 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 Article 2***.

*Amendment*

2. ***By way of derogation from*** 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 ***the last Sunday in October of that year***. The Member States shall notify this decision ***to the Commission by 1 April 2020 at the latest***.

## Amendment 22

### Proposal for a directive Article 2 – paragraph 1

*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.***

*Amendment*

1. ***A coordination mechanism is hereby established with the aim to ensure a harmonised and coordinated approach to time arrangements throughout the Union.***

## Amendment 23

### Proposal for a directive Article 2 – paragraph 2

*Text proposed by the Commission*

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*

2. ***The coordination mechanism shall consist of one representative for each Member State and one representative of the Commission.***

## Amendment 24

### Proposal for a directive Article 2 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

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.***

## Amendment 25

### Proposal for a directive Article 2 – paragraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

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.***



## Amendment 26

### Proposal for a directive Article 2 – paragraph 2 c (new)

*Text proposed by the Commission*

*Amendment*

**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.**

## Amendment 27

### Proposal for a directive Article 3 – paragraph 1

*Text proposed by the Commission*

*Amendment*

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**.

1. **By 31 December 2025 at the latest** the Commission shall **submit** to the European Parliament and to the Council **an evaluation report** on the **application and implementation** of this Directive, **accompanied, where necessary, by a legislative proposal for its review based on a thorough impact assessment, involving all relevant stakeholders**.

## Amendment 28

### 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

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by 30 April **2024** at the latest.

by 30 April **2025** at the latest.

## **Amendment 29**

### **Proposal for a directive Article 4 – paragraph 1**

#### *Text proposed by the Commission*

1. 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.

They shall apply those provisions from 1 April **2019**.

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.

#### *Amendment*

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.

## **Amendment 30**

### **Proposal for a directive Article 4 a (new)**

#### *Text proposed by the Commission*

#### *Amendment*

#### *Article 4 a*

**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.*

## **Amendment 31**

### **Proposal for a directive Article 4 b (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 4 b*

- 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 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 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.*

## **Amendment 32**

### **Proposal for a directive Article 5**

*Text proposed by the Commission*

#### Article 5

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

*Amendment*

#### Article 5

Directive 2000/84/EC is repealed with effect from 1 April **2021**.