



HOUSE OF COMMONS

Jean-Claude Juncker
President of the European Commission
European Commission
Rue de la Loi 200
1049 Brussels
Belgium

By email: SG-NATIONAL-PARLIAMENTS@ec.europa.eu

13 November 2018

Dear President,

EUROPEAN UNION DOCUMENT NO. 12118/18 AND ADDENDUM 1, PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL DISCONTINUING SEASONAL CHANGES OF TIME AND REPEALING DIRECTIVE 2000/84/EC

On 13 November 2018, the House of Commons of the United Kingdom Parliament resolved as follows:

That this House considers that the draft Directive of the European Parliament and of the Council on discontinuing seasonal changes of time and repealing Directive 2000/84/EC (European Union Document No. 12118/18 and Addendum 1) does not comply with the principle of subsidiarity for the reasons set out in Chapter 1 of the Forty-Second Report of the European Scrutiny Committee (HC 301-xli); and, in accordance with Article 6 of Protocol No. 2 of the Treaty on the Functioning of the European Union on the application of the principles of subsidiarity and proportionality, instructs the Clerk of the House to forward this reasoned opinion to the Presidents of the European Institutions.

I enclose the reasoned opinion, and the relevant European Scrutiny Committee Report.

*Yours ever,
David Natzler*

Sir David Natzler KCB
Clerk of the House

Reasoned Opinion of the House of Commons

Submitted to the Presidents of the European Parliament, the Council and the Commission pursuant to Article 6 of Protocol (No. 2) on the Application of the Principles of Subsidiarity and Proportionality.

Concerning

a Proposal for a Directive of the European Parliament and of the Council discontinuing seasonal changes of time and repealing Directive 2000/84/EC

The United Kingdom House of Commons considers that the proposed Directive fails to meet the requirements of Article 5(3) of the Treaty on European Union and Article 5 of Protocol (No. 2) on the Application of the Principles of Subsidiarity and Proportionality for the following reasons:

- i. We do not consider that there is a sufficient evidence base to justify the discontinuation of seasonal changes of time in terms of the internal market objective of the proposal. There is not the detailed statement required by Article 5 of Protocol 2 in the proposal itself or in the Commission's accompanying explanatory memorandum and staff working document. Such a statement should make it possible to appraise compliance with the principles of subsidiarity and proportionality, provide an assessment of the proposal's financial impact, and give reasons substantiated by qualitative and where possible quantitative indicators to demonstrate why the objective of the proposal can better be achieved by action at Union level. In place of such a statement is an overreliance on a flawed public consultation. As the Commission itself acknowledges, "evidence is not conclusive as to whether the benefits of summer time arrangements outweigh the inconveniences linked to a biannual change of time", leaving room to doubt that a fully harmonised approach which precludes seasonal time changes is necessary.
- ii. Given that the proposed Directive would not (and cannot) remove all time differentials between Member States which result from their different time zones, there is no sufficient justification to remove the option for Member States, in accordance with their local conditions, to retain seasonal clock changes.
- iii. The public consultation carried out by the Commission assumed that summer time arrangements across the EU must be fully harmonised, meaning that it only presented two possible options: preserving the status quo and requiring all Member States to change their clocks at the same time in the spring and the autumn or abandoning seasonal time changes altogether.²² We consider that the Commission should also have explored (or sought views on) a third option which would leave open the possibility for each Member State to decide for itself, at national level, whether to change clocks twice a year but, require those Member States choosing this option to act in a coordinated way. This approach would be more in keeping with the spirit and purpose of the first Directive (adopted in 1980)—*to coordinate seasonal time variations already decided on by Member States at national level*—whilst remaining within the competence conferred by Article 114 TFEU and respecting the principle of subsidiarity.

We question whether the public consultation is genuinely representative of opinion across all Member States, given that only three Member States accounted for 84% of the total responses, or is sufficiently comprehensive to take into account the regional and local dimension of discontinuing seasonal time changes. The Commission's haste to legislate also reduces the opportunity for Member States to carry out their own public consultation at national level and assess the impact of the action proposed on regional and local authorities.

