EU Digital COVID Certificate - Union citizens

2022/0031(COD) - 03/02/2022 - Legislative proposal

PURPOSE: to extend the application of Regulation (EU) 2021/953 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: since the adoption of Regulation (EU) 2021/953, the epidemiological situation with regard to the COVID-19 pandemic has evolved considerably. On the one hand, by 31 January 2022, more than 80% of the adult population in the Union had completed their primary vaccination cycle, and more than 50% have received a booster dose, despite significant differences between Member States. Increasing vaccine uptake remains a crucial objective in the fight against the pandemic, given the protection against hospitalisation and severe disease afforded by vaccination, and thus plays an important role in ensuring that restrictions to the free movement of persons can be lifted.

After a peak in Omicron cases, a high proportion of the population is expected to enjoy, at least for a certain period, protection from COVID-19 either due to vaccination or prior infection, or both. However, it is not possible to predict the impact of a possible increase in infections in the second half of 2022. In addition, the possibility of a worsening of the pandemic situation because of the emergence of new SARS-CoV-2 variants of concern cannot be ruled out.

In view of the above, it cannot be excluded that Member States continue to require Union citizens exercising their right to free movement to present proof of COVID-19 vaccination, test or recovery **beyond 30 June 2022**, that is, the date when Regulation (EU) 2021/953 is currently set to expire. It is important to ensure that Union citizens and their family members are not deprived of the possibility to make use of their EU Digital COVID Certificates, which are an effective, secure and privacy-preserving way of proving one's COVID-19 status, in the event that certain restrictions to free movement based on public health are still in place after 30 June 2022.

CONTENT: under this proposal, the Commission is proposing to extend, by 12 months (**until 30 June 2023**), the application of Regulation (EU) 2021/953, which lays down a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic. This should allow EU citizens and their family members exercising their right to free movement to continue demonstrating that they fulfil public health requirements imposed, in compliance with EU law, by the Member State of destination.

In addition to the extension of the EU Digital COVID Certificate Regulation until June 2023, the Commission also proposes some limited amendments to Regulation (EU) 2021/953 such as:

- a broadening of the definition of SARS-CoV-2 tests that rely on the detection of viral proteins (antigens) to include antigenic assays performed in a laboratory setting and not only rapid antigen tests that give results in less than 30 minutes;

- an explicit clarification that vaccination certificates are to contain the number of doses administered to the holder, regardless of the Member State in which they have been administered, to make sure that the overall number actually administered is accurately reflected;

- a clarification that EU Digital COVID Certificates may also be issued to persons participating in clinical trials for COVID-19 vaccines, and that such certificates may be accepted by other Member States in order to waive restrictions to free movement;

- an extension by 12 months of the period of application set out in Regulation (EU) 2021/953, as well as of the power to adopt delegated acts with a view to adapting the information included in the vaccination certificate.

The proposal notes that the **domestic use** of EU Digital COVID Certificates remains a matter for Member States to decide. The EU legislation on the EU Digital COVID Certificate neither prescribes nor prohibits the domestic use of EU Digital COVID Certificate (such as for access to events or restaurants). At the same time, where a Member State establishes a system of COVID-19 certificate for domestic purposes, it should continue to ensure that the EU Digital COVID Certificate is also fully accepted for those purposes.

Beyond that, the Commission also encourages Member States to align their domestic validity periods with the validity period set at EU level for the purpose of travel.