Basic information

2021/0068(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Digital Green Certificate - Union citizens Amended by 2022/0031(COD) See also 2021/2609(RSP) **Subject** 2.20 Free movement of persons 4.20 Public health 4.20.01 Medicine, diseases **Legislative priorities** The EU's response to the Covid-19 pandemic	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	LÓPEZ AGUILAR Juan Fernando (S&D)	22/03/2021

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
TRAN Transport and Tourism		

Council of the European Union

European Commission

Commission DG	Commissioner
Justice and Consumers	REYNDERS Didier

Key events

Date	Event	Reference	Summary

17/03/2021	Legislative proposal published	COM(2021)0130	Summary
24/03/2021	Committee referral announced in Parliament, 1st reading		
28/04/2021	Debate in Parliament		
29/04/2021	Decision by Parliament, 1st reading	T9-0145/2021	Summary
29/04/2021	Matter referred back to the committee responsible for interinstitutional negotiations		
26/05/2021	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE694.994 GEDA/A/(2021)001907	
08/06/2021	Decision by Parliament, 1st reading	T9-0273/2021	Summary
08/06/2021	Debate in Parliament		
11/06/2021	Act adopted by Council after Parliament's 1st reading		
14/06/2021	Final act signed		
15/06/2021	Final act published in Official Journal		
23/06/2021	End of procedure in Parliament		

Technical information

Procedure reference	2021/0068(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amended by 2022/0031(COD) See also 2021/2609(RSP)
Legal basis	Rules of Procedure EP 170 Treaty on the Functioning of the European Union TFEU 021-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/05646

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Text adopted by Parliament, partial vote at 1st reading /single reading		T9-0145/2021	29/04/2021	Summary
Text agreed during interinstitutional negotiations		PE694.994	21/05/2021	
Text adopted by Parliament, 1st reading/single reading		T9-0273/2021	08/06/2021	Summary

Council of the EU

Document type	Reference	Date	Summary

Coreper letter confirming interinstitutional agreement	GEDA/A/(2021)001907	21/05/2021	
Draft final act	00025/2021/LEX	14/06/2021	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2021)0130	17/03/2021	Summary
Commission response to text adopted in plenary	SP(2021)472	26/07/2021	
Follow-up document	COM(2021)0649	18/10/2021	
Follow-up document	COM(2022)0123	15/03/2022	
Follow-up document	COM(2022)0753	22/12/2022	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2021)0130	20/04/2021	
Contribution	CZ_SENATE	COM(2021)0130	05/05/2021	
Contribution	ES_PARLIAMENT	COM(2021)0130	20/05/2021	
Contribution	PT_PARLIAMENT	COM(2021)0130	20/05/2021	
Contribution	CZ_CHAMBER	COM(2021)0130	01/06/2021	
Contribution	RO_SENATE	COM(2021)0130	28/06/2021	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1771/2021	27/04/2021	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Corrigendum to final act 32021R0953R(03)
OJ L 072 07.03.2022, p. 0007

Regulation 2021/0953
OJ L 211 15.06.2021, p. 0001

Delegated acts	
Reference	**Subject**
2021/3056(DEA)	Examination of delegated act
2022/2561(DEA)	Examination of delegated act
2022/2613(DEA)	Examination of delegated act

Digital Green Certificate - Union citizens

2021/0068(COD) - 17/03/2021 - Legislative proposal

PURPOSE: to establish a common framework for the issuance, verification and acceptance of interoperable certificates on vaccination, testing and recovery to facilitate free movement during the COVID-19 pandemic (Digital Green Certificate).

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: in order to limit the spread of the virus, Member States have adopted various measures, some of which have had an impact on travel to and within the territory of the Member States, such as the requirement to undergo quarantine or self-containment or to be tested for SARS-CoV-2 infection prior to and/or after arrival.

To ensure a well-coordinated, predictable and transparent approach to the adoption of restrictions on freedom of movement, the Council adopted, on 13 October 2020, Council Recommendation (EU) 2020/1475 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic.

Many Member States have launched or plan to launch initiatives to issue vaccination certificates. However, for these to be used effectively in a cross-border context when citizens exercise their free movement rights, such certificates need to be fully interoperable, secure and verifiable. A commonly agreed approach is required among Member States on the content, format, principles and technical standards of such certificates.

In their declaration adopted following the informal video conferences on 25-26 February 2021, the members of the European Council called for further work on a common approach to vaccination certificates.

The Commission is working with Member States in the e-Health network, a voluntary network of national e-Health authorities, to prepare for the interoperability of these certificates. Work is also underway to develop a common harmonised data set for COVID-19 test result certificates.

CONTENT: based on the technical work done so far, the proposed Regulation establishes the digital green certificate, which is a framework for the issuance, verification and acceptance of interoperable health certificates to facilitate free movement during the COVID-19 pandemic.

Digital green certificate

The interoperable digital green certificate should allow for the issuance, cross-border verification and acceptance of any of the following certificates: (i) vaccination certificates, (ii) certificates for screening tests (NAAT/RT-PCR or rapid antigen test) and (iii) certificates for persons who have recovered from COVID-19.

Member States should issue the certificates in a digital and/or paper-based format. Certificates issued by Member States should contain an interoperable barcode to verify the authenticity, validity and integrity of the certificate. The certificates should be available free of charge and in the official language(s) of the issuing Member State as well as in English.

Trust framework

The Commission and the Member States should establish a digital trust framework infrastructure allowing for the secure issuance and verification of certificates and ensuring, as far as possible, interoperability with internationally established technology systems.

The proposal also provides for the acceptance of secure and verifiable certificates issued by third countries to EU citizens and their family members according to an international standard that is interoperable with the trust framework established by the Regulation and that will contain the necessary personal data, following an implementing decision by the Commission.

Issuance, content and acceptance of certificates

The proposal provides details on the issuance, content and acceptance of the vaccination certificate, the test certificate and the certificate of recovery.

The certificates would include a limited set of essential information such as name, date of birth, date of issue, relevant information on the vaccine administered/tested/recovery and a unique certificate identifier.

The digital green certificate would be valid in all EU Member States and open to Iceland, Liechtenstein, Norway and Switzerland.

The possession of a 'digital green certificate', in particular a vaccination certificate, should not be a precondition for the exercise of free movement. In particular, the proposed Regulation cannot be interpreted as establishing an obligation or right to be vaccinated.

Notification

The proposal establishes a notification procedure to ensure that the other Member States and the Commission are informed of the restrictions on the right to free movement made necessary by the pandemic.

Data protection

The certificates should contain only such personal data as is necessary. Given that the personal data includes sensitive medical data, a very high level of data protection should be ensured and data minimisation principles should be preserved. In particular, the 'Digital Green Certificate' framework should not require the setting up and maintenance of a database at EU level but should allow for the decentralised verification of digitally signed interoperable certificates.

Temporary measure

The proposal foresees that the measures should be suspended once the World Health Organisation (WHO) has declared the end of the COVID-19 international health emergency.

Digital Green Certificate - Union citizens

2021/0068(COD) - 08/06/2021 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 546 votes to 93, with 51 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on a framework for the issuance, verification and acceptance of interoperable certificates on vaccination, testing and recovery to facilitate free movement during the COVID-19 pandemic (Digital Green Certificate).

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

EU digital COVID certificate

The Regulation establishes a framework for the issuance, verification and acceptance of interoperable certificates of (i) **vaccination** against COVID-19 indicating the name of the vaccine and the number of doses administered to the holder; (ii) completion of **testing** for this disease carried out by health professionals; and (iii) **recovery** from the disease, in order to facilitate the exercise by their holders of their right to free movement during the COVID-19 pandemic.

The certificate should also facilitate free movement and contribute to the gradual and coordinated lifting of restrictions.

The prospective holders should be entitled to receive the certificates in the format of their choice. Those certificates shall be **user-friendly** and shall contain an interoperable barcode allowing for the verification of their authenticity, validity and integrity. A separate certificate should be issued for each vaccination, test result or recovery and should not contain data from previous certificates except where otherwise provided for in this Regulation.

The certificate should **not be a prerequisite for exercising the right to freedom of movement** and should not be considered as a travel document. It should invite travellers to check, before travelling, the applicable public health measures and restrictions in the place of destination. The issuing of certificates should not lead to discrimination based on the possession of a specific category of certificate.

Cross-border passenger transport service operators required by national law to implement certain public health measures during the COVID-19 pandemic should ensure that the verification of the certificates is integrated into the operation of cross-border transport infrastructure such as airports, ports and railway and bus stations, where appropriate.

Trust framework

The trust framework should be based on a public key infrastructure and allow for the **reliable and secure issuance** and verification of the authenticity, validity and integrity of the certificates. The trust framework should allow for the detection of fraud, in particular forgery. In addition, it may support the bilateral exchange of certificate revocation lists containing the unique certificate identifiers of revoked certificates. Such certificate revocation lists shall not contain any other personal data.

Vaccination certificates

Member States should accept vaccination certificates issued in other Member States for persons who have received a vaccine authorised by the European Medicines Agency. They may decide whether to also accept certificates for vaccines authorised under national procedures or which are on the WHO emergency use listing procedure.

COVID-19 certificates and other documentation issued by a third country

Where a vaccination certificate has been issued in a third country for a COVID-19 vaccine and the authorities of a Member State have been provided with all the necessary information, including reliable proof of vaccination, those authorities may, upon request, issue a vaccination certificate to the person concerned. A Member State should not be required to issue a vaccination certificate for a COVID-19 vaccine that is not authorised for use on its territory.

Restrictions on free movement and exchange of information

If Member States accept certificates of vaccination, negative tests or recovery, they should **refrain from imposing additional restrictions** on free movement, such as screening tests or quarantine or self-isolation, unless such restrictions are necessary and proportionate to safeguard public health, also taking into account the available scientific evidence, including epidemiological data published by the European Centre for Disease Prevention and Control (ECDC)

In the event of a rapid deterioration of the epidemiological situation in a Member State, or in a region of a Member State, in particular due to a variant of concern, Member States should inform the other Member States and the Commission if possible **48 hours** in advance, and the public **24 hours** in advance, before introducing such new restrictions

Data protection

All personal data should be processed in accordance with the **General Data Protection Regulation**.

Personal data contained in the certificates should be processed only for the purpose of accessing and verifying the information contained in the certificate in order to facilitate the exercise of the right to free movement within the Union during the COVID-19 pandemic. No further processing should take place after the period of application of the Regulation and no personal data should be kept.

Duration of application

The Regulation should apply from **1 July 2021 to 30 June 2022**. COVID-19 certificates issued by one Member State before 1 July 2021 should be accepted by other Member States until 12 August 2021 when they contain the required data.

By 31 October 2021, the Commission should submit a report to the European Parliament and the Council giving an overview of the number of certificates issued. By 31 March 2022 at the latest, the Commission should submit a report on the application of the Regulation, accompanied, if appropriate, by legislative proposals including the extension of the period of application of the Regulation.

Affordable testing

To facilitate the exercise of the right to free movement, Member States are encouraged to ensure affordable and widely available testing possibilities, taking into account that not the entire population would have had the opportunity to be vaccinated before the date of application of this Regulation.

Digital Green Certificate - Union citizens

2021/0068(COD) - 29/04/2021 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 540 votes to 119, with 31 abstentions, amendments to the proposal for a regulation of the European Parliament and of the Council on a framework for the issuance, verification and acceptance of interoperable certificates on vaccination, testing and recovery to facilitate free movement during the COVID-19 pandemic (Digital Green Certificate).

The matter was referred back to the committee responsible for inter-institutional negotiations.

The main amendments adopted by the plenary concern the following issues:

EU COVID-19 certificate

The regulation seeks to lay down a framework for the issuance, verification and acceptance of interoperable certificates on COVID-19 vaccination, testing and recovery for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic.

Members stressed that the certificate cannot be interpreted as establishing a direct or indirect right or obligation for persons to be vaccinated. Moreover, it should not in any case be used as a travel document. Possession of an EU COVID-19 Certificate should not be a precondition to exercise free movement rights.

The prospective holders should be entitled to receive the certificates in the format of their choice (either digital or paper-based). The certificates should be user-friendly and accessible to persons with disabilities.

The holder should be provided with clear, comprehensive and timely information on the use of the vaccination certificate, test certificate, and/or recovery certificate.

Vaccination and test certificates should be issued automatically. Recovery certificates would be issued on request and could also be issued in case of detection of antibodies by a serological test.

Union transport hubs, such as airports, ports, and railway and bus stations, where the certificates are verified should apply standardised and common criteria and procedures for their verification, on the basis of guidance developed by the Commission.

Avoiding discrimination

Issuance of certificates should not lead to differential treatment and discrimination based on vaccination status or the possession of a specific certificate. In this respect, Members stated Member States ensure universal, accessible, timely and free of charge testing possibilities in order to guarantee the right to free movement inside the Union without discrimination on grounds of economic or financial possibilities.

Member States should accept vaccination certificates issued in other Member States for persons who have received a vaccine authorised by the European Medicines Agency. They should also be able to issue vaccination certificates to EU citizens and their family members who have been vaccinated with a vaccine that has received a WHO Emergency Use Listing.

No additional travel restrictions

Member States should not introduce and implement additional travel restrictions such as quarantine, self-isolation or a test for SARS-CoV-2 infection, or any discriminatory measures for holders of certificates, upon the introduction of the EU COVID-19 Certificate.

National digital certificates and interoperability with the trust framework

As far as Member States decide to require national digital certificates for other purposes than free movement at a national level, those should be interoperable with the EU COVID-19 Certificate and respect its safeguards as defined in this Regulation, in particular to ensure non-discrimination between different nationalities, non-discrimination between different certificates, high standards of data protection and to avoid fragmentation.

Protection of personal data

Certificates should be verified to prevent fraud or falsification, as should the authenticity of the electronic seals included in the document. Personal data contained in the certificate should not be stored in the Member States of destination and no central database should be set up at EU level.

The list of entities that will process and receive the data would be made public so that citizens can know the identity of the entity to whom they can turn to for the exercise of their data protection rights.

Duration of application

The Regulation should apply for 12 months from the date of its entry into force. Four months after the date of entry into force and at the latest three months before the end of its application, the Commission should report on its application.

Affordable vaccines allocated globally

Members also stressed that COVID-19 vaccines need to be produced at scale, priced affordably and allocated globally. They are also concerned about serious cases of non-compliance with production and delivery schedules.