Basic information

2022/0031(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
EU Digital COVID Certificate - Union citizens Amending Regulation 2021/953 2021/0068(COD) **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)	16/03/2022
	Shadow rapporteur LENAERS Jeroen (EPP) IN 'T VELD Sophia (Renew) STRIK Tineke (Greens/EFA) ROOKEN Rob (ECR) TARDINO Annalisa (ID) ERNST Cornelia (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	Chair on behalf of committee CANFIN Pascal (Renew)	17/03/2022
TRAN Transport and Tourism	BAUZÁ DÍAZ José Ramón (Renew)	07/03/2022

Council of the European Union

European Commission

Commission DG	Commissioner
Justice and Consumers	REYNDERS Didier

Key events

Date	Event	Reference	Summary
03/02/2022	Legislative proposal published	COM(2022)0050	Summary
14/02/2022	Committee referral announced in Parliament, 1st reading		
28/04/2022	Vote in committee, 1st reading		
28/04/2022	Committee decision to open interinstitutional negotiations with report adopted in committee		
02/05/2022	Committee report tabled for plenary, 1st reading	A9-0138/2022	
02/05/2022	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
05/05/2022	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72 - vote)		
16/06/2022	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE734.158 GEDA/A/(2022)004631	
23/06/2022	Decision by Parliament, 1st reading	T9-0252/2022	Summary
23/06/2022	Results of vote in Parliament		
27/06/2022	Act adopted by Council after Parliament's 1st reading		
29/06/2022	Final act signed		
30/06/2022	Final act published in Official Journal		

Technical information

Procedure reference	2022/0031(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation 2021/953 2021/0068(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 021-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/08324

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE729.924	18/03/2022	
Amendments tabled in committee		PE731.523	08/04/2022	

Committee opinion	TRAN	PE729.808	21/04/2022	
Committee opinion	ENVI	PE730.193	21/04/2022	
Committee report tabled for plenary, 1st reading/single reading		A9-0138/2022	02/05/2022	
Text agreed during interinstitutional negotiations		PE734.158	15/06/2022	
Text adopted by Parliament, 1st reading/single reading		T9-0252/2022	23/06/2022	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2022)004631	15/06/2022	
Draft final act	00027/2022/LEX	29/06/2022	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2022)0050	03/02/2022	Summary
Commission response to text adopted in plenary	SP(2022)447	26/07/2022	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2022)0050	30/05/2022	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2022/1034
OJ L 173 30.06.2022, p. 0037

EU Digital COVID Certificate - Union citizens

2022/0031(COD) - 23/06/2022 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 453 votes to 119, with 19 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending 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.

Members backed the proposal to extend the EU digital COVID certificate scheme - which expires on 30 June 2022 - by a further year, **until 30 June 2023**.

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

EU digital COVID certificate

The amended text clarifies that the EU digital COVID certificate framework allows for the issuance, verification and cross-border acceptance of a certificate confirming that, following a positive result of a NAAT test or an antigen detection test included in the EU Common List of Antigen Detection Tests for the diagnosis of COVID-19 approved by the Health Security Committee performed by health professionals or qualified testing personnel, the holder has recovered from SARS-CoV-2 infection (certificate of recovery).

Trust framework

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

Recovery certificates

Member States may also issue, upon request, certificates of recovery following a positive result of an antigen test listed in the EU common list of COVID-19 antigen tests agreed by the Health Security Committee carried out by health professionals or by skilled testing personnel.

Certificates of recovery should be issued at the earliest 11 days after the date on which a person was first subject to a NAAT test or antigen test that produced a positive result. The Commission is empowered to adopt delegated acts to amend the number of days after which a certificate of recovery is to be issued.

Restrictions on free movement and exchange of information

Where Member States accept vaccination certificates, negative test certificates or certificates of recovery, they should **refrain from imposing additional restrictions on free movement**, unless such restrictions are non-discriminatory and necessary and proportionate for the purpose of safeguarding public health, taking into account the latest available scientific evidence and in accordance with the precautionary principle.

Where a Member State imposes additional restrictions on certificate holders, in particular because of a variant of concern or as a result of SARS-CoV-2, it should inform the Commission and the other Member States, if possible 48 hours before the introduction of such new restrictions. Particular attention should be paid to the likely impact of such restrictions on cross-border regions and to the specificities of outermost regions, exclaves and geographically isolated areas. Member States should make clear, complete and timely information available to the public 24 hours before the new restrictions take effect.

Review after six months

By **31 December 2022** at the latest, the Commission should submit a report on the application of the Regulation based on scientific advice from the European Centre for Disease Prevention and Control (ECDC) and the Health Security Committee (HSC).

The report should contain:

- an overview of the information collected on the restrictions on free movement put in place by Member States to limit the spread of SARS-CoV-2;

- a overview describing any developments in the domestic and international use of the certificates;

- any relevant updates on the assessment of the impact of the Regulation on the facilitation of free movement, including on travel and tourism and on the acceptance of different types of vaccine, on fundamental rights and non-discrimination, and on the protection of personal data during the COVID-19 pandemic;

- an **assessment of the appropriateness of the continued use of certificates**, taking into account the latest epidemiological developments and scientific evidence available.

The report may be accompanied by a legislative proposal, including a proposal to **shorten the period of application** of the Regulation, taking into account the evolution of the epidemiological situation with regard to the COVID-19 pandemic and any recommendations of the ECDC and the Health Security Committee to that effect.

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.