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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL 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 (first reading) - Preparation for adoption of the legislative act

1. On 17 March 2021 the Commission sent its proposal¹, based on Article 21(2) TFEU, to the Council.
2. Informal contacts were initiated between the Council, the European Parliament and the Commission with the aim of reaching agreement at first reading.

¹ 7128/21 + ADD1.

3. On 21 May 2021, the Permanent Representatives Committee endorsed the agreement reached in trilogues² and authorised the Chair to send a letter to the Chair of the LIBE Committee stating that should the European Parliament adopt its position at first reading in the form set out in that letter, subject to revision by the legal linguists of both institutions, the Council would approve the European Parliament's position and the act shall be adopted in the wording which corresponds to the European Parliament's position.
4. The European Parliament will adopt its position at first reading at its plenary on 7-10 June 2021.
5. The Commission's statement for the minutes of the Council meeting is set out in the Addendum 1. The statements by Austria and Bulgaria for the minutes of the Council meeting are set out in the Addendum 2.
6. The Permanent Representatives Committee is therefore invited to:
 - agree that should the European Parliament adopt its position at first reading in the form set out in the letter to the Chair of the LIBE Committee referred to in paragraph 3 of this note, as revised by the legal linguists of both institutions in PE-CONS 25/21³, the Council would be invited to approve the European Parliament's position as an "A" item at a forthcoming meeting;
 - decide that the Commission's statement for the minutes of the above Council meeting, as set out in the Addendum 1, to be published in the C series of the *Official Journal of the European Union*.

² 9038/21.

³ Available on 9 June 2021.

7. At the same time, the Permanent Representatives Committee is invited to decide, in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure and Article 1 of Council Decision (EU) 2021/825⁴, that the Council uses the written procedure for the approval of the European Parliament's position at the first reading, provided that that position is in the form set out in the letter to the Chair of the LIBE Committee referred to in paragraph 3 of this note and that no Council meeting with quorum takes place before 12 June 2021.

Should the Council approve the European Parliament its position at first reading, the signature of the act will take place on 14 June 2021.

8. If the Council approves the European Parliament's position, the act shall be adopted in the wording which corresponds to the European Parliament's position.

After being signed by the President of the European Parliament and the President of the Council, the legislative act will be published in the *Official Journal of the European Union*.

⁴ Council Decision (EU) 2021/825 of 20 May 2021, further extending the temporary derogation from the Council's Rules of Procedure introduced by Decision (EU) 2020/430, in view of the travel difficulties caused by the COVID-19 pandemic in the Union (OJ L 183, 25.5.2021, p. 40–41).