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WK 2113/2022 INIT

LIMITE

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Ad hoc Working Party on the proposals for a Digital Green Certificate
N° Cion doc.:	ST 5942 2022 INIT
Subject:	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 - comments from Hungary

Delegations will find attached the comments from the Hungarian delegation to the above-mentioned Regulation.

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Article 5 paragraph (5) is amended as follows:

5. Where Member States accept proof of vaccination in order to waive restrictions to free movement put in place, in accordance with Union law, to limit the spread of SARS-CoV-2, they shall also accept, under the same conditions, vaccination certificates issued by other Member States in accordance with this Regulation for a COVID-19 vaccine that has been granted a marketing authorisation pursuant to Regulation (EC) No 726/2004.

Member States may also accept, for the same purpose, vaccination certificates issued by other Member States in accordance with this Regulation for a COVID-19 vaccine that has been granted a marketing authorisation by the competent authority of a Member State pursuant to Directive 2001/83/EC, a COVID-19 vaccine the distribution of which has been temporarily authorised pursuant to Article 5(2) of that Directive, or a COVID-19 vaccine that has completed the WHO emergency use listing procedure.

Member States may also issue vaccination certificates referred to in point (a) of Article 3(1) to persons participating in clinical trials that concern a COVID-19 vaccine and that have been approved by Member States' ethical committees and competent authorities, regardless whether they have been administered the vaccine candidate or the dose administered to the control group. The information about the COVID-19 vaccine to be included in the vaccination certificate in accordance with the specific data fields set out in point 1 of the Annex shall not undermine the integrity of the clinical trial. Member States may accept vaccination certificates issued by other Member States in accordance with this paragraph in order to waive restrictions to free movement put in place, in accordance with Union law, to limit the spread of SARS-CoV-2. (amendment proposed by the European Commission)

By derogation from the second subparagraph, Member States shall accept vaccination certificates issued by other Member States in accordance with this Regulation for a COVID-19 vaccine which has been temporarily authorised pursuant to Article 5(2) of Directive 2001/83/EC if the vaccine was administered before 31 December 2021 and has been followed by a booster COVID-19 vaccine that has been granted a marketing authorisation pursuant to Regulation (EC) No 726/2004.

Where Member States accept vaccination certificates for a COVID-19 vaccine referred to in the second subparagraph, they shall also accept, under the same conditions, vaccination certificates issued by other Member States in accordance with this Regulation for the same COVID-19 vaccine.

Justification and corresponding recital

(x) During 2021, around 2 million EU citizens were vaccinated by COVID-19 vaccines the distribution of which has been temporarily authorised pursuant to Article 5(2) of Directive 2001/83. The emergence of omicron variant considerably changed vaccination policies throughout the EU. While booster vaccination became indispensable to prevent severe diseases resulting from infection, currently available vaccines do not guarantee anymore the prevention of contracting and transmitting infection, which is the main aspect for ensuring secure ways of free movement. Moreover, for preventing severe diseases, it is important that everyone obtains booster vaccination and those people who, during the primary course of vaccination did not receive vaccines authorised under regulation 726/2004/EU are also assured that all their vaccination certificates shall be recognized in case a booster vaccine is authorised under that regulation. As today safe supply of vaccines authorised under regulation 726/2004/EU is ensured, the acceptance of certificated related to other vaccines should be limited in time and restricted to vaccinations taken place before 31 December 2021.
