



Council of the European Union
General Secretariat

Brussels, 15 February 2022

Interinstitutional files:

2022/0031 (COD)

2022/0030 (COD)

WK 2144/2022 INIT

LIMITE

COVID-19

JAI

POLGEN

FRONT

FREMP

IPCR

VISA

MI

SAN

TRANS

COCON

COMIX

SCHENGEN

AVIATION

PHARM

RELEX

TOUR

CODEC

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

MEETING DOCUMENT

From:	Commission services
To:	Ad hoc Working Party on the proposals for a Digital Green Certificate
N° Cion doc.:	5942/22, 5943/22
Subject:	Draft Regulations amending Regulation 2021/953 and Regulation 2021/954 amending the EU Digital Covid Certificate - presentation by the Commission

Delegations will find attached the presentation made by the Commission services at the meeting of the ad hoc Working Party on the proposals for a Digital Covid Certificate on 14 February 2022 on the above-mentioned subject.

WK 2144/2022 INIT

LIMITE

EN



Extension of the EU Digital COVID Certificate Regulations

Presentation of the Commission's proposals to the ad hoc Working Party of 14 February 2022

DG JUST and DG HOME

Background – why the extension? 1/2

- EU Digital COVID Certificate has been rolled out successfully – it's a system that is **widely available and reliably accepted**
- More than **1 billion certificates** already issued
- 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
- However, **we cannot predict the developments in the second half of 2022**
- In addition, a worsening of the pandemic because of new **variants** cannot be ruled out

Background – why the extension? 2/2

- As a result, **we do not know whether we will need the EU DCC during the winter of 2022/2023**
- Without an extension, the **legal basis** to operate the EU DCC trust framework **ceases to apply**
- If the Regulation is not extended, we would thus **deprive ourselves of the possibility to use the EU DCC** in the second half of 2022
- An extension of the EU DCC Regulation **does not require Member States to maintain** travel restrictions – on the contrary, they should be **lifted as soon as possible**

Proposed amendments – extension

- An **extension** of the EU Digital COVID Certificate Regulation by **12 months** – from 30 June 2022 to **30 June 2023** (amendment to Article 17 of the Regulation)
- An extension of the power to adopt **delegated acts** by 12 months (amendment to Article 12(2) of the Regulation)
- The application of the “**twin**” **Regulation 2021/954** extending the scope of the EU DCC Regulation to third-country nationals legally staying or residing in the EU would be tied to the “main” Regulation 2021/953

Proposed amendments – antigen tests

- At the moment, the Regulation allows the issuance of test certificates based on NAAT tests (e.g. **PCR**) and **rapid antigen tests** in the EU common list
- The current definition does not cover **laboratory-based antigen tests**, which are faster than PCR and even more reliable than RAT
- The technical working group responsible for the EU common list has developed a separate list of laboratory-based antigen tests that meet the **quality criteria** of rapid antigen tests
- COM proposes to **expand the definition of antigen tests** to cover both rapid antigen tests and lab-based antigen tests included in the EU common list (Article 2(5), removal of the word 'rapid' from Articles 3(1), 6(2), 7(4) and Annex)

Proposed amendments – clinical trial vaccines

- **Current wording** on the issuance and acceptance of vaccination certificates for vaccines undergoing clinical trials **unclear**
- Important to **encourage participation in clinical trials**
- New subparagraph to Article 5(5) proposed:
 - MS **may issue** vaccination certificates to persons participating in clinical trials that have been approved by Member States' ethical committees and competent authorities **regardless** whether the participants have received the **COVID-19 vaccine candidate** or the dose administered to the **control group** to **avoid undermining the studies**
 - MS **may accept** such certificates in order to waive free movement restrictions
- To ensure a coherent approach, HSC, EMA and ECDC may be asked for **guidance**

Proposed amendments – number of doses

- **Already today**, Article 5(2)(b) of the EU DCC Regulation provides that a vaccination certificate must contain “*the number of doses administered to the holder*”, not just the doses administered in the MS issuing the certificate
- MS and citizens have regularly raised problems about vaccination certificates not containing correct information. **COM effort** to address situation – IPCR questionnaire, letters to MS
- Proposal to further **clarify** the number of doses is independent of the MS in which they have been administered in Article 5(2)(b)
- Previous doses in other MS can be **proven with an EU DCC**, and MS should not require other information such as the batch number of previous doses
- **Acceptance** of previous doses subject to Article 5(5)

Summary

- **Time-limited extension** with a few additional **targeted amendments**
- Proposals already now to allow for **sufficient time** for the legislative negotiations to **conclude before June**
- **No change** to the **scope of the Regulation** – domestic use of the certificates **remains a decision of the MS**
- We urge you **not to re-open provisions** for which a **careful balance has been found during the initial negotiations**

Thank you

PUBLIC



© European Union 2020

Unless otherwise noted the reuse of this presentation is authorised under the [CC BY 4.0](https://creativecommons.org/licenses/by/4.0/) license. For any use or reproduction of elements that are not owned by the EU, permission may need to be sought directly from the respective right holders.

