



Paris, 31 March 2021

## **POLITICAL OPINION**

### **On the proposal for a European Green Certificate to facilitate free movement during the Covid-19 pandemic**

The European Affairs Committee of the French Senate,

Having regard to Article 45 of the Charter of Fundamental Rights of the European Union,

Having regard to Article 3(2) of the Treaty on European Union,

Having regard to Article 21 of the Treaty on the Functioning of the European Union,

Having regard to Titles IV and V of the third part of the Treaty on the Functioning of the European Union, in particular Article 77(2),

Having regard to Article 168(7) of the Treaty on the Functioning of the European Union,

Having regard to Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms,

Having regard to Article 5 of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Oviedo Convention),

Having regard to Article 29 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States

amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC,

Having regard to Article 12 of Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare,

Having regard to Articles 6 and 9 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC,

Having regard to Council Recommendation (EU) 2020/1475 of 13 October 2020 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic,

Having regard to Council Recommendation (EU) 2021/119 of 1 February 2021 amending Recommendation (EU) 2020/1475 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic,

Having regard 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 of 17 March 2021 (COM(2021) 130 final),

Having regard 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 third-country nationals legally staying or legally residing in the territories of Member States during the COVID-19 pandemic of 26 March 2021 (COM(2021) 140 final),

Whereas the freedom of movement and residence in the territory of the Member States is a fundamental right of citizens of European Union Member States;

Whereas SARS-CoV-2 is a virus that has caused a pandemic justifying the adoption by Member States of measures restricting the free movement of people within the European Union;

Whereas there are risks of falsification and difficulties of mutual recognition of certificates proving that the holder is not considered contagious;

Whereas the digital green certificate is designed as an interoperable tool intended to facilitate free movement within the Union or to third countries with which the Union has concluded a free movement agreement;

Whereas the issuance of the digital green certificate is expected to be based on a certificate of vaccination against SARS-CoV-2, a certificate of recovery from a SARS-CoV-2 infection, or a certificate of a negative test result for SARS-CoV-2 infection;

Whereas there is a need to facilitate the movement of cross-border workers specifically;

Recognises the need to harmonise the presentation of the various certificates to ensure their reliability and interoperability;

Approves the implementation of the digital green certificate;

Notes with satisfaction that the digital green certificate allows for various certificates proving that its holder is not considered contagious and that this certificate does not make vaccination a condition *sine qua non* for free movement within the European Union;

Considers that Member States must accept without distinction the digital green certificates established on the basis of each of the three conditions provided by the Proposal for a Regulation to lift restrictions on free movement;

Maintains that the digital green certification must not be a condition for the free movement of cross-border workers;

Recommends a regular scientific assessment to update the duration of validity of the digital green certificate;

Asks that the digital green certificate be used until the World Health Organization has declared the end of the public health emergency caused by SARS-CoV-2 and that the European regulation specify the conditions for an eventual extension of this use;

Maintains that the collection of personal data to establish the digital green certificate must be limited to what is strictly necessary and that the personal data gathered during the processing of digital green certificates is neither stored nor centralised by the competent authorities of the destination Member State nor by the transport service providers of cross-border travellers;

Asks that the Regulation or its Annex specify the additional personal data that the Commission could consider eventually including in the digital green certificate;

Calls for the regulation to provide for the competent authorities of the Member States to carry out regular inspections of transport service providers to avoid any breaches of the legislation on personal data;

Recommends that the European Commission present a public report regularly to the European Parliament and to the Council on the implementation of this text.