



EUROPEAN COMMISSION

*Brussels, 13.07.2021
C(2021) 5314 final*

Dear President,

The Commission would like to thank the Sénat for its Opinion on 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 (Digital Green Certificate) {COM(2021) 130 final} (the “main Regulation”) and 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 (Digital Green Certificate) {COM(2021) 140 final}.

Freedom of movement is one of the EU citizen’s most cherished rights. This is why it is crucial to have an EU level approach to issuing, verifying and accepting certificates issued across the EU, to help holders to exercise their right to free movement within the EU, as well as making it easier to wind down in a coordinated manner the COVID-19 restrictions put in place by Member States.

The Commission is pleased that the Sénat approved the implementation of the Regulations. In this respect, the Commission is pleased to announce that on 14 June 2021 the European Parliament and the Council adopted the Regulations on the EU Digital COVID Certificate. They therefore delivered on the commitment to have the system up and running in time for the summer season.

The Regulations form part of a package of ambitious measures designed to ensure a gradual, safe and lasting reopening. The adoption of these Regulations is thus a crucial part of this effort.

The Commission wishes to highlight that the main Regulation states clearly that possession of a vaccination certificate is not a pre-condition to exercise free movement rights or to use cross-border passenger transport services.

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The Commission notes, in particular, the Sénat's comments related to a regular scientific assessment to update the duration of the validity of the EU Digital COVID Certificate and to the protection of personal data. The Commission is pleased to have this opportunity to provide a number of clarifications regarding the Regulations and trusts that these will allay the Sénat's comments.

With respect to the validity of the EU Digital COVID Certificate, the main Regulation is flexible enough to take into account new scientific evidence and guidance, which will inform the use of the certificates, as more scientific data become available on the effect of vaccination, the implications of new variants and to what extent people who have recovered from an infection are protected.

As regards data protection, the Commission wishes to clarify that data protection requirements and, in particular, data minimisation are fully integrated in the main Regulation. The certificates should only contain the information necessary to facilitate citizens' free movement rights, e.g. the personal data needed for the issuance and verification of the certificates in a free movement context.

The Regulations do not establish a European database on vaccination, testing or recovery from COVID-19 but will allow for the decentralised verification of digitally signed interoperable certificates.

For the purposes of the Regulations, personal data need only to be included in the certificate issued. The Annex to the main Regulation contains the personal data to be included in the certificates, namely surname, forename and date of birth. This is the data that the Member State experts in the eHealth Network have identified as necessary for the issuance of the certificates.

Furthermore, the Regulations do not create a legal basis for retaining personal data obtained from the certificate by the Member State of destination or by cross-border passenger transport services operators. Therefore, the Commission does not consider necessary to carry out regular inspections of transport service providers.

The Sénat's Opinion has been made available to the Commission's representatives in the negotiations with the co-legislators and has informed these discussions.

The Commission hopes that the clarifications provided in this reply address the comments raised by the Sénat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Didier Reynders
Member of the Commission*