



EUROPEAN COMMISSION

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C(2021) 6305 final*

*Ms Anca Dana DRAGU
President of the Senat
Calea 13 Septembrie nr. 1-3, sector 5
RO – 050711 BUCHAREST*

Dear President,

The Commission would like to thank the Senat 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 Commission appreciates that the Senat decided to analyse this proposal and welcomes its conclusion that the proposal complies with the principles of subsidiarity and proportionality. The opinions provided by the Senat are reflected in the Regulations establishing the EU Digital COVID Certificate, which were signed into law on 14 June 2021 and entered into application on 1 July 2021¹.

The legislation 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. To ensure that there is no discrimination against individuals who are not vaccinated, the EU Digital COVID Certificate does not only include an interoperable vaccination certificate, but also COVID-19 test certificates and certificates for persons who have recovered from COVID-19. That way, it is ensured that all EU citizens can benefit from the EU Digital COVID Certificate system without discrimination.

The definition of health policy and the organisation and delivery of health services and medical care, including vaccination, is indeed the responsibility of Member States.

However, the European Union shall complement national policies and encourage cooperation between the Member States in the area of public health. Since the beginning of the COVID-19 pandemic, the Commission has been coordinating a common European emergency response and supporting national health systems. On COVID-19 vaccination

¹ Regulations (EU) [2021/1953](#) and [2021/1954](#) (OJ L211, 15.6.2021)

strategies, the Commission and the European Centre for Disease Protection and Control have been active in offering support to Member States to prepare and implement their vaccination strategies, as well as monitoring the rollout of the vaccination campaigns.

The Regulations furthermore call on Member States to provide information to the public on the EU Digital COVID Certificate as well as any restrictions introduced on an exceptional basis, with the information provided by the Member States to be made publicly available by the Commission in a centralised manner. The Regulations envisage a phasing-in period of six weeks, with an obligation to accept non-compliant certificates issued before the entry into application of the Regulation where they contain enough data.

Furthermore, the Commission notes that Council Recommendation (EU) 2021/961 of 14 June 2021 amending Recommendation (EU) 2020/1475 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic provides for an ‘emergency brake’ mechanism if the epidemiological situation deteriorates quickly or because of high prevalence of variants of concern or interest.

The Commission hopes that these clarifications address the issues raised by the Senat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Ylva Johansson
Member of the Commission*