



EUROPEAN COMMISSION

*Brussels, 18.8.2022  
C(2022) 6049 final*

*Dear President,*

*The Commission would like to thank the Senat for its Opinions on the proposal for a 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 {COM(2022) 50 final} and the proposal for a Regulation of the European Parliament and the Council amending Regulation (EU) 2021/954 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) with regard to third-country nationals legally staying or residing in the territories of Member States during the COVID-19 pandemic {COM(2022)55 final}.*

*The Commission appreciates that the Senat decided to analyse these proposals and welcomes its conclusions that the proposals comply with the principles of subsidiarity and proportionality. It would also like to take this opportunity to address the concerns expressed in the Senat's Opinions.*

*The Commission proposed to extend the EU Digital COVID Certificate Regulations by one year, until 30 June 2023. It has done so to ensure that persons can continue using EU Digital COVID Certificates, which are an effective, secure and privacy-preserving way of proving one's COVID-19 status and to exercise the right to free movement within the European Union, should a rise in infections make it necessary for Member States to temporarily reintroduce travel restrictions during the second half of 2022 and first half of 2023. The EU Digital COVID Certificate system has proven to be the only functioning COVID-19 certificate system operational at international level on a large scale (as of 1 August 2022, 75 countries are connected to the EU Digital COVID Certificate system). It has proven to be a widely available and reliably accepted tool to facilitate not only free movement of Union citizens and their family members during the COVID-19 pandemic, but also intra-EU travel during the COVID-19 pandemic of third country nationals*

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*lawfully residing or staying in the Union or who have legally entered the territory of a Member State.*

*At the same time, the Commission underlined that any restrictions to the free movement of persons within the Union put in place to limit the spread of SARS-CoV-2, including the requirement to present EU Digital COVID Certificates, should be lifted as soon as the epidemiological situation allows. In this context, the extension of EU Digital COVID Certificate Regulations should not be understood as requiring Member States, in particular those that lift domestic public health measures, to maintain or impose free movement restrictions.*

*The EU Digital COVID Certificate Regulations are flexible enough to be able to take into account newly emerging scientific evidence, including on the protection afforded by vaccination, the implications of new SARS-COV-2 variants of concern and to what extent persons who have recovered from a COVID-19 infection are protected.*

*The Commission's proposals were adopted by the European Parliament and the Council in the form of Regulation (EU) 2022/1034<sup>1</sup> and Regulation (EU) 2022/1035<sup>2</sup>, respectively. The co-legislators agreed that the Commission should publish, by 31 December 2022, another report on the implementation of the EU Digital COVID Certificate, which may be accompanied by proposals to shorten the period of application of EU Digital COVID Certificate Regulations, taking into account the evolution of the epidemiological situation.*

*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,*

*Margrethe VESTAGER  
Executive Vice-President*

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<sup>1</sup> Regulation (EU) 2022/1034 of the European Parliament and of the Council of 29 June 2022 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 (OJ L 173, 30.6.2022, p. 37).

<sup>2</sup> Regulation (EU) 2022/1035 of the European Parliament and of the Council of 29 June 2022 amending Regulation (EU) 2021/954 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) with regard to third-country nationals legally staying or residing in the territories of Member States during the COVID-19 pandemic (OJ L 173, 30.6.2022, p. 46).