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E-005222/2021

Answer given by Mr Reynders
on behalf of the European Commission
(21.1.2022)

Regulation 2021/953 of the European Parliament and of the Council on the EU Digital COVID Certificate¹ (EU DCC) is based on Article 21(2) of the Treaty on the Functioning of the European Union and aims to facilitate the right to free movement within the EU. The domestic use of COVID-19 certificates for other purposes than facilitating free movement within the EU, does not fall within the scope of the Regulation.

On 21 December 2021, the Commission has adopted a Delegated Act amending the EU DCC Regulation, establishing, for the purpose of intra-EU travel, a binding acceptance period of 270 days for vaccination certificates showing completion of the primary vaccination cycle².

In line with Article 168(7) of the Treaty on the Functioning of the European Union, Member States are responsible for defining their national health policy as well as the organisation and delivery of health services and medical care. The responsibility for national testing strategies therefore lies with Member States. However, the European Centre for Disease Prevention and Control (ECDC) has issued several guidance documents to support Member States in defining their testing strategies, particularly in the context of the emergence of the Omicron variant of concern³.

The Council is currently discussing a Commission proposal for a new Council Recommendation to facilitate safe free movement during the pandemic⁴.

On 30 June 2020, based on a proposal of the Commission the Council adopted a Recommendation on non-essential travel from outside the EU. The Council has amended this Recommendation already twice and it is currently discussing a third amendment to simplify the framework and reflect recent developments, including on the certificate validity duration⁵.

¹ Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 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 <http://data.europa.eu/eli/reg/2021/953/oj>. See also Regulation (EU) 2021/954 for third-country nationals who are legally staying or residing in their territory and who are entitled to travel to other Member States in accordance with Union law <https://eur-lex.europa.eu/eli/reg/2021/954/oj>

² Commission Delegated Regulation (EU) 2021/2288 of 21 December 2021 amending the Annex to Regulation (EU) 2021/953 of the European Parliament and of the Council as regards the acceptance period of vaccination certificates issued in the EU Digital COVID Certificate format indicating the completion of the primary vaccination series; https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2021.458.01.0459.01.ENG&toc=OJ%3AL%3A2021%3A458%3ATO C

³ For example, see: <https://www.ecdc.europa.eu/en/publications-data/covid-19-threat-assessment-spread-omicron-first-update> and <https://www.ecdc.europa.eu/en/covid-19/latest-evidence/diagnostic-testing>

⁴ https://ec.europa.eu/info/sites/default/files/com_2021_749_1_en_act_part1_v3.pdf

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0754&from=EN>