



**2022/0030(COD)**

11.3.2022

## **DRAFT OPINION**

of the Committee on Transport and Tourism

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of 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)0055 – C9-0032/2022 – 2022/0030(COD))

Rapporteur for opinion: José Ramón Bauzá Díaz

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## SHORT JUSTIFICATION

### Starting point

Regulation (EU) 2021/954 extends the rules set out in Regulation (EU) 2021/953 (establishing the EU Digital COVID Certificate framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates) to third-country nationals who are legally staying or residing in a Member State's territory and who are entitled to travel to other Member States in accordance with Union law.

These 2 Regulations were adopted in June 2021 with their validity until 30 June 2022. Since its adoption, the EU Digital COVID Certificate has been successfully rolled out across the Union. It also has gained increasing global significance by facilitating safe international travel.

As the period of application for these 2 Regulations expires on 30 June 2022, a targeted revision of these Regulations is needed, aiming to continue the application of the EU Digital COVID Certificate framework for an additional period of time.

The Commission proposes to limit the extension to 12 months (until 30 June 2023) and to automatically align the date of applications of both Regulations by introducing a cross-reference.

### Need of legal certainty and predictability for both citizens and the industry:

Firstly, given the recognition of the EU Digital COVID Certificate system as one of the key digital solutions to restore international travel, an agreement on its standard validity should be reached, in order to avoid fragmentation and discrepancies between the EU Member States' national legislations.

Secondly, since the adoption of these 2 Regulations, the epidemiological situation concerning the COVID-19 pandemic has evolved considerably. Despite the increasing rates of completed vaccinations, there are still significant discrepancies between vaccination rates among Member States and this remains one of the major reasons preventing the total lift of restrictions to the free movement of persons.

The Rapporteur points out that an extension of the current EU Digital COVID Certificate system is needed for the following reasons:

- 1) Necessity of clear, harmonised and coherent rules at EU level in order to ensure the free movement of persons and of third-country nationals ahead of the 2022 summer season;
- 2) Legal certainty for the tourism industry ahead of the new holiday season;
- 3) Predictability and organisational capacity to be secured in order to enable the free movement of persons and ensure the resilience of international travel;

However, the Rapporteur stands that while the main objective of the revision is to extend the application of these 2 Regulations, this extension should not be understood as requiring Member States, in particular those that lift domestic health measures, to maintain or impose restrictions to the free movement of persons, including third-country nationals legally staying or residing in the territories of Member States, within the Union during the 2022 summer season. It should

also not be understood as requiring Member States to maintain or impose the use of the EU Digital COVID Certificate or other COVID-19 certificates systems for unnecessary and unjustified domestic purposes.

### **Two-step approach for the extension of the EU Digital COVID Certificate system:**

The Rapporteur suggests that:

- 1) Any extension of the EU Digital COVID Certificate system and any restriction to the free movement of persons and third-country nationals within the Union, including the requirement to present EU Digital COVID Certificates, should be lifted as soon as epidemiological situation allows:
- 2) We need to ensure legal certainty and predictability for both citizens and industry ahead of the 2022 summer season. Therefore, a first step should be undertaken - the primary extension should be limited to 4 months - by 31 October 2022.
- 3) However, it cannot be excluded that Member States continue to require Union citizens and third-country nationals to present proof of COVID-19 vaccination, test or recovery beyond 31 October 2022. In view of the ECDC recommendations following the epidemiological situation, a further extension of the EU Digital COVID Certificates may be considered necessary.
- 4) In this case, a second step should be undertaken - the Commission should be enabled to extend the application of this Regulation by 4 months, until 28 February 2023.
- 5) Taking into account the evolution of the pandemic, as well as the lift of national restrictions by Member States, a step forward should be taken when extending these Regulations in order to send a right and balanced signal to EU citizens and to third-country nationals who are legally staying or residing in the Union territory. Member States and national authorities should be prevented from imposing unnecessary and unjustified restrictions by making use of the EU Digital COVID Certificate.

The duration of application of Regulation (EU) 2021/954 should remain aligned with the duration of application of Regulation (EU) 2021/953.

## **AMENDMENTS**

The Committee on Transport and Tourism calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

### **Amendment 1**

#### **Proposal for a regulation Recital 4**

*Text proposed by the Commission*

(4) The application of Regulation (EU) 2021/953 is to be prolonged by **12** months. Since the objective of Regulation (EU) 2021/954 is to extend the application of Regulation (EU) 2021/953 to certain

*Amendment*

(4) The application of Regulation (EU) 2021/953 is to be prolonged by **four** months, ***including the possibility for a further extension by four months by the Commission by means of delegated acts, if***

categories of third country nationals lawfully residing or staying in the Union, the duration of its application should be directly linked to that of Regulation (EU) 2021/953. Regulation (EU) 2021/954 should therefore be amended accordingly.

***necessary and following a scientific opinion of the European Centre for Disease Prevention and Control (ECDC).*** Since the objective of Regulation (EU) 2021/954 is to extend the application of Regulation (EU) 2021/953 to certain categories of third country nationals lawfully residing or staying in the Union, the duration of its application should be directly linked to that of Regulation (EU) 2021/953. Regulation (EU) 2021/954 should therefore be amended accordingly.

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### *Justification*

*Legal certainty and predictability for citizens and industry need to be ensured ahead of the 2022 summer season. Therefore, initially, the extension should be limited to 4 months, until 31 October 2022. However, some Member States might continue to require people to present proof of COVID-19 vaccination, test or recovery beyond that date. In view of the ECDC recommendations following the epidemiological situation, a further extension may be necessary. In this case, the Commission should be enabled to extend the application of Regulation (EU) 2021/953 by 4 months, until 28 February 2023.*