



SOC/683
Digital Green Certificate

OPINION

European Economic and Social Committee

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 – 2021/0068 (COD)]

Rapporteur: **George VERNICOS**

Referral	European Commission, 21/04/2021
Legal basis	Article 304 of the Treaty on the Functioning of the European Union
Section responsible	Employment, Social Affairs and Citizenship
Adopted at plenary	27/04/2021
Plenary session No	560
Outcome of vote (for/against/abstentions)	251/0/4

1. **Conclusions and recommendations**

- 1.1 The COVID-19 pandemic has brought an exceptional shock for our economies, societies and lives and tourism sector is affected to an unprecedented scope. The current crisis revealed the importance of tourism for Europe, not only from an economic point of view, but also in terms of living together and forging a common destiny.
- 1.2 The EESC maintains that the "Digital Green Certificate", should minimize complexity for travelling passengers and facilitates their movement during the COVID-19 pandemic.
- 1.3 The EESC believes that is necessary to clarify that the possession of a "Digital Green Certificate" is not a precondition for the exercise of free movement and that the proposed Regulation does not establish an obligation or right to be vaccinated. However, it recommends that, especially, socially marginalised and disadvantaged groups must have access to relevant information and the impact of the Green Certificate on these groups must be properly assessed and monitored.
- 1.4 The EESC underlines that the possession of the Green Certificate should not exempt travellers from complying with other risk reduction measures, but should be considered a transition strategy for countries that demand a permanent mechanism for constant re-evaluation after its adoption.
- 1.5 The EESC points out that all European countries should work together to achieve uniform framework conditions (i.e., content, format, principles and technical standards of the certificate) as soon as possible because we cannot afford to lose another summer of tourism.
- 1.6 The EESC points out that travel protocols must be clear and applicable to international travel by air, road and sea.
- 1.7 The EESC stresses out that, since personal data include sensitive medical data, it is crucial for all Member States to have interoperable systems with equally strong data protection provisions. The Digital Green Certificate must not require the setting up and maintenance of a central database at EU level. The EESC also recommends that the Digital Green Certificate be organised in a way that the information about which category is fulfilled to travel is only visible to the traveller.
- 1.8 The EESC would also like to raise the attention that the Digital Green Certificate will also serve to facilitate travel for business. This must not lead to discrimination in the workplace or to misuse by employing vaccinated persons from third countries in jobs where working conditions are poor.
- 1.9 The EESC calls upon the Commission and the Member States to ensure that the certificate, as well as updating it, remains free of charge.
- 1.10 The EESC highlights the need to speed up vaccination, by boosting vaccine production and ensuring more transparency and predictability in order to guarantee an adequate number of

vaccines across the EU through a coordinated and unified approach. At the same time, countries should further invest in educational campaigns about the benefits of vaccination to fight disinformation.

- 1.11 In the EESC's view, there is a need to add self-tests and the blood test on COVID antibodies as more methods for getting the Digital Green certificate.
- 1.12 The EESC supports that, in order to avoid unequal restrictions on the freedom of movement for those who have not been vaccinated, European governments should ensure easy and free of charge access to testing for all citizens.
- 1.13 The EESC believes that the Certificate must be recognized in every EU member state, so as to pave the way for the establishment of full freedom of movement inside the EU during the COVID-19 pandemic.

2. **Background**

- 2.1 To ensure a well-coordinated, predictable and transparent approach to the adoption of restrictions on freedom of movement in response to the COVID-19 pandemic, the Council adopted, on 13 October 2020, the Council Recommendation (EU) 2020/1475.

However, in reality this Recommendation was hardly enforced, whilst different individual Member States' restrictions were applied.

- 2.2 More importantly, in the declaration adopted following the informal video conferences on 25-26 February 2021, the members of the European Council asked for further work towards a common approach to vaccination certificates. The Commission has worked with Member States in the e-Health Network - a voluntary network of national e-Health authorities - to prepare the interoperability of these certificates. The e-Health Network also agreed on common harmonised data sets for COVID-19 vaccination, test and recovery certificates and agreed on a trust framework outline on 12 March 2021.
- 2.3 Based on the technical work done so far, the Commission put forward, on 17 March 2021, a proposal for a Regulation on a Digital Green Certificate, which is a framework for the issuance, verification and acceptance of interoperable health certificates on vaccination, testing and recovery, to facilitate free movement in the EU (2021/0068 (COD)) and an accompanying proposal on third country nationals legally staying or residing in the EU (2021/0071 (COD)).

The planned European certificate would provide, while respecting fundamental rights, including privacy and non-discrimination:

- proof that a person has been vaccinated against COVID-19, and/or
- results of recent tests for SARS-CoV-2 infection, and/or
- information on a person's recovery, from a SARS-CoV-2 infection.

- 2.4 It will be available to EU citizens and their family members, non-EU nationals who reside in the EU, and visitors who have the right to travel to other Member States. It will be valid in all EU

Member States and in Iceland, Liechtenstein, Norway through incorporation into the EEA agreement. Switzerland can decide to introduce it as well.

- 2.5 National authorities in EU Member States (hospitals, test centres, or health authorities) will be responsible for its issuance. The certificate will include the individuals' name, date of birth, date of issuance, information about the vaccine, test or recovery status, and a unique identifier. A QR code will be produced to authenticate the certificate, ensure the security of data, and protect against falsification.
- 2.6 The proposal does not oblige Member States to waive restrictions on free movement (insofar as they are necessary to protect public health) for travellers with Green Certificate but it provides them with reliable, authentic and harmonised documents when doing so. It is therefore obvious that there will remain a margin for discretion, although the proposed framework recommends that restrictions be limited to what is absolutely necessary and contains a presumption that restrictions will be lifted for certificate holders by requiring Member States to inform other Member States and the Commission if they continue to impose them.
- 2.7 The proposed system leaves the door open for updates based on new scientific evidence on the efficacy of vaccines in halting the transmission of SARS-CoV2 and the duration of protective immunity from prior infection. Currently the framework sets the maximum validity period of the certificate of recovery from a previous COVID-19 infection at 180 days. According to the Proposal, the Digital Green Certificate will be suspended once the World Health Organization (WHO) declares the end of the COVID-19 international health emergency, but could be re-activated for future pandemics.

3. **General comments on the current crisis of the tourism sector**

- 3.1 The tourism sector, a highly dynamic and interconnected sector, constitutes one of the economic engines of Europe which represents 50%¹ of the global tourism. In countries at all development levels, many millions of jobs and businesses depend on a strong and thriving tourism sector. Directly and indirectly, tourism sector contributes nearly 10% to EU GDP.
- 3.2 The COVID-19 pandemic brought an exceptional shock for our economies, societies and lives. To limit the spread of the virus across national borders, countries have been using a combination of measures, some of which have had a negative impact on travelling to and within Member States.

Tourism is affected to an unprecedented scope, with 2020 being the worst year on record for tourism. Europe saw a decline of 69% in arrivals in 2020 and a decline of 85% in January 2021².

¹ The largest volume of arrivals during the period 2014-2018 is recorded in Europe, which represents for all years more than 50.0% of outbound trips worldwide. Travelling to European destinations in the period 2014-2018, increased by + 24.3%.

² UNWT March 2021.

- 3.3 The situation is particularly difficult in the EU countries that are key tourist destinations, namely Italy, Greece, Portugal, Malta, Cyprus, Spain and France. The EU tourism industry, which employs around 13 million people³, is estimated to be losing around EUR 1 billion in revenue per month, as a result of the COVID-19 outbreak.
- 3.4 The fact that more than a third of the tourism value added generated in the domestic economy comes from indirect impacts, reveals the breadth and depth of linkages between tourism and other sectors⁴. As a result, the reduction of tourist flows is having a severe impact on the wider economy⁵.
- 3.5 Concerning the tourist sector, it is also important to underline its social impact. Tourism contributes to the development of rural communities, providing additional sources of income and enabling in this manner a balanced territorial development of our societies. Tourism has also been a driving force in protecting natural and cultural heritage, preserving them for future generations.
- 3.6 Looking ahead the World Tourism Organisation estimates a possible rebound in international travel in the second half of the year. This is based on a number of factors, most notably a major lifting of travel restrictions, the success of vaccination programmes and the introduction of harmonized protocols, such as the Digital Green Certificate planned by the European Commission.

4. **Specific comments on the proposal for a Regulation for the Digital Green Certificate**

- 4.1 The EESC supports the Commission's initiative to work with Member States in the e-Health Network, on preparing the interoperability of vaccination certificates, in order to establish a commonly workable solution, eliminate complexity, limit dataset for vaccination certificates at the absolutely minimum for the protection of holders' sensitive data, and develop a unique identifier. Absence to act at an EU level would likely result in Member States adopting different, not coordinated and complicated systems.
- 4.2 The EESC points out that the introduction of the "Green Certificate" is an excellent common standard to facilitate administrative bureaucracy, however it cannot be considered the "free movement key accelerator". Free movement will remain subject to national restrictions which are merely defined by each State's ability and health system's capacity. As a result, measures applicable to cross-border travellers (for instance, quarantine or self-isolation, additional and repetitive testing, prior to and/or after arrival) will remain available and at the discretion of Member States, although the proposed framework provides certain recommendations for the States to be limited to absolutely necessary restrictions.

³ Eurostat.

⁴ The importance of indirect losses due to inter-sectoral linkages in the tourism industry is also emphasised by the United Nations Conference on Trade and Development (UNCTAD), so that losses in GDP are estimated to be approximately two to three times higher than the immediate loss in international tourist revenue. The UNCTAD report estimated that the direct and indirect losses to world tourism caused by COVID-19 could amount to about 4% of world GDP, but with diverse impacts across countries reflecting their exposure to travel and tourism.

⁵ OECD Economic Outlook December 2020 database and World Travel & Tourism Council database.

- 4.3 The EESC underlines that the possession of the Green Certificate should not exempt travellers from complying with other risk reduction measures, but should be considered a transition strategy for countries to apply when the epidemiological context may warrant easing of travel restrictions, while still requiring the use of safeguards to make travel safer. There is uncertainty regarding the efficiency of vaccines in reducing transmission or for certain mutations and the extent and duration of antibody-mediated immunity against SARS-CoV-2 reinfection. Moreover, there remain questions about the validity of tests. Therefore, the EESC strongly recommends accompanying measures to protect the health of travellers and workers, especially in closed and crowded places.
- 4.4 The EESC points out that effective and urgent actions are needed such as stronger coordination on travel protocols between countries to ensure the safe restart of tourism because we cannot afford to lose another summer of tourism. The pandemic is a global problem and needs global approach and trust to be solved – individual country solutions will not work.
- 4.5 The EESC underlines that for the Green certificate to be effective, it needs to be fully interoperable, secure and verifiable. For this reason, all European countries should work together to achieve uniform framework conditions (i.e., content, format, principles and technical standards of the certificate) as soon as possible. This includes common standards how long (and which) tests and vaccines are valid and people certify as "recovered".

The EESC points out that travel protocols must be clear and applicable to international travel by air, road and sea. It should be noted that the application of the Green Certificate is a joint responsibility of border authorities and carriers.

- 4.6 According to the EESC, the Green Certificate is designed to be as simple as possible, implemented as a package, relies on trust among the involved countries and will also need a permanent mechanism for constant re-evaluation after its adoption.
- 4.7 The EESC supports that the following principles must underpin the system: a) the green certificate should aim to reduce the impact of the risk to a residual level that is considered acceptable by national authorities and in line with the WHO, b) restrictions on international travel should be commensurate with the epidemiological situation in the country of origin and destination, c) quarantine could continue to be an instrument available to authorities when appropriate, d) countries participating in the system will accept tests that have been approved by the national authorities of other participating countries, e) the complexity of processes and amount of information collected and transferred across borders should be minimised, f) the system should be interoperable and based on a common nomenclature and format for information transfers, g) the system should abide by the principles of "privacy by design", in which the contents, collection mode, purpose for collection, and length of storage for any or all data being collected will be made clear to the data subject at the outset.
- 4.8 Vaccination campaign and rules on vaccine and certifications remain at the exclusive competence and responsibility of national governments. No Member State has chosen to make

vaccination compulsory (except in special cases such as Italy in the nursing staff) and it seems very unlikely that they will do so in the coming months.

However universal and equitable access to a safe and effective COVID-19 vaccine is essential to save lives, safeguard the public health system and enable economies to rebuild. The EESC highlights the need to speed up vaccination, by boosting vaccine production and ensuring more transparency and predictability in order to guarantee an adequate number of vaccines across the EU through a coordinated and unified approach. This is also an important precondition for the functioning of the Digital Green Certificate and the equal treatment of citizens.

- 4.9 European governments should use pandemic recovery funds for vaccination programs aimed at parts of the population that would otherwise be more difficult to reach, such as those living in rural or less affluent areas far from hospitals and clinics. Furthermore, any discrimination concerning ethnic minorities should be avoided.

The EU should also further invest in educational campaigns about the benefits of the vaccine. This would help fight disinformation that make people reluctant to vaccinate.

- 4.10 The EESC supports that, in order to avoid unequal restrictions on the freedom of movement for those who have not been vaccinated, European governments should ensure easy and free of charge access to testing (and quickly obtaining test results) for all citizens, especially considering a possible gap between rural and urban areas.

- 4.11 The EESC believes that it is necessary to clarify that the possession of a "digital green certificate" is not a precondition for the exercise of free movement and that the proposed Regulation does not establish an obligation or right to be vaccinated. The EESC points out that every kind of immunity certification raises ethical questions concerning respect, individual rights and interests, public health responsibility and social justice. Such impact, especially on socially marginalised and disadvantaged groups, must be properly assessed and monitored.

- 4.12 The EESC points out that the digital green certificate supports the much-needed recovery of the travel and tourism sector. It is also a very important certificate for business traveling and any other social gathering what will boost economy and cultural and other social events and will have positive effect on health (mentally or physically) of people in general. The Commission and the Member States must ensure that the certificate, as well as updating it, remains free of charge, as indicated in Article 3(3). The certificate should have a QR code to help ensure security and authenticity and in the official language(s) of the issuing Member State as well as in English. The certificate must be recognized in every EU member state, so as to pave the way for the establishment of full freedom of movement inside the EU during the COVID-19 pandemic.

- 4.13 The EESC wants to raise the attention that the Digital Green Certificate will not only be used for tourism. It will also serve to facilitate travel for business purposes within Europe, but may disadvantage individual workers. The EESC recommends that Member States take precautions that this does not lead to discrimination in the workplace and does not impact employability.

Moreover, the EESC cautions against the regulation being misused to facilitate the entry of vaccinated persons from third countries to work in jobs where working conditions are poor.

- 4.14 The EESC adds that the Commission and the Member States should establish a digital trust framework infrastructure allowing for the secure issuance and verification of certificates and support Member States in the technical implementation ensuring, as far as possible, interoperability with internationally established technology systems.
- 4.15 The EESC stresses out that, since personal data include sensitive medical data, a very high level of data protection must be ensured and data minimisation principles should be preserved.

In particular, the "Digital Green Certificate" framework must not require the setting up and maintenance of a database at EU level but should allow for the decentralised verification of digitally signed interoperable certificates. Governments must also ensure that personal data are kept safe and not shared or misused for other purposes. Apart from that, the respective data must only be processed for the purpose of the Digital Green Certificate and the competent authorities must ensure that data is deleted afterwards. If the Green Certificate is required for travel between countries, then it is crucial for all Member States to have interoperable systems with equally strong data protection provisions and provide for the obligation of data controllers to consult their national data protection supervisory authorities prior to processing any data. The EESC recommends to the involvement of data protection experts on European and national level, in order to ensure a proper implementation.

- 4.16 The EESC also cautions about the Digital Green Certificate revealing sensitive personal medical data about travellers' status as regards to vaccination, antibodies or testing. Therefore, the EESC recommends that the Digital Green Certificate be organised in a way, that this information is only visible to the traveller and any third person only sees that they fulfil a condition.
- 4.17 In the EESC's view, there is a need to add self-tests and the blood test on COVID antibodies as more methods for getting the Digital Green certificate. The practice showed that the blood test on COVID antibodies is same relevant as the COVID recovery certificate.
- 4.18 According to the EESC, it must become clear what would happen with the vaccines currently under rolling review by the EMA. This is a particular issue for the EU countries that have been using such vaccines.

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Christa Schweng
The president of the European Economic and Social Committee