




Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2021/0071(COD)</p>	Procedure completed
<p>Digital Green Certificate - third-country nationals</p> <p>See also 2021/2609(RSP)</p> <p>Subject</p> <p>4.20 Public health</p> <p>4.20.01 Medicine, diseases</p> <p>7.10 Free movement and integration of third-country nationals</p> <p>Legislative priorities</p> <p>The EU's response to the Covid-19 pandemic</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	S&D LÓPEZ AGUILAR Juan Fernando	22/03/2021
	Committee for opinion	Rapporteur for opinion	Appointed
Council of the European Union European Commission	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
	TRAN Transport and Tourism		
	Commission DG Migration and Home Affairs	Commissioner JOHANSSON Ylva	

Key events			
24/03/2021	Committee referral announced in Parliament, 1st reading		
25/03/2021	Decision by committee, without report		
28/04/2021	Debate in Parliament		
29/04/2021	Decision by Parliament, 1st reading	T9-0146/2021	Summary
29/04/2021	Matter referred back to the committee responsible		
26/05/2021	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE695.213 GEDA/A/(2021)003391	
08/06/2021	Results of vote in Parliament		
08/06/2021	Debate in Parliament		
08/06/2021	Decision by Parliament, 1st reading	T9-0274/2021	Summary

14/06/2021	Act adopted by Council after Parliament's 1st reading		
14/06/2021	Final act signed		
15/06/2021	Final act published in Official Journal		
23/06/2021	End of procedure in Parliament		

Technical information	
Procedure reference	2021/0071(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	See also 2021/2609(RSP)
Legal basis	Rules of Procedure EP 163; Treaty on the Functioning of the EU TFEU 077-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/05649

Documentation gateway					
Legislative proposal		COM(2021)0140	17/03/2021	EC	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading		T9-0146/2021	29/04/2021	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2021)003391	21/05/2021	CSL	
Text adopted by Parliament, 1st reading/single reading		T9-0274/2021	08/06/2021	EP	Summary
Draft final act		00026/2021/LEX	14/06/2021	CSL	
Commission response to text adopted in plenary		SP(2021)472	26/07/2021	EC	

Final act
Regulation 2021/954 OJ L 211 15.06.2021, p. 0024

Digital Green Certificate - third-country nationals

PURPOSE: to establish a common framework for the issuance, verification and acceptance of interoperable certificates on vaccination, testing and recovery to third-country nationals legally staying or legally residing in the territories of Member States during the COVID-19 pandemic (Digital Green Certificate).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: under the Schengen acquis, third-country nationals who are legally resident or staying in a Member State can move freely within the territory of the other Member States, provided they fulfil certain conditions.

However, in order to limit the spread of the virus, Member States have adopted various measures, some of which have had an impact on travel to and within the territory of the Member States, such as the requirement to undergo quarantine or self-containment or to be tested for SARS-CoV-2 infection prior to and/or after arrival.

Following the Council Recommendation (EU) 2020/1475 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic and the technical work carried out in the Health Security Committee and the e-Health network, the Commission has put forward (in parallel with this proposal) a [proposal for a Digital Green Certificate Regulation](#) to establish an EU-wide framework for the issuance, verification and acceptance of interoperable health certificates to facilitate free movement during the COVID-19 pandemic.

The framework set out in the proposal for a Regulation on a digital green certificate applies to Union citizens or their family members who may be a third country national. This proposal has the objective of ensuring that the same framework applies to other third-country nationals who are legally staying or legally residing on the territory of an EU Member State and who are entitled to travel to another Member State in accordance with Union law.

CONTENT: the proposal aims to facilitate the movement of third-country nationals within the EU during the COVID-19 pandemic by establishing a common framework for the issuance, verification and acceptance of interoperable certificates of COVID-19 vaccination, testing and recovery.

In concrete terms, the interoperable green digital certificate will prove that a person has been vaccinated against, tested negative for or recovered from COVID-19. It will be available free of charge, either electronically or paper format, and will include a QR code to ensure its security and authenticity.

Member States should apply the rules set out in the future Regulation on a digital green certificate to third-country nationals who do not fall within the scope of that Regulation but who are legally resident or staying in their territory and are authorised to travel to other Member States in accordance with Union law.

This proposal establishes neither an obligation nor a right to vaccination. Vaccination strategies are a national competence of the Member States.

The proposed Regulation constitutes a development of the provisions of the Schengen acquis. The digital green certificate would thus be open to Iceland, Liechtenstein, Norway and Switzerland.

Digital Green Certificate - third-country nationals

The European Parliament adopted by 540 votes to 80, with 70 abstentions, amendments to 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 third-country nationals legally staying or legally residing in the territories of Member States during the COVID-19 pandemic (Digital Green Certificate).

The matter was referred back to the committee responsible for inter-institutional negotiations.

The proposal aims to facilitate the movement of third country nationals within the EU during the COVID-19 pandemic by establishing a common framework for the issuance, verification and acceptance of interoperable certificates of vaccination, testing and recovery from COVID-19.

Without prejudice to the common measures on the crossing of internal borders by persons as laid down in the Schengen acquis, in particular in Regulation (EU) 2016/399, the framework for the issuance, verification and acceptance of interoperable certificates on COVID-19 vaccination, testing and recovery should also apply to third-country nationals who are not already covered by [the EU COVID-19 certificate Regulation](#) provided that they are legally staying or residing in the territory of a Member State and are authorised to travel to other Member States in accordance with Union law.

Member States should be required to accept, under the same conditions, valid vaccination certificates issued by other Member States in compliance with this Regulation. On grounds of public health, this obligation should be limited to persons having received COVID-19 vaccines having been granted marketing authorisation by the European Medicines Agency or vaccines having received a WHO Emergency Use Listing.

For certificates to be used effectively in connection with cross-border travel, they should be fully interoperable. Members stressed that all EU transport hubs, such as airports, ports, railway and bus stations, where the certificate is being verified, should apply standardised and common criteria and procedures for the verification of the EU COVID-19 certificate on the basis of guidance developed by the Commission.

Furthermore, the Regulation should facilitate the application of the principles of proportionality and non-discrimination with regard to possible restrictions to free movement and other fundamental rights as a result of the pandemic, while pursuing a high level of public health protection and should not be understood as facilitating or encouraging the adoption of travel restrictions to free movement, or other fundamental rights, in response to the pandemic.

Digital Green Certificate - third-country nationals

The European Parliament adopted by 553 votes to 91, with 46 abstentions, a legislative resolution 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 third-country nationals legally staying or legally residing in the territories of Member States during the COVID-19 pandemic (Digital Green Certificate).

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

The proposal aims to facilitate the movement of third country nationals within the EU during the COVID-19 pandemic by establishing a common framework for the issuance, verification and acceptance of interoperable certificates of vaccination, testing and recovery from COVID-19.

Without prejudice to the common measures on the crossing of internal borders by persons and in order to facilitate travel within the territory of the Member States by third-country nationals who are entitled to do so, the rules set out in the [Regulation establishing the EU digital COVID](#)

[certificate](#) will apply to third-country nationals who are not already covered by that Regulation, provided that they are legally staying or residing in the territory of a Member State and are authorised to travel to other Member States in accordance with the Union law

The Regulation aims to facilitate the application of the principles of proportionality and non-discrimination with regard to travel restrictions during the COVID-19 pandemic, while ensuring a high level of public health protection.

Since this Regulation applies to third-country nationals already legally staying or residing in the territories of the Member States, it should not be understood as granting third-country nationals wishing to travel to a Member State the right to a EU Digital COVID Certificate from that Member State before arrival on its territory. There is no requirement for Member States to issue vaccination certificates at consular posts.

In order to allow Member States to accept COVID-19 certificates issued by Ireland to third-country nationals legally staying or residing in its territory for the purposes of facilitating travel within the territories of the Member States, Ireland should issue those third-country nationals with COVID-19 certificates that comply with the requirements of the EU Digital COVID Certificate trust framework. Ireland and the other Member States should accept certificates issued to third-country nationals covered by this Regulation on a reciprocal basis.

The Regulation should apply from 1 July 2021 to 30 June 2022.