

POSITION ON THE EUROPEAN COMMISSION'S NEW REGULATION ON EU DIGITAL COVID CERTIFICATE

70 public and private travel and tourism organisations propose several amendments to the new EU Digital COVID Certificate Regulation with the aim to secure the freedom of movement across the continent and guarantee harmonised rules when the Certificate is in use.

The European Tourism Manifesto alliance, the voice of the travel and tourism sector in Europe, welcomes the European Commission's proposal that amends and extends the use of the EU Digital COVID Certificate (EUDCC) to facilitate free movement during and in the aftermath of the COVID-19 pandemic. The EUDCC system is a great success story as the only functioning COVID-19 certificate system operational at the global level. As a result, the EUDCC has gained increasing significance worldwide and has a crucial role in facilitating safe international travel and economic recovery. By 25 February 2022, 35 non-EU countries and territories are connected to the EUDCC system, with more expected to join in the future.

While we see the restrictions related to COVID-19 in most Member States being lifted and we are looking into the recovery of travel in Europe this summer, the role of the EUDCC remains crucial to enable the gradual restoration of extra-European tourism arrivals. We believe that a more ambitious approach is needed to fulfil and enhance the role of the EUDCC as one of the key digital solutions to restore international mobility and the de-facto global standard.

The current EUDCC Regulation and the proposal from the European Commission do not cover most of the vaccines that are currently administered around the world, including those that have completed the WHO emergency use listing procedure. Many of these vaccines have not applied (and are unlikely to do so in the future) for marketing authorisation to European Medicines Agency (EMA) or a competent Member State authority simply because the developers do not intend to put those vaccines on the EU market. In many cases, the same vaccines administered around the EU and listed by the Regulation are available under a different trade name in other countries, and therefore fall out of the scope of the EUDCC. This also applies to some of the vaccines that the EU is helping deliver under the COVAX scheme.

The limited scope of the current Regulation and its proposed amendment is also creating vaccine inequalities among EU citizens. Some Member States already administer to their citizens vaccines which are not mentioned by the Regulation.

As a result, and in an effort to enlarge the scope of the vaccines that may be used as the basis for the issuance of an EUDCC, we propose to adapt the Regulation to include all vaccines that have completed the World Health Organization (WHO) emergency use listing procedure. In addition, people who opted for a vaccine currently not on EMA or WHO list should still have a fully accepted EUDCC if they choose to receive a booster vaccination with a vaccine authorized by WHO or EMA.

In the future, it is not excluded that the epidemiological situation deteriorates, and Member States resume the use of the EUDCC or some of its components to allow access to bars, restaurants, hotels, museums, sites, concert halls, trade fair centers, and other venues. In this case, it is important that national rules mirror border and travel requirements, and that the EUDCC is implemented consistently in particular with regards to the rules for children and young adults below 18 years old. Member States are recommended to accept at national level all the vaccination certificates accepted at the border.

This would further support the recovery of the EU tourism sector and offer certainty for non-EU travellers.

Lastly, the verification of EUDCC shall not be used as a reason to impose additional restrictions to the freedom of movement such as the temporary reintroduction of controls at internal borders. Its use should be discontinued as soon as there is clear indication that the virus has reached a manageable level of transmission that does not result in severe impact on public health.

The full list of amendments proposed by the alliance can be read in the table below.

PROPOSED AMENDMENTS TO NEW EUDCC REGULATION

https://ec.europa.eu/info/sites/default/files/regulation_amending_regulation_eu_2021_-_953.pdf

Text in the Regulation / Proposal	Proposed amendment by travel & tourism stakeholders	Justification for the amendment
<p><i>Recitals</i></p> <p><i>(8) As a result, it cannot be excluded that Member States continue to require Union citizens exercising their right to free movement to present proof of COVID-19 vaccination, test or recovery beyond 30 June 2022, the date when Regulation (EU) 2021/953 is set to expire. It is thus important to avoid that, in the event that certain restrictions to free movement based on public health are still in place after 30 June 2022, Union citizens and their family members are deprived of the possibility to make use of their EU Digital COVID Certificates, which are an effective, secure and privacy-preserving way of proving one's COVID-19 status. At the same time, given 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, the extension of the application of Regulation (EU) 2021/953 should be limited to 12 months. In addition, the extension of that Regulation 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 power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union delegated to the Commission pursuant to Regulation (EU) 2021/953 should be equally extended. It is necessary to ensure that the EU Digital COVID Certificate system can adapt to scientific progress in containing the COVID-19 pandemic.</i></p>	<p><i>Proposed amendment</i></p> <p><i>Recitals</i></p> <p><i>(8) As a result, it cannot be excluded that Member States continue to require Union citizens exercising their right to free movement to present proof of COVID-19 vaccination, test or recovery beyond 30 June 2022, the date when Regulation (EU) 2021/953 is set to expire. It is thus important to avoid that, in the event that certain restrictions to free movement based on public health are still in place after 30 June 2022, Union citizens and their family members are deprived of the possibility to make use of their EU Digital COVID Certificates, which are an effective, secure and privacy-preserving way of proving one's COVID-19 status. At the same time, given 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, the extension of the application of Regulation (EU) 2021/953 should be limited to 12 months. In addition, the extension of that Regulation should not be understood as requiring Member States, in particular those that lift domestic public health measures, to maintain or impose free movement restrictions. In addition, any need for verification of certificates established by Regulation (EU) 2021/953 should not be considered to justify the temporary reintroduction of controls at internal borders. The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union delegated to the Commission pursuant to Regulation (EU) 2021/953 should be equally extended. It is necessary to ensure that the EU Digital COVID Certificate system can adapt to scientific progress in containing the COVID-19 pandemic.</i></p>	<p>The EUDCC is <u>only</u> to be used when and if the Member States want to impose travel restrictions and cannot be used as an excuse for adopting the temporary reintroduction of controls at internal borders.</p>
	<p><i>New recital</i></p>	<p>The EUDCC will most</p>

(9 - new) The EU Digital COVID Certificate (EUDCC) system has proven to be the only functioning COVID-19 certificate system operational at the international level on a large scale. As a result, EUDCC has gained increasing global significance and contributed to addressing the pandemic at the international level, by facilitating safe international travel and economic recovery. By 25 February 2022, 35 non-EU countries and territories are connected to the EUDCC system, with more expected to join in the future.

Regulation (EU) 2021/953 only obliges Member States to accept the EU Digital COVID Certificates issued for vaccines that have been granted a marketing authorisation by the European Medicines Agency. Regulation (EU) 2021/953 does not, therefore, include most of the vaccines that are currently administered around the world, including those that have completed the WHO emergency use listing procedure.

This undermines the role of the EUDCC system as one of the key digital solutions to restore international mobility and the de-facto global standard. Many of the vaccines that have completed the WHO emergency use listing procedure have not applied (and are unlikely to do so in the future) for marketing authorisation to EMA or a competent Member State authority simply because the developers do not intend to put those vaccines on the EU market. In many cases, the same vaccines administered around the EU and listed by Regulation (EU) 2021/953 are available under a different trade name in other countries, and therefore fall out of the scope of Regulation (EU) 2021/953. This also applies to some of the vaccines that the EU is helping deliver under the COVAX scheme.

The limited scope of Regulation (EU) 2021/953 is also creating vaccine inequalities among EU citizens. Some Member States already administer to their citizens vaccines which are not mentioned by Regulation (EU) 2021/953. The EU Digital COVID Certificate of these EU citizens has limited or no value in other Member States.

As a result, and in an effort to enlarge the scope of the vaccines that may be used as the basis for the issuance of an EU Digital COVID

probably remain essentially a tool for travellers from outside Europe, as we hope to see all restrictions on intra-European travel lifted before the summer.

Moreover, the EUDCC is now the de-facto global standard for COVID-19 vaccination certificate, and we should help it retain this position. But this also means we have to make sure it works for travellers outside Europe.

Limiting the vaccines accepted to the EMA approved list is counterproductive in this regard - these vaccines are not available everywhere. Even if available, sometimes they are administered under a different name, and the pharmaceutical companies that produce them have no interest or intention to apply for EMA authorisation as the EU has already concluded its vaccine deal. Even vaccines whose production is funded by the EU are out of the scope of the Regulation.

Importantly, we have around 2 million Hungarian people that currently cannot use their EUDCC when travelling to the other Member States. This is unfair to them and also creates vaccine inequalities between the EU citizens.

	<i>Certificate, the definition for vaccine should be adapted to include all vaccines that have completed the WHO emergency use listing procedure.</i>	
	<p><i>New recital</i></p> <p><i>(13 - new) Considering that many Member States are using the EU Digital COVID Certificate, or some of its components to allow access to bars, restaurants, hotels, concert halls and other venues, it is important that national rules mirror border requirements. This would further support the recovery of the EU tourism sector and offer certainty for non-EU travelers. Therefore, without prejudice to Member States' competence to impose national restrictions on grounds of public health, Member States are recommended to accept at national level all the vaccination certificates accepted at the border.</i></p>	The validity of national health certificates shall be the same as the EU Digital COVID Certificate. If this is not the case, travellers might be able to enter a certain country and after not be allowed to access restaurants, bars, hotels, events (in case the national validity of the health pass is lower than the European one).
	<p><i>New recital</i></p> <p><i>(14 – new) Considering that the EU Digital COVID Certificate is the basis for safe free movement and EU level coordination, it is important that it is implemented in a consistent manner in particular with regards to the rules regarding children and young adults below 18 years old.</i></p>	We need clarifications, especially for families travelling with children. There are also differences in national policies regarding the administration of booster shots.
<p>Article 1 Regulation (EU) 2021/953 is amended as follows: (3) Article 5 is amended as follows: (a) in paragraph 2, point (b) is replaced by the following: 11 Reference to be added. EN 15 EN “(b) information about the COVID-19 vaccine and the number of doses administered to the holder, regardless of the Member State in which they have been administered;”; (b) in paragraph 5, the following subparagraph is added: “Member States may also issue vaccination certificates referred to in point (a) of Article 3(1) to persons participating in clinical trials that concern a COVID-19 vaccine and that have been approved by Member States’ ethical committees and competent authorities, regardless whether they have been administered the vaccine candidate or the</p>	<p>Proposed amendment</p> <p>Article 1 Regulation (EU) 2021/953 is amended as follows: (3) Article 5 is amended as follows: (a) in paragraph 2, point (b) is replaced by the following: 11 Reference to be added. EN 15 EN “(b) information about the COVID-19 vaccine and the number of doses administered to the holder, regardless of the Member State in which they have been administered;”; (b) in paragraph 5, the following subparagraph is added: “Member States may also issue vaccination certificates referred to in point (a) of Article 3(1) to persons participating in clinical trials that concern a COVID-19 vaccine and that have been approved by Member States’ ethical committees and competent authorities, regardless whether they have been administered the vaccine candidate or the dose administered to the control group. The</p>	

<p>dose administered to the control group. The information about the COVID-19 vaccine to be included in the vaccination certificate in accordance with the specific data fields set out in point 1 of the Annex shall not undermine the integrity of the clinical trial. Member States may accept vaccination certificates issued by other Member States in accordance with this paragraph in order to waive restrictions to free movement put in place, in accordance with Union law, to limit the spread of SARS-CoV-2.”;</p>	<p>information about the COVID-19 vaccine to be included in the vaccination certificate in accordance with the specific data fields set out in point 1 of the Annex shall not undermine the integrity of the clinical trial. Member States may accept vaccination certificates issued by other Member States in accordance with this paragraph in order to waive restrictions to free movement put in place, in accordance with Union law, to limit the spread of SARS-CoV-2.”;</p> <p><i>(c) In paragraph 5, the text of the first subparagraph is replaced by the following: “Where Member States accept proof of vaccination in order to waive restrictions to free movement put in place, in accordance with Union law, to limit the spread of SARS-CoV-2, they shall also accept, under the same conditions, vaccination certificates issued by other Member States in accordance with this Regulation for a COVID-19 vaccines that have been granted a marketing authorisation pursuant to Regulation (EC) No 726/2004, or vaccines that have completed the WHO emergency use listing procedure.”</i></p> <p><i>(d) In paragraph 5, the text of the second subparagraph is replaced by the following: “Member States may also accept, for the same purpose, vaccination certificates issued by other Member States in accordance with this Regulation for a COVID-19 vaccine that has been granted a marketing authorisation by the competent authority of a Member State pursuant to Directive 2001/83/EC, or a COVID-19 vaccine the distribution of which has been temporarily authorised pursuant to Article 5(2) of that Directive.”</i></p> <p><i>e) In paragraph 5, the following subparagraph is added: “Where Member States accept proof of vaccination in order to waive restrictions to free movement put in place, in accordance with Union law, to limit the spread of SARS-CoV-2, they shall also accept, under the same conditions, vaccination certificates issued by other Member States where the last dose, be it during the primary vaccination series or the booster, has been administered with a vaccine that has been authorised under this Article, even if the previous dose or doses are not administered with a vaccine approved under this Article”.</i></p>	<p>For all reasons listed above (see recital 9) we insist on obliging Member States to accept an EUDCC issued on the basis of ALL vaccines on the WHO emergency use list.</p> <p>We also keep the possibility for Member States to accept certificates that are issued on the basis of a vaccine which is only approved by another Member State’s national authority (e.g. Sputnik is approved by the Hungarian medicines authority).</p> <p>Booster doses are usually from a different vaccine than the one administered in the beginning (there are studies that prove that this creates a stronger immunity). This provision would make sure that people who opted for a vaccine currently not on EMA or WHO list (e.g. Sputnik) can still have a fully accepted EUDCC if they choose to receive a booster vaccination with a vaccine authorized by WHO or EMA.</p>
	<p>Article 1</p>	<p>The verification of</p>

EU Digital COVID Certificate Regulation - Article 11

1. Without prejudice to Member States' competence to impose restrictions on grounds of public health, where Member States accept vaccination certificates, test certificates indicating a negative result or certificates of recovery, they shall refrain from imposing additional restrictions to free movement, such as additional travel-related testing for SARS-CoV-2 infection or travel-related quarantine or self-isolation, unless they are necessary and proportionate for the purpose of safeguarding public health in response to the COVID-19 pandemic, also taking into account available scientific evidence, including epidemiological data published by the ECDC on the basis of Recommendation (EU) 2020/1475.

3. Member States shall inform the Commission and the other Member States of the issuance and the conditions of acceptance of the certificates referred to in Article 3(1), including the COVID-19 vaccines they accept pursuant to the second subparagraph of Article 5(5).

(10 - new) Article 11 is amended as follows: paragraph 1 is replaced by the following: "Without prejudice to Member States' competence to impose restrictions on grounds of public health, where Member States accept vaccination certificates, test certificates indicating a negative result or certificates of recovery, they shall refrain from imposing additional restrictions to free movement".

Article 11 is further amended as follows: paragraph 3 is replaced by the following: "Member States shall align any national policies on acceptance of the certificates referred to in Article 3(1) as closely as possible with the conditions as agreed in the Council Recommendation on a coordinated approach to facilitate safe free movement, in its respective latest amended iteration. Member States shall inform the Commission and the other Member States of any derogations from the acceptance conditions agreed in the Council Recommendation and provide a justification for the necessity of such derogation to protect public health."

EUDCC shall not be used as a reason to impose additional restrictions to the freedom of movement such as the temporary reintroduction of controls at internal borders.

Member States still apply many different variants to rules which make travelling more difficult but do not deliver a substantial public health benefit. Some examples of such divergences currently applying in Member States include: shorter validity of tests (about 5 Member States), only acceptance of PCR tests (not antigen), J&J only accepted if two shots, J&J only valid for 150d, J&J only valid after 28d, recovery only valid for 90d or for 150d, children 6<12 not exempted from DCC.

The **European Tourism Manifesto alliance** gathers 70 European public and private organisations, covering the whole tourism value chain and beyond. The alliance calls on the European Union for action on key policy priorities for the tourism sector. For more information, please visit tourismmanifesto.eu. The Secretariat and Chairmanship of the alliance are currently held by the European Travel Commission (ETC). For any enquiries please contact us via <https://tourismmanifesto.eu/contact/>. The full list of supporting organisations can be found at <https://tourismmanifesto.eu/who-we-are/>