



Council of the
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WORKING DOCUMENT

From: Presidency

To: Delegations

Subject: Proposal for a Council Recommendation on joining the global digital health certification network established by the World Health Organization and on temporary arrangements to facilitate international travel in view of the expiry of Regulation (EU) 2021/953 of the European Parliament and of the Council
- Presidency compromise proposal

Delegations will find in Annex a compromise text prepared by the Presidency on the above-mentioned subject to be examined in the Working Party on Public Health on 19 June 2023.

New changes compared to the previous versions of the compromise are **highlighted in grey shading**. Text marked in **bold and underlined** and in ~~strikethrough~~ without grey shading reflects changes made in this text compared to the Commission proposal, which were already presented in the previous version.

Proposal for a

COUNCIL RECOMMENDATION

on joining the global digital health certification network established by the World Health Organization and on temporary arrangements to facilitate international travel in view of the expiry of Regulation (EU) 2021/953 of the European Parliament and of the Council

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 168(6), ~~and Article 292 in conjunction with Article 91 and Article 100(2),~~ thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The EU Digital COVID Certificate introduced by Regulation (EU) 2021/953 of the European Parliament and of the Council¹ has rapidly become a global standard for vaccination, test and recovery certificates, with 51 third countries and territories connected to the system in addition to the 27 Member States. Through its external dimension, the EU Digital COVID Certificate has also proven to be the most widely used solution and tool to foster safe international travel and recovery at global level. In addition to travel, the use of digital COVID certificates fostered the continuity of cross-border vaccination.

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 (OJ L 211, 15.6.2021, p. 1).

- (2) The EU Digital COVID Certificate was paramount in safeguarding free movement and travel and its underlying technology could continue to serve as a tool, necessary to be better prepared for possible future health crises, allowing citizens and business to mitigate the impact of communicable diseases and ensure a proper preparedness. This is also in line with the special report of the European Court of Auditors².
- (3) Regulation (EU) 2021/953 is set to expire on 30 June 2023. **As from 1 July 2023, the issuance and acceptance of COVID-19 vaccination, test and recovery certificates should therefore be made on the basis of and pursuant to the conditions laid down in the national laws of the Member States. Also references made in this recommendation to the implementing acts adopted pursuant to Regulation (EU) 2021/953, are made solely by ease of reference and should not be understood as maintaining in force such implementing acts or the powers of the Commission to adopt and amend implementing acts pursuant to Regulation (EU) 2021/953. Any reference to the implementing acts previously adopted pursuant to Regulation (EU) 2021/953 should be understood as static references to the said acts, in their version applicable on 30 June 2023.**
- (4) The World Health Organization (WHO) will establish a global digital health certification network. The global digital health certification network is a mechanism to support the verification of certificates that are issued by participants of the global digital health certification network. Such certificates would initially concern COVID-19 certificates, and could, at a later stage, also include certification of other documents, such as routine immunisation records and the International Certificate of Vaccination or Prophylaxis, **set out in Annex 6 of the International Health Regulations (2005)**, for the purposes of international travel and continuity of care.

² Recommendation 3 – Prepare relevant EU tools for future crises: [Special report 01/2023: "Tools facilitating travel within the EU"](https://ec.europa.eu/eurobarometer/surveys/trends/01-2023-tools-facilitating-travel-within-the-eu) ([europa.eu](https://ec.europa.eu/eurobarometer/surveys/trends/01-2023-tools-facilitating-travel-within-the-eu))

- (5) The establishment of systems to mitigate the impact of global health crises on travel for citizens and businesses should be seen as a major pillar of the EU's preparedness agenda. Participation in the WHO global digital health certification network would contribute to the global alignment of health certificate standards and establishment of a system for the recognition of digital health certificates for international travel and continuity of care.
- (6) The global digital health certification network being developed by the WHO takes up the EU Digital COVID Certificate trust framework, principles and open technologies under its own structure. **The Commission intends to cooperate closely with WHO with a view to ensure that the global digital health certification network is coherent with the technical specifications previously laid down in Commission Implementing Decision (EU) 2021/1073.** Member States should be encouraged to connect to the WHO global digital health certification network as soon as possible before ~~30 September~~ **31 December** 2023, ~~provided that it complies with the technical specifications issued in accordance with Regulation (EU) 2021/953.~~ For a smooth transition from the EU Digital COVID Certificate system to the WHO global digital health certification network, Member States should be invited to issue new digital signer certificates used for the issuance of the EU Digital COVID Certificates before the expiry of Regulation (EU) 2021/953 to ensure their maximum technical validity and register these in the EU Gateway.
- (7) The Commission intends to ensure a smooth transition for Member States to join the WHO global digital health certification network, by maintaining the EU Gateway until ~~30 September~~ **31 December** 2023 in a manner that supports the objectives of this Recommendation. To that end, the Commission intends to finance the EU Gateway through the Digital Europe Programme established by Regulation (EU) 2021/694 of the European Parliament and of the Council³. This should allow the Member States and third countries connected to the EU Gateway sufficient time to adopt the procedures necessary to onboard the WHO global digital health certification network.

³ Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240 (OJ L 166, 11.5.2021, p. 1).

- (8) All Union citizens and residents travelling outside the Union should have at their disposal means to prove their COVID-19 related status, whenever this is specifically requested for travelling outside of the Union. ~~The absence of such means of proof could reduce the willingness and ability of Union passengers to travel to certain destinations, which in turn could have a negative impact on the provision of transport services. Moreover, unequal conditions for the issuance of such certificates between the Member States could affect fair competition between transport operators if international travel from certain Member States is less cumbersome because relevant COVID-19 certificates are easily accessible.~~ Therefore, once connected to the WHO global digital health certification network, Member States should also be invited to issue, upon request, certificates **compatible with** ~~in~~ the format **laid down by the WHO global digital health certification network, based on** ~~compatible with the~~ technical specifications **previously** laid down in Commission Implementing Decision (EU) 2021/1073⁴, for the purposes of facilitating international travel ~~by any means of transport~~ to third countries requiring such certificates, **in particular in case of a public health emergency of international concern**. In addition to facilitating international travel, such issuance could contribute to the global alignment of health certificate standards and the development of a system for the recognition of digital health certificates facilitating the continuity of care.
- (9) Member States should issue such certificates, ~~including during the transitional period,~~ in a digital or paper-based format, or both. The prospective holders should be entitled to receive the certificates in the format of their choice. The information contained in the certificates should also be shown in human-readable form and be provided in at least the official language or languages of the issuing Member State and in English.

⁴ Commission Implementing Decision (EU) 2021/1073 of 28 June 2021 laying down technical specifications and rules for the implementation of the trust framework for the EU Digital COVID Certificate established by Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 230, 30.6.2021, p. 32).

- (10) The uptake of the EU Digital COVID Certificate by the WHO global digital health certification network should enable third countries which still have in place COVID-19 related requirements as conditions for entry in their territories, and which are connected to the interoperability gateway of the trust framework set up under Regulation (EU) 2021/953 (the ‘EU Gateway’), to accept and verify both certificates issued before and after 1 July 2023.
- (11) ~~Situations whereby a Union citizen or resident is requested to show a COVID-19 certificate by a third country and cannot easily provide one because the EU Digital COVID Certificate system is not functional should be avoided, as this would represent a limitation to international travel by any means of transport.~~
- (12) From the perspective of travellers to the Union, **once connected to the WHO global digital health certification network**, as a resurgence of COVID-19 cases or an outbreak of another disease cannot be ruled out in any part of the world, one or several Member States could in the future introduce new, public health measures limiting the entry into their territory of persons travelling from third countries. While any such restrictions should be applied in accordance with the general principles of proportionality and non-discrimination, they could be justified on public interest grounds, namely the safeguarding of public health. ~~To ensure that such public health concerns~~ **related to COVID 19 pandemic** can be adequately addressed, Member States ~~should continue to be able~~ **are advised to keep the ability** to accept and verify certificates issued by third countries **under the WHO global digital health certification network** ~~in compliance~~ **that continue fulfilling** with the high standards ~~currently, which were~~ laid down ~~in~~ **pursuant to** Regulation (EU) 2021/953. Where Member States require proof of COVID-19 vaccination, test or recovery in order to waive restrictions to travel into the Union, they should accept ~~proofs of~~ COVID-19 **certificates vaccination, recovery or testing** **which is compliant with WHO global digital health certification network**, ~~previously covered by an implementing act adopted pursuant to Article 3(10) or Article 8(2) of Regulations (EU) 2021/953, in line with the approach set out in Council Recommendation (EU) 2022/2548⁵.~~

5. ~~Council Recommendation (EU) 2022/2548 of 13 December 2022 on a coordinated approach to travel to the Union during the COVID-19 pandemic and replacing Council Recommendation (EU) 2020/912 (OJ L 328, 22.12.2022, p. 146).~~

- (13) ~~As the issuance of appropriate, interoperable certificates can contribute to facilitating international travel to certain third countries by any means of transport, Member States should be invited to ensure, including during the transitional period, that cross border passenger transport service operators required to implement COVID-19 related public health measures integrate the verification of such certificates into the operation of cross border transport infrastructures, such as airports, ports and railway and bus stations, where appropriate.~~
- (14) The Council called on the Commission to “explore the added value of a digital version of vaccination certificates, taking into consideration the experiences with European digital infrastructures and other existing tools, such as the International Certificate of Vaccination or Prophylaxis”⁶. Similar developments are planned by the WHO, which intends to further develop the WHO global digital health certification network, in order to, for example, support the digitisation of International Certificate of Vaccination and Prophylaxis, or vaccination certificates for routine immunisation. Therefore, the Member States ~~should be~~ **are** invited to actively participate in the effort to further develop the network, as well as to issue, accept and verify other types of vaccination certificates or health data, as relevant.

⁶ Conclusions on vaccination as one of the most effective tools for preventing disease and improving public health (2022/C 484/05) (OJ C 484, 20.12.2022, p. 18)

- (15) During a transitional period until ~~30 September~~ **31 December** 2023, and in order to ensure a smooth transition to the WHO global digital health certification network, Member States who have not yet connected to the WHO global digital health certification network **are encouraged** ~~should continue~~ to issue, **in particular in case of a declared public health emergency of international concern, in accordance with national law**, upon request, COVID-19 vaccination, test and recovery certificates in the format compatible with the technical specifications **previously** laid down in Commission Implementing Decision (EU) 2021/1073⁷, **provided that a legal basis exist for issuance of such certificats exists under their national law**⁸. Also, during this transitional period, where Member States require proof of COVID-19 vaccination, test or recovery in order to waive restrictions to travel into the Union, they **are encouraged to** ~~should~~ accept proofs of COVID-19 vaccination, recovery or testing previously covered by an implementing act adopted pursuant to Article 3(10) or Article 8(2) of Regulations (EU) 2021/953, in line with the approach set out in Council Recommendation (EU) 2022/2548⁹.
- (16) During the same period, Member States who have not yet connected to the WHO global digital health certification network ~~should~~ **are** also **encouraged to** remain connected to the EU Gateway, insofar as such gateway is being maintained by the Commission. Those Member States who have already connected to the WHO global digital health certification network ~~should~~ **are advised to** synchronise the information they upload to the WHO global digital health certification network with the EU Gateway.

⁷ **Commission Implementing Decision (EU) 2021/1073 of 28 June 2021 laying down technical specifications and rules for the implementation of the trust framework for the EU Digital COVID Certificate established by Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 230, 30.6.2021, p. 32).**

⁸ ~~Commission Implementing Decision (EU) 2021/1073 of 28 June 2021 laying down technical specifications and rules for the implementation of the trust framework for the EU Digital COVID Certificate established by Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 230, 30.6.2021, p. 32).~~

⁹ Council Recommendation (EU) 2022/2548 of 13 December 2022 on a coordinated approach to travel to the Union during the COVID-19 pandemic and replacing Council Recommendation (EU) 2020/912 (OJ L 328, 22.12.2022, p. 146).

- (17) Member States ~~should~~ **are encouraged to** give effect to this Recommendation as of 1 July, which is the day after the expiry of Regulation (EU) 2021/953, so that any possible disruption, especially concerning international travel to third countries still requiring COVID certificates, is avoided. Specifically as regards the issuance of a new digital signer certificate, Member States can only do so while Regulation (EU) 2021/953 is still in force. They are therefore invited to give this certificate the maximum possible technical validity and to register it in the EU Gateway before the expiry of Regulation (EU) 2021/953 on 30 June 2023.
- (18) Regulation (EU) 2016/679 of the European Parliament and of the Council¹⁰ applies to the processing of personal data carried out when implementing this Recommendation. Member States should therefore ensure at all times that the relevant provisions of Union law concerning personal data are complied with, **in particular that the principle of lawfulness laid down in Article 6 of Regulation (EU) 2016/679 is complied with.**

HAS ADOPTED THIS RECOMMENDATION:

Connection to the WHO global digital health certification network

1. **The Council welcomes the Commission's intention to closely cooperate with the WHO in the development of the global digital health certification network, enabling the WHO to take up the EU Digital COVID Certificate trust framework, principles and open technologies under into its own structure, on the basis of the technical specifications previously laid down in Commission Implementing Decision (EU) 2021/1073.**
- 1a.** Member States ~~should~~ **are encouraged to** ~~adopt all necessary measures to~~ connect to the global digital health certification network that is being set up by the World Health Organization (WHO), **provided that an appropriate legal basis exists in their national law it complies with the technical specifications issued in accordance with Regulation (EU) 2021/953. Member States are encouraged to do so as soon as possible before 30 September 31 December** 2023.

¹⁰ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

2. Each Member State wishing to join the WHO global digital health certification network ~~should~~ **is encouraged to** issue a new digital signer certificate with the maximum possible technical validity and register it in the EU Gateway before the expiry of Regulation (EU) 2021/953.
3. The Council welcomes the Commission's intention to facilitate a seamless transition from the EU Digital COVID Certificate system to the WHO global digital health certification network. **It is however, left to the Member States to decide if whether they wish to connect to the global digital health certification network and whether they wish to do so with the existing technologies or to pursue a connection at a later stage with different systems.**

Issuance and acceptance of certificates under the WHO global digital health certification network

4. Once connected to the WHO global digital health certification network, Member States ~~should~~ **are encouraged to carry out , as appropriate, the tasks prescribed by the WHO in relation to the operation of the WHO global digital health certification network as efficiently as possible, in particular:**
 - (a) issue, **as appropriate, in particular case of a declared public health emergency of international concern,** ~~upon request,~~ COVID-19 ~~vaccination, test and recovery~~ certificates in the format compatible with the **WHO global digital health certification network to be based on** technical specifications **previously** laid down in Commission Implementing Decision (EU) 2021/1073, **provided that an appropriate legal basis exists in EU or national law, in compliance with Regulation (EU) 2016/679;**
 - (b) issue the certificates referred to in ~~letter~~ **indent (a) of this point** in a digital or paper-based format, or both **and entitle facilitate as appropriate.** ~~The~~ ~~the~~ prospective holders ~~should be entitled~~ to receive the certificates in the format of their choice. **It is recommended that** ~~The~~ ~~the~~ information contained in the certificates ~~should~~ **is be** also ~~be~~ shown in human-readable form and **be** provided in, at least, the official language or languages of the issuing Member State and in English.

- (c) where they require proof of COVID-19 vaccination, test or recovery in order to waive restrictions, ~~continue to accept proofs of COVID-19 vaccination, recovery or testing~~ **certificates compliant with WHO global digital health certification network.** ~~previously covered by an implementing act adopted pursuant to Article 3(10) or Article 8(2) of Regulation (EU) 2021/953 and in line with the rules issued in accordance with that Regulation;~~
- (d) ~~ensure that cross-border passenger transport service operators integrate the verification of the certificates referred to in letter a) into the operation of cross-border transport infrastructures such as airports, ports and railway and bus stations, where appropriate.~~

Further evolution of the WHO global digital health certification network

5. Member States are encouraged to actively participate in the effort to further develop the WHO global digital health certification network, **taking in account the developments regarding the the update of the International Health Regulation, and examine the potential benefits, challenges and legal requirements for WHO digital certificates,** including ~~in relation to~~ **exploring – inter alia – the use of digital** certificates for other diseases and **the** authentication of other health data.

*Transitional period until ~~30 September~~ **31 December** 2023*

6. The Council welcomes the Commission's intention to maintain the EU Gateway for the EU Digital COVID Certificate in a manner that supports the objectives of this Recommendation ~~until by 30 September~~ **31 December** 2023, **in order to facilitate until the necessary measures to connect to the global digital health certification network that is being set up by the World Health Organization (WHO) are to be in place and the global digital health certification network is operational, and continue,** by ~~making it available to third countries and territories which have been~~ **are already** connected following the adoption by the Commission of implementing acts in accordance with Article 3(10) or Article 8(2) of Regulation (EU) 2021/953, provided that the relevant certificates of those third countries and territories continue to be issued ~~in accordance with~~ **based on** standards and technological systems that are interoperable with the trust framework of the EU Gateway and that allow for the verification of their authenticity, validity and integrity.

7. Until Member States are connected to the WHO global digital health certification network referred to in point 1 and ~~in~~ **during** the period until ~~30 September~~ **31 December** 2023, they should ~~be~~ **encouraged to remain connected to the EU Gateway, insofar as such gateway is being maintained by the Commission and to provide** ~~provided that for an appropriate legal basis exists in their national law, in compliance with Regulation (EU) 2016/679,~~ **encouraged in order to:**
- (a) ~~remain connected to the EU Gateway, insofar as such gateway is being maintained by the Commission;~~
 - (b) ~~continue to issue,~~ **as appropriate, in particular in case of a declared public health emergency of international concern,** ~~upon request,~~ COVID-19 ~~vaccination, test and recovery~~ certificates in the format ~~compatible with~~ **based on** the technical specifications **previously** laid down in Commission Implementing Decision (EU) 2021/1073¹¹;
 - (c) issue the certificates referred to in ~~letter~~ (b) in a digital or paper-based format, or both, **and entitle facilitate as appropriate.** ~~The~~ prospective holders should be entitled to receive the certificates in the format of their choice. **It is recommended that the** ~~The~~ information contained in the certificates ~~should~~ **is** also be shown in human-readable form and ~~be~~ provided in at least the official language or languages of the issuing Member State and in English;
 - (d) where they require proof of COVID-19 vaccination, test or recovery in order to waive restrictions, **in particular in case of a declared public health emergency of international concern,** ~~continue to~~ accept proofs of COVID-19 vaccination, recovery or testing previously covered by an implementing act adopted pursuant to Article 3(10) or Article 8(2) of Regulation (EU) 2021/953 ~~and in line with the rules issued in accordance with that Regulation;~~
 - (e) ~~ensure that cross-border passenger transport service operators integrate the verification of the certificates referred to in letter b) into the operation of cross-border transport infrastructures such as airports, ports and railway and bus stations, where appropriate.~~

¹¹ Commission Implementing Decision (EU) 2021/1073 of 28 June 2021 laying down technical specifications and rules for the implementation of the trust framework for the EU Digital COVID Certificate established by Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 230, 30.6.2021, p. 32).

8. Member States connected to the WHO global digital health certification network ~~should~~ **are** also **encouraged to** ensure, until ~~30 September~~ **31 December** 2023, the synchronisation of information they upload in the EU Gateway and in the WHO global digital health certification network.
9. ~~Member States should give effect to this Recommendation as of 1 July 2023 with the exception of point 2, to which effect should be given before 30 June 2023.~~

Done at Brussels,

For the Council
The President
