COMMISSION IMPLEMENTING DECISION (EU) 2021/2301

of 21 December 2021

amending Implementing Decision (EU) 2021/1073 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

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/953 of the European Parliament and of the Council 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 ([1]), and in particular Article 9(1), point (c), thereof,

Whereas:

(1) Regulation (EU) 2021/953 sets out the EU Digital COVID Certificate the purpose of which is to serve as a proof that a person has received a COVID-19 vaccine, a negative test result or has recovered from infection for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic.

(2) In order for the EU Digital COVID Certificate to be operational throughout the Union, the Commission adopted Commission Implementing Decision (EU) 2021/1073 ([2]), laying down technical specifications and rules to populate, securely issue and verify EU Digital COVID Certificates, ensure the protection of personal data, lay down the common structure of the unique certificate identifier and issue a valid, secure and interoperable barcode.

(3) On 17 November 2021, the Commission adopted Implementing Decision (EU) 2021/2014 ([3]) setting out uniform rules for populating vaccination certificates referred to in Article 3(1), point (a), of Regulation (EU) 2021/953 issued following the administration of booster COVID-19 vaccination doses.

(4) As set out in Commission Delegated Regulation (EU) 2021/2288 ([4]), a standard acceptance period of 270 days is to apply to vaccination certificates indicating the completion of the primary vaccination series, be it a single-dose primary course, a two-dose primary series, or, in line with the vaccination strategy of the Member State of vaccination, a single dose primary course of a two-dose vaccine after having previously been infected with SARS-CoV-2. At the same time, no acceptance period is to be set for certificates indicating the administration of booster doses or additional doses administered to better protect individuals who mount inadequate immune responses following the completion of the primary vaccination series. References in this Regulation to booster doses should be understood as also covering such additional doses.

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

([2]) 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).

([3]) Commission Implementing Decision (EU) 2021/2014 of 17 November 2021 amending Implementing Decision (EU) 2021/1073 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 410, 18.11.2021, p. 180).

([4]) Commission Delegated Regulation (EU) 2021/2288 of 21 December 2021 amending the Annex to Regulation (EU) 2021/953 of the European Parliament and of the Council as regards the acceptance period of vaccination certificates issued in the EU Digital COVID Certificate format indicating the completion of the primary vaccination series (see page 459 of this Official Journal).

(5) In order to be able to distinguish, in all cases, between certificates issued based on the completion of the primary vaccination series and certificates issued based on the administration of a booster dose, the uniform rules for populating vaccination certificates referred to in Article 3(1), point (a), of Regulation (EU) 2021/953 should be adapted.

(6) Member States should re-issue certificates that follow different rules regarding the encoding of booster doses to avoid that the standard acceptance period of 270 days is applied to them.

(7) Implementing Decision (EU) 2021/1073 should therefore be amended accordingly.

(8) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council [5] and delivered formal comments on 14 December 2021.

(9) In the light of the need for rapid implementation of the amended technical specifications for the EU Digital COVID Certificate, this Decision should enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

(10) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 14 of Regulation (EU) 2021/953,

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Implementing Decision (EU) 2021/1073 is amended in accordance with the Annex to this Decision.

Article 2

This Decision shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 21 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

[5] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

ANNEX

Section 5.2 of Annex II to Implementing Decision (EU) 2021/1073 is replaced by the following:

‘5.2. **Booster doses**

Where the person is receiving doses following the primary vaccination series, such booster doses shall be reflected in the corresponding certificates as follows:

— 2/1 indicates the administration of a booster dose following a primary single-dose vaccination course, or the administration of a booster dose following the completion of a primary course consisting of one dose of a 2-dose vaccine administered to a recovered person in line with the vaccination protocol applied by a Member State. After that, doses (X) administered following the first booster dose shall be indicated by (2+X)/(1) > 1 (3/1, for example),

— 3/3 indicates the administration of a booster dose following a primary 2-dose vaccination series. After that, doses (X) administered following the first booster dose shall be indicated by (3+X)/(3+X) = 1 (4/4, for example).

Member States shall implement the encoding rules set out in this Section by 1 February 2022.

Member States shall, automatically or upon request by the persons concerned, re-issue certificates in which the administration of a booster dose following a primary single-dose vaccination course is encoded in such a way that it cannot be distinguished from the completion of the primary vaccination series.

For the purposes of this Annex, references to “booster doses” should be understood as also covering additional doses administered to better protect individuals who mount inadequate immune responses following the completion of the standard primary vaccination series. Within the legal framework established by Regulation (EU) 2021/953, Member States may take measures to address the situation of vulnerable groups who may receive additional doses as a matter of priority. For example, if a Member State decides to administer additional doses only to specific sub-groups of the population, it can choose, in accordance with Article 5(1) of Regulation (EU) 2021/953, to issue vaccination certificates indicating the administration of such additional doses only upon request and not automatically. Where such measures are taken, Member States shall inform the persons concerned accordingly, as well as that they may continue to make use of the certificate received following the completion of the standard primary vaccination series.’.