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## EU REGULATIONS

# **PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON DIGITAL GREEN CERTIFICATE (COVID-19)<sup>2</sup>**

This year, the European Commission proposed to establish a framework for issuing and accepting certificates of vaccination as part of a special electronic “Green Certificate”, an umbrella documentation for cross-border movement in the pandemic environment (in addition to the certificates of past viral infection, negative test results, etc.)<sup>3</sup>. The freedom of movement of an individual is not only one of the elementary freedoms for the citizens of the European Union, but an aspect on which a range of industries relies, including the industry of insurance. Therefore, devising mechanisms to facilitate mobility in the pandemic environment is a very important. By establishing such a system, the European Union seeks to simplify the realization of opportunities, i.e. the right to mobility of European citizens, both those who have already been vaccinated/intend to vaccinate and those who, for various reasons, are not in a position to vaccinate (e.g. children or individuals with aggravated health risk). The definition of this act is in compliance with the sense of the Article 21 of the Treaty on the Functioning of the European Union, which deals with the exercise of freedom of movement and role of the EU institutions in facilitating the achievement of such rights. The provisions of the Regulation will be briefly presented hereinafter.

The first Article of the proposed Regulation sets arguments for establishing a framework mechanism to help achieve mobility of the European citizens, noting

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<sup>2</sup> European Commission, 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, Brussels, 2021, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021PC0130>, accessed on: 25/05/2021.

<sup>3</sup> Ibid

that this would simultaneously build grounds for the processing of personal data and checking the credibility of the same. The second Article deals with the definitions of basic terms, such as “Holder”, i.e. the Owner (Paragraph 1) of the “Green Certificate” (paragraph 2), “vaccine against Covid 19” (paragraph 3), types of tests for the presence of Covid 19 (paragraphs 4-5) and other relevant words. The third Article clarifies in greater detail the content of the electronic certificate, which can be used in both digital and paper form, and includes proof of vaccination, proof of performed testing using one of the above tests or a certificate of a past infection. These documents are issued by the Member States, and the certificate is verified by an individualized bar code (designed after special specifications). The following Article regulates the use of equipment for checking the validity of the electronic green certificates.

The fifth Article refers to the issuance and content of the vaccination certificate, which must include appropriate information and technically meet the requirements and standards of relevant European acts. The scope of the Article is widely defined, so that it implies the possibility of recognizing not only the certificates from other member states but from third countries, likewise, provided all the necessary information has been submitted to the relevant member state, in compliance with technical and other regulations. In this way, the European institutions aim to confirm to their member states that they are entitled to not only regulate the epidemiological situation in their territories but also, if they wish and provided the adequate technical conditions, apply and relax the principles for the cross-border movement not only within the Union, but with the third countries (including the so-called West Balkans) as well. The sixth Article defines the form and issuance of proof of completed test while the seventh Article regulates the document confirming the past disease from coronavirus infection.

The eighth Article defines in greater detail the technical specifications, including the topics of simplified issuance and verifiability of data, protection of personal information, systemic aspects, inter-institutional cooperation of member states, generation of individual code, etc. The following provision regulates the protection of personal information and data and their purpose is strictly embedded in the context of the framework documentation during the pandemic, so as to allow for the widest possible freedom of movement, taking into account epidemiological and other circumstances. In case the member that is the host country requires another European citizen, the holder of the certificate/confirmation, to carry out the process of self-isolation or testing or denies him entry to the country before the entry into force of such restrictions, such state shall be obliged to inform other members and European institutions thereof in accordance with the Art. 10, together with all clarifications concerning the reasons and scope of such measures.

Furthermore, technical and institutional aspects are defined, such as the delegation of authority (Article 11), the emergency of entry into force of this Act

(Article 12) and the procedures of the competent committee (Article 13). In accordance with the Article 14, the European Commission is required to submit a Report on the Application of the Regulation to the European Parliament and the Council within one year after the World Health Organization (WHO) has abolished the international health emergency.

The last, fifteenth Article, defines the entry into force and application of the Regulation within three days from the date of its official publication in the journals of the European Union. It is important to point out that the previously mentioned Report on the Application of the Regulation must focus on the analysis of the impact of this regulation on the realization of cross-border mobility within the European Union, which is, after all, its primary purpose.

The completion of the process of adopting the provisions related to the green certificate is expected to complete during the summer of 2021.<sup>4</sup> On this occasion, it should be noted that the Republic of Serbia, through the e-government platform, has already enabled the generation of a Green Certificate that contains the elements stipulated under the proposed European regulations.<sup>5</sup>

## Sources

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<sup>4</sup> Rachael Kennedy, Everything you need to know about the EU's COVID travel pass, 2021, <https://www.euronews.com/2021/05/21/everything-you-need-to-know-about-the-eu-s-covid-travel-pass>, accessed on: 25/5/2021.

<sup>5</sup> Government of the Republic of Serbia, Digital Green Certificate available as of today at e-Government portal, Belgrade, 2021, <https://www.srbija.gov.rs/vest/en/172498/digital-green-certificate-available-as-of-today-at-e-government-portal.php>, accessed on: 26/5/2021.