



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2021) 2371 final

- English translation of the French version which is authentic -

Brussels, 14 April 2021

TEXTE EN

MINUTES

of the 2371st meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 17 March 2021

(morning)

PV(2021) 2371 final

- English translation of the French version which is authentic -

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Single sitting: Wednesday 17 March 2021 (morning)

The sitting opened at 9.10 with Ms von der LEYEN, President, in the chair.

Present:

Ms von der LEYEN	President	
Mr TIMMERMANS	Executive Vice-President	
Ms VESTAGER	Executive Vice-President	
Mr DOMBROVSKIS	Executive Vice-President	
Mr BORRELL i FONTELLES	High Representative/ Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Ms JOUROVÁ	Vice-President	
Ms ŠUICA	Vice-President	
Mr SCHINAS	Vice-President	
Mr HAHN	Member	
Mr SCHMIT	Member	
Mr GENTILONI	Member	
Mr WOJCIECHOWSKI	Member	
Mr BRETON	Member	
Ms FERREIRA	Member	
Ms KYRIAKIDES	Member	
Mr REYNDERS	Member	
Ms DALLI	Member	
Ms JOHANSSON	Member	
Mr LENARČIČ	Member	
Ms VÁLEAN	Member	Items 1 to 11
Mr VÁRHELYI	Member	
Ms URPILAINEN	Member	
Ms SIMSON	Member	
Mr SINKEVIČIUS	Member	
Ms McGUINNESS	Member	

Absent:

Ms GABRIEL

Member

The following sat in to represent an absent Member of the Commission:

Ms KIRÁLY

Chef de cabinet to Ms GABRIEL

The following also sat in:

Mr SEIBERT

Chef de cabinet to the PRESIDENT

Mr CALLEJA CRESPO

Director-General, Legal Service

MS AHRENKILDE HANSEN

Director-General, DG Communication

Mr MAMER

Head of the Spokesperson's Service and Chief
Spokesperson of the Commission

Ms PETKOVA

Director of Coordination and Administration in
the PRESIDENT's Office

Mr VANDENBERGHE

Adviser in the PRESIDENT's Office

Items 8 to 11

Mr WHELAN

Adviser in the PRESIDENT's Office

Items 8 to 11

Ms HILI

Adviser in the PRESIDENT's Office

Items 8 to 11

Ms SCHULTZ

Policy Coordinator in the PRESIDENT's
Office

M_S SPINANT

Deputy Chief Spokesperson of the Commission

Ms ALLOUIS-LE LOSTEC

Head of Unit in the Secretariat-General

Secretary: Ms JUHANSONE, Secretary-General, assisted by Ms DEPREZ, Director in the Secretariat-General.

1. AGENDAS

(OJ(2021) 2371/FINAL; SEC(2021) 2371/FINAL)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2021) 2371)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 15 March 2021.

3. APPROVAL OF THE MINUTES OF THE 2368TH, 2369TH AND 2370TH MEETINGS OF THE COMMISSION (24 FEBRUARY, 3 AND 9 MARCH 2021)

(PV(2021) 2368)

The Commission approved the minutes of its 2368th meeting, and decided to hold over approval of the minutes of its 2369th and 2370th meetings until a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2021) 81)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Friday 12 March 2021 (RCC(2021) 81).

The Commission approved the lines proposed for the following points:

- **Multiannual Financial Framework 2021-2027 – Instrument for Pre-accession Assistance (IPA III) (Regulation) – ZOVKO & PICULA report – 2018/0247 (COD)**

Line set out in SI(2021) 82/2.

- **Multiannual Financial Framework 2021-2027 – Neighbourhood, Development and International Cooperation Instrument (NDICI) (Regulation) – GAHLER & JUKNEVIČIENĖ & ARENA & GOERENS report – 2018/0243 (COD)**

Line set out in SI(2021) 76/2.

- **Commission work programme 2021: withdrawal of pending proposals and publication of the list in the Official Journal**

Line set out in SPI(2021) 15.

- **Amendment of Regulation (EU) 2013/92 as regards certain fishing opportunities for 2021 in Union waters and non-Union waters (Council Regulation) – 2021/0056 (NLE)**

Line set out in SI(2021) 83.

- **Strengthening of transparency and integrity in the EU institutions by setting up an independent EU ethics body – FREUND report – 2020/2133 (INI)**

Line set out in SP(2021) 174/2.

The Commission took note of the following points:

- **General Union Environment Action Programme to 2030 (Decision) – O’SULLIVAN report – 2020/0300 (COD)**

Information set out in SI(2021) 77/2.

- **Brexit Adjustment Reserve (Regulation) – ARIMONT report – 2020/0380 (COD)**

Information set out in SI(2021) 79/2.

- **Amendment of Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (Directive) – FERRANDINO report – 2017/0114 (COD)**

Information set out in SI(2021) 80.

- **Results of Parliament’s March I 2021 part-session**

Information set out in SP(2021) 141.

- **Joint Action Plan on the Renovation Wave between the European Commission and the Committee of the Regions**

Information set out in SR(2021) 9/2.

- **Signature by interested Member States of declarations on ‘The EU Startup Nations Standard of Excellence’ and on ‘A Green and Digital Transformation of the EU’ (Digital Day, 19 March 2021)**

Information set out in SI(2021) 78.

5. COORDINATION OF EXTERNAL ACTION (RCC(2021) 19)

The Commission took note of the operational conclusions in RCC(2021) 19 of the meeting of the Group for External Coordination (EXCO) held by videoconference on Wednesday 10 March 2021.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2021) 124 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 8 and 12 March 2021.

6.2. EMPOWERMENT

(SEC(2021) 125 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 8 and 12 March 2021.

6.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2021) 126 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 8 and 12 March 2021 archived in Decide.

6.4. SIGNIFICANT WRITTEN PROCEDURES

(SEC(2021) 127 AND /2)

The Commission took note of the significant written procedures for which the time limit expired between 15 and 19 March 2021.

6.5. GRANTING OF AN EMPOWERMENT TO ADOPT CERTAIN STATE AID DECISIONS

(C(2021) 1735)

The Commission adopted the decision in C(2021) 1735.

The Commission decided to empower the Member of the Commission in

charge of Competition, in agreement with the PRESIDENT, to adopt, on behalf of the Commission and under its responsibility, certain state aid decisions, as set out in C(2021) 1735.

**6.6. GRANTING OF AN AD HOC EMPOWERMENT TO ADOPT THE NECESSARY PROTECTIVE MEASURES IN THE EVENT OF THE COUNCIL'S FAILURE TO ACT WHEN FIXING THE FISHING OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS
(C(2021) 1881)**

The Commission adopted the decision in C(2021) 1881.

The Commission decided to empower Mr SINKEVIČIUS, the Member of the Commission in charge of the Environment, Oceans and Fisheries, in agreement of the PRESIDENT, on behalf of the Commission and under its responsibility, to adopt the necessary protective measures in the event of the Council's failure to act when fixing the fishing opportunities for certain fish stocks and groups of fish stocks, as set out in C(2021) 1881.

**7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2021) 128/2)**

**ADMINISTRATIVE MATTERS
(PERS(2021) 25)**

At the request of the PRESIDENT, Mr HAHN provided the College with information on the Commission's internal vaccination strategy. He pointed out that the institution would comply with the rules in force in the host State concerned.

In Belgium, phase 1b of the vaccination campaign would, from 25 March, concern people over the age of 65. The vaccination of vulnerable people would start on

1 April, followed by the vaccination of the rest of the population in May and June. The Belgian authorities had not provided for any specific category for critical staff.

The Commission would therefore follow that same order for the vaccination of its staff working in Brussels.

A vaccination centre able to perform 5 000 injections a week had been set up in the Breydel building. The centre had been equipped so as to be able to guarantee its autonomous electricity supply, and safeguard security at the building, including against theft.

Mr HAHN specified that, to begin with, the vaccine used would be the Pfizer BioNTech one.

Retired members of staff of the Commission would be vaccinated by the national authorities of their place of residence.

Members of staff of the European External Action Service and EU delegations, if they could not be vaccinated in the country where they were posted, would be vaccinated in Brussels or in a Member State if vaccination could be performed there more quickly.

Members of the College would be vaccinated according to the calendar and the order of priority set by the Belgian authorities.

Mr HAHN concluded by stressing that the European Parliament and the Council had set up their own vaccination centres.

The PRESIDENT thanked Mr HAHN for this useful information, which formed part of the set of measures being presented that day by the Commission in the context of the fight against the COVID-19 pandemic.

7.1. DG ENERGY – APPOINTMENT OF AN AD14/15 DIRECTOR
(PERS(2021) 26 TO /3)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of the ‘Just Transition, Consumers, Energy Efficiency and Innovation’ Directorate in DG Energy (PERS(2021) 26).

It took note of the opinions of the Consultative Committee on Appointments of 14 February and 4 March 2021 (PERS(2021) 26/2 and /3).

The Commission then examined the applicants’ qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Ms SIMSON, it then decided to appoint Ms Paula PINHO to the post.

This decision would take effect on a date to be determined.

7.2. DG COMMUNICATION – SECONDMENT OF AN AD16 OFFICIAL IN THE INTERESTS OF THE SERVICE UNDER ARTICLES 37 AND 38 OF THE STAFF REGULATIONS

On a proposal from Mr HAHN, in agreement with the PRESIDENT, the Commission decided to second in the interests of the service, under Articles 37 and 38 of the Staff Regulations, Mr Christian DANIELSSON, an AD16 official and currently Head of the Commission Representation in Stockholm, Sweden, to the Cabinet of the President of the European Council, for a period of three weeks, with retroactive effect from 10 March 2021. During his secondment, all expenses would be borne by the European Council, and Mr DANIELSSON would not be able to make use of any European Commission resource, in accordance with the established rules. Moreover, in the interest of the service and during his secondment, Mr DANIELSSON would keep Mr VÁRHELYI, the Member of the Commission responsible, informed of any relevant developments.

This decision would take effect immediately.

**7.3. DG EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION –
ADOPTION OF A LIST OF CANDIDATES FOR THE POST OF
EXECUTIVE DIRECTOR OF THE EUROPEAN AGENCY FOR SAFETY
AND HEALTH AT WORK (EU-OSHA), AT GRADE AD14
(PERS(2021) 27°TO°/3)**

On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr SCHMIT, the Commission decided:

- to approve the list of three candidates, presented in alphabetical order, set out in point 3 of PERS(2021) 25, for the post of Executive Director of the European Agency for Safety and Health at Work (EU-OSHA), in Bilbao, and to consider this list as the Commission proposal;
- to ask Mr SCHMIT, the Member of the Commission responsible, to communicate this decision to the Management Board of the European Agency for Safety and Health at Work.

These decisions would take effect immediately.

**7.4. SECRETARIAT-GENERAL – ADMINISTRATIVE PROVISIONS
REGARDING THE REPRESENTATION OF THE COMMISSION IN
THE COMMON SECRETARIAT OF THE CONFERENCE ON THE
FUTURE OF EUROPE**

The Commission took note of the information in point 5 of PERS(2021) 25, as part of the administrative arrangements relating to the representation of the Commission in the common secretariat of the Conference on the Future of Europe, established in accordance with the Joint Declaration signed on 10 March 2021, and, on a proposal from Mr HAHN, in agreement with the PRESIDENT, it decided that:

- the representation of the Commission in the common secretariat would be made up of six people: the Chef de Cabinet to Ms ŠUICA and a member of her Office, and four members of staff of the Commission services;
- the Chef de Cabinet to Ms ŠUICA would head the representation of the Commission in the common secretariat and would report to that effect to the Chef de Cabinet to the PRESIDENT and the Secretary-General;
- the four members of staff in the common secretariat would remain administratively assigned to their DG of origin; however, as regards their work for the common secretariat, they would report to the Chef de Cabinet to Ms ŠUICA;
- the representatives of the Commission to the common secretariat would work exclusively for the common secretariat for an initial period of one year, starting on 22 March; depending on how the situation regarding the Conference itself developed, this period could be extended;
- during the period of their participation in the common secretariat, DG Human Resources and Security would allocate temporary extra resources to the DGs of origin of the members of staff concerned.

These decisions would take effect immediately.

**8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL – A COMMON PATH TO SAFE AND SUSTAINED RE-OPENING
(COM(2021)°129°TO /3; RCC(2021)°86)**

9. 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°TO°/4; RCC(2021) 85)

- 10. 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)**

(COM(2021) 140)

- 11. COMMISSION RECOMMENDATION ON A COMMON APPROACH TO ESTABLISH A SYSTEMATIC SURVEILLANCE OF SARS-COV-2 AND ITS VARIANTS IN WASTEWATERS IN THE EU**

(C(2021) 1925 AND /2)

The PRESIDENT opened the discussion on the package of measures proposed by the Commission with a view creating the conditions for a safe and sustainable re-opening of activity in the EU while continuing the fight against COVID-9.

The conditions included in particular the introduction of a digital green certificate, use of a common framework of response measures, guidance on waste water analysis for variants and investment in diagnostic facilities and treatments but also increased global resilience through the COVAX initiative and a European vaccine sharing mechanism.

She stressed that this package of measures required sufficient vaccination coverage. She said that two weeks from the end of the first quarter, after a difficult start, the pace of vaccinations had picked up. It was stabilising thanks to the efforts to catch-up deliveries made by some vaccine producers with whom the Commission

had signed pre-purchase contracts in 2020. At the end of the current quarter, the EU would have received a total of more than 100 million doses: 66 million from Pfizer-BioNTech, 30 million from AstraZeneca and 10 million from Moderna.

A fourth, single-dose vaccine had just been authorised by the Commission after approval by the European Medicines Agency (EMA), namely the Johnson & Johnson vaccine. 55 million doses would be delivered to the EU starting from the second quarter. For the same period, there would be an additional 200 million doses from Pfizer-BioNTech, 35 million from Moderna and only 70 million from AstraZeneca, whereas AstraZeneca had committed to deliver 180 million doses.

The PRESIDENT stressed the importance of these deliveries against the backdrop of the worsening epidemiological situation in Europe, which might soon experience a third wave of the COVID-19 pandemic.

She said that thanks to the data collected in the framework of the vaccine export control mechanism set up by the Commission on 1 February 2021, it would be possible to verify whether the principles of reciprocity and proportionality were being respected in trade with beneficiary countries. Thus, the EU would be able to ensure that vaccine producing countries that received exports of vaccines from Europe also exported to the EU on the basis of the principle of reciprocity, and that the recipient countries did not have a higher vaccination rate than that of the EU, in accordance with the principle of proportionality.

The PRESIDENT told the meeting that 41.5 million doses of vaccines had been exported from the EU to 33 third countries from the time when the mechanism had started to provide a clear picture of exports, and that the first third country to benefit from it to date was the United Kingdom, with 10 million doses.

In parallel with those measures, she considered it useful to offer long-term contracts, for 2022 and 2023, to the pharmaceutical companies that ensured delivery the quantities of vaccine doses to which they had committed, so that they could increase

their production capacity, given that according to scientists, a third dose of vaccine would probably be needed for people already vaccinated in 2021.

The PRESIDENT concluded her introduction by saying that she would present these elements to the EU leaders at the European Council meeting on 25 and 26 March.

Mr SCHINAS presented the Communication '**A common path to safe and sustained re-opening**'. He recalled that the Commission had already previously addressed some of the measures presented that day, such as a digital green certificate. However, in January 2020 the certificate had been intended exclusively for health purposes, whereas it was being presented that day with a view to regaining mobility. The Commission was therefore proposing the conditions for a completely safe re-opening of Europe through the introduction of the digital green certificate. It was also proposing the use of a common framework for response measures, guidance on additional screening strategies, such as waste water analysis for variants, investments in diagnostics and treatments and action to strengthen global resilience through the COVAX initiative and a European vaccine sharing mechanism.

He said that the Commission had chosen to propose a binding legal instrument, a regulation, to create a digital green certificate which would facilitate free movement in the EU during the pandemic. This certificate would prove, on the basis of a minimum of objective information, that a person had been vaccinated, had received a negative result in a screening test or had recovered from COVID-19. It would be available free of charge, in electronic format or on paper. The technical implementation of the certificates would be a matter for the Member States, which could still decide on their use at national level and on the public health restrictions that could be lifted for travellers, but they would have to apply these more relaxed measures in the same way for travellers holding a digital green certificate.

In conclusion, he addressed the next steps in the interinstitutional process, expressing the hope that the Commission's proposals would be rapidly adopted by the co-legislators to allow a safe and sustainable re-opening by next summer.

Ms JOUROVÁ welcomed the fact that, despite the circumstances, which remained difficult, the Commission was sending a signal that coordinated preparation was under way for a possible reopening of Europe based on the available scientific data. She considered it very important to give hope to the citizens and to sectors such as tourism, travel and culture, which had been particularly hard hit by the current crisis and which represented millions of jobs in the EU.

With regard to the proposal for a Regulation on a digital green certificate for EU citizens, she felt that it would create an easy-to-use, safe and non-discriminatory tool to facilitate the cross-border movement of citizens and help avoid fragmentation of the Single Market, while fully respecting data protection requirements. This tool would contribute to the economic recovery of the EU.

However, she recommended that the Commission's communication activities clearly explain that the digital green certificate Regulation did not define the uses of this instrument, which was not a precondition for free movement in the EU.

Ms JOUROVÁ stressed that the Commission's work had been guided by the principle of non-discrimination and respect for fundamental rights, in particular the protection of personal data.

Mr REYNDERS presented in more detail the **proposal for a Regulation 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)**, which was based on Article 21(2) of the Treaty on the Functioning of the European Union.

He said that this framework was necessary at a time when many Member States had taken or planned to take initiatives to issue vaccination certificates. In addition to

that argument, he mentioned the advantage of an interoperable, safe and verifiable system at EU level in order to avoid the real risks that would be posed by the appearance of false certificates.

The existence of a certificate attesting to three options – vaccination, testing and recovery – was intended to avoid discrimination by taking into account the situations of persons who could not be vaccinated, who were not yet vaccinated or who did not wish to be vaccinated, and who must also be able to exercise their right to free movement.

He said that the Commission wanted a clear, effective and flexible solution for all citizens throughout the EU. The draft Regulation therefore laid the basis for a common, secure and interoperable framework that would ensure acceptance of the digital green certificates in all Member States.

In defining the data to be included in the certificates, the Commission had drawn on the work carried out by the Member States in the eHealth network.

It would be a flexible and simple instrument, so that the technical solutions required to issue and verify the digital green certificates (the ‘trust framework’) could be rolled out quickly. The Commission proposed to use digital signatures or seals that would allow certificates to be verified offline and, where necessary, adapted to evolving international standards.

He stressed that the technical infrastructure required for the digital green certificates should allow for global interoperability.

Mr REYNDERS confirmed that the proposal for a Regulation was not intended to answer the question of whether Member States should lift their restrictions for vaccinated persons. Nor did it impose any obligation to get vaccinated. However, it was a big step forward in that it ensured acceptance of the certificates between Member States. Where a Member State accepted proof of vaccination to waive free movement restrictions, it would be obliged to accept, under the same conditions, the

certificate issued by another Member State. The same would apply for test results and proof that a person had already had COVID-19.

As far as vaccination was concerned, the certificate would be issued regardless of the vaccine administered. This was because it could not be ruled out that some third-country vaccines used in some Member States would subsequently be approved by the European Medicines Agency (EMA), once sufficient scientific data were available.

As regards the legal effect of the vaccination certificates, the proposal distinguished between two scenarios, depending on whether or not the vaccines administered had been approved by the European Medicines Agency. In the first case, Member States were obliged to accept certificates. In the second case, however, Member States were not required to accept certificates for vaccines that had not been approved at EU level and therefore did not have a valid authorisation in their territory.

As regards the vaccination of EU nationals in third countries, the proposal for a Regulation being tabled that day would be incorporated into the EEA Agreement, thereby allowing cooperation between the EU and Norway, Iceland and Liechtenstein, which would then be able to issue digital green certificates. There was no such provision for incorporation in the free movement agreement with Switzerland, so it was proposed that an 'adequacy decision' be adopted, following which the EU would be able to accept digital green certificates issued by the Swiss authorities on a reciprocal basis.

Mr REYNDERS added that for EU citizens, and their family members, who were vaccinated in a third country, the proposal for a Regulation contained two complementary possibilities. The first, which could be applied immediately, was that the citizens concerned could provide reliable proof of vaccination to a Member State and receive a digital green certificate from that Member State. The second possibility, which could be applied in the longer term, was that the certificate issued by a third country could be used and accepted in the EU under the same conditions

as the digital green certificate. To that end, the Commission would have to issue an ‘adequacy decision’ that the third-country certificate was interoperable and trustworthy, in particular when it was based on an international standard.

Third-country nationals legally residing or staying in the EU were not covered by this proposal; instead they would come under the parallel proposal for a Regulation being presented by Ms JOHANSSON that day.

Mr REYNDERS pointed out that the proposal for a Regulation on digital green certificates fully complied with EU rules on personal data protection. The certificates would only contain the data necessary for their issuance and decentralised verification and not citizens’ health data.

Lastly, he stressed that the digital green certificate would be temporary and remain valid for the duration of the pandemic. Once the pandemic was over, there would no longer be any need to present such a document to exercise the right to free movement in the EU. The proposal for a Regulation could, however, be re-activated in the event of future pandemics.

He concluded by saying that the measures presented that day had to be applicable for all citizens before the summer. He called on the co-legislators to work quickly and said that the Commission would provide assistance to the Member States in rolling out the necessary technical infrastructure.

Ms JOHANSSON then presented the **proposal for a Regulation on the digital green certificate for third-country nationals legally staying or legally residing in the territories of Member States during the COVID-19 pandemic**. She explained that this targeted proposal supplemented the proposal just described by Mr REYNDERS by extending its personal and geographical scope so as to facilitate free movement for third-country nationals in the EU and in Schengen associated countries.

She began by explaining that the digital green certificate should not be seen as a means of encouraging or facilitating the reintroduction of controls at internal EU borders.

She then pointed out that the proposal did not cover the conditions for access by third-country nationals to the territory of the EU or of the Schengen associated countries, which were covered by a Council Recommendation on temporary restrictions on non-essential travel. Nevertheless, she intended to facilitate the access of third-country nationals wishing to travel to the EU, which would entail among other things taking into account and recognising the certificates issued by the third countries concerned. The Commission would have to return to this matter when the above Council Recommendation, which had already largely been followed by the Member States, was next updated.

Mr BRETON felt that the proposal to introduce a digital green certificate came at the right time, but it should be considered in the light of the progress in supplying vaccines in the EU and the progress of the vaccination campaigns in the Member States.

He reported that the Commission had been very cautious in its estimates of the supplies of vaccines, predicting that the EU would receive 100 million doses in the first quarter of 2021, whereas according to the advance purchase agreements it ought to have received many more. On current trends, it could be expected that at least 300 million doses would be delivered to the EU in the second quarter of 2021. He pointed out that all these vaccines would be produced in the EU, hence the importance of protecting the manufacturers' supply chains.

As things stood, he considered that half of all Europeans should be vaccinated against COVID-19 by the end of the first half of the year, which should lead to population immunity in the EU before the end of summer.

Equal access to the vaccine was a key principle of the certification scheme proposed by the Commission, which was keenly awaited, in particular, by the tourism industry and cultural sector.

In conclusion, he emphasised the openness shown by the Member States during the preparatory discussions on the proposals presented by the Commission that day. He indicated that the Commission would contribute EUR 50 million to the development and roll-out of the Digital Green Certificate.

Ms KYRIAKIDES considered that the proposal for a digital green certificate was timely given that the epidemiological situation was still difficult in Europe. A number of Member States had announced new restrictions in order to control the spread of new variants of the virus, while others were focusing on stabilisation and reopening.

She said that there had been slow but steady progress on vaccination, and that it was encouraging to note that there had been a 50% increase in the number of vaccinations over the last two weeks. While social distancing and hygiene measures would need to remain in place to combat the virus, vaccination was the real key to ending the pandemic.

She noted that the proposals presented by the Commission that day with a view to ensuring a safe and sustainable reopening were based on the principle of European coordination and would provide predictability for governments, businesses and citizens.

The EU would use the scientific framework for reopening developed by the European Centre for Disease Prevention and Control (ECDC) as the basis to ensure that citizens and governments had confidence in the measures taken by all Member States to reopen their countries to trade, travel and tourism. Member State cooperation would therefore be crucial when implementing this approach.

In addition, the scientific framework for reopening would soon be complemented by other measures, including a strategy on COVID-19 therapeutics, international coordination, cross-border contact tracing and systematic surveillance of SARS-CoV-2 and its variants in wastewater in the EU, which was a simple, reliable, effective and low-cost way of anticipating the emergence of new waves of the epidemic.

Ms KYRIAKIDES also noted that the ECDC would that day publish its technical guidance on the appropriate use and clinical performance of COVID-19 self-tests, which were now starting to enter the market, comparing them to rapid antigen detection tests. For its part, the Commission would draw up recommendations, if necessary.

She did however note that, even with vaccination and improved diagnostics, the virus would continue to circulate and it would still be necessary to treat COVID-19 patients. That was why the proposed strategy on COVID-19 therapeutics would seek to speed up research and manufacturing so that Member States could have rapid access, on the scale required, to treatments that would reduce mortality rates.

On the digital green certificates, she raised three points that she felt were crucial.

First, with regard to the question of which vaccines ought to be covered, she reminded the meeting of the EU's approach and said that it would not make sense to treat vaccines that had not been authorised by the European Medicines Agency in the same way as those that had. Nevertheless, the EU was planning to allow the Member States to accept vaccines that had not been authorised by the EMA to prevent discrimination against those citizens who had not had any other choice.

Second, she highlighted the unknown aspects linked to the virus itself, which explained why the digital green certificate was flexible enough to allow it to be adjusted as scientific knowledge evolved, for example with regard to the effects of vaccination on virus transmission to others, the length of protection offered by

vaccines and the strength and duration of the natural immunity of those who had recovered from the illness.

Third, the EU needed to promote its own scheme with a view to establishing a future international standard through the World Health Organization (WHO). She considered that the EU had a responsibility to lead the way on global interoperability and was convinced that, with the initiatives proposed, it was already on the right track.

Mr TIMMERMANS briefly presented **the recommendation on a common approach to establish a systematic surveillance of SARS-CoV-2 and its variants in wastewaters in the EU**. He highlighted the benefits of the approach advocated by the Commission, which could provide a quick, reliable and low-cost source of information on the spread of the virus in the population and complement COVID-19 monitoring strategies.

In the course of the discussion that followed, the Commission raised the following points:

- the College’s support for the package of measures proposed, which were timely and necessary, and which were designed to help the Member States to prepare to re-establish free movement and relaunch activity in the tourism, cultural and creative sectors, in particular;
- the importance of fair distribution and faster roll-out of vaccines throughout the EU and worldwide;
- a reference to the still limited scientific knowledge of COVID-19 and the many unknowns that still surrounded it, particularly with regard to how long immunity lasted after a person had recovered;
- acknowledgement of the rigorous authorisation procedure followed by the European Medicines Agency to guarantee vaccine efficacy and safety, which

had had an impact on the timeline of the vaccination campaign in the EU compared to certain third countries;

- a reference to the problems that certain Member States had recently experienced with their vaccine orders, due partly to their decision to depart from the pro-rata population-based distribution system proposed by the Commission and partly to their having favoured a specific vaccine ahead of others, even if this had been done in good faith and in the best interests of their citizens;
- hence the satisfaction that, in order to meet some of the urgent needs, the Commission had recently negotiated the early delivery, in the second quarter, of 10 million vaccine doses that had been planned for the fourth quarter;
- the delays in vaccine deliveries attributable to a particular pharmaceutical company which had failed to comply with its vaccine production and supply commitments, and to the fact that the EU was refraining from any kind of ‘vaccine nationalism’, as was evidenced by the figures for exports from Europe to third countries;
- a reminder that the United States and the United Kingdom were not exporting any vaccines, whereas the EU had to date exported 28% of the vaccines produced in its territory to partner countries;
- the College’s support for the authorisation mechanism for exports of COVID-19 vaccines, which provided the necessary transparency; a reminder of the approximately 300 exports authorised up to now, as against just one refusal;
- the means that the export control mechanism provided for assessing the proportionality and reciprocity of exports from Europe to the rest of the world; the desirability, however, of not disrupting supply chains, which were global and interdependent;

- as regards vaccine authorisation, a reminder of the two procedures which coexisted in Europe, one of which consisted of a centralised evaluation carried out by the European Medicines Agency and the other of an emergency authorisation granted by a Member State;
- the challenges related to the international dimension of the set of measures presented that day and the fact that these measures did not cover access by third-country nationals to the territory of the EU and of the Schengen associated countries; hence the urgent need to address these issues;
- in the context of the digital green certificate, the argument that non-recognition of vaccines approved at Member State level might have negative consequences for certain EU citizens; the opinion that this difference in treatment might be in breach of the principle of mutual recognition set out in EU case law, particularly in the *Cassis de Dijon* case;
- a reminder that neighbouring countries, in particular the Western and Eastern Balkans, were expecting assistance from the EU in the form of a share of the vaccines authorised by the EMA, even if only to immunise their health professionals – which in the case of the Western Balkans amounted to 1.5 million doses;
- recognition, on the one hand, of the difficulties encountered by Member States in sharing their vaccine allocations with third countries and, on the other, the reluctance of pharmaceutical companies to take responsibility for the safety of the vaccines that would be supplied to third countries; the suggestion to examine the possibility that the EU set up a guarantee fund for this purpose;
- the fact that some neighbouring countries were obliged to seek other vaccine suppliers, in particular in Russia and China; the problems this posed for nationals of these countries who wished to travel to the EU and could not meet the requirement that they be vaccinated with EMA-approved vaccines; the

possibility that, as a result, these third countries would refuse EU citizens access to their territory;

- the need to ensure the recognition of the EU's positive contribution to the world fight against COVID-19, particularly through the global COVAX mechanism, of which it was the biggest donor with EUR 2.2 billion;
- a reference to the approximately 29 million vaccine doses that the EU had supplied to 46 countries through COVAX; the benefits of giving more visibility to this concrete support;
- moreover, a reminder of the EU's contribution to the modernisation of healthcare systems and vaccine manufacturing capacities in the countries with which it had established partnerships.

Following this discussion, the PRESIDENT asked the Members of the Commission to carry out communication activities on the digital green certificate, the need to prepare national healthcare systems for the difficult situations still to come, the external dimension of the EU's vaccine strategy and the major role played by the EU in the context of the COVAX mechanism.

As regards the vaccine portfolios ordered by the Member States, she pointed out that the latter had decided to remove certain vaccines from their orders and focus on others, which was why some Member States were currently experiencing shortages. She recommended a European solution to resolve this problem. The early delivery in the second quarter of 10 million vaccine doses that had been planned for the fourth quarter was expected to meet part of the needs.

The PRESIDENT also stressed that the Commission must strive to achieve reciprocity in vaccine exports from third countries that received European exports. In the coming days the Commission would have to explore all the possible options and tools that could be used to that end.

With regard to the EU's support for neighbouring countries, in particular the Western and Eastern Balkans, the PRESIDENT pointed out that she was working to obtain the one and a half million doses needed to vaccinate health workers in the countries concerned. She had asked Mr HAHN to set up a specific fund to try to provide a rapid response to the issue of the pharmaceutical companies' reluctance to take responsibility for the safety of the vaccines intended for export to the Balkans.

On the subject of the use of vaccines not evaluated by the European Medicines Agency, she asked the Director-General of the Legal Service to provide legal clarifications.

The Director-General of the Legal Service explained that the Regulation on the Digital Green Certificate covered the type of proof that Member States could require in order to authorise a vaccine, but that the Regulation did not refer to the mutual recognition of products. Member States could recognise vaccines authorised at national level, but were not obliged to do so.

The PRESIDENT added that under the centralised European procedures, the pharmaceutical companies had to submit all the data enabling the EMA to assess the efficacy and safety of the vaccines before granting them marketing authorisation.

In conclusion, she felt that in any case priority must be given to increasing the deliveries of duly authorised vaccines.

Following these presentations, the Commission:

- approved the Communication in COM(2021) 129/3 for transmission to Parliament, the European Council and the Council, and, for information, to the national parliaments;
- adopted the proposal for a Regulation in COM(2021) 130/4, for transmission to the European Parliament and the Council and, for information, the national parliaments, the European Data Protection Supervisor and the European Data Protection Board;

- adopted the proposal for a Regulation in COM(2021) 140, for transmission to the European Parliament, the Council, the missions of Iceland, Liechtenstein, Norway and Switzerland and, for information, the national parliaments, the European Data Protection Supervisor and the European Data Protection Board;
- adopted the Recommendation in C(2021) 1925/2 and decided to notify it to the Member States and the United Kingdom (interest for Northern Ireland) and to publish it, for information, in the *Official Journal of the European Union*.

12. OTHER BUSINESS

LATEST DEVELOPMENTS IN EXTERNAL RELATIONS

Mr BORRELL reported to the College on the latest developments in external relations.

A Council meeting of EU foreign affairs and home affairs ministers had been held on 15 March to discuss the new Pact on Migration and Asylum proposed by the Commission. The last time a meeting in this format had been held was six years ago, at the height of the migration crisis.

Mr SCHINAS said that this meeting had revealed a broad convergence of views between EU home affairs and foreign affairs ministers on the EU's migration policy.

Mr BORRELL added that the Foreign Affairs Council had continued its work on sanctions for human rights violations and had then discussed the situation in Ethiopia and Myanmar, where violence was escalating.

Lastly, he said that the sixth meeting of the EU-Georgia Association Council had been held on 16 March.

The Commission took note of this information.

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The Commission's other discussions on certain agenda items are recorded in the special minutes.

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The meeting closed at 12.07.