DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2021/1476

of 14 September 2021

establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by Andorra to the certificates issued in accordance with 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 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 ([1]), and in particular Article 8(2) thereof,

Whereas:

(1) Regulation (EU) 2021/953 lays down a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates ('EU Digital COVID Certificate') for the purpose of facilitating the holders' exercise of their right to free movement during the COVID-19 pandemic. It is also to contribute to facilitating the gradual lifting of restrictions to free movement put in place by Member States, in accordance with Union law, to limit the spread of SARS-CoV-2, in a coordinated manner.

(2) Regulation (EU) 2021/953 allows for the acceptance of COVID-19 certificates issued by third countries to Union citizens and their family members where the Commission finds that those COVID-19 certificates are issued in accordance with standards that are to be considered as equivalent to those established pursuant to that Regulation. Furthermore, in accordance with Regulation (EU) 2021/954 of the European Parliament and of the Council ([2]), Member States have to apply the rules laid down in Regulation (EU) 2021/953 to third-country nationals who do not fall within the scope of that Regulation, but who are legally staying or residing in their territory and who are entitled to travel to other Member States in accordance with Union law. Therefore, any equivalence findings laid down in this Decision should apply to COVID-19 certificates issued by Andorra to Union citizens and their family members. Similarly, on the basis of Regulation (EU) 2021/954, such equivalence findings should also apply to COVID-19 certificates issued by Andorra to third-country nationals legally staying or residing in the territory of the Member States under the conditions laid down in that Regulation.

(3) On 9 July 2021, Andorra provided the Commission with information on the issuance of interoperable COVID-19 vaccination, test and recovery certificates under the system entitled 'Andorra Health QR Server Module'. Andorra informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and technological system that are interoperable with the trust framework established by Regulation (EU) 2021/953 and that allow for the verification of the authenticity, validity and integrity of the certificates. In this regard, Andorra informed the Commission that COVID-19 certificates issued by Andorra in accordance with the 'Andorra Health QR Server Module' system contain the data referred to in the Annex to Regulation (EU) 2021/953.

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

([2]) Regulation (EU) 2021/954 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) with regard to third country nationals legally staying or residing in the territories of Member States during the COVID-19 pandemic (OJ L 211, 15.6.2021, p. 24).

(4) In addition, Andorra informed the Commission that it will issue interoperable vaccination certificates for COVID-19 vaccines Vaxzevria, Comirnaty and Spikevax.

(5) Furthermore, Andorra informed the Commission that it will issue interoperable test certificates only based on nucleic acid amplification (NAAT) tests.

(6) On 23 July 2021, Andorra informed the Commission that it will accept vaccination, test and recovery certificates issued by the Member States in accordance with Regulation (EU) 2021/953. Andorra informed the Commission that it will accept proof of vaccination for vaccines with an EU-wide authorisation and vaccines that have completed the WHO Emergency Use Listing Procedure. Andorra further informed the Commission that it will accept test certificates based on nucleic acid amplification (NAAT) test (such as RT-PCR) and rapid antigen tests listed in the common and updated list of COVID-19 rapid antigen tests agreed by the Health Security Committee, established by Article 17 of Decision No 1082/2013/EU of the European Parliament and of the Council ([3]). Finally, Andorra informed the Commission that it will accept recovery certificates based on a positive result of a NAAT test.

(7) On 23 July 2021, Andorra also informed the Commission that, when verifying vaccination, test and recovery certificates issued by the Member States in accordance with Regulation (EU) 2021/953, the personal data included in the certificates shall be processed only to verify and confirm the holder's vaccination, test result or recovery and will not be retained afterwards.

(8) The Commission carried out, on 6 September 2021, technical tests that demonstrated that the COVID-19 vaccination, test and recovery certificates issued by Andorra in accordance with its 'Andorra Health QR Server Module' system are interoperable with the trust framework established by Regulation (EU) 2021/953, allowing for the verification of their authenticity, validity and integrity. The Commission also confirmed that the COVID-19 certificates issued by Andorra in accordance with the 'Andorra Health QR Server Module' system contain the necessary data.

(9) The necessary elements for establishing that COVID-19 certificates issued by Andorra in accordance with the 'Andorra Health QR Server Module' system are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 are thus fulfilled.

(10) Therefore, COVID-19 certificates issued by Andorra in accordance with the 'Andorra Health QR Server Module' system should be accepted under the conditions referred to in Article 5(5), Article 6(5), and Article 7(8) of Regulation (EU) 2021/953.

(11) In order for this Decision to be operational, Andorra should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.

(12) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend or terminate this Decision if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.

(13) In the light of the need to connect Andorra to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953 as rapidly as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*.

(14) 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

COVID-19 vaccination, test and recovery certificates issued by Andorra in accordance with the 'Andorra Health QR Server Module' system shall, for the purpose of facilitating the right of free movement within the Union, be treated as equivalent to those issued in accordance with Regulation (EU) 2021/953.

([3]) Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC (OJ L 293, 5.11.2013, p. 1).

Article 2

Andorra shall be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.

Article 3

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

Done at Brussels, 14 September 2021.

For the Commission
The President
Ursula VON DER LEYEN