Beat: Politics

EC adopted new recommendations affecting free movement during the pandemic

Person-based approach

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USPA NEWS - The European Council adopted on Tuesday a recommendation on a coordinated approach to facilitate safe free movement during the COVID-19 pandemic. This recommendation responds to the significant increase in vaccine uptake and the rapid roll-out of the EU digital COVID certificate, and replaces the previously existing recommendation.

The recommendations will enter into force on February 1, 2022, on the same day as a delegated act amending the digital COVID-19 certificate regulation and providing for an acceptance period of 270 days for vaccination certificates. Under the new recommendations, COVID-19 measures should be applied taking into account the status of the person instead of the situation at regional level, with the exception of areas where the virus is circulating at very high levels. This means that a traveller's COVID-19 vaccination, test or recovery status, as evidenced by a valid EU digital COVID certificate, should be the key determinant. A person-based approach will substantially simplify the applicable rules and will provide additional clarity and predictability to travellers.

Travellers in possession of a valid EU digital COVID certificate should not be subject to additional restrictions to free movement. A valid EU digital COVID certificate includes: A vaccination certificate for a vaccine approved at European level if at least 14 days and no more than 270 days have passed since the last dose of the primary vaccination series or if the person has received a booster dose. Member states could also accept vaccination certificates for vaccines approved by national authorities or the WHO.

Also a negative PCR test result obtained no more than 72 hours before travel or a negative rapid antigen test obtained no more than 24 hours before travel. And finally, a certificate of recovery indicating that no more than 180 days have passed since the date of the first positive test result.

Persons who are not in possession of an EU digital COVID certificate could be required to undergo a test prior to or no later than 24 hours after arrival. Travellers with an essential function or need, cross-border commuters and children under 12 should be exempt from this requirement.

Map of EU regions

The European Centre for Disease Prevention and Control (ECDC) should continue to publish a map of member states' regions indicating the potential risk of infection according to a traffic light system (green, orange, red, dark red). The map should be based on the 14-day case notification rate, vaccine uptake and testing rate.

Based on this map, member states should apply measures regarding travel to and from dark red areas, where the virus is circulating at very high levels. They should in particular discourage all non-essential travel and require persons arriving from those areas who are not in possession of a vaccination or recovery certificate to undergo a test prior to departure and to quarantine after arrival. Certain exceptions to these measures should apply to travellers with an essential function or need, cross-border commuters and children under the age of 12.

Under the new recommendations, the emergency brake to respond to the emergence of new variants of concern or interest is strengthened. When a member state imposes restrictions in response to the emergence of a new variant, the Council, in close cooperation with the Commission and supported by the ECDC, should review the situation. The Commission, based on the regular assessment of new evidence on variants, may also suggest a discussion within the Council.

During the discussion, the Commission could propose that the Council agree on a coordinated approach regarding travel from the areas concerned. Any situation resulting in the adoption of measures should be reviewed regularly.

The decision on whether to introduce restrictions on free movement to protect public health remains the responsibility of member states; however, coordination on this topic is essential. On October 13, 2020, the Council adopted a recommendation on a

coordinated approach to the restriction of free movement in response to the COVID-19 pandemic, which was updated on February 1, 2021, and June 14, 2021. This recommendation establishes common criteria and a common framework for possible measures for travellers. The Council recommendation is not a legally binding instrument. The authorities of the member states remain responsible for implementing the content of the recommendation.

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