



Letter from the European Ombudsman to the European Commission regarding the query Q2/2021/OAM by the Catalan Ombudsman concerning clarifications from the European Commission on the issuing of EU digital COVID recovery certificates

Correspondence - 03/09/2021

Case Q2/2021/OAM - Opened on 03/09/2021 - Decision on 18/11/2021

Secretariat-General

Head of Unit - C2 Ethics, Good Administration & Relations with the European Ombudsman

European Commission

Dear Mr X,

On 20 July 2021, the European Ombudsman received a query from the Office of the Catalan Ombudsman concerning Regulation (EU) 2021/953 on the EU digital COVID certificate . [1]

The Catalan Ombudsman raises concerns regarding persons who cannot obtain the EU digital COVID certificate, even if they have recovered from a COVID-19 infection. This is because the infection was confirmed by a rapid antigen test, rather than a nucleic acid amplification test (NAAT), such as PCR tests. The European Ombudsman has also received correspondence on the same matter from people from different Member States.

According to the Regulation on the EU digital COVID certificate, the Commission can adopt delegated acts and make amendments to the effect that a certificate of recovery may also be issued on the basis of rapid antigen or other types of similar tests.

Based on our subsequent exchanges with the Catalan Ombudsman, we would like to ask the Commission to reply to the following questions:

- Has the European Commission adopted any delegated acts allowing for the issuance of EU digital COVID recovery certificates on the basis of a positive rapid antigen test or similar (other than a PCR test)? If not, does the Commission plan to adopt such delegated acts?
- Has the European Commission provided any guidance to the Member States on how to deal



with citizens who currently cannot obtain an EU digital COVID recovery certificate because the infection was diagnosed on the basis of a rapid antigen test (or similar)?

I would appreciate it if the Commission could respond to this query and the questions above by 24 September 2021, if possible, so that I can forward the information to the Catalan Ombudsman.

A copy of this letter, and of the Commission's reply, will be made available on the Ombudsman's website.

Yours sincerely,

Rosita Hickey Director of Inquiries

Strasbourg, 03/09/2021

[1] 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, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R0953>