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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2021/1985**of 15 November 2021****amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus ⁽¹⁾,

Having regard to the joint proposal of the High Representative of the Union for Foreign Affairs and Security Policy and of the European Commission,

Whereas:

- (1) Council Regulation (EC) No 765/2006 ⁽²⁾ gives effect to Decision 2012/642/CFSP and in particular provides for the freezing of funds and economic resources of, and prohibits making funds or economic resources available to, persons, entities and bodies responsible for serious violations of human rights or the repression of civil society and democratic opposition, or whose activities otherwise seriously undermine democracy or the rule of law in Belarus or who benefit from or support the Lukashenka regime.
- (2) On 15 November 2021, the Council adopted Decision (CFSP) 2021/1990 ⁽³⁾, which introduces an additional designation criterion to allow for the application of targeted restrictive measures against natural or legal persons, entities or bodies organising or contributing to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union or the transfer of prohibited goods and the illegal transfer of restricted goods, including hazardous goods, into the territory of the Union.
- (3) That amendment needs to be reflected in Regulation (EC) No 765/2006 in order to allow for the correct and uniform implementation of the prohibition across the Union.
- (4) Regulation (EC) No 765/2006 should therefore be amended accordingly,

⁽¹⁾ OJ L 285, 17.10.2012, p. 1.

⁽²⁾ Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in respect of Belarus (OJ L 134, 20.5.2006, p. 1).

⁽³⁾ Council Decision (CFSP) 2021/1990 of 15 November 2021 amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus (See page 10 of this Official Journal)..

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Regulation (EC) No 765/2006, the following paragraph is added:

‘6. Annex I shall also consist of a list of:

- (a) the natural or legal persons, entities or bodies who, in accordance with Article 4(1), point (c), of Decision 2012/642/CFSP, have been identified by the Council as organising or contributing to activities by the Lukashenka regime that facilitate:
 - (i) the illegal crossing of the external borders of the Union; or
 - (ii) the transfer of prohibited goods and the illegal transfer of restricted goods, including hazardous goods, into the territory of the Union; and
- (b) the legal persons, entities or bodies who, in accordance with Article 4(1), point (d), of Decision 2012/642/CFSP, have been identified by the Council as legal persons, entities or bodies owned or controlled by persons, entities or bodies referred to in point (a).’

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 15 November 2021.

For the Council

The President

J. BORRELL FONTELLES

COUNCIL REGULATION (EU) 2021/1986**of 15 November 2021****amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus ⁽¹⁾,

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

Whereas:

- (1) Council Regulation (EC) No 765/2006 ⁽²⁾ gives effect to Decision 2012/642/CFSP and provides in particular for the freezing of funds and economic resources of, and prohibits making funds or economic resources available to, persons, entities or bodies responsible for serious violations of human rights or the repression of civil society and democratic opposition, or whose activities otherwise seriously undermine democracy or the rule of law in Belarus or who benefit from or support the Lukashenko regime.
- (2) Council Regulation (EU) 2021/1030 ⁽³⁾, which amended Regulation (EC) No 765/2006, introduced further targeted economic sanctions, including a prohibition on providing insurance and re-insurance to the Belarusian Government and Belarusian public bodies and agencies.
- (3) On 15 November 2021, the Council adopted Decision (CFSP) 2021/1989 ⁽⁴⁾, which amends Decision 2012/642/CFSP and introduces certain exceptions to the prohibition on providing insurance and re-insurance to the Belarusian Government and Belarusian public bodies and agencies, in order to avoid unintended consequences.
- (4) Certain measures fall within the scope of the Treaty and, therefore, with a view to ensuring its uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement those measures.
- (5) Regulation (EC) No 765/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 11 of Regulation (EC) No 765/2006 is replaced by the following:

‘Article 11

1. It shall be prohibited to provide insurance or re-insurance to:
 - (i) the Belarusian Government, its public bodies, corporations or agencies; or
 - (ii) any natural or legal person, entity or body acting on behalf or at the direction of a legal person, entity or body referred to in point (i).

⁽¹⁾ OJ L 285, 17.10.2012, p. 1.

⁽²⁾ Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in respect of Belarus (OJ L 134, 20.5.2006, p. 1).

⁽³⁾ Council Regulation (EU) 2021/1030 of 24 June 2021 amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ L 224 I, 24.6.2021, p. 1).

⁽⁴⁾ Council Decision (CFSP) 2021/1989 of 15 November 2021 amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus (see page 8 of this Official Journal).

2. The prohibitions in paragraph 1 shall not apply to the provision of compulsory or third party liability insurance to Belarusian persons, entities or bodies where the risk insured is situated in the Union or to the provision of insurance for Belarusian diplomatic or consular missions in the Union.

3. The prohibitions in paragraph 1 shall be without prejudice to the execution of contracts concluded before 25 June 2021, or ancillary contracts necessary for the execution of such contracts.’.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 15 November 2021.

For the Council

The President

J. BORRELL FONTELLES

DECISIONS

COUNCIL DECISION (EU) 2021/1987

of 9 November 2021

on the position to be taken on behalf of the European Union within the Cooperation Council established by the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, as regards the extension of the EU-Azerbaijan Partnership Priorities

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 207 and 209 in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part ('the Agreement') was signed on 22 April 1996 and entered into force on 1 July 1999.
- (2) Under Article 81 of the Agreement, the Cooperation Council, established by the Agreement, may make appropriate recommendations for the purpose of attaining the objectives of the Agreement.
- (3) The Cooperation Council meeting of 28 September 2018 adopted the EU-Azerbaijan Partnership Priorities for the period 2018-2020.
- (4) The Cooperation Council should adopt a Recommendation on the extension of the EU-Azerbaijan Partnership Priorities until 2024 by written procedure.
- (5) It is appropriate to establish the position to be taken on the Union's behalf in the Cooperation Council concerning the extension of the EU-Azerbaijan Partnership Priorities,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Cooperation Council established by the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part as regards the adoption of a Recommendation on the extension of the EU-Azerbaijan Partnership Priorities until 2024 shall be based on the draft Recommendation of the Cooperation Council ⁽¹⁾.

⁽¹⁾ See document ST 11568/1/21 REV1 on <http://register.consilium.europa.eu>.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 9 November 2021.

For the Council
The President
A. ŠIRCELJ

**COUNCIL DECISION (EU) 2021/1988
of 9 November 2021**

appointing a member, proposed by the Federal Republic of Germany, of the Committee of the Regions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to Council Decision (EU) 2019/852 of 21 May 2019 determining the composition of the Committee of the Regions ⁽¹⁾,

Having regard to the proposal of the German Government,

Whereas:

- (1) Pursuant to Article 300(3) of the Treaty, the Committee of the Regions is to consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.
- (2) On 10 December 2019, the Council adopted Decision (EU) 2019/2157 ⁽²⁾, appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025.
- (3) A member's seat on the Committee of the Regions has become vacant following the end of the mandate on the basis of which Mr Guido WOLF was proposed for appointment.
- (4) The German Government has proposed Mr Florian HASSLER, representative of a regional or local body who is politically accountable to an elected assembly, *Staatssekretär für politische Koordinierung und Europa im Staatsministerium Baden-Württemberg* (State Secretary for Political Coordination and Europe in the State Ministry of Baden-Württemberg), as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2025,

HAS ADOPTED THIS DECISION:

Article 1

Mr Florian HASSLER, representative of a regional or local body who is politically accountable to an elected assembly, *Staatssekretär für politische Koordinierung und Europa im Staatsministerium Baden-Württemberg* (State Secretary for Political Coordination and Europe in the State Ministry of Baden-Württemberg), is hereby appointed as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2025.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 9 November 2021.

For the Council
The President
A. ŠIRCELJ

⁽¹⁾ OJ L 139, 27.5.2019, p. 13.

⁽²⁾ Council Decision (EU) 2019/2157 of 10 December 2019 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025 (OJ L 327, 17.12.2019, p. 78).

COUNCIL DECISION (CFSP) 2021/1989
of 15 November 2021
amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in
Belarus

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 15 October 2012, the Council adopted Decision 2012/642/CFSP ⁽¹⁾, concerning restrictive measures against Belarus.
- (2) On 24 June 2021, the Council adopted Decision (CFSP) 2021/1031 ⁽²⁾, which amended Decision 2012/642/CFSP to introduce a number of economic restrictions, including a prohibition on providing insurance and re-insurance to the Belarusian Government and Belarusian public bodies and agencies.
- (3) In this context, it is appropriate to introduce certain exceptions to the prohibition on providing insurance and re-insurance to the Belarusian Government and Belarusian public bodies and agencies.
- (4) Further action by the Union is needed in order to implement certain measures.
- (5) Decision 2012/642/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 2j of Decision 2012/642/CFSP is replaced by the following:

‘Article 2j

1. It shall be prohibited to provide insurance or re-insurance to:
 - (a) the Belarusian Government, its public bodies, corporations or agencies; or
 - (b) any natural or legal person, entity or body acting on behalf or at the direction of a legal person, entity or body referred to in point (a).
2. The prohibitions in paragraph 1 shall not apply to the provision of compulsory or third party liability insurance to Belarusian persons, entities or bodies where the risk insured is situated in the Union or to the provision of insurance for Belarusian diplomatic or consular missions in the Union.
3. The prohibitions in paragraph 1 shall be without prejudice to the execution of contracts concluded before 25 June 2021 or ancillary contracts necessary for the execution of such contracts.’

⁽¹⁾ Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus (OJ L 285, 17.10.2012, p. 1).

⁽²⁾ Council Decision (CFSP) 2021/1031 of 24 June 2021 amending Council Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus (OJ L 224 I, 24.6.2021, p. 15).

Article 2

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

Done at Brussels, 15 November 2021.

For the Council

The President

J. BORRELL FONTELLES

COUNCIL DECISION (CFSP) 2021/1990**of 15 November 2021****amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 15 October 2012, the Council adopted Decision 2012/642/CFSP ⁽¹⁾ concerning restrictive measures against Belarus.
- (2) On 21 and 22 October 2021, the European Council adopted conclusions in which it declared that it will not accept any attempt by third countries to instrumentalise migrants for political purposes, condemned all hybrid attacks at the EU's borders and affirmed that it will respond accordingly. It underlined the EU will continue countering the ongoing hybrid attack launched by the Belarusian regime, including by adopting further restrictive measures against persons and legal entities, in line with its gradual approach, as a matter of urgency.
- (3) In view of the gravity of the situation, the Council considers that the designation criteria in Decision 2012/642/CFSP should be amended to allow for the application of targeted restrictive measures against natural or legal persons, entities or bodies organising or contributing to activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union or the transfer of prohibited goods and the illegal transfer of restricted goods, including hazardous goods, into the territory of a Member State.
- (4) Decision 2012/642/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2012/642/CFSP is amended as follows:

- (1) Article 3(1) is replaced by the following:

‘1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of persons listed in the Annex who:

- (a) are responsible for serious violations of human rights or the repression of civil society and democratic opposition, or whose activities otherwise seriously undermine democracy or the rule of law in Belarus, and any person associated with them;
- (b) benefit from or support the Lukashenka regime; or
- (c) organise or contribute to activities by the Lukashenka regime that facilitate:
 - (i) the illegal crossing of the external borders of the Union; or
 - (ii) the transfer of prohibited goods and the illegal transfer of restricted goods, including hazardous goods, into the territory of a Member State.’;

⁽¹⁾ Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus (OJ L 285, 17.10.2012, p. 1).

(2) Article 4(1) is replaced by the following:

‘1. All funds and economic resources belonging to, owned, held or controlled by persons, entities or bodies listed in the Annex that meet any of the following criteria shall be frozen:

- (a) persons, entities or bodies responsible for serious violations of human rights or the repression of civil society and democratic opposition, or whose activities otherwise seriously undermine democracy or the rule of law in Belarus, and any natural or legal persons, entities or bodies associated with such persons, entities or bodies;
- (b) natural or legal persons, entities or bodies benefiting from or supporting the Lukashenka regime;
- (c) natural or legal persons, entities or bodies organising or contributing to activities by the Lukashenka regime that facilitate:
 - (i) the illegal crossing of the external borders of the Union; or
 - (ii) the transfer of prohibited goods and the illegal transfer of restricted goods, including hazardous goods, into the territory of a Member State;
- (d) legal persons, entities or bodies owned or controlled by persons, entities or bodies falling under point (a), (b) or (c).’

Article 2

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

Done at Brussels, 15 November 2021.

For the Council

The President

J. BORRELL FONTELLES

COUNCIL DECISION (CFSP) 2021/1991
of 15 November 2021
amending Decision (CFSP) 2020/1465 on a European Union action in support of the United Nations
Verification and Inspection Mechanism in Yemen (UNVIM)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 28(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 18 September 2018, based on a request by the United Nations Verification and Inspection Mechanism (UNVIM), the Council adopted Decision (CFSP) 2018/1249 ⁽¹⁾ on a European Union action in support of UNVIM.
- (2) On 12 October 2020, based on a request by UNVIM, the Council adopted Decision (CFSP) 2020/1465 ⁽²⁾ and renewed the EU action in support of UNVIM for a period of 12 months.
- (3) United Nations Security Council Resolution (UNSCR) 2586 (2021) extended and adapted the mandate of the United Nations Mission to support the Hodeidah Agreement (UNMHA) in order to support the implementation of the agreement on the City of Hodeidah and the ports of Hodeidah, Saleef and Ras Issa set out in the Stockholm Agreement concluded on 13 December 2018 by the parties to the conflict in Yemen, and endorsed by UNSCR 2451 (2018) and UNSCR 2452 (2019).
- (4) UNVIM requested further support from the Union for one year, consisting of the extension until 28 February 2022 of the period during which the contribution granted under Decision (CFSP) 2020/1465 may be used, and an additional contribution for the period from 1 March 2022 until 30 September 2022.
- (5) In order to fulfil its mandate, UNVIM has deployed to locations in countries neighbouring Yemen, in particular Djibouti and Saudi Arabia.
- (6) The Union should renew for one year and adapt its support to UNVIM for the implementation of its mandate,

HAS ADOPTED THIS DECISION:

Article 1

Decision (CFSP) 2020/1465 is hereby amended as follows:

- (1) Article 1(3) is amended as follows:

- (a) the first subparagraph is replaced by the following:

‘3. The Union shall support through this Decision the Office of the Special Envoy of the UN Secretary General for Yemen and UNMHA with regard to the deployment of UNVIM in the ports of Hodeidah, Saleef and Ras Issa and in other locations in countries neighbouring Yemen, as necessary for the implementation of UNVIM. For that purpose, the Union shall contribute to costs associated with the reinforcement of UNVIM, and thereby help to respond to the needs of the Yemeni population as part of a broader humanitarian strategy.’;

- (b) the second subparagraph is deleted;

⁽¹⁾ Council Decision (CFSP) 2018/1249 of 18 September 2018 on a European Union action in support of the United Nations Verification and Inspection Mechanism in Yemen (OJ L 235, 19.9.2018, p. 14).

⁽²⁾ Council Decision (CFSP) 2020/1465 of 12 October 2020 on a European Union action in support of the United Nations Verification and Inspection Mechanism in Yemen (OJ L 335, 13.10.2020, p. 13).

(2) in Article 3, paragraph 1 is replaced by the following:

‘1. The financial reference amounts for the implementation of the project referred to in Article 1 shall be EUR 2 059 838 for the period from 1 October 2020 until 28 February 2022, and EUR 2 200 000 for the period from 1 March 2022 until 30 September 2022. The Council shall review this reference amount by 1 March 2022 based, *inter alia*, on the absorption rate and on a needs assessment by the Commission.’;

(3) in Article 5, the last sentence is replaced by the following:

‘It shall expire on 30 September 2022.’;

(4) the Annex is deleted.

Article 2

This Decision shall enter into force on the date of its adoption.

It shall apply from 1 October 2021.

Done at Brussels, 15 November 2021.

For the Council

The President

J. BORRELL FONTELLES

COMMISSION IMPLEMENTING DECISION (EU) 2021/1992**of 15 November 2021****on harmonised standards for toys drafted in support of Directive 2009/48/EC of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ⁽¹⁾, and in particular Article 10(6) thereof,

Whereas:

- (1) In accordance with Article 13 of Directive 2009/48/EC of the European Parliament and of the Council ⁽²⁾, toys which are in conformity with harmonised standards or parts thereof, the references of which have been published in the *Official Journal of the European Union*, are to be presumed to be in conformity with the requirements covered by those standards or parts thereof set out in Article 10 of Directive 2009/48/EC and Annex II to that Directive.
- (2) Directive 2009/48/EC lays down, in Part I of Annex II thereto, specific requirements on physical and mechanical properties (including provisions aimed at ensuring that toys are manufactured in such a way as to avoid causing burns, scalds or other physical injury) and in Part II of Annex II thereto, specific requirements in order to ensure a high level of toy safety with regard to flammability hazards. Directive 2009/48/EC also lays down, in Part III of Annex II thereto, specific requirements in order to ensure that there are no risks of adverse effects on human health due to exposure to the chemical substances or mixtures of which the toys are composed or which they contain. Moreover Article 10(2) lays down the general safety requirement, Article 11(2) lays down requirements for warnings on toys, and Annex V to Directive 2009/48/EC lays down warnings for toys, including specific warning for chemical toys.
- (3) By letter M/445 ⁽³⁾ of 9 July 2009 the Commission made a request to the European Committee for Standardisation (CEN) and the European Committee for Electrotechnical Standardisation (CENELEC) for the drafting of new and the revision of existing harmonised standards in support of Directive 2009/48/EC.
- (4) On the basis of the request M/445 of 9 July 2009, CEN revised harmonised standard EN 71-2:2011+A1:2014 'Safety of toys – Part 2: Flammability', the reference of which was published by Commission Implementing Decision (EU) 2021/867 ⁽⁴⁾. This resulted in the adoption of harmonised standard EN 71-2:2020.
- (5) Harmonised standard EN 71-2:2020 is clearer and more precise than its predecessor EN 71-2:2011+A1:2014. It includes: further definitions, thus describing better to which toys the standard's specifications apply; clearer, more precise wording; new specifications for toy disguise costumes which contain loose stuffing; additional specifications to wash or cleanse (or not) toy disguise costumes prior to testing; specifications on the testing of smaller parts of toys by combining them, as well as the testing of fillings, trims and embellishments; illustrative examples of disguise toys (such as face masks or helmets) and toy disguise costumes and indications on how to test them; flowcharts showing how to obtain test specimens from toy disguise costumes.

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.

⁽²⁾ Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1).

⁽³⁾ M/445 of 9 July 2009 on a standardisation mandate addressed to CEN and CENELEC within the framework of Directive 2009/48/EC revising Directive 88/378/EEC concerning the safety of toys.

⁽⁴⁾ Commission Implementing Decision (EU) 2021/867 of 28 May 2021 on harmonised standards for toys drafted in support of Directive 2009/48/EC of the European Parliament and of the Council (OJ L 190, 31.5.2021, p. 96).

- (6) On the basis of the request M/445 of 9 July 2009, CEN also revised harmonised standard EN 71-3:2019 ‘Safety of toys - Part 3: Migration of certain elements’, the reference of which was published by Implementing Decision (EU) 2021/867. This resulted in the adoption of harmonised standard EN 71-3:2019+A1:2021.
- (7) Harmonised standard EN 71-3:2019+A1:2021 updates its list of legal limit values, taken from Directive 2009/48/EC, for the elements in toys. The update concerns aluminium, for which strengthened limit values were to be applied as of 20 May 2021 ⁽⁵⁾. It also concerns chromium-VI, for which a previous limit value was deleted. The mathematical formula to calculate the chromium-VI migration of a toy sample has been adapted to the test procedure. All other changes are editorial.
- (8) On the basis of the request M/445 of 9 July 2009, CEN further revised harmonised standard EN 71-4:2013 ‘Safety of toys - Part 4: Experimental sets for chemistry and related activities’, the reference of which was published by Implementing Decision (EU) 2021/867. This resulted in the adoption of harmonised standard EN 71-4:2020.
- (9) Harmonised standard EN 71-4:2020 is clearer than its predecessor EN 71-4:2013, due to quite a number of editorial changes. Also, pictograms and signal words of Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽⁶⁾ have been used more abundantly and more consistently. Furthermore, the specifications for child-resistant containers now rely on an established international standard, taken over by CEN. Eye protection is now required for certain experimental sets. Finally, more explanations on the rationale of the specifications have been included.
- (10) On the basis of the request M/445 of 9 July 2009, CEN revised harmonised standard EN 71-13:2014 ‘Safety of toys - Part 13: Olfactory board games, cosmetic kits and gustative games’, the reference of which was published by Implementing Decision (EU) 2021/867. This resulted in the adoption of harmonised standard EN 71-13:2021.
- (11) The specifications of harmonised standard EN 71-13:2021 are more clearly linked to the requirements of Directive 2009/48/EC. In particular, the specifications related to specific warnings and indications set out in Annex V, Part B, to Directive 2009/48/EC have been extended and more clearly relate to olfactory board games, cosmetic kits and gustative games that contain certain allergenic fragrances. Furthermore, the specifications for child-resistant closures of containers in the concerned games and kits are now based on an international standard, referred to as EN ISO 8317:2015 Child-resistant packaging – Requirements and testing procedures for reclosable packages. The test method in EN ISO 8317:2015 replaces the previous test method set out in EN 71-13:2014. Finally, references to Union legislation have been updated, in particular to food safety legislation.
- (12) The Commission together with CEN has assessed whether harmonised standards EN 71-2:2020, EN 71-3:2019+A1:2021, EN 71-4:2020 and EN 71-13:2021 drafted by CEN comply with the request M/445 of 9 July 2009. The four harmonised standards satisfy the requirements which they aim to cover and which are set out in Directive 2009/48/EC. It is therefore appropriate to publish the references of those standards in the *Official Journal of the European Union*.
- (13) Harmonised standards EN 71-2:2020, EN 71-3:2019+A1:2021, EN 71-4:2020 and EN 71-13:2021 replace harmonised standards EN 71-2:2011+A1:2014, EN 71-3:2019, EN 71-4:2013 and EN 71-13:2014, respectively. It is therefore necessary to withdraw the references of those standard from the *Official Journal of the European Union*. In order to allow toy manufacturers sufficient time to adapt their products to the revised specifications in harmonised standards EN 71-2:2020, EN 71-3:2019+A1:2021, EN 71-4:2020 and EN 71-13:2021, it is necessary to defer the withdrawal of the reference of harmonised standards EN 71-2:2011+A1:2014, EN 71-3:2019, EN 71-4:2013 and EN 71-13:2014.

⁽⁵⁾ Commission Directive (EU) 2019/1922 of 18 November 2019 amending, for the purposes of adaptation to technical and scientific developments, point 13 of part III of Annex II to Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys, as regards aluminium (OJ L 298, 19.11.2019, p. 5).

⁽⁶⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

- (14) In the interests of clarity, rationality and simplification, a complete list of references of harmonised standards drafted in support of Directive 2009/48/EC and satisfying the requirements they aim to cover should be published in a single act. The references of harmonised standards drafted in support of Directive 2009/48/EC are currently published by Commission Implementing Decisions (EU) 2021/867 and 2019/1728 ⁽⁷⁾. Consequently, it is necessary to replace Implementing Decision (EU) 2021/867 by a new decision.
- (15) Compliance with a harmonised standard confers a presumption of conformity with the corresponding essential requirements set out in Union harmonisation legislation from the date of publication of the reference of such standard in the *Official Journal of the European Union*. This Decision should therefore enter into force on the date of its publication,

HAS ADOPTED THIS DECISION:

Article 1

The references of the harmonised standards for toys drafted in support of Directive 2009/48/EC, listed in Annex I to this Decision, are hereby published in the *Official Journal of the European Union*.

Article 2

Implementing Decision (EU) 2021/867 is repealed.

However, Article 1 of Implementing Decision (EU) 2021/867 shall continue to apply to the references of the harmonised standards for toys drafted in support of Directive 2009/48/EC, listed in Annex II to this Decision, until the dates set out in that Annex.

In addition, Article 1 of Implementing Decision (EU) 2019/1728 shall continue to apply to the references of the harmonised standards for toys drafted in support of Directive 2009/48/EC, listed in Annex III to this Decision, until the dates set out in that Annex.

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, 15 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁷⁾ Commission Implementing Decision (EU) 2019/1728 of 15 October 2019 on harmonised standards for toys drafted in support of Directive 2009/48/EC of the European Parliament and of the Council (OJ L 263, 16.10.2019, p. 32).

ANNEX I

No	Reference of the standard		
1.	EN 71-1:2014+A1:2018 Safety of toys — Part 1: Mechanical and physical properties		
2.	EN 71-2:2020 Safety of toys — Part 2: Flammability		
3.	EN 71-3:2019+A1:2021 Safety of toys — Part 3: Migration of certain elements		
4.	EN 71-4:2020 Safety of toys — Part 4: Experimental sets for chemistry and related activities		
5.	EN 71-5:2015 Safety of toys — Part 5: Chemical toys (sets) other than experimental sets		
6.	EN 71-7:2014+A3:2020 Safety of toys — Part 7: Finger paints — Requirements and test methods		
7.	EN 71-8:2018 Safety of toys — Part 8: Activity toys for domestic use		
8.	EN 71-12:2016 Safety of toys — Part 12: N-Nitrosamines and N-nitrosatable substances <i>Informative note:</i> The limit values in point (a) of Table 2 of clause 4.2 of standard 'EN 71-12:2016 Safety of toys — Part 12: N-Nitrosamines and N-nitrosatable substances' are lower than the limit values to be complied with set in point 8 of part III of Annex II to Directive 2009/48/EC. In particular those values are as follows:		
	Substance	Standard EN 71-12:2016	Directive 2009/48/EC
	N-nitrosamines	0,01 mg/kg	0,05 mg/kg
	N-nitrosatable	0,1 mg/kg	1 mg/kg.
9.	EN 71-13:2021 Safety of toys — Part 13: Olfactory board games, cosmetic kits and gustative games		
10.	EN 71-14:2018 Safety of toys — Part 14: Trampolines for domestic use		
11.	EN IEC 62115:2020 Electric toys — Safety EN IEC 62115:2020/A11:2020		

ANNEX II

No	Reference of the standard	Date of withdrawal
1.	EN 71-2:2011+A1:2014 Safety of toys — Part 2: Flammability	15 May 2022
2.	EN 71-3:2019 Safety of toys — Part 3: Migration of certain elements	15 May 2022
3.	EN 71-4:2013 Safety of toys — Part 4: Experimental sets for chemistry and related activities	15 May 2022
4.	EN 71-13:2014 Safety of toys — Part 13: Olfactory board games, cosmetic kits and gustative games	15 May 2022

ANNEX III

No	Reference of the standard	Date of withdrawal
1.	EN 71-7:2014+A2:2018 Safety of toys — Part 7: Finger paints – Requirements and test methods <i>Note:</i> For the allowed preservative Climbazole (entry 22 in Table B.1 of Annex B to this standard) the presumption of conformity applies up to a maximum allowed concentration of 0,2 % (not: 0,5 %). This is based on the ‘ADDENDUM to the Opinion on Climbazole (P64) ref. SCCS/1506/13’ of the Scientific Committee on Consumer Safety (SCCS) that was adopted after the publication of the standard by CEN. https://ec.europa.eu/health/sites/health/files/scientific_committees/consumer_safety/docs/sccs_o_212.pdf	28 November 2021
2.	EN 71-12:2013 Safety of toys — Part 12: N-Nitrosamines and N-nitrosatable substances	28 November 2021
3.	EN 62115:2005 Electric toys – Safety (IEC 62115:2003 (Modified) + A1:2004) EN 62115 :2005/A2:2011 (IEC 62115:2003/A2:2010 (Modified)) EN 62115:2005/A2:2011/AC:2011 EN 62115:2005/A11:2012 EN 62115:2005/A11:2012/AC:2013 EN 62115:2005/A12:2015	21 February 2022

COMMISSION IMPLEMENTING DECISION (EU) 2021/1993**of 15 November 2021****establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by New Zealand 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 vaccination and test certificates issued by New Zealand 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 vaccination and test certificates issued by New Zealand 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 2 September 2021, New Zealand provided the Commission with detailed information on the issuance of interoperable COVID-19 vaccination and test certificates under the system entitled 'My Covid Record'. New Zealand informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and a 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, New Zealand informed the Commission that COVID-19 certificates issued by New Zealand in accordance with the 'My Covid Record' system contain the data set out in the Annex to Regulation (EU) 2021/953.
- (4) New Zealand also informed the Commission that it accepts vaccination and test certificates issued by the Member States and EEA countries in accordance with 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).

- (5) On 19 October 2021, following a request by New Zealand, the Commission carried out technical tests that demonstrated that the COVID-19 vaccination and test certificates are issued by New Zealand in accordance with a system, the 'My Covid Record', that is interoperable with the trust framework established by Regulation (EU) 2021/953, and allows for the verification of the authenticity, validity and integrity of the certificates. The Commission also confirmed that the COVID-19 vaccination and test certificates issued by New Zealand in accordance with the 'My Covid Record' system contain the necessary data.
- (6) In addition, New Zealand informed the Commission that it issues interoperable vaccination certificates for COVID-19 vaccines. These currently include Pfizer/BioNTech COMIRNATY and Pfizer New Zealand Limited (NZBN: 9429040634296).
- (7) New Zealand also informed the Commission that it issues interoperable test certificates for nucleic acid amplification tests and rapid antigen tests.
- (8) Furthermore, New Zealand informed the Commission that it does not issue interoperable certificates of recovery.
- (9) In addition, New Zealand informed the Commission that when verifiers in New Zealand verify certificates, the personal data included in them will be processed only to verify and confirm the holder's vaccination or test result and will not be retained afterwards.
- (10) The necessary elements for establishing that COVID-19 certificates issued by New Zealand in accordance with the 'My Covid Record' system are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 and are thus fulfilled.
- (11) Therefore, COVID-19 certificates issued by New Zealand in accordance with the 'My Covid Record' system should be accepted under the conditions referred to in Article 5(5) and Article 6(5) of Regulation (EU) 2021/953.
- (12) In order for this Decision to be operational, New Zealand should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.
- (13) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend application of this Decision or repeal it, if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.
- (14) In the light of the need to connect New Zealand 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*.
- (15) 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 and test certificates issued by New Zealand in accordance with the 'My Covid Record' system shall, for the purpose of facilitating the right of free movement within the Union, be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953.

Article 2

New Zealand 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, 15 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2021/1994**of 15 November 2021****establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of Moldova 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 vaccination, test and recovery certificates issued by the Republic of Moldova 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 vaccination, test and recovery certificates issued by the Republic of Moldova 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 14 September 2021, the Republic of Moldova provided the Commission with detailed information on the issuance of interoperable COVID-19 vaccination, test and recovery certificates under the system entitled 'COVID-19 Vaccination Record (SIA RVC-19)'. The Republic of Moldova informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and a 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, the Republic of Moldova informed the Commission that COVID-19 certificates issued by the Republic of Moldova in accordance with the 'COVID-19 Vaccination Record (SIA RVC-19)' system contain the data set out 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) The Republic of Moldova also informed the Commission that it accepts vaccination, test and recovery certificates issued by the Member States and EEA countries in accordance with Regulation (EU) 2021/953.
- (5) On 26 October 2021, following a request by the Republic of Moldova, the Commission carried out technical tests that demonstrated that the COVID-19 vaccination, test and recovery certificates issued by the Republic of Moldova are in accordance with a system, the 'COVID-19 Vaccination Record' (SIA RVC-19), that is interoperable with the trust framework established by Regulation (EU) 2021/953, and allows for the verification of the authenticity, validity and integrity of the certificates. The Commission also confirmed that the COVID-19 vaccination, test and recovery certificates issued by the Republic of Moldova in accordance with the 'COVID-19 Vaccination Record (SIA RVC-19)' system contain the necessary data.
- (6) In addition, the Republic of Moldova informed the Commission that it issues interoperable vaccination certificates for COVID-19 vaccines. These currently include Comirnaty, Vaxzevria, COVID-19 Vaccine Janssen, Spikevax, BBIBP-CorV, CoronaVac, and Sputnik V.
- (7) The Republic of Moldova also informed the Commission that it issues interoperable test certificates for nucleic acid amplification tests 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⁾, on the basis of the Council Recommendation of 21 January 2021 ⁽⁴⁾.
- (8) Furthermore, the Republic of Moldova informed the Commission that it issues interoperable certificates of recovery. Those certificates are valid for not more than 180 days after the date of the first positive test.
- (9) In addition, the Republic of Moldova informed the Commission that when verifiers in Moldova verify certificates, the personal data included in them will be processed only to verify and confirm the holder's vaccination, test result or recovery status and will not be retained afterwards.
- (10) The necessary elements for establishing that COVID-19 certificates issued by the Republic of Moldova in accordance with the 'COVID-19 Vaccination Record (SIA RVC-19)' system are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 and are thus fulfilled.
- (11) Therefore, COVID-19 certificates issued by the Republic of Moldova in accordance with the 'COVID-19 Vaccination Record (SIA RVC-19)' 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.
- (12) In order for this Decision to be operational, the Republic of Moldova should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.
- (13) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend application of this Decision or repeal it, if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.
- (14) In the light of the need to connect the Republic of Moldova 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*.
- (15) 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,

⁽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).

⁽⁴⁾ Council Recommendation of 21 January 2021 on a common framework for the use and validation of rapid antigen tests and the mutual recognition of COVID-19 test results in the EU (OJ C 24, 22.1.2021, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

COVID-19 vaccination, test and recovery certificates issued by the Republic of Moldova in accordance with the 'COVID-19 Vaccination Record (SIA RVC-19)' system shall, for the purpose of facilitating the right of free movement within the Union, be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953.

Article 2

The Republic of Moldova 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, 15 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2021/1995**of 15 November 2021****establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by Georgia 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 vaccination, test and recovery certificates issued by Georgia 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 vaccination, test and recovery certificates issued by Georgia 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 20 August 2021, Georgia provided the Commission with detailed information on the issuance of interoperable COVID-19 vaccination, test and recovery certificates under the system entitled 'Georgia e-health App'. Georgia informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and a 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, Georgia informed the Commission that COVID-19 certificates issued by Georgia in accordance with the 'Georgia e-health App' system contain the data set out in the Annex to Regulation (EU) 2021/953.
- (4) Georgia also informed the Commission that it accepts vaccination, test and recovery certificates issued by the Member States and EEA countries in accordance with 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).

- (5) On 14 October 2021, following a request by Georgia, the Commission carried out technical tests that demonstrated that the COVID-19 vaccination, test and recovery certificates issued by Georgia are in accordance with a system, the 'Georgia e-health App', that is interoperable with the trust framework established by Regulation (EU) 2021/953, and allows for the verification of the authenticity, validity and integrity of the certificates. The Commission also confirmed that the COVID-19 vaccination, test and recovery certificates issued by Georgia in accordance with the 'Georgia e-health App' system contain the necessary data.
- (6) In addition, Georgia informed the Commission that it issues interoperable vaccination certificates for COVID-19 vaccines. These currently include Comirnaty, Vaxzevria, CoronaVac and the COVID-19 Vaccine (Vero Cell), Inactivated by Sinopharm (Beijing Institute of Biological Products).
- (7) Georgia also informed the Commission that it issues interoperable test certificates for nucleic acid amplification tests, but not for rapid antigen tests.
- (8) Furthermore, Georgia informed the Commission that it issues interoperable certificates of recovery. Those certificates are valid for not more than 180 days after the date of the first positive test.
- (9) In addition, Georgia informed the Commission that when verifiers in Georgia verify certificates, the personal data included in them will be processed only to verify and confirm the holder's vaccination, test result or recovery status and will not be retained afterwards.
- (10) The necessary elements for establishing that COVID-19 certificates issued by Georgia in accordance with the 'Georgia e-health App' system are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 and are thus fulfilled.
- (11) Therefore, COVID-19 certificates issued by Georgia in accordance with the 'Georgia e-health App' 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.
- (12) In order for this Decision to be operational, Georgia should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.
- (13) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend application of this Decision or repeal it, if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.
- (14) In the light of the need to connect Georgia 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*.
- (15) 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 Georgia in accordance with the 'Georgia e-health App' system shall, for the purpose of facilitating the right of free movement within the Union, be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953.

Article 2

Georgia 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, 15 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2021/1996**of 15 November 2021****establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of Serbia 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 are 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 vaccination, test and recovery certificates issued by the Republic of Serbia 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 vaccination, test and recovery certificates issued by the Republic of Serbia 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 27 September 2021, the Republic of Serbia provided the Commission with detailed information on the issuance of interoperable COVID-19 vaccination, test and recovery certificates under the system entitled 'Digital Green Certificate'. The Republic of Serbia informed the Commission that it considered that its COVID-19 certificates are being issued in accordance with a standard and a 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, the Republic of Serbia informed the Commission that COVID-19 vaccination, test and recovery certificates issued by the Republic of Serbia in accordance with the 'Digital Green Certificate' system contain the data set out 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) The Republic of Serbia also informed the Commission that it accepts vaccination, test and recovery certificates issued by the Member States and EEA countries in accordance with Regulation (EU) 2021/953.
- (5) On 3 November 2021, following a request by the Republic of Serbia the Commission carried out technical tests that demonstrated that the COVID-19 vaccination, test and recovery certificates issued by the Republic of Serbia are in accordance with a system, the 'Digital Green Certificate', that is interoperable with the trust framework established by Regulation (EU) 2021/953, and allows for the verification of the authenticity, validity and integrity of the certificates. The Commission also confirmed that the COVID-19 vaccination, test and recovery certificates issued by the Republic of Serbia in accordance with the 'Digital Green Certificate' system contain the necessary data.
- (6) In addition, the Republic of Serbia informed the Commission that it issues interoperable vaccination certificates for COVID-19 vaccines. Those vaccines currently include Comirnaty, Vaxzevria, BBIBP-CorV and Sputnik V.
- (7) The Republic of Serbia also informed the Commission that it issues interoperable test certificates for nucleic acid amplification tests and for 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⁾, on the basis of the Council Recommendation of 21 January 2021 ⁽⁴⁾.
- (8) Furthermore, the Republic of Serbia informed the Commission that it issues interoperable certificates of recovery. Those certificates are valid for not more than 180 days after the date of the first positive test.
- (9) In addition, the Republic of Serbia informed the Commission that when verifiers in Serbia verify certificates, the personal data included in them will be processed only to verify and confirm the holder's vaccination, test result or recovery status and will not be retained afterwards.
- (10) The necessary elements for establishing that COVID-19 vaccination, test and recovery certificates issued by the Republic of Serbia in accordance with the 'Digital Green Certificate' system are to be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953 are thus fulfilled.
- (11) Therefore, COVID-19 vaccination, test and recovery certificates issued by the Republic of Serbia in accordance with the 'Digital Green Certificate' 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.
- (12) In order for this Decision to be operational, the Republic of Serbia should be connected to the EU Digital COVID Certificate trust framework established by Regulation (EU) 2021/953.
- (13) In order to protect the Union's interests, in particular in the area of public health, the Commission may use its powers to suspend application of this Decision or repeal it, if the conditions of Article 8(2) of Regulation (EU) 2021/953 are no longer met.
- (14) In order to connect the Republic of Serbia 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*.
- (15) 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,

⁽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).

⁽⁴⁾ Council Recommendation of 21 January 2021 on a common framework for the use and validation of rapid antigen tests and the mutual recognition of COVID-19 test results in the EU (OJ C 24, 22.1.2021, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

COVID-19 vaccination, test and recovery certificates issued by the Republic of Serbia in accordance with the 'Digital Green Certificate' system shall, for the purpose of facilitating the right of free movement within the Union, be considered as equivalent to those issued in accordance with Regulation (EU) 2021/953.

Article 2

The Republic of Serbia 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, 15 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

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