



Final

47th Plenary meeting

30-31 March 2021, Remote

Some points have been redacted from these minutes as their publication would undermine the protection of one or more of the following legitimate interests, in particular: the public interest as regards international relations; the privacy and integrity of the individual regarding the protection of personal data in accordance with Regulation 2018/1725; the commercial interests of a natural or legal person; ongoing or closed investigations; the decision-making process of the EDPB, in relation to matters upon which a decision has not yet been taken and/or the decision-making process of the EDPB, in relation to matters upon which a decision has been taken.

1 Adoption of the agenda, Information given by the Chair

1.1 Draft agenda of the 47th EDPB meeting – adoption

The draft agenda was adopted without modifications.

2 Current focus of the EDPB members

2.1 Joint EDPB/EDPS opinion on the proposals of Regulations re the “Digital Green Certificate” – discussion and adoption

The Chair and the EDPS thanked the rapporteurs for the work carried out on the draft Joint Opinion.

The lead rapporteur ██████ presented the EDPB-EDPS Joint Opinion on the Digital Green Certificate, including a description of its aim and structure. It was underlined that despite the short deadline set by the Commission, the EDPB and EDPS effectively cooperated to issue this Joint Opinion on a sensitive legislative proposal. It was also highlighted that in the most recent version of the draft some of the suggestions shared by EDPB members were implemented.

The members of the EDPB discussed some aspects of the document, in particular relating to the role of the certificates and their possible further use for purposes other than facilitating the free movement between Member States, as well as the relationship between the EU framework and possible national legislation referring to certificates. Other members expressed strong objections

towards the possibility of allowing reuse of data by Member States for purposes other than those outlined in the draft legislation.

A number of textual changes were introduced in the draft Joint Opinion, including addition of a clear indication that all three types of certificates should be accepted and clarification of the wording regarding the risk of possible discrimination.

Following the aforementioned discussion on whether the Joint Opinion should call to limit the purpose of processing to free movement among Member States or rather support the possibility for Member States to authorise further use of the Digital Green Certificate for other purposes with specific safeguards, the EDPB members were asked to vote between these two options. The rapporteurs were therefore kindly asked to introduce the necessary changes in the text of the draft Joint Opinion, in advance of the second part of the meeting scheduled for the following day. The Chair also asked the members to send any additional comments in writing.

An updated version of the document was circulated ahead of the second day of the meeting. The lead rapporteur presented the changes made to the text following the decision taken during the first day of the meeting. The members continued the discussions on the text of the draft Joint Opinion. Among other issues and textual changes that were agreed on, it was re-affirmed that the proposal cannot allow for and must not lead to the creation of any sort of personal data central database at EU level. In addition, minor changes regarding references to the risk of discrimination and categories of entities that can verify the certificate, were introduced. One member suggested changes regarding the need for specific data fields to be included in the certificate and it was decided to underline in the Joint Opinion that the legislative proposal should provide additional substantiation in its recitals as to the need for the inclusion of such data fields.

The Joint Opinion was adopted by the members of the EDPB unanimously. The EDPS confirmed that he would sign the Joint Opinion, as agreed by the EDPB, as well. The Chair thanked the rapporteurs and the Members for the discussion and for the work done.

Annex: Attendance List

SAs:

AT SA, BE SA, BG SA, CY SA, CZ SA, DE SA, DK SA, EDPS, EE SA, EL SA, ES SA, FI SA, FR SA, HR SA, HU SA, IE SA, IS SA, IT SA, LI SA, LT SA, LU SA, LV SA, MT SA, NL SA, NO SA, PL SA, PT SA, RO SA, SE SA, SI SA, SK SA

- European Commission
- Permanent Observers: MLD SA, ALB SA, SRB SA
- EDPB Secretariat