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COMMISSION DECISION

of 7.9.2021

**amending Decision C(2020) 5973 as regards additional specific health and safety rules
for the Commission sites of Brussels and Luxembourg**

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THE DIRECTOR-GENERAL FOR HUMAN RESOURCES AND SECURITY,

Having regard to the Staff Regulations of Officials of the European Union¹, and in particular Article 1e(2) thereof, and the Conditions of Employment of Other Servants of the European Union², and in particular Articles 10(1) and 80(4) thereof,

Having regard to Commission Decision C(2006) 1623/3 of 26 April 2006 establishing a harmonised policy for health and safety at work for all Commission staff³, and in particular Article 3(1)(a) thereof;

Whereas:

- (1) The Director-General for Human Resources and Security has delegated powers to adopt health and safety rules for the Commission sites of Brussels and Luxembourg.
- (2) Commission Decision C(2020) 5973 lays down specific health and safety rules for the Commission sites of Brussels and Luxembourg in order to prevent the further spread of SARS-CoV-2 and to protect staff, while ensuring business continuity and adopting solutions for staff to enable them to perform their work efficiently and effectively.
- (3) As the sanitary situation in the Union has significantly improved and 70% of adults resident in the Union have been fully vaccinated against SARS-CoV-2, the Commission intends to launch phase 3 of its return to the office strategy in the second half of September, with the ceiling on the number of staff present within a DG raised to 50%. Meanwhile, the latest data provided by the European Centre for Disease Prevention and Control show that the rate of infection has recently increased in several Member States. Furthermore, new variants of concern seem to be emerging, which could lead to a rapid change in the current sanitary situation. Moreover, meetings with external participants are expected to resume and the number of journalists allowed into the Commission's pressroom will increase.
- (4) Against that background, it is necessary to lay down additional health and safety rules for the Commission sites of Brussels and Luxembourg to continue guaranteeing the safety of Commission staff.
- (5) Recent scientific studies confirm that the vaccines against COVID-19 available in the Union provide effective protection against severe forms of the disease and death, irrespective of the variant. In addition, whilst fully vaccinated people can transmit the infection to other individuals, they remain infected for a shorter period of time compared to non-vaccinated people. Being vaccinated also reduces the likelihood of being infected and of transmitting the infection.

¹ OJ P 045, 14.6.1962, p. 1385.

² Ibid.

³ PV(2006) 1742, point 11.

- (6) Therefore, while mandatory mask use, social distancing, temperature screening and the reduced presence of staff at the office already offer a good level of protection for staff, it is appropriate to limit temporarily the access of non-vaccinated persons to Commission premises, unless that they can present a recovery certificate or a negative test certificate.
- (7) However, it has to be ensured that such limitation is implemented only where it is absolutely necessary and where no less restrictive measures are available.
- (8) According to the Commission's estimates, over 90% of Commission staff, including seconded national experts, have been vaccinated. The vaccination rate in other institutions is estimated to be comparable to that of Commission staff. Furthermore, as regards external contractors, it is noteworthy that official figures show that over 70% of adults in Luxembourg and over 83% of adults in Belgium have been fully vaccinated. Moreover, trainees who will start their traineeship in the Commission in October 2021 will be strongly encouraged to be vaccinated and offered a chance to be vaccinated by the Medical Service. By contrast, not only does the Commission have no knowledge of the vaccination rate of visitors, but some visitors can also come from third countries where the vaccination rate of the general population is lower than in the Union.
- (9) In spite of the high estimated vaccination rate of Commission staff, account should be taken of the recent increase in cases and SARS-CoV-2 variants worldwide. Some of those variants are highly infectious and can therefore pose a risk even for vaccinated staff. Such a risk is even greater for staff members who are not vaccinated. In order to achieve a high level of health protection, there appear to be no less restrictive measures than to limit the access to Commission premises to visitors who can exhibit a vaccination certificate, a recovery certificate or a negative test certificate.
- (10) It is necessary to define the term 'visitor' for the purposes of this Decision. It is appropriate for that purpose to rely on the definition contained in the Security Notice on the access policy for Commission staff members and other individuals to Commission premises⁴.
- (11) During phase 3 of the Commission's return to the office strategy, staff members are, in principle, expected not to take their children to Commission premises. However, staff members may, in exceptional circumstances, have to bring their children to the office. Under the rules currently in place at national level in Belgium and Luxembourg, children under the age of 12 are not vaccinated against COVID-19. Moreover, children under the age of 12 do not have to provide a vaccination certificate, a recovery certificate or a negative test certificate to enter either Belgium or Luxembourg. Accordingly, children under that age should be exempted from having to exhibit a certificate in order to access Commission premises.
- (12) Regulation (EU) 2021/953 of the European Parliament and of the Council⁵ lays down a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate). To minimise the further spread of SARS-CoV-2, several Member States already require persons wishing to attend certain events or enter certain premises open to the public to

⁴ C(2019) 1889.

⁵ OJ L 211, 15.6.2021, p. 1.

hold an EU Digital COVID Certificate. That certificate should therefore be the main tool to limit the presence of non-vaccinated persons in Commission premises.

- (13) However, some visitors come from a third country in respect of which the Commission has not adopted an implementing act pursuant to Article 8(2) of Regulation (EU) 2021/953. Furthermore, some visitors, whilst coming from a Member State or a third country in respect of which the Commission has adopted an implementing act pursuant to Article 8(2) of that Regulation, may not yet have been issued an EU Digital COVID Certificate. Accordingly, certificates issued by a Member State or a third country which, for the purposes of and under the conditions laid down in this Decision, can be considered as essentially equivalent to EU Digital COVID Certificates, should also be accepted to allow access to Commission premises.
- (14) For the purposes of allowing entry into the country, Belgium and Luxembourg currently accept vaccination certificates issued for a COVID-19 vaccine that has been granted a marketing authorisation pursuant to Regulation (EC) No 726/2004 of the European Parliament and of the Council⁶. In addition, the host countries also accept vaccination certificates issued for other COVID-19 vaccines. By analogy to the rules applicable at national level, the Commission should accept vaccination certificates issued for a COVID-19 vaccine that has been granted a marketing authorisation pursuant to Regulation (EC) No 726/2004, as well as for vaccines having been granted a marketing authorisation by the competent authority of the host Member State pursuant to Directive 2001/83/EC of the European Parliament and of the Council⁷ and vaccines the distribution of which has been temporarily authorised pursuant to Article 5(2) of that Directive.
- (15) Vaccination, test and recovery certificates should be verified manually, that is to say by means of a visual check of the document presented.
- (16) With a view to ensuring that those visitors who cannot have access to the Commission premises due to the additional health and safety rules established by this Decision can still participate in the relevant meetings, Commission services should, where possible, ensure that meetings open to external visitors are held in hybrid format.
- (17) In view of the ever-evolving health situation, the additional health and safety rules established by this Decision, as well as the rules already laid down in Decision C(2020) 5973, should only apply for a limited period.
- (18) Decision C(2020) 5973 should therefore be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

Decision C(2020) 5973 is amended as follows:

- (1) the following Articles 2a to 2d are inserted:

⁶ OJ L 136, 30.4.2004, p. 1.

⁷ OJ L 311, 28.11.2001, p. 67.

“Article 2a

For the purposes of this Decision, ‘visitor’ means any individual who does not hold a valid access pass issued by a Union institution, office, body or agency and recognised by the Commission.

Article 2b

1. Visitors to the Commission sites in Brussels and Luxembourg shall exhibit one of the following certificates:
 - (a) a certificate issued by a Member State in accordance with points (a), (b) or (c) of Article 3(1) of Regulation (EU) 2021/953;
 - (b) a COVID-19 certificate issued by a third country in respect of which the Commission has adopted an implementing act pursuant to Article 8(2) of Regulation (EU) 2021/953;
 - (c) another certificate issued by a Member State or a third country containing at least the name and date of birth of the visitor and:
 - (i) confirming that the visitor has received a COVID-19 vaccine in the Member State or third country issuing the certificate ; or
 - (ii) confirming that the visitor has been subject to a molecular nucleic acid amplification test (NAAT) or a rapid antigen test (RAT) carried out by health professionals or by skilled testing personnel in the Member State or third country issuing the certificate and indicating the type of test, the date on which it was carried out and the result of the test; or
 - (iii) confirming that, following a positive result of a NAAT carried out by health professionals or by skilled testing personnel, the visitor has recovered from a SARS-CoV-2 infection.
2. Access to the Commission sites of Brussels and Luxembourg shall be denied to any visitor who does not exhibit one of the certificates referred to in paragraph 1.
3. Vaccination certificates within the meaning of Article 3(1)(a) of Regulation (EU) 2021/953 and vaccination certificates referred to in paragraph 1(c)(i) shall only be accepted if:
 - (a) they were issued for a COVID-19 vaccine that has been granted a marketing authorisation pursuant to Regulation (EC) No 726/2004, or that has been granted a marketing authorisation by the competent authority of Belgium or Luxembourg, respectively, pursuant to Directive 2001/83/EC, or the distribution of which has been temporarily authorised by the respective Member State pursuant to Article 5(2) of that Directive;
 - (b) at least 14 days have passed since full vaccination.Full vaccination shall be understood as:
 - (a) having received the second dose in a 2-dose series;
 - (b) having received a single-dose vaccine;
 - (c) having received a single dose of a 2-dose vaccine after having previously been infected with SARS-CoV-2.

4. Test certificates within the meaning of Article 3(1)(b) of Regulation (EU) 2021/953 and test certificates referred to in paragraph 1(c)(ii) shall only be accepted if they indicate a negative result obtained:
 - (a) not more than 72 hours before entering the Commission site, in case of a NAAT; or
 - (b) not more than 48 hours before entering the Commission site, in case of a RAT.
5. Certificates of recovery within the meaning of Article 3(1)(c) of Regulation (EU) 2021/953 and certificates of recovery referred to in paragraph 1(c)(iii) shall only be accepted if they indicate that less than 180 days have passed since the date of the first positive test result.
6. This Article shall not apply to children under the age of 12.

Article 2c

1. Possession of a certificate referred to in Article 2b(1) shall be verified manually by means of a visual check. The verification of certificates shall be carried out in accordance with a specific protocol adopted by the Director-General for Human Resources and Security.
 2. The name of the visitor and the content of the certificate shall not be stored, transferred or processed in any way.”
- (2) in Article 3, the following paragraph is added:
“This Decision shall apply until 31 March 2022.”

Article 2

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

Done at Brussels, 7.9.2021

*For the Commission
Gertrud Ingestad
Director-General of Human Resources and
Security*