



STATUTORY INSTRUMENTS.

S.I. No. 317 of 2021

HEALTH ACT 1947 (SECTION 31A – EU DIGITAL COVID
CERTIFICATES) REGULATIONS 2021

HEALTH ACT 1947 (SECTION 31A – EU DIGITAL COVID CERTIFICATES) REGULATIONS 2021

I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me by sections 5 and 31A (inserted by section 10 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 (No. 1 of 2020)) of the Health Act 1947 (No. 28 of 1947) and –

- (a) having regard to the immediate, exceptional and manifest risk posed to human life and public health by the spread of Covid-19 and to the matters specified in subsection (2) of section 31A,
and
- (b) having consulted with the Minister for Foreign Affairs, the Minister for Justice, the Minister for Transport and the Minister for Public Expenditure and Reform,

hereby make the following regulations:

1. These Regulations may be cited as the Health Act 1947 (Section 31A – EU Digital Covid Certificates) Regulations 2021.

2. In these Regulations -

“Digital Covid Certificate Regulation” means Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021¹ 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;

“EU Digital Covid Certificate” has the meaning it has in the Digital Covid Certificate Regulation;

“General Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016² on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC;

“personal data” has the meaning it has in Article 4 of the General Data Protection Regulation;

“third country national” means a person who is -

- (a) not a national of a Member State,
- (b) legally staying or residing in the State, and

¹ OJ No. L 211, 15.06.2021, p. 1

² OJ No. L119, 4.5.2016, p.1

- (c) entitled to travel to Member States other than the State in accordance with the law of the European Union.
3. A person or body in the State that issues EU Digital Covid Certificates in accordance with -
- (a) the Digital Covid Certificate Regulation, and
 - (b) the European Union (EU Digital Covid Certificates) Regulations 2021 (S.I. No. 318 of 2021),

may issue such a certificate to a third country national in accordance with that Regulation and those Regulations.

4. An obligation under the Digital Covid Certificate Regulation or the European Union (EU Digital Covid Certificates) Regulations 2021 relating to the processing of personal data (including an obligation on a natural person, a legal person, a public authority, an agency or another body that has administered a Covid-19 vaccine, or carried out a test in respect of which an EU Digital Covid Certificate is to be issued) shall apply in respect of the personal data of a third country national.



GIVEN under my Official Seal,
1 July, 2021.

STEPHEN DONNELLY,
Minister for Health.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations, made under Section 31A (inserted by section 10 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 (No. 1 of 2020)) of the Health Act 1947 (No. 28 of 1947), allow for the issuance, verification and acceptance of certificates in line with the Digital COVID Certificate Regulations (EU) 2021/953 to third country nationals legally staying or legally residing in the State.

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