



To:
Mrs. Emily O'REILLY
European Ombudsman

Re: Violation of citizens' rights in issuing EU Digital COVID Certificates

Ref. N. 0404-34/9.06.2021

Dear Mrs. O'REILLY,

The Ombudsman of the Republic of Bulgaria has been approached by many citizens pleading for intervention regarding the issuing of EU Digital COVID Certificates (EU DCC).

The citizens report that their rights have been violated and note that as of now the issuing of a certificate attests recovery only in the cases where COVID-19 has been identified by the PCR test (Polymerase Chain Reaction). At the same time, the rapid antigen tests for SARS-CoV-2 are an officially valid method to prove COVID-19 cases in the Republic of Bulgaria, respectively prescribe confinement for the patients who have tested positive in the rapid antigen test.

Moreover, citizens who have not been found COVID-19 positive by any of the abovementioned methods (for example, in cases of asymptomatic COVID-19 infections) but where the quantitative tests have shown a high antibody level/neutralizing antibodies against SARS-CoV-2, have brought to my attention the problem arising from the impossibility to be issued EU Digital COVID Certificates, although actually they have recovered and have developed immunity. They note that their doctors indicate the presence of a high antibody titer against SARS-CoV-2 as a contraindication to vaccination.

As the Ombudsman of the Republic of Bulgaria I find that all problems concerning the recognition of the results of the rapid antigen tests and the results of the antibody tests (including serology testing for antibodies against SARS-CoV-2 or other scientifically validated method) as valid reasons to issue a certificate of recovery within the EU Digital COVID Certificates generates preconditions for inequality, violates civil rights and is unjust.

In view of the above and being concerned about the rights of citizens, I have sent a letter to the President of the European Commission, the Commissioner for Justice and the Commissioner for Health and Food Safety to request them to address the problems stated. I do expect that all possibilities will be explored and a solution shall



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be found to guarantee the rights of all citizens of the EU. I consider it appropriate to discuss these issues in-depth in the context of the European Commission's power to adopt delegated acts so that a certificate of recovery be issued in the event of a positive rapid antigen COVID-19 test and also based on a positive SARS-CoV-2 antibody test.

Given the large number of complaints and the existing data about the unequal treatment of citizens who have recovered from COVID-19, I do relay on your co-operation and support for a close follow-up on the issue.

Sincerely yours,

**ASSOC. PROF. DR. DIANA KOVACHEVA
OMBUDSMAN OF
THE REPUBLIC OF BULGARIA**