

## International travel and the IATA Travel Pass: current trends and perspectives

### Shipping and Transport Focus Team



#### Team leader

Enrico Vergani

[enrico.vergani@belex.com](mailto:enrico.vergani@belex.com)

tel. +39 010-84621



#### Authors

Enrico Vergani

[enrico.vergani@belex.com](mailto:enrico.vergani@belex.com)

tel. +39-010-84621

Marco Mastropasqua

[marco.mastropasqua@belex.com](mailto:marco.mastropasqua@belex.com)

tel. +39-010-84621

### 1. Introduction

The long-lasting pandemic continues to affect international travel and passengers' international mobility, as nearly every country worldwide has put travel restrictions in place to avoid (or at least mitigate) the risk of importing Covid-19.

Governments need to be confident that they are effectively mitigating this risk if they are to re-open borders, lift travel restrictions (e.g., bans, quarantines and self-isolation periods), and finally kick-start international civil aviation. Above all, governments need to be able to receive and process accurate information on passengers' Covid-19 health status.

Of course, this is not a one-sided issue: travellers themselves are indeed facing increasingly complex and constantly changing regulations and travel restrictions that are difficult to keep track of. Just think of the antigen or molecular Covid-19 tests to be undergone before boarding or upon entering the country of destination, which each country regulates differently (sometimes considerably so) depending on the travellers' country of departure.

If governments want to have the confidence to re-open borders, and if passengers are to be able to travel safely and avoid possible restrictions or rejection at arrival, it is paramount that passengers be informed of what tests, vaccines and other measures they have to take before travelling and where they can get tested. They also need to be able to share their test and vaccination results in a verifiable, safe and privacy-protecting manner.

The following three key issues sum up the current challenges to ensuring accurate health information:

#### (a) Complex and fragmented legal frameworks

Each country has its own Covid-19 testing rules on entry/exit, which – combined with the different types of tests required by governments – results in an extremely complex legal framework for passengers, airlines and border authorities to comply with.

*This document is provided as a service to clients and other friends for educational purposes only. It should not be construed or relied on as legal advice or to create a lawyer-client relationship.*

**(b) Information gap**

This is strictly connected with point (a) above. Passengers need accurate information to travel safely, but the complexity and variety of rules world-wide creates an information gap that must be reduced.

**(c) Inefficiencies, errors and fraud**

The more fragmented the framework, the higher the chance of errors when checking compliance and of the whole system being structurally inefficient – and the more susceptible it is to fraud.

---

**2. The various solutions on the table: key issues and perspectives**

---

These key issues (and how to overcome them) have been discussed since the outset of the pandemic, and various solutions have been put forward – all with the goal of removing the restrictions still affecting international travel.

In addition to initiatives put in place by individual countries<sup>1</sup> and the existing vaccine certification practices of the WHO<sup>2</sup>, some broader, ‘supra-national’ proposals have been put forward recently.

For example, over the last few months the European Commission has been discussing the creation of a ‘Digital Green Certificate’ as part of the EU’s measures to prevent the spread of Covid-19: a sort of vaccine

---

<sup>1</sup> Here are some examples of national digital vaccination certificates:

- **Iceland:** Iceland is now issuing Covid-19 vaccination certificates in a bid to help international travel resume. Citizens who have had two vaccine doses are now eligible for a digital certificate, and the nation’s health ministry has set up a website to ensure they are distributed. Furthermore, Iceland is now allowing all travellers into the country as long as they hold a COVID-19 vaccination certificate issued by their State of nationality.
- **Bahrain:** Bahrain’s BeAware app contains a QR code that links to its national vaccine register, which details the name, date of birth, nationality and vaccination date of the person concerned. Its citizens can make use of the digital health passport app two weeks after they have received two vaccine doses.
- **Denmark:** Denmark was one of the first nations to announce plans for a digital ‘corona passport’. Its vaccinated citizens can now print a certificate from the Danish government’s website to show they have been vaccinated and there are plans to launch a smartphone app over the coming months to be shown at passport checks to show a traveller’s vaccination status.
- **Estonia:** Estonia is planning to start issuing digital certificates in the form of a QR code, showing proof of vaccination by the end of April. Individuals will be able to download their own unique code to prove they have been vaccinated and showing how many doses they have received. They can either print it off or store it on a smartphone.

<sup>2</sup> See, e.g., the International Certificate of Vaccination or Prophylaxis – also known as the Carte Jaune or Yellow Card – which is an official vaccination record created by the WHO that functions as both a travel document and a kind of ‘medical passport’. The Yellow Card is internationally recognised and required for entry to certain countries with increased health risks for travellers.

passport that is meant to allow vaccinated citizens to move freely within the EU, set to be approved and available to EU citizens by early summer.<sup>3</sup>

However, this raises some rather sensitive ethical and legal issues, mostly regarding:

- Equal opportunity: Vaccine rollout is based on a priority system, meaning that some people will have opportunities that others will not – be it because they will be vaccinated at a later stage or cannot access vaccination at all. A vaccine passport will also create inequality between citizens of countries where vaccination is widespread and citizens of countries where the vaccine rollout is delayed. And not all countries require their citizens to be vaccinated – thus, further inequality will be created between those who choose to be vaccinated and those who do not.
- Privacy: Putting travellers in control of their personal information and giving them top-level data security and data privacy is a must when sensitive data such as health data is involved. This likewise applies to identity verification and verification of test results aspects.

---

<sup>3</sup> The President of the European Commission von der Leyen stated the following at the joint press conference with President Michel of 25 February 2021, following the videoconference of the members of the European Council (available [here](#)):

On the vaccination certificates: Indeed, we discussed this topic. As you know, there are still a number of open questions, political questions. The first one is of course what these certificates will be used for. But there are also scientific questions that are still open. It is still unclear whether you can transmit the disease, even if you are vaccinated. Although, that is a concern that will wane as the vaccination rate increases. We have promising data from Israel where the BioNTech-Pfizer vaccine shows that when you are fully vaccinated with a double shot, you are no more transmitting the disease. So finally, the decision on what you are able to do potentially with such a vaccination certificate is to be decided particularly within each country.

But at the EU level, I believe we should use them to ensure the functioning of the Single Market. And the good news is: We do not start from scratch. At the end of January, the Member States, with the support of the Commission, agreed on what kind of data are needed for such a vaccination certificate for medical purposes. So very simple: it is a uniform content – which kind of vaccine has been used – ; it is a unique identifier – like an IBAN code – ; and a minimum dataset that is necessary for each certificate.

Now, the Member States need to implement that in their healthcare systems and their border systems to make sure that their healthcare system is fit for purpose. And we offer, from the Commission side, to coordinate on the standards – like we have done with the tracing apps – and to create a gateway that connects the different national solutions with each other so that this information is interoperable over time. This takes a while, so this takes at least around three months. That is important, so that expectations are not too early too high.

And it is very important that this system is neutral to political choices. So you can pass the information ‘this person has been vaccinated’; you can also pass the information ‘this person has a negative PCR test’; or for example ‘this person has overcome COVID-19 and is immune’. So it is neutral towards the information. It is just a technical work that has to be done now. Member States will need to move fast with the implementation if we want such a ‘green certificate’ to be in place by this summer. Beyond agreeing on the principles and the technology, they will have to ensure a quick and complete roll-out in their national health systems and in their border systems.

---

### 3. The IATA Travel Pass

---

The IATA<sup>4</sup> is about to roll out a more ‘neutral’ solution to the abovementioned issues: the **IATA Travel Pass** – a mobile app that will inform passengers of the tests and other requirements they must meet before travel and allow them to share their test results in a verifiable, safe and privacy-protecting manner via a QR code.<sup>5</sup>

The IATA hopes to have its Travel Pass (scheduled for release early in the first quarter of 2021) become a “global and standardised solution to validate and authenticate all country regulations regarding Covid-19 passenger travel requirements”.

According to the IATA, the travel pass will incorporate four open-sourced, interoperable modules that can be combined for an end-to-end solution. These modules will cover the following:

- Registry of health requirements: This will enable passengers to find information on travel, testing and vaccine requirements for their journey.
- Registry of testing/vaccination centres: This will enable passengers to find testing centres and labs at their departure and/or arrival location that can conduct the Covid-19 tests in accordance with the type of test required for their journey.
- Lab app: This will enable authorised labs and test centres to securely send test results or vaccination certificates to passengers.
- Travel pass app: This will enable passengers to: (a) create a ‘digital

---

<sup>4</sup> The IATA is the trade association for the world’s airlines, representing some 290 airlines or 82% of total air traffic (find out more about the IATA [here](#)).

<sup>5</sup> IATA emphasises these priorities by focusing on the following critical elements:

- Passenger data privacy: The IATA Travel Pass stores encrypted data, including verified test or vaccination results, on the traveller’s mobile device. The traveller controls what information is shared from their phone with airlines and authorities. No central database or data repository stores the information. By keeping travellers 100% in control of their information, the highest standards for data privacy are ensured. The IATA Travel Pass is also built to meet the highest standards of data protection laws, including the GDPR.
- Global standards recognised by governments to ensure verified identity and verified test/vaccine information, i.e.:
  - Verified identity: A government-issued ePassport is used to verify the user’s identity. It also serves to create a digital representation of the user’s passport to allow the information to be sent electronically in a secured way that is linked to their verified identity. A key role is played by global standards developed by the International Civil Aviation Organization that match biometric passport data with a selfie taken by the user.
  - Verified test results or vaccine information: Covid-19 testing will continue to have priority until a Covid-19 vaccine is widely available to the general public. Laboratories have well-established safety standards for managing and verifying test results of individuals. IATA is thus partnering with selected, established laboratories to securely link their test results with the verified identity of the IATA Travel Pass holder.

passport'; (b) verify that their test/vaccination meets the applicable regulations; and (c) share test or vaccination certificates with authorities to facilitate travel.

Travellers will be able to use the IATA Travel Pass to manage travel documentation digitally and seamlessly throughout their travel experience.

The airline industry has welcomed IATA's initiative: 25 airlines are currently conducting a trial of the IATA Travel Pass and, given the association's influence over the industry, this number is only expected to grow.

---

#### **4. Conclusion**

---

International travel is far from returning to its normal pace, and the various travel restrictions currently in force will have to remain for months to come.

However, it is clear that the air transport industry and various governments are making a joint effort to ensure at least partial resumption of international travel that is compatible with the current measures to fight the spread of Covid-19. A major initiative being vaccination campaigns.

In any case, the solutions put forward thus far will clearly need time to take root and become fully effective and accessible to the majority of travellers – who for the time being will have to continue to navigate a complex and difficult-to-interpret set of rules and regulations, not to mention comply with the health restrictions.



## Shipping and Transport Focus Team

The focus team is a constellation of skills in different practice areas with a focus on shipping and transport.

Enrico Vergani

*Maritime law and litigation*

Francesco Anglani

*Competition law*

Marco Arato

*Corporate and restructuring/insolvency*

Marco De Leo

*Corporate*

Vittorio Lupoli

*Corporate and restructuring/insolvency*

Andrea Manzitti

*Tax*

Mario Olivieri

*Corporate and restructuring/insolvency*

Andrea La Mattina

*Maritime law and corporate*

Chiara Falasco

*Maritime law and litigation*

Marco Mastropasqua

*Maritime law and litigation*

Lucia Radicioni

*Corporate and restructuring/insolvency*

Michela D'Avino

*International arbitration*