



March 22, 2021

Dear Member of the European Parliament,

**Re: Green Pass Requires Debate, Not Emergency Adoption, COM 2021 130**

We write as the Chair of Children's Health Defense (CHD), a non-profit based in the United States, and President of CHD-Europe. Our global advocacy organization seeks to protect children's health through exposing causes of ill health and bringing to justice those that are harming their health. We are deeply concerned by the unintended consequences of the COVID crisis, including how they affect children worldwide. We oppose the Parliament's adoption of the "Green Pass" (Digital Green Certificate, introduced March 17, 2021 with proposal #COM 2021 130) without thorough, vigorous debate. While the intent of the Green Pass is to facilitate travel during the COVID-19 pandemic, we fear it will do the exact opposite: it will stifle travel and human interaction.

We are extremely concerned about the proposed regulation will affect all travel in the Schengen Zone, for European citizens and others alike, requiring individuals to prove receipt of an experimental vaccine or submission to experimental testing.

The proposal's premise is that it will prevent transmission of SARS-Cov-2 but it is on shaky scientific and legal ground and requires in-depth debate for the reasons listed below.

**1. There is No Proof that Vaccination Blocks Transmission of SARS-CoV-2.**

The European Medicines Agency (EMA) has repeatedly stated that there is no data proving that COVID-19 vaccines block transmission of the coronavirus.<sup>1,2</sup> For this reason, vaccinated individuals must continue to maintain social distancing and mask wearing.

While the EMA hopes vaccines will reduce COVID, the reverse may occur; mass vaccination may increase disease spread. This was the case with the Dengvaxia vaccine in the Philippines, as the World Health Organization (WHO) Vaccine Safety Summit detailed in 2019.<sup>3</sup> Independent scientists assessing results in Israel and the United Kingdom question the success of mass

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<sup>1</sup> EMA public stakeholder meeting on approval of Covid-19 vaccines, <https://childrenshealthdefense.eu/eu-issues/short-resume-of-the-ema-public-stakeholder-meeting-on-assessment-approval-and-roll-out-of-pandemic-vaccines/>.

<sup>2</sup> H. Collis « Can Vaccines Stop The Spread Of The Coronavirus? », Politico, Jan. 19 2021 <https://www.politico.eu/article/can-vaccines-stop-the-spread-of-coronavirus/>

<sup>3</sup> Dr. Kenneth Hartigan Go on the Dengvaxia crisis in Panel Discussion on Novel Vaccine Safety Issues, WHO Global Vaccine Safety Summit, 3 December 2019, Geneva. <https://youtu.be/BJMdIikVdAY> Backup&download: <https://drive.google.com/open?id=1t1UNWTVpeJ3o-KEAPktOkIVO9kaWqAE3>.



vaccination.<sup>4</sup> As coronaviruses are constantly mutating, the effectiveness of these novel vaccines against new variants is doubtful.

## **2. PCR Tests Are Unreliable Public Health Measures.**

While PCR tests may be able to diagnose a sick person in a short time window, they have almost no relevance for those who show no symptoms of illness. Positive PCR tests do not confirm illness or contagiousness and many result in 'false positive cases'.

A recent review in the medical journal *The Lancet* estimated that isolation of false positive cases is “a net loss to the health, social and economic wellbeing of communities” and concluded that “PCR testing is therefore not the appropriate gold standard for evaluating a SARS-CoV-2 public health test.”<sup>5</sup>

In January 2021, the WHO released new guidance on PCR tests,<sup>6</sup> also warning of the danger of false positive results: “as disease prevalence decreases, the risk of false positive increases.” Member states should stop testing healthy people and use those resources for treatment.

## **3. The Green Pass is legally disproportionate.**

The proposed regulations infringe fundamental human rights, including rights to travel, assembly, privacy, conscience and free and informed consent. Recent scientific studies cast serious doubt on the effectiveness of draconian measures to limit disease spread, including travel restrictions and lockdown measures.<sup>7</sup>

Implementing the Green Pass will require massive resources without a well-founded expectation of success. Investment in hospitals and protections for those at risk would be more effective and economical. At the very least, a cost–benefit analysis and debate are absolutely necessary.

## **4. The European Parliament Must Apply the Precautionary Principle.**

COVID-19 vaccines have received only conditional approval; clinical trials will not be complete for months or years. Demanding that European Union citizens and visitors be subject to

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<sup>4</sup> Haim Yativ, “Second Request To Make A Reassessment of Pfizer’s Vaccine Safety And Stop The Vaccination Campaign,” March 19, 2021, Nakim.org. <http://www.nakim.org/israel-forums/viewtopic.php?t=270949>.

<sup>5</sup> M. Mina, I.E.Buchan et al. « Clarifying the Evidence On Sars-cov-2 Rapid Tests In Public Health Responses To Covid-19”, *The Lancet*, Feb. 17, 2021. [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(21\)00425-6/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(21)00425-6/fulltext).

<sup>6</sup> <https://www.who.int/news/item/20-01-2021-who-information-notice-for-ivd-users-2020-05>.

<sup>7</sup> R.F. Savaris et al, “Stay-at-home policy is a case of exception fallacy:an internet-based ecological study, *Nature*, Mar 5, 2021, <https://www.nature.com/articles/s41598-021-84092-1>.



experimental medical products to exercise fundamental rights violates the precautionary principle enshrined in Article 191 of the Treaty of Functioning of the European Union.<sup>8</sup>

How these vaccines will affect people in coming months or years is unknown. The risk of Antibody Dependent Enhancement (ADE) is real, i.e. that vaccinated individuals exposed to new viral strains may be at *increased risk* compared to those who have not been vaccinated. This potentially lethal risk is well-known to vaccine experts and is one of the main reasons why vaccine manufacturers refuse to accept liability for future injuries and deaths.

Several COVID-19 vaccines are based on a novel gene technology never used in healthy individuals before. Manufacturers sidelined the risks in modifying the human genome and triggering autoimmune diseases in the headlong rush to release the vaccines. On July 15, 2020, the European Parliament voted to waive the risk assessment for these vaccines under the Genetically Modified Organism (GMO) Regulation.<sup>9 10</sup> Prominent scientists and doctors recently addressed these concerns in an open letter to the EMA.<sup>11</sup> Further study on the impact of these gene therapies is required before making them compulsory.

#### **5. Vaccine Manufacturers Fail to Warrant Effectiveness or Safety.**

Esteemed Belgium lawyers<sup>12</sup> recently concluded that the European Commission granted invalid liability and warranty exemptions to COVID-19 vaccine manufacturers. Given the lack of evidence of safety or effectiveness, manufacturers unsurprisingly refuse to guarantee either. Member States, and ultimately the electorate, will bear the burden of compensating and caring for victims of vaccine injury.

#### **6. Inadequate Guarantee of Data Privacy.**

Although the proposed regulation states that Member States will protect medical data, there is little to guarantee this protection. These medical data may be used to discriminate against individuals in violation of fundamental rights and freedoms.

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<sup>8</sup> Art. 191 of the TTFU, Eur-Lex.europa.eu <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l32042>

<sup>9</sup> <https://childrenshealthdefense.eu/annulment-actions/european-citizens-bring-actions-before-the-european-court-of-justice-to-annul-new-gmo-approval-procedures-after-being-rushed-through-parliament/>.

<sup>10</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32020R1043>.

<sup>11</sup> Doctors for Covid Ethics, "Urgent Open Letter From Doctors And Scientists To the EMA Regarding COVID-19 Vaccines," <https://doctors4covidethics.medium.com/urgent-open-letter-from-doctors-and-scientists-to-the-european-medicines-agency-regarding-covid-19-f6e17c311595>.

<sup>12</sup> <https://www.lalibre.be/international/europe/la-non-responsabilite-des-fabricants-de-vaccins-anti-covid-est-illicite-affirme-une-etude-604e71357b50a60517a2374d>.



### **7. Risk of Type Replacement and Viral Mutation.**

Mass vaccination with imperfect vaccines – and none of the available vaccines is perfect – may lead to type replacement and viral mutation. It may well be vaccinated individuals, not unvaccinated ones, that pose the greatest risk of new, more virulent types of coronavirus infection. The classic example of this kind of type replacement occurred with widespread use of the pertussis vaccine, which led to new viral mutations that the existing vaccine did not block.<sup>13</sup> In other words, it is unclear that mass vaccination will lead to an end to the coronavirus crisis.

### **8. Risk that Green Passes Become Permanent Without Due Consideration.**

While the Parliament considers the Green Pass regulation as a temporary measure, it is unlikely to be so. Such restrictions usually become permanent, making the need for robust debate the more important. Could more vaccines be required under the Green Pass at a later date? Why should the Director-General of the World Health Organization have the power to make decisions about them? The long-term implications of the Green Pass require deliberation.

### **9. The European Parliament Must Uphold Democratic Values.**

Too often since the beginning of the coronavirus pandemic, numbers have ruled instead of the rule of law. Small coteries of experts interpreting numbers have set policy instead of democratic legislatures and civil society. Numbers and studies are too often tailored to serve those who produce them. Europe cannot thrive if it relies on mathematical models to the exclusion of human models. The Parliament is entrusted to uphold democratic values.

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Please take these points above into consideration and require open debate and analysis before you take further action on the Green Pass. The citizens of Europe and the world are watching you — our liberty and security are in your hands. Do not let us down! Do not put the future of the European Union in jeopardy by desecrating one of its most fundamental principles: free movement within the Schengen Area.

Yours sincerely,

Robert F. Kennedy, Jr.  
Chair, Children's Health Defense

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President, Children's Health Defense Europe

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<sup>13</sup> J. Cherry, "Pertussis Challenges Today and for the Future," PLoS Pathog., 2013, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3723573/>.