

Court Denounces Corona Pass in Wallonia Region of Belgium as Illegal

A court in Namur, an important commercial and industrial centre located in the Walloon industrial area in Belgium, has declared the use of the Corona passport in Wallonia illegal.

By [Free West Media](#)

Global Research, December 03, 2021

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Region: [Europe](#)

Theme: [Law and Justice](#), [Science and Medicine](#)

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And if no measures are taken to rectify this situation, the Walloon region will soon have to pay a penalty of 5000 euros per day [until they withdraw the measure](#), local media reported Wednesday.

An alliance of health workers, scientists, lawyers and citizens – gathered together as the non-profit organization *Notre bon Droit* – has been fighting the health pass for some time. The pass indicates whether someone has been vaccinated against the Coronavirus, has recently tested negative or has been declared cured and it is used throughout Belgium to, among other things, regulate access to the catering industry.

The court of first instance in Namur has now ruled in favor of the non-profit association in summary proceedings. “Several cases have been established in the Walloon decree that legally contradict European law and the right to the protection of personal data. The verdict also states that it has not been demonstrated that the Corona pass is the only alternative to a new lockdown.

According to the judge, the measure restricts freedom in such a way that it is not proportionate to the objectives pursued.

The lawyers of the association noted that “the court also criticized the discrimination established between the citizens without objective and scientific justification”.

Officials from the Walloon Region must now take measures to rectify the situation until a verdict is reached on the merits of the case. From a period of seven days after the court’s decision has been served, there will be a penalty of 5000 euros per day. The region must also bear the legal costs.

‘Protecting the data’ of the fully vaccinated sick with Covid

Another non-profit association has also instituted summary proceedings before the Brussels court of first instance. There will be a plea hearing on December 8. The association for the defense of freedoms and privacy *Charta21* recently brought an urgent action before the Brussels court of first instance to suspend the CovidScan application in order to protect data on sick vaccinated individuals.

“This is a first step which allows our action to be continued,” explained Jacques Folon, an expert in General Data Protection Regulation (GDPR) and administrator of the association.

Charta21’s action “aims to put an end to multiple breaches of the General Data Protection Regulation (GDPR) and in particular to prevent a leak of personal health data from vaccinated people”. Folon pointed out that a [flaw in the software](#) indeed disclosed the names of tens of thousands of people both vaccinated and sick with Covid.

When this flaw was exposed, *eHealth* – the health data exchange platform that is the subject of the complaint – did not report it to the Data Protection Authority (DPA). It also did not warn the people concerned. “*eHealth* should have immediately warned that there had been a data breach within the realm of the GDPR and warned all those involved, which it did not do,” said Folon.

Walloon officials to scared to show up?

The Walloon government has meanwhile announced in a short response that the Corona pass will remain in force in Wallonia. “The government has taken note of the decision of the court of first instance in Namur. That decision cancels neither the Walloon decree nor the ‘Covid Safe Ticket’ (CST) which continues to apply in Wallonia.”

The Wallonia region announced that they would not only repeal the regulation but immediately appealed against the judgment. Regional governments are responsible for imposing the restrictive measures under the Belgian federal-state system.

According to the ruling however, all citizens are required to show their CST before entering cafés, restaurants, gyms and cultural venues, which are curbing individual freedoms in a disproportionate way that does not serve their alleged objective.

The Belgian daily *Le Soir*, reported that representatives of the Wallonia government failed to appear at a court hearing on November 16. Officials in the public administration office neglected the file for five days “due to a combination of a weekend and public holidays”.

The summons had been received on November 10, but the day after was Armistice Day commemorating the end of World War I, a public holiday in Belgium. The holiday fell on a Thursday and officials simply extended it to a long weekend.

The following Monday, on November 15 was King’s Day, which grants the public administration a holiday. As a consequence, they claim, nobody dealt with the file and the hearing took place without the Wallonia officials.

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