



Prague, 20 November 2021

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EXTRAORDINARY MEASURE

The Ministry of Health, as the competent administrative authority, pursuant to Section 80(1)(g) of Act No. 258/2000 Coll., on Public Health Protection and on the amendment of certain related acts, as amended, and Section 2(1) of Act No. 94/2021 Coll., on Extraordinary Measures during the COVID-19 Disease Epidemic and on the amendment of certain related acts, **orders** this Extraordinary Measure, proceeding pursuant to Section 69(1)(i) and (2) of Act No. 258/2000 Coll., and pursuant to Section 2(2)(b) of Act No. 94/2021 Coll., in order to protect the population against the further spread of the COVID-19 disease caused by the novel SARS-CoV-2 coronavirus:

I.

1. All employers in the Czech Republic are ordered to ensure the regular testing of all their employees, unless stipulated otherwise under point 2, to determine the presence of the SARS-CoV-2 virus antigen, performed on the workplace using a rapid antigen test (RAT) designated for self-testing (use by non-professionals) or performed using a rapid antigen test (RAT) performed by a healthcare service provider, at a frequency of once per week.
2. All employees are ordered, at the request of the employer, to take a rapid antigen test to determine the presence of SARS-CoV-2 virus antigen at the stipulated frequency, unless stipulated otherwise in Art. IV or unless it is an employee who does not encounter third persons in their workplace given the nature of the work, except for persons living in the same household. If an employee is not present at the employer's workplace on the date of testing, the preventive testing of this employee will be performed on the date he/she comes to the workplace.
3. If the employee refuses to take a test pursuant to point 2, the employer is ordered to report this fact without undue delay to the locally competent public health protection authority. An employee who refuses to take the test under point 2 is ordered to wear protective respiratory equipment, that being a respirator or similar device (always without an exhalation valve) meeting minimally all the technical conditions and requirements (for the product), including a filtration efficacy of at least 94% pursuant to the relevant standards, for the entirety of their presence in the workplace, to maintain a distance of at least 1.5 m from other persons and to eat separately from other persons; they are not obliged to wear protective respiratory equipment while they eat. The employer is obliged to ensure the restriction of encounters between this employee and other persons to the necessary degree by means of an organizational measure.
4. Employers are obliged to ensure the fulfilment of the obligations pursuant to this article for

the first time at the latest by 29 November 2021.

II.

In this extraordinary measure

- a) employer also means
 - i) an employer specified in Section 303(1) of the Labour Code, another organisation unit of the state or local government unit,
 - ii) civil service office in the case of state employees,
 - iii) security corps in the case of members of the security corps, and
 - iv) the Army of the Czech Republic, Military Office of the President of the Republic, the Castle Guard or Ministry of Justice in the case of professional soldiers,
- b) employee also means
 - i) a state employee,
 - ii) a member of the security corps,
 - iii) a professional soldier,
 - iv) a judge,
 - v) a state prosecutor,
 - vi) a temporary allocated labor agency employee and
 - vii) a person training to perform an occupation or performing work experience and
 - viii) a volunteer,
- c) employer's workplace refers to the space designated to perform work or service tasks, except for remote work (home office).

III.

1. All self-employed persons performing their primary self-employment in the Czech Republic are obliged to take a rapid antigen test (RAT) to determine the presence of the SARS-CoV-2 virus antigen, designated for self-testing (use by non-professionals), once per week unless stipulated otherwise in Art. IV.
2. The persons under point 1 must fulfil the obligation pursuant to point 1 for the first time at the latest by 29 November 2021.
3. Independently gainful persons who do not meet with third persons at their workplace or place of work performance, except for persons living in the same household, are not obliged to take the tests pursuant to point 1."

IV.

1. The obligation under Art. I and III does not apply to persons who
 - a) are vaccinated against COVID-19 and at least 14 days have passed since completion of the vaccination scheme based on the summary of product characteristics,
 - b) they have undergone a laboratory-confirmed case of COVID-19, where the period of ordered isolation has ended, and no more than 180 days have passed since the first positive RT-PCR test for the presence of the SARS-CoV-2 virus or rapid antigen test (RAT) for the presence of the SARS-CoV-2 antigen,
 - c) they have taken an RT-PCR test for the presence of the SARS-CoV-2 virus with a negative result in the past 7 days, or
 - d) have taken a rapid antigen test (RAT) for the presence of the SARS-CoV-2 virus antigen with a negative result, carried out by a healthcare professional, in the past 7 days.

2. The employee is obliged to demonstrate the fact under point 1 to the employer, specifically

- a) the fact under point 1(a) by means of a national certificate of completed vaccination or a certificate of completed vaccination issued pursuant to the European Union regulation on the EU COVID¹ digital certificate; a national certificate of completed vaccination refers to a written confirmation issued at least in the English language by the authorized party operating in the third country, a specimen of which is published in the list of recognized national certificates on the website of the Ministry of Health; the written confirmation must contain data about the vaccinated person, administered type of vaccine, date of administration of the vaccine, identification of the party that issued the confirmation of that vaccination, whereas these data must be verifiable via remote access directly from the written confirmation, assuming vaccination was performed using
 - i) a medicinal product containing a COVID-19 vaccine granted market authorisation under Regulation (EC) No. 726/2004, or
 - ii) a medicinal product manufactured in accordance with a patent for the medicinal product pursuant to point i), if this medicinal product has been approved by the World Health Organization for emergency use;
- b) the facts under point 1(b) through (d) by means of a record in the Information System of Infectious Diseases or confirmation issued by a healthcare services provider.

V.

Employers who arrange testing for their employees pursuant to Art. I and self-employed persons who test pursuant to Art. III are ordered to keep records of performed tests for inspection purposes, in the scope of the date of testing and the names of the persons who took a test on the given date.

VI.

1. Employees who themselves performed a test or who were tested pursuant to Art. I are ordered, if the result of the test is positive, to immediately inform their employer about their planned absence from the workplace due to suspected positivity for the presence of the SARS-CoV-2 virus, to leave the workplace, and if the test was not performed by a healthcare service provider, to notify the employer's occupational healthcare provider of the result of the test without delay, if the employer has so determined, otherwise to notify their registering provider of healthcare services in the field of general practical medicine or, where applicable, the field of pediatric practical medicine. If the employee is unable to notify the provider of healthcare services in accordance with the first sentence, he/she is obliged to contact another provider of healthcare services or public health protection authority which holds jurisdiction over his/her place of work in order for determination of further procedures to be followed. The period from determining the positive test result performed pursuant to Art. I until receiving the result of the confirmatory test under Art. VII, during which they do not go to work, is an obstacle to work on the part of the employer

¹ Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and recognition of interoperable certificates on vaccination, testing and recovery in relation to COVID-19 (EU COVID digital certificate) was published in the Official Journal of the European Union to facilitate free movement during the COVID-19 pandemic.

Regulation (EU) 2021/954 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and recognition of interoperable certificates on vaccination, testing and recovery in relation to COVID-19 (EU COVID digital certificate) in relation to the nationals of third countries with permits to stay or reside in EU Member States during the COVID-19 pandemic.

pursuant to Section 208 of the Labor Code, specifically for the period for which it is not a different important obstacle to work pursuant to Gov. Reg. No. 590/2006 Coll., which stipulates the range and scope of other important personal obstacles to work.

2. Independently gainful persons who themselves performed a test or were tested by a non-professional pursuant to Art. III are ordered, if the result of the test is positive, to leave the workplace and to notify their registering provider of healthcare services in the field of general practical medicine or, where applicable, the field of pediatric practical medicine. If the independently gainful person is unable to notify the provider of healthcare services in accordance with the first sentence, he/she is obliged to contact another provider of healthcare services or the public health protection authority which holds jurisdiction over his/her place of work in order for determination of further procedures to be followed.

VII.

The healthcare service provider or public health protection authority that was notified about the positive result of a test pursuant to Art. VI is obliged to issue an order form to the person specified in Art. VI without delay for performance of an RT-PCR test confirmation test to examine him/her for the presence of the SARS-CoV-2 virus. In the electronic application module of the Information System of Infection Diseases (ISIN), the healthcare service provider or public health protection authority is obliged to indicate that it is a confirmation RT-PCR test for self-testing and specify the employer identification number of this entity.

VIII.

The person for whom the order form for the confirmation test pursuant to Art. VII was issued is obliged to undergo this testing without undue delay.

IX.

If the Ministry of Health issues an extraordinary measure which imposes similar obligations as those under Art. I on the designated employers and their employees, but with different rules, then this extraordinary measure shall not apply to such employers and employees in the scope of these obligations.

X.

Effectiveness

This Extraordinary Measure shall take effect on 22 November 2021.

Mgr. et Mgr. Adam Vojtěch, MHA, undersigned
Minister of Health