



Prague, 29 December 2021

Ref. No.: MZDR 14601/2021-33/MIN/KAN
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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)(b) and (i) and (2) of Act No. 258/2000 Coll., and pursuant to Section 2(2)(b) through (e) and (i) 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:

Effective from 12:00 a.m. of 30 December 2021, the Extraordinary Measure of the Ministry of Health of 23 December 2021 Ref. No. MZDR 14601/2021- 32/MIN/KAN, is amended in that point 3(a) reads:

- “a) the operators of the said establishments are ordered to observe the following rules:
- i) all customers must be seated so that there is a distance of a least 1.5 meters between them, except for customers sitting at one table; this rule shall not apply in the case of music and dance clubs and discotheques,
 - ii) there may be a maximum of 4 persons seated at one table, except for members of the same household; if the table accommodates 10 or more seats, more persons may be seated at it, so that there is a distance of at least 1.5 meters between groups of at most 4 customers, except for members of the same household,
 - iii) the operator will not allow more persons into the premises of the establishment than there are seats for persons; this rule shall not apply in the case of music and dance clubs and discotheques,
 - iv) hand disinfectant must be available to customers when entering the indoor and outdoor premises of the establishment, and the operator will ensure the disinfection of table surfaces and chair armrests after every customer and the regular disinfection of contact surfaces,
 - v) in the case of live music production, the distance between customers and the place designated for the performers must be at least 2 m,
 - vi) the operator shall ensure the maximum possible air circulation indoors with freshly drawn outside air (natural ventilation, air conditioning or heat recovery) without air recirculation; in the case of recuperation, ensure that there is no contact between the outgoing and incoming air via enthalpic moisture exchangers,
 - vii) the operator will ensure the informing of customers about the conditions and rules of

entry pursuant to letter b) at the entrance to the establishment.”.

Rationale:

With regard to the judgement of the Supreme Administrative Court of 22 December 2021, Ref. No. 8 Ao 28/2021-23, the rules particularly for the activity of music and dance clubs and discotheques are cancelled. In the case of other types of establishments listed under point 3, this regulation remains in place in compliance with the conclusions of the Supreme Administrative Court set forth in point 25 of the cited judgement: “Therefore, the Supreme Administrative Court is of the opinion that in assessing whether the contested partial measure can be subordinated under the respective measure of the Pandemic Act, it is not possible to disregard the substance and standard format of operation of the establishments affected by the contested measure. For e.g. a measure concerning the obligation to be seated or not allow more persons into the establishment than can be seated shall have a different meaning for the said catering establishments, and a different meaning for visitors to music (dance) clubs, who by standard do not necessarily need seating in order to fulfil the purpose of visiting such an establishment.

Prof. MUDr. Vlastimil Válek, CSc., MBA, EBIR, undersigned
Minister of Health