Rationale for Government Resolution No. 216 of 26 February 2021

in accordance with Section 5(b) and (e) and Section 6(1)(b) of the Crisis Act, the government has decided to adopt crisis measures to resolve the existing crisis situation.

The crisis measures are issued in connection with the adverse development of the epidemiological situation in terms of the occurrence of the COVID-19 disease caused by the SARS-CoV-2 coronavirus.

The purpose of the crisis measures is to ensure the necessary conditions to restrict the further spread of the given disease in the Czech Republic and thus fundamentally reduce the extreme strain on healthcare service providers caused by the high share of patients hospitalized with COVID-19, the high share of patients requiring intensive care, and the negative trends of mortality from COVID-19.

The epidemiological situation in the Czech Republic is characterized by the protracted community spread of SARS-CoV-2, which creates conditions for the uncontrolled transmission of the disease to persons with compromised immunity due to age and comorbidities, but there is also a rising trend of illness among persons in younger age groups and persons without risk factors.

The adverse epidemiological situation is currently strongly exacerbated by the spread of mutated strains of SARS-CoV-2, in particular the British variant of the virus, characterized by a heightened capacity for transmission between persons.

However, it must be emphasized that the spread of biological agents has very different characteristics compared to other agents, e.g., the spread of chemical substances. Exposure in this case does not mean only contact with a certain concentration of the substance for a defined time, but is a much more complex process with a number of better or lesser known parameters.

Contagion depends on:
1. Presence of the source of contagion.
2. Actual transmission of contagion.

The incidence and course of disease are also affected by the size of the infectious dose, the transmission mechanism, the entry gateway and the vulnerability of the host.

The most serious epidemics in terms of impact and burden on the population are those caused by person-to-person contagion. The highest contagion rate in the population is reached through airborne spreading, via droplets containing the infectious agent that are released in the patient’s space when speaking, breathing, coughing and sneezing. In relation to the ongoing pandemic of the COVID-19 disease and the adopted measures to avert its direct impact on the health of the Czech population, it has been shown that one of the most important tools to influence the ongoing epidemic and stop its uncontrolled spread is to target these individual elements of the epidemic process. The source of infection can be isolated and treated, disrupting the transmission path and protecting the vulnerable individual, for instance through quarantine measures or vaccination, whereas the latter is not currently available in sufficient quantities in relation to the COVID-19 pandemic.

During the epidemic spread of an infectious disease, there is a risk that without the adoption of measures, the infection will spread uncontrolledly through the population, possibly exhausting the health care system’s capacity for isolation and treatment, with a fundamental impact on the population’s health. The most dangerous is parallel spreading, where one infected person simultaneously infects more than one person, thus leading to a massive spread of the infection through the population. The key measures include the possibility of effective disruption of contagion between individuals and across the population (limit congregation, limited provision of selected services, use of protective and disinfectant products).

The only real solution to ensure a change in the very adverse epidemiological situation regarding the incidence of COVID-19 in the Czech Republic is to impose very strict anti-
epidemic measures targeted on the key links in the chain of transmission of SARS-CoV-2 under precisely defined time and systematic conditions.

Given the current intensity of the spread of the SARS-CoV-2 virus, there is a very serious risk that without adopting strict crisis measures, the rising uncontrolled spread of the contagion will lead to the exhaustion of capacities of the healthcare system, with fundamental and often irreversible impacts on public health. A failure to adopt stringent anti-epidemic measures, which will reduce the number of persons infected and those requiring hospitalization, would lead to the exhaustion of bed and staff capacities at hospitals and a further worsening of the condition of patients e.g., with cardiovascular and oncological diseases, who will not receive adequate planned care, which is essential for chronic diseases.

The justification of the crisis measures follows from the results of an analysis of the key epidemiological characteristics and evaluation of the risk of the further spread of the disease:

1. There is intensive community transmission of the disease, exacerbated by the incidence of the British variant of SARS-CoV-2
   - The share of those infected where the source of contagion was not identified is increasing
   - If the spread of new virus mutations remains uncontrolled, the value of the reproduction number R is expected to rise from the current 1.2 to 1.4

2. A rising share of positive tests in the total number of tests performed on the given day is being registered
   - A rise of 7.3% in the share of positive tests in the total number of tests within diagnostic indication was registered during the 8th calendar week of 2021

3. A rising share of infected patients in the group of highly vulnerable persons is being registered
   - This is more than 1400 persons on business days, while the weekly value is 9,367 persons
   - as at 25 February 2021, more than 10,505 cases of the disease were reported in the senior group (65+) in the past 7 days, which constitutes 492.8 cases per 100,000 inhabitants.

4. The rising exhaustion of the capacity of healthcare services provider is being registered
   - As at 25 February 2021, the total number of hospitalizations was 6,967. The strain on intensive care across the Czech Republic is rising consistently, patients requiring intensive care account for about 21% of the total number of those hospitalized. In total, there are now 1,433 persons hospitalized in intensive care, of which 717 require artificial lung ventilation (UVP), and 27 require extra-corporal membrane oxygenation (ECMO). The available bed and staff capacities in the healthcare system are gradually being exhausted.
   - Should the burden on hospitals start rising in connection to the spread of the epidemic at a reproduction number of 1.2, then it is necessary to anticipate the risk of a daily increase of +30 patients in beds
   - During a very short period, around 8 regions will have exhausted all the functional intensive care capacities
   - The longer-lasting fundamental restriction or complete suspension of planned care provided to citizens undoubtedly constitutes worsened access to healthcare and the worsened health of the population, because it is necessary to also treat other diseases, especially in the area of cardiovascular and oncological medicine, which is the most common cause of the death in the Czech Republic. Cardiovascular
diseases are the most common cause of death both among women (50% of all deaths) and men (42%). Cancer is the second most common cause of death and causes 23% of all deaths among women and 28% of all deaths among men (e.g., State of Health in EU, CZ, 2017).

- Although the vaccination of healthcare professionals is ongoing (41.2% have been vaccinated as at 25 February 2021), the number of healthcare professionals with COVID-19 is still very high (as at 24 February 2021, a total of 2840 healthcare professionals are positive (294 physicians, 1322 nurses and 1224 other HP). The lack of qualified healthcare professionals is therefore a fundamental issue.

5. The negative trend in the development of the epidemiological situation continues to worsen on a local level.

- In the worst affected regions, the strain is 2.5 to 3 times higher than in the other regions.
- The rapid spread of the contagion is evident primarily in the northern and western parts of Bohemia, where increased incidence is noted in a rising number of districts.
- The unfavorable situation persists in the Trutnov, Náchod, Cheb, Sokolov and Tachov districts, where the effect of the closing off of the districts has not yet been felt due to time limits.
- Increased numbers of patients with newly diagnosed COVID-19 disease are also being noted in other areas, especially in the Plzeň and Pardubice regions.
- Given persistent community contagion, the risk of the uncontrolled spread of the disease to other regions is very high.

6. Contagion trends in collective groups

- The most common social environments and most probable locations of COVID-19 contagion are consistently the workplace, family + household + leisure environment. The share of cases thus characterized in the total numbers of registered cases (not including healthcare professionals) in the month of January 2021 was 53.0%, whereas the value of this share is the highest yet in the total reviewed period from March 2020, and reflects the changes in population mobility in connection to the intensive use of home office.

- From May 2020 until the present, the most common sites of outbreaks of COVID-19 were school facilities, including kindergartens (1254), followed by social service facilities (715) and healthcare facilities (314), and workplaces (281), with a prevalence of manufacturing plants (141).

- After closing schools (except for kindergartens) from 14 October, there has been a decline and elimination of contagions at primary and secondary schools, but after some children and students returned to schools from 18 November and 30 November, an increase was observed at primary and secondary schools. Following a decline during the Christmas holidays, a rise was observed again at kindergartens and primary schools since the start of 2021.

- After the closing of schools (except kindergartens) from 14 October, the number of newly diagnosed positive teachers and professionals in the school system ceased and gradually declined, but after some children and students returned to schools from 18 November and from 30 November, the figures rose again, culminating in the first week of 2021, followed by a decline and increase again in February 2021.

7. Mobility and its trends

- The restriction of personal mobility and the related limitation of risk contacts and the reduced probability of contagion is the basis of all the adopted measures, both in the Czech Republic and other countries. Population mobility as an indirect factor
affecting the number of contacts provably correlates to the speed of spreading the disease, but the relation must always be assessed with a 14-day delay. This means that the high-risk increase of mobility will become apparent in the spread of the epidemic after about 10-14 days. The opposite also applies, where the effect of reducing high-risk mobility can be observed only after the specified time delay.

- The high values of COVID-19 incidence began towards the end of 2020, when the reproduction number reached values of about 1.5. The time correlation with increased mobility in this period is statistically proven.

More detailed information about the degree of the spread of the epidemic and related information is published every day on the Ministry of Health’s website onemocneni-aktualne.mzcr.cz.

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The restrictions on the free movement of people are being tightened, in that all persons with a place of permanent residence or dwelling situation in the given district are prohibited from leaving the territory of this district or the City of Prague, and the entry, presence and movement about the territory of a district or the City of Prague is prohibited for all persons who do not have their permanent residence or dwelling in the given district. Exceptions are stipulated to which the said prohibition does not apply.

In order to reduce population mobility as concerns the prohibition of retail sales and the sale and provision of services at establishments, the range of exceptions from this prohibition has been reduced to ensure basic needs for persons and animal care.

With regard to the fact that the most common focal points in the overall evaluation are school facilities, including kindergartens (1254), the operation of schools has been further restricted, whereas the personal presence of pupils at elementary education at primary schools and the personal presence of children at preschool education at kindergartens has been prohibited. To ensure the running of this state in this connection, the regional governors and the Lord Mayor of the City of Prague are ordered, in places where such a measure is necessary, to determine a school or educational facility established by the region, municipality or voluntary association of municipalities, the subject of whose activity is the performance of duties in the field of education, which will provide essential care for children aged 2 to 10, whose legal guardians belong to the nominally stipulated group of employees.

Special part

Re: Art. I

The aim of the measure is to reduce population mobility and the related higher number of high-risk contacts and to reduce the possibility of contagion. Population mobility is more or less an indirect factor affecting the number of contacts between inhabitants and is provably associated with the speed of the spread of the disease. The effect of reducing mobility becomes apparent with a delay of about fourteen days.

Re: Art. II

However, the impact of this measure cannot be a fundamental limitation of the fulfillment of socio-economic needs of the population on one hand and the state on the other. Therefore, exceptions are stipulated as concerns

- travel to work and for the purpose of carrying out business or other similar activities, including services for citizens, and for carrying out the duties of a public official or constitutional authority, where it is necessary to preserve the basic functioning of the state and its economy,
- essential travel for the purpose of ensuring vital needs (medical care, handling urgent official affairs, travel to participate in education including practice and examinations), if their restriction would constitute an unreasonable restriction of individual rights with unacceptable effects on the basic aspects of the individual’s rights in relation to the fight against the COVID-19 epidemic.
- participation at mass events permitted pursuant to point V or VIII, which involve both the preservation of the right to assembly, and events permitted by the Ministry of Health whilst
stipulating binding hygienic-epidemiological conditions,
- travel for the purpose of elections and meetings of bodies of legal entities in the municipality of their registered office under the conditions stipulated in point IX, as it is not possible to paralyze the functioning of legal entities (associations and business corporations), but only while observing anti-epidemic measures, which should adequately prevent the uncontrolled spread of the virus.

Re: Art. III

It is necessary to stipulate rules for mobility within the district and limit it to the essential degree, though while preserving the basic attributes of human life. In addition to education, occupation, ensuring vital needs, ensuring basic services for the population, etc., the presence and moving about nature as one of the tools of prevention in terms of the physical and mental health of the population is permitted, but only in the presence of persons from one household, in order to prevent the uncontrolled community transmission of the disease.

An exception is also stipulated for major social-legal milestones such as entry into marriage or into registered partnership.

It is ordered to limit contact between persons so as to prevent increased personal contacts among persons who meet only occasionally, and thus prevent further chain transmission. To preserve at least the minimum running of households, companies and schools, however, the possibility of concentrating people in collectives that perform certain activities together regularly is permitted.

As part of the measures to reduce mobility and personal contacts where possible and where permitted by the nature of the performed work, employers are ordered to make maximum use of home office among their employees.

Re: Art. IV

In order to ensure the control and enforce the performance of the imposed obligations, resources are stipulated based on which it will be possible to prove the purpose of travel and verify whether it is justified.

Re: Art. V

The measure is directed towards factually preventing the travel of foreign nationals to the Czech Republic and thus limit the possibility of bringing in and/or spreading other variants of the SARS-CoV-2 virus.

Re: Art. VI

This concerns noteworthy exceptions to ensure the exercising of the right of assembly, which is a basic human right. Assembly is permitted in the stipulated cases, but with stipulated restrictions consisting of stipulating the maximum possible capacity of the assembly point and also the necessary hygienic requirements leading to reducing the risk of disease transmission.

Re: Art. VII

The aim of this measure is to appeal to citizens to behave responsibly and not contribute unnecessarily to the further spread of COVID-19.

Re: Art. VIII

The measure should allow the essential transit of goods across the Czech Republic, where given the minimal contact among persons ensuring it, there is little risk that they will contribute to the further spread of COVID-19, and the restriction of such travel would be disproportionate and unjustified. However, for the same reason, these persons are prohibited from stopping in the Czech Republic unless absolutely essential.

Re: Art. IX

The authority of the Ministry of Health to permit and stipulate conditions for the holding of otherwise prohibited events is defined. These may be, in particular, events in state interest or major sporting events, etc., with respect to which it was decided that their staging is essential, while defining such binding measures that will allow the staging of such events without
increasing the risk of contagion.

Re: Art. X
Furthermore, an exception is defined for the meetings of bodies of legal entities, because it is necessary to preserve the primary elements of local government, so that it can manage and perform activities at least within the necessary limits when stipulating binding hygienic-epidemiological conditions leading to reducing the risk of spreading the virus.

Re: Art. XI
Given the high risk of the unobserved spread of the virus among children and related transmission of the disease within the family, it is recommended to close places where children from various families may congregate.