



MINISTRY OF HEALTH  
Palackého náměstí 375/4, 128 01 Prague 2

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Prague, 15 March 2021, Ref. No.

MZDR 47828/2020-22/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)(i) and (2) of Act No. 258/2000 Coll., and pursuant to Section 2(2)(m) 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.

Effective from 17 March 2021, the extraordinary measure of 1 March 2021 Ref. No. MZDR 47828/2020-16/MIN/KAN, as amended by the extraordinary measures of 5 March 2021, Ref. No. MZDR 47828/2020-21/MIN/KAN, is amended as follows:

1. A new Art. III is inserted after Art. II with the following wording:

No later than from 26 March 2021, all employers within the territory of the Czech Republic who/which are an entrepreneur or state or national enterprise and who/which employ between 10 and 49 people, may only allow their employees to be present at the employer's workplace in person subject to the employee having within the past 7 days taken an RT-PCR test for the presence of the SARS-CoV-2 virus, a POC antigen test for the presence of the SARS-CoV-2 virus antigen or a preventive test at the employer's workplace to determine the presence of the SARS-CoV-2 virus antigen using a test provided to him/her by the employer, unless determined otherwise in Art. III, and the result of such a test is negative. The employers specified in the first sentence are obliged, starting no later than from 17 March 2021, to ensure for their employees POC antigen tests for the presence of the SARS-CoV-2 virus antigen performed by a provider of healthcare services, or tests to determine the presence of the SARS-CoV-2 virus antigen which can be used by non-professionals, this being with a frequency of at least once a week. 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. The employers specified in the first sentence are obliged

to ask their employees to take the preventive test specified in the second sentence starting no later than from 19 March 2021 in such a way as to allow their presence at the employer's workplace subject to meeting the condition specified in the first sentence no later than by 26 March 2021. If an employee performs work exclusively outside of the employer's workplace during a seven-day period, the employer will allow him/her to take the preventive test specified in the second sentence outside of the employer's workplace; this does not relate to employees who perform work remotely (from home).

2. The previous Art. III shall now be numbered Art. IV and have the following wording:

**“IV.**

1. Employees are obliged to undergo the testing pursuant to Art. I to III at the employer's request, with the exception of:
  - a) persons who have undergone a laboratory-confirmed instance of COVID-19, where the period of isolation in accordance with a valid extraordinary measure of the Ministry of Health has ended, who are not showing any COVID-19 symptoms, and no more than 90 days have passed since the first positive RT-PCR test for the presence of SARS-CoV-2 or POC antigen test for the presence of the SARS-CoV-2 antigen, and
  - b) persons who have a certificate issued by the Ministry of Health of the Czech Republic on vaccination against COVID-19, and at least 14 days have passed since the application of the second dose of a vaccine in the case of a two-dose scheme in accordance with the summary of product characteristics (hereinafter the “SPC”) or at least 14 days have passed since the application of the first dose of a vaccine in the case of a single-dose scheme in accordance with the SPC, and the vaccinated person is not showing any COVID-19 symptoms.
2. The employee is obliged to prove that he/she has undergone an RT-PCR test for the presence of the SARS-CoV-2 virus or a POC antigen test for the presence of the SARS-CoV-2 virus antigen pursuant to Art. I, and the facts pursuant to paragraph 1, by means of confirmation issued by the healthcare service provider.”.

3. The previous Art. IV shall now be numbered Art. V and have the following wording:

**“V.**

If the result of the preventive test for the presence of the SARS-CoV-2 virus antigen performed by a non-professional and provided by the employer in accordance with Art. I to III is positive, the employee is obliged to proceed in accordance with the valid Extraordinary Measure of the Ministry of Health regulating employee obligations during testing for the presence of the SARS-CoV-2 virus antigen performed by a non-professional using a test provided by the employer.”.

4. The previous Art. V shall now be numbered Art. VI and have the following wording:

**“VI.**

An employee pursuant to Art. I to IV refers also to:

1. temporary allocated labour agency employees and
2. other persons who perform work or a similar activity at the employer's workplace along with its employees based on a legal relationship other than an employment relationship.”.

The previous Art. VI and VII shall now be numbered Art. VII and VIII.

## II.

This Emergency Measure shall take effect on the date of its issue.

### **Rationale:**

The spread of the new mutation of SARS-CoV-2 B.1.1.7 (known as the British variant), which spreads 40% to 70% more easily and faster in the population, is one of the causes of the turnaround in the COVID-19 disease epidemic towards an increase in the number of new cases of the disease. The B.1.351 variant (the so-called South African variant) is spreading significantly in all of the countries in the region of South Africa. The ECDC also anticipates spread of this variant in other countries in the region. According to assessment by the ECDC, the B.1.351 variant of the virus exhibits up to a 50% higher level of contagiousness and resistance, which means possible complications when applying existing vaccines. The spread of this variant has already been registered in 40 countries around the world. The P.1 variant (the so-called Brazilian variant) has so far been identified sporadically in 17 countries around the world. However, preliminary information confirms that the P.1 variant will probably be more contagious than the original strain of the virus in terms of percentage. At this moment in time, the lack of information regarding the effectiveness of the existing vaccines seems problematic.

The performance of preventive screening examinations for the presence of SARS-CoV-2 is an essential part of the anti-epidemic measures, the aim of this being to detect potentially infectious persons who have only minimal or no symptoms of infection yet who may unknowingly spread the disease. In view of the need to find a compromise in view of the anticipated economic demands and lack of healthcare staff who could perform the regular testing of employees, this still being regarded as the gold standard and the main pillar of preventive testing, an additional pillar has also been made possible from the possible options, this being the performance of antigen tests by non-professionals. This method of testing allows for wide use by the general public, and with sufficient sensitivity and specificity of the antigen test, and with regular repetition with a frequency of at least once per week, infected and predominantly asymptomatic persons will gradually be detected.

When deciding on the size of the employer, or the number of employees from which the obligation of regular self-testing is ordered, the Ministry used the number of affected entities according to the hygiene register for the categorisation of work as the basis for its considerations. In view of the current availability of test sets, effective as of 17 March 2021, a decision has now been made to set the limit for obligatory testing at 10 employees, on the understanding that the Ministry currently emphatically recommends that testing

also be performed on a voluntary basis among smaller employers. In view of the high sensitivity and specificity of antigen tests, the recommended frequency for the performance of self-testing with regular repetition is currently testing at least once a week. For details see <https://www.medrxiv.Org/content/10.1101/2020.09.01.20184713v2.full.pdf>.

In the event of a positive test, the result will be reported to the provider of healthcare services which will order performance of a confirmation test using the RT-PCR method. On the basis of the standardly performed RT-PCR confirmation test, a person who tested positive can be ordered into isolation in accordance with the valid Extraordinary Measure of the Ministry of Health on the ordering of isolation and quarantine and an epidemiological investigation can be commenced with the aim of ordering quarantine on all persons who came into epidemiologically significant contact with the person who tested positive.

The performance of a test by a non-professional is not considered to be a healthcare service within the meaning of the respective legislation (the test is not performed by a healthcare worker in a due professional standard within the framework of the provision of healthcare services), and the cost of the actual test, which constitutes a medical device, cannot be reimbursed from the funds of the public health insurance system if used by a non-professional. The cost of RT-PCRZ examinations and POC antigen testing is fully covered by public health insurance if performed by the respective provider of healthcare services in accordance with the Extraordinary Measure of the Ministry of Health, Ref. No. MZDR 47828/2020-10/MIN/KAN. These examinations can be fully used to meet the obligation to prove that a person is not infected with the COVID 19 disease by means of a negative test and are clearly preferred in view of their performance within the framework of the provision of healthcare services and their direct link to the ISIN system.



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