



Prague, 19 April 2021

Ref. No.: MZDR 16640/2021-  
1/MIN/KAN

MZDRX01FMCWC

## 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 amendments to certain related acts, as amended (hereinafter “Act No. 258/2000 Coll.”), orders, proceeding pursuant to Section 69(1)(i) and (2) of Act No. 258/2000 Coll., on the protection of the population and prevention of the danger of the arising and spreading of COVID-19 caused by the novel coronavirus SARS-CoV-2, this extraordinary measure:

### I.

The in-person presence at education at university, including foreign universities and their branches active within the Czech Republic (hereinafter the “University”), will only be enabled by the University for a student that is not prohibited under another extraordinary measure if

- a) they do not have COVID-19 symptoms, and
- b) they underwent, at the frequency stated in Art. V, a preventive RT-PCR test to determine the presence of the SARS-CoV-2 virus or a preventative antigen test to determine the antigen of the SARS-CoV-2 virus performed in a manner in accordance with Art. II with a negative result, unless provided otherwise in Art. III.

The condition pursuant to subpara. b) does not apply to individual consultations and individual in-person teaching or other individual activity.

### II.

Universities are obligated to arrange the following for their students:

- a) Antigen tests to determine the presence of the SARS-CoV-2 antigen that are intended for self-testing or permitted by the Ministry of Health for use by a layperson;
- b) testing through a POC antigen test to determine the presence of the SARS-CoV-2 antigen or an RT-PCR test for the presence of SARS-CoV-2 performed by a healthcare service provider, or
- c) testing using RT-PCR tests for the presence of the SARS-CoV-2 virus, provided it has non-invasive diagnostic in vitro resources for the performance of self-sampling designated for the subsequent performance of a RT-PCR test, and if it has arranged for the performance of RT-PCR tests with a healthcare service provider named in the list of analysis laboratories of the State Institute of Public Health (<http://www.szu.cz/tema/prevence/laboratorni-vysetrovani-puvodce-covid-19>).

### III.

The condition pursuant to Art. I(b) is considered fulfilled if the person proves that:

- a) they 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, 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,
- b) they have been issued a certificate 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 "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, or
- c) they have a negative result of a POC antigen test for the presence of the SARS-CoV-2 virus antigen or an RT-PCR test for the presence of the SARS-CoV-2 virus; the test must not be more than 48 hours old and must be performed by a healthcare service provider pursuant to the currently valid extraordinary measure of the Ministry of Health concerning the performance of tests.

#### IV.

Before commencing preventive testing pursuant to this extraordinary measure, the University will inform all the affected students about the manner of performing tests and rules specified in this extraordinary measure.

#### V.

Preventive testing is performed from 24 April 2021. A preventive test is performed with a frequency of once every 7 days. The first test is performed on the first day of a student's personal presence in education. A preventive test is always performed before the start of education. If the student is not present on the date of testing, the test will be performed on them on the date of their arrival. A student that is accommodated in University accommodation facilities is obligated to undergo a test upon arrival at the accommodation facilities, if they are personally present there sooner than in education at the University.

#### VI.

In the event that the result of a preventive antigen test pursuant to Art. II(a) is positive, the University will present the student with a confirmation of the positive result. In the event that the result of a test pursuant to Art. II(a), (b) or (c) is positive, the student is obligated to promptly leave the space of the University or other place in which education is taking place and the space of the University's accommodation facilities; if they cannot do otherwise, they do not have to leave the accommodation facilities. The student is obliged to inform the healthcare services provider in the field of general medicine via telephone or other usual remote communication about a positive test result.

#### VII.

The student is obligated to inform the University that the result of a test pursuant to Art. II, Art. III

(c) or a confirmation test pursuant to Art. X is positive.

#### **VIII.**

In the event of a positive test, the University will promptly contact the relevant regional public health authority or Prague Public Health Authority and provide it with all cooperation.

#### **IX.**

In the case of a positive result of a preventive antigen test pursuant to Art. II(a) that was performed by a person themselves or was performed by another person, the healthcare service provider in the field of general medicine is obliged to decide on the performance of a confirmation test using the RT-PCR testing method and complete the electronic request form for this test.

#### **X.**

All persons with a positive result of the preventive antigen test pursuant to Art. II(a) are ordered to undergo a confirmation RT-PCR test for the presence of the SARS-CoV-2 virus.

#### **XI.**

In the event of preventive testing performed using a test pursuant to Art. II(b) and (c), the extraordinary measures of the Ministry of Health for antigen testing of the population and for ordering quarantine and isolation apply, as appropriate.

#### **XII.**

The University shall report aggregated data about the performed testing of the students pursuant to Art. I electronically to the COVID forms App without undue delay on the date the test results are obtained. The report shall contain, at least, the contact person, type of test, total number of tested persons, number of persons with a positive test result, number of persons with a negative test result and number of inconclusive tests.

#### **XIII.**

If a student that is not enabled to be present in person at education by another extraordinary measure or a student that, within a 7-day period, will not attend education in person is accommodated at University accommodation facilities, such a student is ordered to undergo preventive testing in such facility or at the University; otherwise the rules stated in Art. I to XII apply.

#### **XIV.**

Art. I to XIII do not apply to state universities.

## **XV.**

A person that is an applicant for acceptance for studies at University (hereinafter an "Applicant"), will be enabled by a University to be present in person at the entrance examination, if it is not an entrance examination performed remotely, only if:

- a) they do not have symptoms of COVID-19, and
- b) they submit a document issued by a healthcare service provider on a negative result of a POC antigen test for the presence of the SARS-CoV-2 virus antigen or an RT-PCR test for the presence of the SARS-CoV-2 virus, performed in the last 7 days before taking the entrance examination, unless article XVI provides otherwise.

## **XVI.**

The condition pursuant to Art. XV(b) is considered fulfilled if the Applicant proves that:

- a) they 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, 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, or
- b) they have been issued a certificate by the Ministry of Health of the Czech Republic on vaccination against COVID-19, if 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 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.

## **XVII.**

A University checks whether an Applicant meets the conditions pursuant to Art. XV and, if appropriate, Art. XVI. If an Applicant does not meet the conditions pursuant to Art. XV or, if appropriate, Art. XVI, the University will not allow them to attend an entrance examination.

## **XVIII.**

If an Applicant has the right to the presence of a supporting person or other person at the entrance examination, this person must meet the conditions pursuant to Art. XV or, if appropriate, Art. XVI, otherwise the University will not allow such a person to attend the entrance examination.

## **XIX.**

This extraordinary measure comes into effect on 24 April 2021.

### **Rationale:**

Teaching at Universities has, in a fundamental way, been limited since March 2020, which, as a consequence, has led to interference with studies in many cases throughout the study programme, in the case, for example, of two-year follow-on master's study programmes. In order to retain a relatively standard course of studies, it is nevertheless now time to relax necessary limitations so that students can properly complete their studies, therefore preventing the destabilisation of the system due to a lack of skilled graduates who will be able to start work performing socially very desirable professions (medicine, teaching).

With regard to the character of the individual study programmes of Universities and the extent of practical teaching (including laboratory, artistic, experimental, etc. teaching), it is necessary to enable, within the shortest possible time, the return of students to practical teaching with in-person attendance in limited groups. Universities have adopted a whole range of measures to minimise study failure and pay special attention to the most at-risk groups of students, but the non-completion of a semester, academic year or studies will lead to the extension of studies and will bring many negative consequences with a society-wide impact (e.g. lack of graduates, worsening of students' financial situation, reduction in options for accepting new students).

At the start of the COVID-19 pandemic, universities managed to effectively respond to the unexpected situation and were able to flexibly deal with problems in various areas. Thanks to excellent results of research and development activities and the active involvement of University workers and students in healthcare, social services, production and distribution of protective equipment and disinfectants, the pandemic's impacts on Czech society were mitigated in a fundamental way. Universities have created new information systems and software applications for the state administration or healthcare facilities thanks to which the selected institutions could effectively administer wide-ranging records of patients or samples taken. University representatives are also members of crisis staffs and advisory groups at the international, national and regional levels. In connection with dealing with pandemic risks, Universities therefore have wide-ranging experience and are able to set up functional systems to minimise epidemiological risks by setting out the operation of Universities within the meaning of expanding the personal presence of University students at teaching and examinations.

With regard to the characteristics of COVID-19 and the fact that it does not have to be accompanied by visible symptoms, it is necessary to prevent the spread of the virus in contacts between students and academic and other University workers. Regular testing is a suitable tool. This extraordinary measure is also legitimate with respect to the criterion of proportionality, because although it interferes with individual rights on the one hand by imposing their regular testing, there is a general interest in protecting human health and interest in reducing the transmission of the disease between individual students and employees at Universities on the other hand. Hence, this extraordinary measure fulfills the criterion of proportionality, because its aim (protecting human health, minimizing the spread of contagion) exceeds the interference with the rights of individuals (mandatory regular testing) that this measure imposes.

Without preventing the spread of COVID-19, Universities would not be a safe environment in the current situation and the easing of measures in education could lead to a worsening of the overall epidemiological situation. Should such a situation arise, this would threaten the health of other students, academic and other University workers and other persons that they meet both inside and outside of school.

In order to prevent this situation, the extraordinary measure allows the in-person presence in University spaces of students and applicants for studies who are tested for the presence of the SARS-CoV-2 virus or its antigen with a negative result.

With regard to their autonomy and the aforementioned experience gained by Universities, the organisation of testing is left to the independent power of individual Universities and the extraordinary measure is limited only to the most essential framework. The creation of organisational measures that will ensure the smooth and efficient course of testing at Universities in such a manner as to ensure the health and safety of not only students, but also academic and other University workers is regarded as a necessary condition for the organisation of testing. These organisational measures will be prepared by every University individually based on the knowledge of their needs for their operation and current needs. Accommodation facilities will be in compliance with the extraordinary measure determining

the operation of Universities for students for whom in-person teaching is enabled at the University. It is also necessary to comply with strict public health measures and it is necessary to perform testing on persons accommodated in these facilities.

The framework that is currently stipulated by this extraordinary measure sets out the options for in-person presence by persons that do not have COVID-19 symptoms and also undergo a test for the presence of the virus or the SARS-CoV-2 antigen that the University arranges for students. There is an exception from the duty to undergo a test for individual consultations, individual teaching and other individual activities.

Universities will ensure compliance with the conditions of testing for their students. With regard to the independence and proactivity of Universities, in particular in research and development, it is not appropriate to define specific types of testing devices and a wide group is allowed, meaning Universities can select from it, for example they can also use tests they developed themselves – obviously in compliance with strict anti-epidemic and public health measures and the relevant approvals. Exceptions from the duty to undergo a test that are based on objective, demonstrable facts are also stipulated. They are instances of COVID-19 confirmed by a laboratory, complete vaccination in accordance with the SPC and a documented negative result of a test performed by a healthcare service provider no more than 48 hours old.

Universities have the duty to inform the relevant persons in advance of the duty of testing and the details of its organisation. Testing will take place with a frequency of once every 7 days. In the event of a positive test result, the relevant procedures are set out for both students and Universities. The student is obligated to undergo a confirmation test and the University has a reporting duty in relation to the local regional public health authority or Prague Public Health Authority, as well as for the COVID forms app, which serves for records of organised testing. The provisions state a minimum list of details that should be sent to the application.

With regard to the specific position of state Universities, this extraordinary measure does not apply to state Universities. Pursuant to Section 95(1) of Act No. 111/1998 Coll., on Universities and on the amendment and supplementation of other acts (the Universities Act), the University of Defence is part of the Ministry of Defence, an organisational component of the state, and the Police Academy of the Czech Republic is part of the Ministry of the Interior, an organisational component of the state. Students at such Universities are also in a different position to students of public and private Universities; they are mostly in an employment relationship. Testing there takes place in accordance with other extraordinary measures. Organisational matters, including measures in the fight against the epidemic at state Universities, are organised by the relevant ministries (pursuant to Section 95 of the Universities Act).

For the purposes of planned entrance proceedings, where the in-person presence of an Applicant to study at University is necessary, a duty to prove a negative result of a test performed by a healthcare service provider is stipulated. In a manner similar to that for the case of students, it is possible to make use of exceptions in the case of an instance of COVID-19 and complete vaccination in accordance with the SPC for the relevant vaccine. Such facts have to be documented in an appropriate manner.

This extraordinary measure comes into force on 24 April 2021.

**Prof. MUDr. Petr Arenberger, DrSc., MBA,  
undersigned**

**Minister of Health**