



Prague, 27 October 2021

Ref. No.: MZDR 14600/2021 -20/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 Amendments to Certain Related Acts, as amended (hereinafter referred to as “Act No. 258/2000 Coll.”), orders this Extraordinary Measure, proceeding pursuant to Section 69(1)(i) and (2) of Act No. 258/2000 Coll., to protect the population and prevent the occurrence and spread of COVID-19 caused by the novel SARS-CoV-2 coronavirus:

### **I.**

- 1.** A child in the preparatory class of primary school and the preparatory level of a special primary school or a pupil of a primary school, full-time form of education at a conservatory or full-time form of education of a secondary school (hereinafter referred to as a “school”) shall only be allowed by the school, school group or school club (hereinafter also referred to as the “school facility”) to be present in person at schooling or in the provision of school services if
  - a) they have taken a non-invasive preventive antigen test for the SARS-CoV-2 virus antigen at the intervals stipulated pursuant to Art. III, performed on their own or performed by another person and provided by the school (hereinafter the “preventive antigen test”), and submits the negative result of this test, or
  - b) they demonstrate any of the facts referred to in Art. II, or
  - c) at all times during the provision of schooling or school services in a school building or school facility or in an outdoor environment, if it is not possible to maintain a distance of at least 1.5 m from other children or pupils, they use respiratory protective equipment, that being a respirator or similar device (always without an exhalation valve) fulfilling at least all the technical conditions and requirements (for the product), including a filtration effectiveness of at least 94% according to the relevant standards; children and pupils up to 15 years of age and primary school pupils in the course of schooling or provision of school services at a primary school, school group or school club, and lower secondary school pupils in the course of secondary school education shall be entitled to use as protective equipment a medical face mask or similar device fulfilling at least all the technical conditions and requirements (for the product) of standard CSN EN 14683+AC, which prevents the spread of droplets.
- 2.** A school may only conduct preventive tests using the tests designated for self-testing or permitted for use by non-professionals by the Ministry of Health.

- 3.** The protective equipment referred to in paragraph 1(c) need not be used
- a) by persons with intellectual disorders, disorders on the autistic spectrum and cognitive disorders or severe alterations of their mental state, whose mental capacity or current mental state does not allow them to observe this prohibition,
  - b) by persons who are unable for serious medical reasons to wear respiratory protective equipment as referred to in point 1(c) of the sentence before the semicolon, and who prove this fact to the school by a medical certificate; however, such persons shall be required to wear protective equipment as referred to in point 1(c) of the sentence after the semicolon which is specified in the medical certificate, except where the medical certificate specifically states that the person concerned cannot wear any respiratory protective equipment.
- 4.** For the purposes of the personal presence of the child or pupil at the school facility, the condition under point 1(b) shall be deemed to be fulfilled if the person provides an affidavit of a negative result of a preventive antigen test carried out at the school. An affidavit is not required if the activities of the school and the school facility are carried out by a single legal entity.
- 5.** For children and pupils referred to in point 1(c), the extraordinary measure of the Ministry of Health that stipulates the wearing of respiratory protective equipment and exceptions to this shall not apply while schooling or school services are being provided.

## II.

According to Art. I(1)(b), a child or pupil may demonstrate that

- a) they have been vaccinated against COVID-19 and submit a national certificate of completed vaccination or a certificate of completed vaccination issued pursuant to the European Union regulation on the EU COVID digital certificate<sup>1</sup>, under the condition that at least 14 days have passed since completion of the vaccination programme; a national certificate of completed vaccination refers to a written confirmation issued at least in the English language by the authorised entity operating in a third country, a specimen of which is published in the list of recognised national certificates on the website of the Ministry of Health of the Czech Republic; a written confirmation must contain data about the vaccinated person, type of vaccine administered, date of administration of the vaccine, identification of the entity that issued the confirmation of that vaccination, whereas these data must be verifiable via remote access directly from the written confirmation, assuming the 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; or
- 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, or

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<sup>1</sup> 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.

- c) they took an RT-PCR test for the presence of the SARS-CoV-2 virus with a negative result no more than 72 hours earlier, or took a rapid antigen test (RAT) for the presence of the SARS-CoV-2 virus antigen with a negative result no more than 24 hours earlier;

### **III.**

1. Preventive testing at schools is performed on 1 November and 8 November 2021.
2. A preventive antigen test is always performed immediately after arriving at school. If the child or pupil is not present on the date of testing at school, the test will be performed on the date of their arrival.

### **IV.**

If the result of the preventive antigen test pursuant to Art. I(1)(a) is positive, the school is obliged to contact the child's or pupil's legal guardian immediately and inform them of the result of the preventive antigen test. The school will issue confirmation of the positive test result immediately, indicating the date and time of the test, to the child or pupil. The child or pupil is obliged to leave the school immediately; in the case of a child or pupil that cannot leave the school alone, the school is obliged to ensure their separation from other persons immediately and their legal guardian or other escort must pick them up at school. The legal guardian of the child or pupil, or the pupil is obliged to inform the healthcare services provider in the field of general medicine or general pediatric medicine via telephone or other usual remote communication about a positive test result.

### **V.**

Without undue delay after receiving the test results, a school shall electronically send to the relevant regional public health authority or the Public Health Authority for the City of Prague (hereinafter referred to as the "regional public health authority") a list of the names of children or pupils who have been tested in school and have a positive result of the RT-PCR test for the SARS-CoV-2 virus or a positive result of the rapid antigen test (RAT) for the SARS-CoV-2 antigen, and shall also send without delay to the relevant regional public health authority a list of children or pupils who were in contact at the school 2 days before the performance of the test or 2 days after the test with another child or pupil or teaching staff member who has had a positive RT-PCR test result for SARS-CoV-2 or a positive rapid antigen test (RAT) result for the SARS-CoV-2 antigen.

### **VI.**

In the case of a positive result of a preventive antigen test pursuant to Art. I(1)(a), a healthcare services provider in the field of general medicine or general pediatric 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. In the event that the result of the confirmation test is positive, the healthcare service provider will order isolation for the child or pupil.

## VII.

All persons with a positive result of the preventive antigen test pursuant to Art. I(1)(a) are ordered to undergo a confirmation RT-PCR test for the presence of the SARS-CoV-2 virus.

## VIII.

All healthcare service providers are directed to only issue a certificate under Art. I(3)(b) to persons who are prevented from using respiratory protective equipment under Art. 1(1)(c) for serious medical reasons, and are further directed to make a record of that fact and the reasons for it, including the diagnosis, in the person's medical records, including that the natural person has been advised of the risks associated with not using respiratory protective equipment under Art. I(1)(c).

## IX.

1. Children or pupils according to Art. I(1)(c) during schooling or the provision of school services

- a) shall not exercise indoors; when exercising outdoors, they shall change clothes at a distance from other persons and shall not use the showers,
- b) shall not sing, unless it is possible to maintain a distance of 2 m from other persons,
- c) shall use the sanitary facilities designated by the school or school facility only for children and pupils who have not undergone a preventive antigen test as referred to in paragraph 1(a), if it is organizationally possible to provide special sanitary facilities for these pupils at the school,
- d) when consuming food and meals, including beverages, shall be seated at a bench or table and shall not be required to wear respiratory protective equipment in accordance with Art. I(1)(c) and shall maintain a distance of 1.5 meters from other persons,
- e) shall not be required to wear respiratory protective equipment as referred to in Art. I(1)(c) when in a room (i.e. outside the common areas) at an outdoor school or other similar event organised by the school.

2. The school and the school facility shall ensure compliance with this article.

## X.

1. The school may replace testing using antigen tests to determine the presence of the SARS-CoV-2 virus antigen with 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 the 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>). Art. I to VI, IX and XI apply, as appropriate, unless stated otherwise below, where this non-invasive preventive RT-PCR can be substituted by documenting the result of a rapid antigen test (RAT) for the SARS-CoV-2 antigen performed by a healthcare service provider that is no more than 24 hours old; the substitution of a preventive RT-PCR test may only be allowed if the results of the rapid antigen tests (RATs) are documented within the time limits specified in Art. III,

**2.** The healthcare service provider in the field of general medicine or general pediatric medicine that was informed of the positive result of a preventive RT-PCR test orders isolation for the child or pupil.

#### **XI.**

The school shall report aggregated data about performed testing of the child or pupil pursuant to Art. I(1)(a) 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.

#### **XII.**

Before commencing preventive testing pursuant to this extraordinary measure, the school will inform all the affected children and pupils and their legal guardians and affected employees about the manner of performing tests and rules specified in this extraordinary measure.

#### **XIII.**

The school shall ensure that all employees and persons subject to testing use personal protective respiratory equipment allocated by the employer, namely a respirator or other device (always without an exhalation valve) meeting at least all the technical conditions and requirements (for the product), including a filtration effectiveness of at least 94% in accordance with the relevant standards.

#### **XIV.**

**1.** An employer who is a school, school facility as referred to in Art. I or a school canteen or school canteen-dispensary shall allow its employees to be present in person at the employer's workplace only if the employee proves one of the facts referred to in Art. III by the deadline referred to in Art. II or undergoes a rapid antigen test (RAT) on site to determine the presence of the SARS-CoV-2 antigen for self-testing (use by non-professionals) with a negative result; similarly, if the employee proves on site that they have undergone a rapid antigen test under the supervision of a healthcare professional via an online service no more than 24 hours prior and proves the completion of the test and the negative result by a certificate from the healthcare service provider. In the event of a positive result of a test undergone on the spot, Art. IV to VII shall apply, as appropriate.

**2.** If an employee does not meet one of the conditions for presence at the workplace in accordance with point 1, Art. I(1)(c) applies to the employee when performing activities, with the exception of the rule that they do not have to wear a protective device when complying with distancing of at least 1.5 m from others, Art. I(3) and (5) and Art. IX apply as appropriate. In exceptional cases, where it is necessary for a child or pupil to be able to see the teaching staff member's mouth during schooling or the provision of school services, it is possible for the teaching staff member to use a protective shield as a respiratory protective device, provided that they maintain a distance of at least 1.5 meters from the children or pupils. As a part of education activity whose character does not enable the wearing of a protective device (in particular

physical education, playing wind instruments), a teaching staff member that does not meet the conditions in accordance with point 1 has to maintain a distance of at least 1.5 metres from others.

#### **XV.**

1. The university shall only provide accommodation to university students at university accommodation facilities under the condition that the accommodated students demonstrate one of the facts referred to in Art. II, or the student undergoes a rapid antigen test (RAT) on site to determine the presence of the SARS-CoV-2 antigen for self-testing (use by non-professionals) with a negative result; similarly, if the student proves on site that they have undergone a rapid antigen test under the supervision of a healthcare professional via an online service no more than 24 hours prior and proves the completion of the test and the negative result by a certificate from the healthcare service provider.

2. Students are obliged to demonstrate the facts referred to in point 1 prior to the commencement of their accommodation and the university accommodation facility is obliged to check the proof of the facts referred to in point 1. A student who fails to demonstrate the facts referred to in point 1 shall not be allowed to enter the accommodation facilities of the university.

3. The facts shall be demonstrated before the start of the accommodation and every 7 days thereafter, except for the facts referred to in Art. II(1)(a) and (b), which shall be demonstrated only once before the start of the accommodation.

#### **XVI.**

This extraordinary measure applies only to schools and school facilities registered in the school register pursuant to Act No. 561/2004 Coll., on Preschool, Primary, Secondary, Higher Vocational and Other Education (the Schools Act), as amended, that have a place of provision of education or educational services in the districts of České Budějovice, Ostrava-City, Prostějov, Prachatice, Brno-Countryside, Přerov, Opava and Karviná, with the exception of schools established by the Ministry of Justice and schools established at institutions for the performance of institutional or protective education and primary schools at healthcare facilities.

#### **XVII.**

The obligations arising from this Extraordinary Measure shall apply until 14 November 2021, with the exception of the obligations arising from Art. IV through VII, which shall remain in effect until the consequences of a positive test of the child, pupil, or educational worker have expired, and except for Art. XV, which shall remain in effect until 31 December 2021.

#### **XVIII.**

Effective from 1 November 2021, the Extraordinary Measure of 20 August 2021, Ref. No. MZDR 14600/2021-19/MIN/KAN, is repealed.

**XIX.  
Effectiveness**

This Extraordinary Measure shall take effect on 1 November 2021.

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