



Prague, 17 July 2020

Ref. no.:

PROTECTIVE MEASURE

The Ministry of Health, as the administrative authority with the appropriate jurisdiction under Section 80(1)(h) of Act No. 258/2000 Coll., on the Protection of Public Health and on Amendments to Certain Related Acts, as amended (hereinafter referred to as “Act No. 258/2000 Coll.”) **decrees**, under the procedure defined in Section 68(1) of Act No. 258/2000 Coll., the following Protective Measure aiming to provide protection from introduction of the disease COVID-19, caused by the new coronavirus SARS-CoV-2, into the country:

I

With effect as of 20 July 2020 at 00:00,

I. it has been decreed

1. that all persons who entered the territory of the Czech Republic after 20 July 2020, 00:00,
 - a) and who are exhibiting any signs of a starting infectious disease (including but not limited to an increased temperature, cough, shortness of breath, digestive problems, loss of the sense of smell, overall weakness and possibly other symptoms) shall immediately report this fact over the telephone or by another means of remote access to their registering provider of medical services in the field of general medical care or general medical care for children and adolescents or, if they do not have a registering provider, to any provider of general medical care or general medical care for children and adolescents.
 - b) shall submit themselves, when crossing the state border, to a medical examination in order to be checked for symptoms of an infectious disease, and if symptoms of an infectious disease are identified, they shall provide medical staff with the cooperation necessary for taking of a biological sample for the purpose of testing for the presence of COVID-19;
2. that all persons who were staying for more than 12 hours during the last 14 days in the territories of those countries, which are not on the list of countries with a low risk of incidence of COVID-19 under Article III.1 hereof, shall report this fact immediately after entering the territory of the Czech Republic, either over the telephone or by another means of remote access, to a regional Public Health Office with jurisdiction over the person's normal place of residence or registered place of residence and shall immediately submit themselves, at their own expense, to an RT-PCR test for the presence of SARS CoV-2, unless the Public Health Protection Authority decides on a case-by-case basis on other quarantine measures in accordance with Act No. 258/2000 Coll. and on the duration of such measures; this does not apply to:
 - a) international transport workers, if the reason for entry is supported by an adequate document;

- b) EU citizens and foreign nationals with permitted long-term or permanent residence in the European Union who transit across the Czech Republic for up to 12 hours;
 - c) diplomats and officials of international organisations registered with the Ministry of Foreign Affairs, provided that their stay in the country does not exceed 14 days;
3. that regional Public Health Offices shall decide on the necessary quarantine measures for those persons who report their entry into the territory of the Czech Republic under clause I.2 and fail to present the regional Public Health Office with the territorial jurisdiction the result of their RT-PCR test for the presence of SARS CoV-2 from the territory of the Czech Republic within 72 hours of their entry into the territory of the Czech Republic, and if the test proves the presence of SARS CoV-2, the regional Public Health Offices shall decide on isolation under Section 64(a) in conjunction with Section 2(6) and (7) of Act No. 258/2000 Coll., on the Protection of Public Health and on Amendments to Certain Related Acts, as amended;
4. that it shall be prohibited to enter the territory of the Czech Republic for all third country nationals of those countries that are not on the list of countries, which have a low risk of incidence of COVID-19 pursuant to Article III.1 hereof, and for third country nationals who are temporary or permanent residents in such countries; this does not apply to:
- a) foreign nationals with a long-term residence permit or permanent residence permit for residence in countries with a low risk of contagion of COVID-19 under Article III.1;
 - b) holders of a valid long-term visa, a long-term, temporary or permanent residence permit card for residence in the territory of the Czech Republic, issued by the Czech Republic;
 - c) foreign nationals who were issued a short-term visa by the Czech Republic after 11 May 2020;
 - d) foreign nationals with permitted long-term or permanent residence in the European Union who transit across the Czech Republic for up to 12 hours;
 - e) family members within the meaning of Section 15(a) of Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic and on Amendments to Certain Acts, as amended, citizens of the Czech Republic or citizens of the European Union with their place of residence in the territory of the Czech Republic;
 - f) foreign nationals whose entry into the country is in the interest of the Czech Republic, provided that the reason for their entry into the country is supported by an adequate document;
 - g) international transport workers, provided that the reason for their entry into the country is supported by an adequate document;
 - h) diplomats and officials of international organisations registered with the Ministry of Foreign Affairs;

- i) in special urgent situations (the need to provide planned medical services, performance of an obligation imposed by a court, a trip based on a summons from a government authority, execution of a judgment, dealings with public authorities, necessary care for close family members who are unable to take care of themselves on their own, exercise of the right to take care of a minor child or be in contact with a minor child, other humanitarian situations), provided that the reason for the entry into the country is supported by an adequate document;
 - j) for a foreign national who has a demonstrable permanent partnership with a citizen of the Czech Republic who has accepted the obligations set out in point I.5, lives demonstrably in the same household with him or her and has been admitted to the territory of the Czech Republic pursuant to this point based on a confirmation issued by the Ministry of Foreign Affairs;
5. that all entities receiving foreign nationals in the country for the purpose of economic activities or educational activities who entered the territory of the Czech Republic after 1 July 2020 shall ensure the following for such foreign nationals:
- a) accommodation for the entire duration of their stay in the territory of the Czech Republic, including the place where the quarantine measure will be implemented, if such a measure is ordered by a Public Health Protection Authority;
 - b) medical care or a registering provider of medical services for the entire duration of their stay in the territory of the Czech Republic, including the payment for the medical care, unless the payment is secured otherwise;
 - c) their return to their country of origin if the purpose of their stay in the territory of the Czech Republic is terminated;
6. that all third country nationals shall enclose with their application for a residence permit for the purpose of economic activities or educational activities, filed with the relevant embassy of the Czech Republic, a document referred to in Section 31(3)(b) of Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic and on Amendments to Certain Acts, as amended, which will contain the obligations of the entity referred to in clause I.5 and shall enclose such a document with their application no later than before a visa is marked in a travel document;
7. not to receive applications for visas and temporary and permanent residence permits at the embassies of the Czech Republic in those countries that are not on the list of countries, which have a low risk of incidence of COVID-19 and comply with the reciprocity requirement pursuant to Article III hereof, with the exception of applications for:
- a) short-term seasonal work visas or short-term employment visas, provided that the foreign national will be employed in food production, health care or welfare services;
 - b) short-term visas for scientific, key and high-skilled workers, provided that the conditions defined in the Key and Scientific Staff Programme and the High-skilled Employee Programme have been met, and for critical infrastructure maintenance workers;
 - c) short-term visas based on the grounds defined in clauses I.4(e) through (i);
 - d) long-term seasonal work visas;
 - e) special work visas;

- f) temporary residence permits, if the applications are filed by foreign nationals included in the government Programmes for Gaining Economic or Other Significant Benefits for the Czech Republic;
- g) permanent residence permits, if the applications are filed by foreign nationals included in the government programme referred to in Government Resolution No. 1014/2014;
- h) long-term residence permits for the purpose of scientific research and applications for a residence permit for a stay over 90 days for spouses and minor children of scientists;
- i) long-term visas and long-term residence permits for the purpose of studies;
- j) long-term or permanent residence permits for the purpose of reunification of family in the country and applications for long-term visas for family purposes, if this concerns a spouse and minor children of a foreign national with long-term or permanent residence permits for residence in the territory of the Czech Republic;
- k) a long-term visa for the purpose of collecting a residence permit in the territory of the Czech Republic;
- l) a long-term visa and a long-term residence permit for the purpose of other educational activities, for cultural purposes, sports-related purposes and for the purpose of a sabbatical;

these exceptions only apply to applications for visas and temporary residence permits filed at the embassies of the Czech Republic in those countries where the measures implemented due to the COVID-19 pandemic allow for receiving such applications; the Ministry of Foreign Affairs will publish the list of such countries in such a way that it will be possible to access the list remotely;

- 8. to discontinue all proceedings regarding applications for residence permits for a stay over 90 days filed at the embassies of the Czech Republic, with the exception of proceedings regarding applications filed at the embassies of the Czech Republic in those countries whose measures implemented due to the COVID-19 pandemic allow for carrying out acts within the proceedings; the Ministry of Foreign Affairs will publish the list of such countries in such a way that it will be possible to access the list remotely;
- 9. to refrain from marking visas in the travel documents of foreign nationals referred to in clause I.7(l);
- 10. that all persons referred to in clause I.2, including the persons referred to in clauses I.2(a) through (c), shall be required to wear respiratory protective equipment for the period specified in Article II hereof or for a period of 14 days, particularly if these are the persons referred to in clause I.2(a), unless the period defined in Article II hereof can be applied;
- 11. employers and end-users of workers who are nationals of countries not on the list of countries with low risk of COVID-19 or who are nationals of the countries referred to in point III.1, who have resided for more than 12 hours in the last 14 days, shall prevent the entry of these persons to all establishments and workplaces of the employer, unless these persons simultaneously submit to the employer or end user for whom they perform work the negative result of RT-PCR test for the presence of SARS CoV-2 undergone in the territory of the Czech Republic, which is not older than 4 days;

II. prohibits

all persons referred to in clause I.2 and I.11 from freely moving around the territory of the entire Czech Republic during their stay in the territory of the Czech Republic or until they

present the result of an RT-PCR test for the presence of SARS CoV-2 as referred to in clause I.3 or until the termination of the quarantine measure, with the exception of the following:

- a) trips to work and movement involved in performing a job, and trips taken to perform business or other similar activities, including trips to educational institutions and any movement involved in performing this activity; this does not apply to persons referred to in clause I.4;
- b) trips absolutely necessary to procure basic necessities of life, to take care of children or to take care of animals; the use of necessary financial and postal services; refuelling vehicles;
- c) trips to medical facilities and welfare facilities;
- d) trips taken to take care of urgent official matters;
- e) trips back to one's place of residence;
- f) funerals;

III. provides

1. that the list of the countries or their parts with a low risk of contagion of COVID-19, including the countries labelled for purposes in accordance with point I.11, is defined by a notice published on the website of the Ministry of Health;
2. that a third country national is any foreign national other than a citizen of the European Union and other than a foreign national within the meaning of Section 1(3) of Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic and on Amendments to Certain Acts, as amended;
3. that in the event of a change of the entity with which the foreign national will perform an economic activity or educational activity, carried out in accordance with the legal regulations of the Czech Republic, the obligations specified in point I.5 shall be borne by the last entity.

II

The Protective Measure of the Ministry of Health with the ref. no. MZDR 20599/2020-13/MIN/KAN of 30 June 2020 will be terminated with effect as of 20 July 2020, 00:00.

III

This Protective Measure has come into effect on 20 July 2020 at 00:00.

Rationale:

An epidemic is a widespread outbreak of a disease that is limited geographically and in time. Typically during an epidemic of an infectious disease, a sharp increase in numbers of cases occurs over a period of time, morbidity reaching higher figures than normal sporadic morbidity. The values of morbidity that then lead to epidemic spread (the so-called epidemic threshold) are various and differ according to the disease. With some diseases, the epidemic threshold figure is not precisely known. The main criterion indicating whether or not this is an epidemic

is the epidemic correlation between individual cases of the disease. The speed at which the disease spreads within the populace is dependent on the originators of the disease, the incubation period, and transmission routes. The most severe epidemics from a point of view of impact on and burden in the population are epidemics caused by interpersonal transmission. The highest morbidity in the populace is reached by transmission via the respiratory system by means of droplets containing an infectious agent expelled into the surroundings in the course of speaking, breathing, coughing and sneezing. Each epidemic of an infectious disease is an epidemic process comprising three basic elements: origin of infection, transmission route and a susceptible individual.

With respect to the ongoing COVID-19 pandemic and the measures adopted for safeguarding immediate impact on the health of the population of the Czech Republic, it has become clear that one of the most important instruments for influencing the current epidemic and stop it from spreading uncontrollably is to influence these individual elements of the epidemic process. Originators of the infection may be isolated and treated, transmission routes blocked, and susceptible individuals protected, for instance using quarantine measures or vaccinations which, in the case of the COVID-19, are not available.

During an epidemic spread of an infectious disease there is a risk that without the adoption of emergency measures, uncontrollable spread of infection among the population will occur presenting the risk of exhaustion of capacities in the healthcare system in terms of isolation facilities and treatment, having dire consequences for the health of the population. Parallel spread of infection is one of the most dangerous scenarios, where one infected person simultaneously infects more than one other person, thereby resulting in massive spread of infection among the population.

Essential measures include the possibility of effectively interrupting the spread of infection between individuals and the entire population (restricting gatherings, restricting the provision of certain services, use of protective clothing and disinfectants).

The main aim of the measures is to interrupt the smooth epidemic process and to stop the epidemic in as short a time as possible with the least possible loss of human lives, while simultaneously minimising negative impacts on the economy (while following the primary aim of stopping the epidemic). This can be achieved by restricting freedom of movement of persons, restricting mass events, restricting the conduct of activities that present a serious epidemical risk, the use of adequate personal protective clothing and increased use of disinfectant.

In combination with the other applicable measures, this measure is targeted in such a way as to ensure a wider range of special measures while applying anticipatory caution with regard to further spread of the disease COVID-19.

The aim of the measures issued is to restrict certain activities or services where such restriction is particularly important in cases of contagious diseases such as COVID-19. With a serious infection that is transmitted by contaminated droplets (aerosol), concentrations of people especially in closed spaces must be avoided, by potential observance of further conditions for congregating in such a place. It is therefore necessary to use an instrument for regulating the operation in such places.

The aim of this measure is to take steps essential for further slowing of the spread of COVID-19, further flattening of the curve in the graph for the Czech Republic of the number of persons infected by the coronavirus SARS-CoV-2 that causes the respiratory disease COVID-19, thereby avoiding collapse of the healthcare system, as happened and is happening in countries where the appropriate measures were not adopted early enough (i.e. China (Wuhan), Italy, Spain, France, the United Kingdom, certain areas in the USA, especially New York, in South America etc.); and conversely to continue with implementation of relaxation measures. Based on the knowledge we have today, flattening the curve of persons infected by the coronavirus SARS-CoV-2 in the current situation is intended to achieve three fundamental positive results:

- To prevent filling hospital capacities. This is meant to facilitate maintenance of essential medical care both for patients who are not infected by the SARS-CoV-2 coronavirus, and for patients with the disease COVID-19 who need to be hospitalised. The aim is to maintain the mortality rate in the region that the Czech Republic has been able to, between 2 and 3 %, and not to let it rise to the worldwide average of almost 7 %, and, in some areas 10 and more percent, as is the case in France (where mortality has reached almost 18 %), the Netherlands, Belgium, Spain, Italy or the United Kingdom. According to data and analysis of the European Centre for Prevention and Control of Disease, serious conditions demanding hospitalisation may arise in more than 30 % of those infected, of whom on a wider average of almost 2.5 % of those infected (although probably considerably more) are patients in critical condition. With an uncontrolled spread of the epidemic, the disease may affect many tens of percent of the population.
- To prevent explosive spread of COVID-19 which might result in (a) the spread of more aggressive types of coronavirus SARS-CoV-2 and (b) increased concentrations of coronavirus SARS-CoV-2 in the body, where according to current scientific findings the presence of more aggressive types of this virus leads to a wider range of medical complications in infected persons and to higher mortality.
- To reduce mortality and the number of cases with a serious course of infection, because as time proceeds, our knowledge of the behaviour of the SARS-CoV-2 coronavirus and methods for treating the infection and alleviate its consequences. Finally it is intended to develop medicines or vaccines. Is it common knowledge that right now experiment tests are underway involving treatment using various types of antiviral drugs (e.g. remdesivir and hydroxychloroquine), and that in certain cases such treatment is delivering certain results.

Should no emergency measures be taken and with respect to the above circumstances, the possibility that the total number of those infected in the Czech Republic may rise to millions cannot be precluded, with hundreds of thousands potentially requiring hospitalisation (while, on the basis of our experience so far, a considerable number of those hospitalised could require highly demanding intensive care). Tens of thousands of people could fall victim to the

infection. The healthcare system of the Czech Republic (or even the healthcare systems of any other country) would not be able to handle such high numbers, even despite the number of intensive care beds for adults (*i.e. in anaesthesiology and resuscitation departments and intensive care units*) and the number of ventilators for adults, whose capacity must also serve patients suffering from other illnesses, meaning that only a fraction of that capacity could be set aside for coronavirus patients. If the number of available intensive care beds and pulmonary ventilators were exceeded by the number of patients, the number of victims would begin to increase dramatically and in a situation of explosive spread of the infection, even according to quite conservative estimates, the number of victims could run into the hundreds of thousands of inhabitants of the Czech Republic, and this would not just involve senior citizens.

Similar measures as have been adopted in the Czech Republic have gradually been adopted also by the governments of other countries. It should be emphasised that certain countries initially chose less strict steps and measures. As time progressed it became clear that in almost all countries such less strict measures have proved ineffective. The same governments have gradually stiffened their measures. It has proved however that the impact on the population in such cases is more serious than where immediate implementation of the relatively stricter measures that occurred in the Czech Republic. Not only does an initial more relaxed approach lead to an explosive spread of COVID-19 (see for instance Sweden, the Netherlands, Spain, Italy, the United Kingdom and the USA) and to loss of life of thousands to tens of thousands in each of these countries, but in the end it leads to equally strict or even stricter measures than were decided upon in the Czech Republic.

The different approach of individual governments is mainly due to the fact that sufficient information about the coronavirus SARS-CoV-2, about its precise properties and characteristics or about the details of its spreading and transmission was and remains unavailable. Various measures are taken in good faith by the governments of individual countries, taking into account all available information. Nevertheless, in the course of the pandemic almost all countries of western civilisation affected by the spread of the COVID-19 disease have gradually acceded to the same steps as the Czech Republic (*i.e. declaration of a state of emergency, restriction of movement and entry for foreign nationals, restriction of retail sales etc.*), even if the approach of individual countries may differ in certain details.

The degree of uncertainty and higher level of risk related to the COVID-19 epidemic is also due to the fact that the virus is gradually developing and mutating, changing its properties. The genetic information of coronaviruses is fairly changeable in comparison with other viruses, which is one of the reasons for selection of various varieties of virus. At the same time, findings concerning the coronavirus SARS-CoV-2 and its properties are changing.

Available empirical data nevertheless go to substantiate that an unrestrictive approach leads to markedly more severe adverse consequences than adoption of restrictions. A characteristic

example not applicable to the above countries is that of still benevolent Sweden where, according to available data, the number of infected is already three-times higher than in the Czech Republic, with a number of deaths more than an twelve times higher (while the populations of Sweden and the Czech Republic are almost the same).

Available, mainly international, comparisons attest that the strategy adopted by the Czech Republic was and is correct and adequate. Basically, only active strategy of social distancing enforced by public authorities can lead to reduction of the reproduction (R) number of COVID-19 and to gaining control over its spreading, or else to avoid its explosive spread. Such explosive spread is being experienced in a wide range of countries, along with those who delayed in adoption of restriction of freedom of movement and public gatherings.

Potential sudden relaxation of implemented measures could have dire consequences and in extreme cases could lead to complete reversal of the positive results that have been achieved so far in the fight against COVID-19 in the Czech Republic.

Even the Member States of the European Union have gradually in turn introduced first medical and then most of them also border checks for entry into their territory which restricted entry only for selected categories. Reintroduction of checks on the internal borders have been announced by 18 Member States of the Schengen Area (of a total of 26) and several other Member States of the European Union and the Schengen Area have introduced further restrictive measures on entry. During debates at European Union level, it was recommended to ensure freedom of movement for persons using similar categories to those for entry from countries outside the European Union and also to ensure freedom of movement for workers in selected sectors.¹ Free movement within the EU is being, with a few exceptions, gradually relaxed.

Right from the start, the Czech Republic was no exception to the world and the European average in terms of the measures adopted. National and European legislation permit the stipulation of rules for entry in connection with measures to prevent the introduction of infectious diseases from abroad (Section 68 of Act No. 258/2000 Coll. on Protection of Public Health). In reaction to the favourable development of the epidemic, the Czech Republic was among the first in the European Union to adopt gradual relaxation measures.

Relaxation in the area of travel is very cautious and concentrates on absolutely essential grounds for entry to the territory where the risk connected with possible introduction and cause of a potential further wave of the disease is acceptable.

¹ [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020XC0330\(03\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020XC0330(03))

Therefore, in principle, further relaxation is dependent on limiting the degree of risk on one hand (with the requirement of a negative PCR test for SARS-CoV-2) and the essential nature of travel on the other.

On 23 April 2020, the European Union at the European Council agreed upon maximum coordination of lifting of measures for containing the spread of COVID-19 on the basis of a common European plan (Joint European Roadmap).² The main principle for a cross-border regime is to begin with gradual relaxation of measures on the internal borders and only then on the external borders. In this context, on 13 April the European Commission presented more concrete guidance for further steps affecting the internal borders that calls for a relaxation on a phase basis, i.e. relaxation of measures between regions or Member States where a similar epidemiological situation exists and the necessary medical and hygiene measures are performed. Any relaxation should be coordinated and should adhere to three main criteria (epidemiological development; protective measures, including *social distancing*; and economic and social impacts). Priority for relaxation should be given to travel for professional purposes and for family reasons. The European Commission also recommends the option of replacing blanket controls on the borders with targeted or random checks.³

Due to the favourable and stabilized epidemiological situation in many EU member states, citizens of most countries of the European Union are allowed to enter the territory of the Czech Republic without the obligation to submit a negative test result for SARS-CoV-2.

The assessment of the risk level of COVID-19 in these countries is based on data provided by the European Centre for Disease Prevention and Control (ECDC) and their comparison with the fortnightly incidence of this disease in the Czech Republic.

Since the massive spread of the SARS-CoV-2 virus and the outbreak of the global COVID-19 pandemic, over the course of just a few days an unprecedented cease of worldwide movement of persons came about. Most countries of the world introduced more or less strict restrictions on entry to their territory. The vast majority of countries limited entry to their territory only to essential journeys (return home by citizens and foreign nationals with authorised residence, international transport, family reunification and cross-border workers). The entire European Union reacted to this step on 16 March 2020 by coordinated introduction of a blanket ban on entry to the European Union from third countries with stipulated exemptions. This ban has

² https://ec.europa.eu/info/sites/info/files/communication_-_a_european_roadmap_to_lifting_coronavirus_containment_measures_0.pdf

³ https://ec.europa.eu/info/sites/info/files/communication_freemovement.pdf

subsequently so far been extended until 30 June 2020., with the gradual release starting from 1 July 2020.

The reintroduction of the possibility of entry from third countries is now planned in order to be fully in accordance with the coordination on EU level. The EU Council agreed on a gradual release based on an evaluation of epidemiological and other criteria, such as reciprocity. Based on joint discussions, a Council Recommendation was adopted on 30 June; summarizing the conditions for including a third country in the so-called Common Green List and at the same time presents an initial list of third countries with possible gradual relaxation of accession to the EU from 1 July. This list is flexible and should be taken as a maximum. If a Member State assesses that not all criteria are met in a national context (eg. reciprocity), it may decide not to include the third country in question in the national list. At the same time, the national list should not be wider than the list of third countries agreed by the Council. The evaluation and revision of the common EU list will take place at 14-day intervals.

Measures governing travel from third countries, which are not listed in the so-called Green List, are fully dependent on the condition of a negative test for SARS-CoV-2 before travelling. In exceptional cases, the test may be conducted inside the territory of the Czech Republic.

Restriction on free movement for 14 days after returning from abroad also continues to apply for foreign nationals and for Czech citizens returning home from the risk countries. Each person who crosses the border into territory of the Czech Republic (regardless of with or without a test) who is not ordered into quarantine must observe the rules of restricted free movement of persons (i.e. movement around the territory only for predefined reasons). The main reason for this even in these cases is the imprecision of testing and the related necessity of limiting the risk of transmission during the incubation period.

For the Czech Republic to be prepared for gradual further relaxation, the presented materials propose continuation in administrative proceedings where gradual relaxation may be expected and where possible with respect to the situation in individual countries.

Mgr. et Mgr. Adam Vojtěch, MHA

Minister of Health