

EMERGENCY MEASURE

The Ministry of Health, as the administrative authority competent under Section 80(1)(g) of the Act 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. '), hereby orders, in accordance with the procedure laid down in Section 69(1)(i) and (2) of Act No 258/2000 Coll. to protect the public and prevent the risk of the emergence and spread of covid-19 disease caused by the new SARS coronavirusCoV-2, this emergency measure:

I.

1. A child in the preparatory class of a primary school and the preparatory stage of a special primary school or a pupil in a primary school, a conservatoire or a day form of education in a secondary school (hereinafter referred to as "school"), shall be allowed to attend a school, day school or school club (hereinafter also referred to as "school establishment") to be present in person during education or in the provision of school services only if

(a) has undergone within the time limits laid down in Article III an examination of non-invasive preventive antigen test for the presence of SARS-CoV-2 virus antigen, which he or she has made by himself/herself or by another person and provided by the school (hereinafter referred to as "the preventive antigen test") and demonstrates a negative result from that test, or

(b) provides evidence of any of the facts referred to in Article II; or

(c) is present in the school building at all times during the provision of education or educational services; or school establishment or in an outdoor environment, if it is not possible to maintain a spacing of at least 1,5 m from other children or pupils, uses a respiratory protective device such as respirator or similar device (always without an exhalation valve) fulfilling at least all the specifications and requirements (for the product), including filtration efficiency of at least 94 % according to the relevant standards; children and pupils up to 15 years of age and pupils of primary schools in the course of their education or provision of educational services in a primary school, a school day care centre or school club; pupils in the lower grades of a six-year and eight-year secondary schools in the course of their education at secondary schools school are entitled to use a medical face shield as a protective device mask or similar device fulfilling at least all the technical conditions and requirements (for the product) of the standard EN 14683+AC, which prevent the spread of droplets.

2. A school may use for preventive testing only tests designed for self-testing or authorised by the Ministry of Health for use by a laic person.

3. The protective equipment referred to in point 1(c) need not be used by:

(a) persons with intellectual disabilities, autistic spectrum disorder and cognitive impairment or severe mental alteration whose mental capacity or current mental state does not permit compliance with this prohibition; or

(b) persons who cannot, for serious medical reasons, wear a protective respiratory protective equipment as referred to in point 1(c) of the part of the sentence before the semicolon, and they can prove this fact to the school by a medical certificate; however, such persons shall be required to wear a protective device as referred to in point 1(c) of the sentence after the semicolon which is medically specified in the medical certificate, except for the cases 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 a child or pupil in a school establishment, the condition under 1(b) shall be deemed to be satisfied if the person provides an affidavit of 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 educational establishment are carried out by a single legal entity.

5. For children and pupils referred to in point 1(c), the emergency measure of the Ministry of Health which determines the duty of wearing the respiratory protective equipment and exemptions therefrom, for a period of the provision of education or school services shall not apply.

II.

Under Article I(1)(b) child or pupil may provide evidence that

(a) has been vaccinated against covid-19 and provides a national certificate of vaccination or a certificate of vaccination issued in accordance with the measurement of European Union about digital certificate EU COVID1, provided that at least 14 days have elapsed since the completion of the vaccination schedule; the national certificate of vaccination shall be deemed to be a written certificate issued at least in English by an authorised body 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; the written certificate must contain information about the vaccinated person, the type of vaccine administered, the date of administration of the vaccine, the identification of the entity that issued the certificate, and these data must be verifiable by remote access directly from the written certificate, provided that the vaccination was executed

(i) with a medicinal product containing vaccine against covid-19 to which it has been granted a marketing authorisation pursuant to Regulation (EC) No 726/2004, or

(ii) a medicinal product the manufacture of which complies with a medicinal product patent under point (i), where that medicinal product is also approved by the World Health Organization for emergency use; or

(b) has laboratory-confirmed covid-19 disease, the period of ordered isolation has expired and since the first positive rapid antigen test (RAT) for the presence of virus antigen SARS-CoV-2 or RT-PCR test for SARS-CoV-2 virus has not elapsed more than 180 days; or

1 Regulation of the European Parliament and of the Council (EU) 2021/953 dated 14 June 2021 on a framework for the issuance, validation and recognition of interoperable vaccination, test and recovery certificates in relation to COVID-19 (EU COVID digital certificate) to facilitate free movement during the COVID-19 pandemic. Regulation European Parliament and of the Council (EU) 2021/954 dated 14 June 2021 on a framework for the issuance, validation and recognition of interoperable vaccination, test and recovery certificates in relation to COVID-19 (EU COVID digital certificate) in relation to third-country nationals legally residing or resident in the territory of the Member States during the COVID-19 pandemic.

(c) underwent RT-PCR testing for the presence of SARS- CoV-2 virus no more than 72 hours ago with a negative result, or has undergone a rapid antigen test (RAT) for the presence of SARS-CoV-2 antigen with a negative result no more than 24 hours ago.

III.

1. Preventive testing shall be conducted in schools on 1 November and 8 November 2021.

2. The preventive antigen test shall always be performed immediately upon arrival at school. If the child or pupil is not present at school on the day of the testing date, the testing shall be carried out on the day of child's/pupil's arrival to school.

IV.

If the result of the preventive antigen test referred to in Article I(1)(a) is positive, the school shall immediately contact the child's or student's legal guardian and inform him or her about the result of the preventive antigen test. The school shall immediately issue to the child or pupil a confirmation of the positive test result, indicating the date and time of the test. The child or pupil shall leave the school without delay; in case child or pupil who cannot independently leave the school, the school shall immediately ensure that he or she is separated from other persons and the legal guardian or other escort shall be obliged to collect him or her from the school. The pupil or legal guardian of the child or pupil shall by telephone or by other usual remote means inform about a positive test result the health service provider in the field of general medicine or general medicine for children and adolescents.

V.

Without undue delay after receiving the test results, the school shall electronically send to the

appropriate county hygienic station or the Hygienic Station of the Capital City of Prague (hereinafter referred to as the "regional hygienic station") a list of the names of children or pupils who have been tested at the school and have had a positive result RT-PCR test for the presence of SARS-CoV-2 virus or a positive rapid antigen test result (RAT) test for the presence of SARS-CoV-2 antigen, and at the same time it shall immediately send to the appropriate regional hygienic station the list of children or pupils who were at school in contact 2 days prior to testing or 2 days after the testing with another child or pupil or a teaching staff member who has tested positive for the virus by RT-PCR SARS-CoV-2 or a positive rapid antigen test (RAT) result for the presence of SARS-CoV-2 antigen.

VI.

The health service provider in general medicine or general medicine of children and adolescents who is informed of a positive result of a preventive test as referred to in Article I(1)(a) shall decide about execution of confirmatory testing by RT-PCR and complete the electronic request form for this test. In the event that the result of the confirmatory test is positive, the health service provider shall instruct the child or student to isolate.

VII.

All persons with a positive result of the preventive antigen test referred to in Article I, point 1 (a) are ordered to undergo a confirmatory RT-PCR test for the presence of SARS-CoV-2.

VIII.

All health service providers are ordered to issue the certificate referred to in Article I(3) (b) only to persons who have been prevented from using respiratory protective equipment in accordance with Article I 1(c) by serious medical reasons and are further directed to make a statement to that effect and the reasons therefor, including the diagnosis, in the medical records of that person, including that the individual has been advised of the risks associated with not using respiratory protective equipment as referred to Article I(1)(c).

IX.

1. Children or pupils referred to in Art. I(1)(c) in the course of education or the provision of school services

(a) shall not exercise indoors; when exercising outdoors, they shall change their clothes at a distance from other persons and shall not use the showers,

(b) shall not sing if a distance of 2 m from other persons can not be maintained,

(c) use sanitary facilities designated by the school or school establishment only for children and pupils who have not undergone the preventive antigen test referred to in paragraph 1(a), if it is possible to organize and provide special sanitary facilities for such pupils in the school,

(d) when consuming food and meals including beverages, they must sit at a desk or table and need not wear respiratory protective equipment as referred to in Article I(1)(c) and they shall keep a distance of 1,5 metres from other persons,

(e) shall not be required to wear respiratory protective equipment as referred to in Article I(1)(c) when in residence in a room (i.e. outside the common areas) at an outdoor school or other similar event organised by school.

(2) The school and the school establishment shall ensure compliance with this Article.

X.

1. The school may substitute antigen testing for presence of antigen of virus SARS-CoV-2 by RT-PCR testing for the presence of SARS-CoV-2 virus if it has non-invasive in vitro diagnostic medical devices for self-testing designated for subsequent RT-PCR testing and if the RT-PCR test will be executed by a health service provider stated on the list of testing laboratories of State Institute of Health (<http://www.szu.cz/tema/prevence/laboratorni-vysetrovani-puvodce-covid-19>). Articles I to VI, IX and XI shall apply similarly unless otherwise specified below, provided that this non-invasive preventive RT-PCR may be replaced by the demonstration of a result of a rapid antigen test (RAT) for the presence of antigen of virus SARS-CoV-2 that is not older than 24 hours and that is performed by the health service provider; a preventive RT-PCR test may be substituted only in case the rapid antigen test (RAT) results are submitted within the time limits specified in Article III.

2. The health service provider in general medicine or general medicine of children and adolescents who has been informed about a positive result of a preventive RT-PCR test, shall order the child or pupil to be isolated.

XI.

The school shall electronically report the aggregate test results on the performed testing of the child or pupil without undue delay on the day the test results are received in accordance with Article I(1)(a) into the application COVID Forms App. The report shall include at least the contact person, the type of test, the total number of persons tested, the number of persons with a positive test result, the number of persons with a negative test result, the total number of persons tested, the total number of persons tested and the number of inconclusive tests.

XII.

Prior to initiating preventive testing under this emergency measure, the school shall notify all affected children and pupils and their legal guardians and affected staff members of the way the testing shall be executed and of the rules set forth in this emergency measure.

XIII.

The school shall ensure that all employees and persons involved in testing use personal respiratory protective equipment as assigned by the employer, namely a respirator or similar device (always without an exhalation valve) meeting at least all of the technical requirements (for the product), including a filtration efficiency of at least 94 % according to the relevant standards.

XIV.

1. An employer who is a school, school establishment according to an Article I or a school canteen or a school canteen-dispensary, shall allow its employees to be personally present at the workplace of the employer only if the employee provides in the time period in accordance with Article III proof of one of the facts referred to in Article II or undergoes on the spot a rapid antigen test (RAT) to determine antigen of virus SARS-CoV-2 designated for self-testing (laic person use), with a negative result; similarly, if the staff member demonstrates on site that has undergone a rapid antigen test under the supervision of a healthcare professional via an online service no more than 24 hours ago and provides evidence of having completed this test and its negative result by confirmation from the health service provider. In the event of a positive test result on the spot, Articles IV to VII shall apply similarly.

2. If the staff member fails to fulfil any of the conditions for being present at the workplace as referred to in point 1, Article I(1)(c) shall apply to the staff member during the performance of the activity, except that protective equipment need not be worn while maintaining a distance of at least 1,5 m from

others, Article I, point 3 and 5 and Article IX similarly. In exceptional cases where it is necessary for a child or pupil to see the mouth of the teaching staff member when education or the provision of educational services takes place, the teaching staff member may use a respiratory protective device shield, provided that he or she maintains a distance of at least 1.5 metres from the children or pupils. Within the framework of an educational activity the nature of which does not allow the wearing of protective equipment (in particular physical education, playing wind instruments), a teaching staff member who has not complied with the conditions under point 1 shall maintain a distance of at least 1,5 metres from others.

XV.

1. The university shall provide accommodation for students of the university in accommodation facilities only on condition that the accommodated students prove one of the evidence as specified in Article II or the student undergoes on site a rapid antigen test (RAT) designated for self-testing (use by a lay person) to determine the presence of antigen of virus SARS-CoV-2, with a negative result; similarly, if the student demonstrates on site that he or she has undergone a rapid antigen test under the supervision of a healthcare professional via the online service no more than 24 hours ago and provides proof of completion of this test and a negative result by confirmation from the health service provider.

2. Students must prove the facts referred to in point 1 before starting their accommodation and the university accommodation shall be obliged to check the proof of the facts referred to in point 1. A student who fails to prove the facts referred to in point 1 shall not be allowed to enter the college accommodation.

3. The evidences shall be proved before the commencement of accommodation and every 7 days thereafter, except the evidences referred to in Article II(1)(a) and (b), which shall be proved only once before the commencement of accommodation.

XVI.

This emergency measure shall apply only to schools and educational establishments registered in the 561/2004 Coll., Act on pre-school, primary, secondary, higher vocational and other education (Education Act), as amended, which have a place providing education or school services in the districts of České Budějovice, Ostrava-město, Prostějov, Prachatice, Brno-venkov, Přerov, Opava and Karviná, with the exception of schools established by the Ministry of Justice and schools established in institutions for the performance of constitutional or protective education, primary schools attached to a health care institution.

XVII.

The obligations arising from this emergency measure shall apply until 14 November 2021, with the exception of the obligations arising from Articles IV to VII, which shall apply until the expiry of the consequences of the positive test of a child, student, or educational employee and with the exception of Article XV, which shall apply until 31 December 2021.

XVIII.

Effective as of November 1, 2021, the emergency measure No. MZDR 14600/2021-19/MIN/KAN dated August 20, 2021 is repealed,