



Prague, 3rd February 2021

Ref. no.: MZDR 20599/2020-53/MIN/KAN

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 5th February 2021 at 00:00 hours,

I. it has been decreed

1. that all persons who entered the territory of the Czech Republic after 5th February 2021, 00:00 hours,
 - 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 on the list of countries with a medium risk of transmission of COVID-19 under point III.1 hereof,
 - a) shall report this fact immediately before entering the territory of the Czech Republic by filling in the electronic Arrival Form as mentioned under point III.4, via remote access, to a regional Public Health Office with jurisdiction over the person's normal place of residence or registered place of residence;
 - b) shall have a written confirmation from an accredited laboratory of a negative result of an antigen or RT-PCR test before entering the territory of the Czech Republic; the antigen test must be carried out no more than 24 hours and RT-PCR test no more than 72 hours before the beginning of the trip;

- c) shall present the certificate of the filling-in of the electronic Arrival Form (the statement) and the written confirmation mentioned in point b) on request during the border control or residence check.
3. that all persons who were staying for more than 12 hours during the last 14 days in the territories of those countries, which are on the list of countries with a high risk of transmission of COVID-19 under point III.1 hereof,
 - a) shall report this fact immediately before entering the territory of the Czech Republic by filling in the electronic Arrival Form as mentioned under point III.4, via remote access, to a regional Public Health Office with jurisdiction over the person's normal place of residence or registered place of residence;
 - b) shall have a written confirmation from an accredited laboratory of a negative result of an antigen or RT-PCR test before entering the territory of the Czech Republic; the antigen test must be carried out no more than 24 hours and RT-PCR test no more than 72 hours before the beginning of the trip;
 - c) shall present the certificate of the filling-in of the electronic Arrival Form (the statement) and the written confirmation mentioned in point b) on request during the border control or residence check;
 - d) within 5 days of entering the territory of the Czech Republic, they shall take an RT-PCR test for the presence of SARS-CoV-2 at their expense and they shall promptly present the result electronically to the regional Public Health Office with jurisdiction over the person's place of residence stated in the Arrival Form, unless the public health protection authority decides on other quarantine measures in individual cases in accordance with Act No. 258/2000 Coll. and on the duration of such measures;
 4. that all persons who were staying for more than 12 hours during the last 14 days in the territories of those countries, which are on the list of countries with a very high risk of transmission of COVID-19 under point III.1 hereof,
 - a) shall report this fact immediately before entering the territory of the Czech Republic by filling in the electronic Arrival Form as mentioned under point III.4, via remote access, to a regional Public Health Office with jurisdiction over the person's normal place of residence or registered place of residence;
 - b) shall have a written confirmation from an accredited laboratory of a negative result of an antigen or RT-PCR test before entering the territory of the Czech Republic; the test must be carried out no more than 72 hours before the beginning of the trip;
 - c) shall present the certificate of the filling-in of the electronic Arrival Form (the statement) and the written confirmation mentioned in point b) on request during the border control or residence check;
 - d) no sooner than 5 days after entering the territory of the Czech Republic, they shall take an RT-PCR test for the presence of SARS-CoV-2 at their expense and they shall promptly present the result electronically to the regional Public Health Office with jurisdiction over the person's place of residence stated in the Arrival Form, unless the public health protection authority decides on other quarantine measures in individual cases in accordance with Act No. 258/2000 Coll. and on the duration of such measures.
 5. Points I.2 through I.4 do not apply to:

- a) international transport workers, provided that the reason for their entry into the country is supported by an adequate document;
 - b) the citizens of the European Union, including the citizens of the Czech Republic, and foreign nationals with long-term or permanent residence permit for residence in the European Union who transit across the Czech Republic within 12 hours or who travel to or from the Czech Republic for a period not exceeding 12 hours; foreign nationals are only allowed to travel to the Czech Republic for reasons stated for them in the crisis measure prohibiting free movement;
 - c) accredited members of diplomatic missions in the Czech Republic including private servants, holders of diplomatic passports who are travelling to or from the Czech Republic for the purpose of diplomatic service and officials of international organisations registered with the Ministry of Foreign Affairs, provided that their stay in the country or outside the country does not exceed 72 hours;
 - d) persons younger than 5 years;
 - e) the citizens of the Czech Republic, the citizens of the European Union and their family members with a place of residence in the Czech Republic and foreign nationals with a residence permit for a stay over 90 days issued by the Czech Republic who were only staying in the regions on the list under point III.1 as part of a trip with a travel agency or procured via a travel agency;
 - f) cross-border workers, pupils and students who cross the state border with the Czech Republic to or from a neighbouring country for the purpose of work or studies regularly at least once a week on an authorised basis and trips to or from a neighbouring country for the purpose of exercising the right to take care of or be in contact with a minor child;
 - g) police officers carrying out escorting activities or providing security on airplanes;
 - h) the citizens of the Czech Republic, the citizens of the European Union and the holders of a valid long-term visa, a card on a long-term, temporary or permanent residence permit for residence in the territory of the Czech Republic issued by the Czech Republic who will present a written medical certificate in the Czech or English language, issued by a physician working in the Czech Republic or another member state of the European Union, that they do not have any clinical signs of COVID-19, that they have provably recovered from COVID-19, that they have completed isolation to the required extent due to a positive result of an RT-PCR test according to the valid extraordinary measures ordered by the Ministry of Health or a measure of another member state of the European Union and that not more than 90 days passed from the first positive result of an RT-PCR test;
6. that all regional Public Health Offices decide on the necessary quarantine measures for the persons who report their entry into the territory of the Czech Republic under points I.3 and I.4, and if the test proves the presence of SARS-CoV-2, they should decide on isolation pursuant to Section 64(a) in conjunction with Section 2(6) and (7) of Act No. 258/2000 Coll., on Public Health Protection and on amendments to certain related Acts, as amended, or they should proceed according to the applicable provisions of the Public Health Protection Act for those persons who reported their entry into the territory of the Czech Republic under points I.3 and I.4 and on whom no other quarantine measures were imposed and who failed to present the result of an RT-PCR test under point I.3(d) or I.4(d) within 10 days of entering the territory of the Czech Republic;

7. that all citizens of third countries, which are not on the list of countries with a low risk of transmission of COVID-19 under point III.1, and third country nationals who have temporary or permanent residence in such third countries are prohibited from entering the territory of the Czech Republic; 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 transmission of COVID-19 under point 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, provided that they have the written confirmation referred to in point I.3(b) or I.4(b);
 - d) foreign nationals with permitted long-term or permanent residence in the European Union;
 - e) family members within the meaning of Section 15(a) para. 1 or Section 15(a) para. 2(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, 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 and provided that they have the written confirmation referred to in point I.3(b) or I.4(b);
 - g) international transport workers, provided that the reason for their entry into the country is supported by an adequate document;
 - h) accredited members of diplomatic missions in the Czech Republic including private servants, holders of diplomatic passports who are travelling to the Czech Republic for the purpose of diplomatic service provided that their stay in the country does not exceed 72 hours 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 and provided that they have the written confirmation referred to in point I.3(b) or I.4(b);
 - j) for a foreign national who has a demonstrable permanent partnership with a citizen of the Czech Republic or with the EU citizen with temporary residence certificate for a stay of over 90 days or with permanent residence permit, who has accepted the obligations set out in point I.5, based especially on living 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 and provided that they have the written confirmation referred to in point I.3(b) or I.4(b);

8. that all entities that receive foreign nationals in the country for the purpose of economic activities or educational activities who entered the territory of the Czech Republic after 1st July 2020 ensure the following for such foreign nationals:
 - a) accommodation throughout their stay in the Czech Republic, including a place where a quarantine measure will be implemented, if it is imposed by the public health protection authority;
 - b) medical care or a registering provider of medical services for the entire duration of their stay in the Czech Republic;
 - c) payment for the medical care, unless it is ensured otherwise; this does not apply if the foreign national has a long-term residence permit;
 - d) return to the foreign national's country of origin if the purpose of their stay in the Czech Republic ceases to exist, unless their return is ensured otherwise; this does not apply if the foreign national has a long-term residence permit;
9. 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 point I.8 and shall enclose such a document with their application no later than before a visa is marked in a travel document;
10. not to receive applications for visas and temporary and permanent residence permits at the embassies of the Czech Republic in third countries, 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; or short-term work visas if they are submitted on Ukraine by Ukrainian citizens, unless the maximum of such visas set by the Ministry of the Foreign Affairs after negotiations with the Ministry of Health is exceeded,
 - 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 points I.7 (e) through (j),
 - 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) Blue Card, 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 or applications for a Blue Card,
- 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 for cultural purposes and sports-related purposes;
- m) residence permit, if the entry of these foreigners is in the interest of the Czech Republic, if the interest of the Czech Republic is supported by an appropriate document,

these exceptions only apply to applications for visas and 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;

11. 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;
12. to mark a visa in a travel document at the embassies of the Czech Republic only in case of applications which may be accepted as referred to in point I.10, with the exception of point I.10 letter (i) where there are only visa related to applications for residence permits for the purpose of studying in an accredited study programme at a university and within the “Accelerated procedure for granting residence permits for foreign nationals – foreign students from third countries” programme marked; this also applies to applications received a day before this Protective Measure has come into effect;
13. that all persons referred to in points I.2 through I.4, including the persons referred to in points I.5 (a), (b), (c), (e) and (h), travelling from the countries referred to in points I.2 through I.4, shall be required to wear respirators without an exhalation valve rated as the FFP2, KN95, N95, P2, DS grade as the minimum or at least with a disposable medical face mask in the situations specified in point II.1 or in the situations specified in the crisis measure prohibiting free movement for a period of 10 days after entering the territory of the Czech Republic;
14. employers and end-users of workers who are subject to the obligations referred to in point I.2 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 written confirmation referred to in point I.2(b); the same obligation is applied to educational institutions in relation to students and teachers;

15. employers and end-users of worker who are subject to the obligations defined in points I.3 and I.4 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 an RT-PCR test for the presence of SARS CoV-2 from the territory of the Czech Republic after at least 5 days pass since their arrival in the Czech Republic, if these are persons referred to in point I.4; the same obligation applies to educational institutions in relation to students and teachers; this obligation does not apply after a person completed their isolation imposed according to a decision on isolation or after a person presents a certificate of completion of another quarantine measure to the public health protection authority;
16. the persons to whom points I.14 and I.15 are applicable shall notify their employers of trips exceeding 12 hours to countries with a medium, high and very high risk of transmission of COVID-19;
17. to foreigners detained pursuant to Section 27 of Act No. 273/2008 Coll., On the Police of the Czech Republic, or pursuant to Act No. 326/1999 Coll., On the stay of foreigners in the territory of the Czech Republic and on the amendment of certain acts, as amended taking a biological sample to detect the presence of COVID-19 and providing healthcare professionals with the necessary cooperation in carrying out this collection at a sampling centre, a health care facility or a detention facility for foreigners;
18. that international carriers are to prevent those whom they transport from countries or their parts that are not on the list of countries or their parts with a low risk of transmission of COVID-19 under point III.1 and who are required to fill in the electronic Arrival Form as referred to in points I.2 through I.4, from using their services if they do not submit a document confirming filling-in of the electronic Arrival Form (notification), and to further prevent a journey if prior to the start of the journey they do not submit a written confirmation referred to in points I.2 (b), I.3(b) or I.4(b).

II. prohibits

all persons referred to in points I.2 and I.4, including persons as referred to in point I.2 (a) through (c) and (e), from freely moving around the territory of the entire Czech Republic during their stay in the territory of the Czech Republic until they present the result of an RT-PCR test for the presence of SARS CoV-2 carried out in the Czech Republic or until the termination of the quarantine measure, with the exception of the following:

- a) 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,
- b) trips to medical facilities and welfare facilities,
- c) trips taken to take care of urgent official matters,
- d) trips back to one's place of residence,
- e) funerals;

2. the stay of foreign nationals in the territory of the Czech Republic who are not allowed to enter the territory of the Czech Republic according to this Protective Measure by the Ministry of Health and who are not traveling across the territory of the Czech Republic for reasons permitted for them in the crisis measure prohibiting free movement.

III. provides

1. that the list of the countries or their parts with a low, medium, high and very high risk of transmission of COVID-19 is defined based on criteria listed in the Council Recommendations, which are:
 - a) the “14-day cumulative COVID-19 case notification rate”, that is, the total number of newly notified COVID-19 cases per 100 000 population in the last 14 days at region level;
 - b) the “test positivity rate”, that is, the percentage of positive tests among all tests for COVID-19 infection carried out during the last week; and
 - c) the “testing rate”, that is, the number of tests for COVID-19 infection per 100 000 population carried out during the last week; this rate must be at least 300 per 100 000 population; with the following being applicable:
 - i) the list of countries with a low risk of transmission of COVID-19 always contains those member states of the European Union, which report a value of no more than 25 for the criterion specified in point a), unless they simultaneously report the value of 4 % or higher for the criterion specified in point b), as well as selected third countries referred to in Annex I to Council Recommendation (EU) 2020/912, as amended;
 - ii) the list of countries with a medium risk of transmission of COVID-19 contains those member states of the European Union, which report a value lower than 50 for the criterion specified in point a) while simultaneously reporting a value of 4 % and higher for the criterion specified in point b), or which report values between 25 and 150 for the criterion specified in point a) while simultaneously reporting a value of 4 % and lower for the criterion specified in point b);
 - iii) the list of countries with a high risk of transmission of COVID-19 contains those member states of the European Union, which report values between 50 and 150 for the criterion specified in point a) while simultaneously reporting a value of 4 % or higher for the criterion specified in point b), or which report values between 150 and 500 for the criterion specified in point a);
 - iv) the list of countries with a very high risk of transmission of COVID-19 contains those member states of the European Union, which report a value of 500 or higher for the criterion specified in point a); these countries also include those third countries, which are not on the list of countries with a low risk of transmission of COVID-19; these countries also include those member states of the European Union, in which community spreading of new variants of the SARS-CoV-2 coronavirus predominates;

the list of the countries is defined by a notice published on the website of the Ministry of Health; the list may define the labelling of the countries and regions for purposes in accordance with point I.5 (e);

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.8 shall be borne by the last entity,
4. that the electronic Arrival Form is available at www.prijezdovyformular.cz; the processed personal data beyond the scope of Section 79(1) of Act No. 258/2000 Coll. include number of travel document, citizenship, email address, and telephone number,
5. that for the purpose of this Protective Measure the following countries are regarded as member states of the European Union in addition to the actual member states of the European Union: Swiss Confederation, the Kingdom of Norway, the Republic of Iceland, the Principality of Liechtenstein, the Principality of Andorra, the Principality of Monaco, the Republic of San Marino and the Vatican City State.
6. that until 14 February 2021 citizens of the Czech Republic, citizens of the European Union and foreign nationals listed in point I.7 letter (b) who are subjected to the obligation under point I.4 (b) for the purposes of point I.18 are permitted to have before entering the territory of the Czech Republic instead of a written confirmation according to point I.4 letter (b) a written confirmation in accordance with point I.3. (b); if they do not have at least a confirmation in accordance with point I.3. (b), they are obliged to undergo a RT-PCR test for the presence of SARS-CoV-2 at own expense and without delay upon entering the territory of the Czech Republic.

II.

The Protective Measure of the Ministry of Health with the ref. no. MZDR 20599/2020-51/MIN/KAN of 1st February 2021 will be terminated with effect as of 5th February 2021, 00:00 hours.

III.

This Protective Measure has come into effect on the date of its issuance.

Rationale:

Epidemic is an increased prevalence of a disease, which is limited geographically and in time. With an epidemic of an infectious disease, there is usually a rapid increase in the

number of diseased persons over time and morbidity reaches higher levels than normal sporadic morbidity. Morbidity levels, at which epidemic spread (referred to as the “epidemic threshold”) occurs, are different and vary by disease. With some diseases, the value of the epidemic threshold is not exactly known. The main criterion of whether it is an epidemic or not is the mutual epidemic connection between individual cases of the disease. The speed at which the disease spreads across population depends on the disease agent, the incubation period of the disease and particularly on the routes of transmission. The most serious epidemics with respect to their impact and burden on the population are epidemics caused by person-to-person spreading. The highest morbidity in population is reached when the disease spreads by respiratory route, by droplets containing the infective agent, which get into the surroundings of a diseased person when he or she speaks, breathes, coughs and sneezes. Every epidemic of an infectious disease is an epidemic process consisting of three basic links: the source of infection, the route of transmission and the receptive individual.

In connection with the ongoing COVID-19 pandemic and the measures taken to avoid its immediate impacts on the health of the residents of the Czech Republic, it has become apparent that the most important tools of influencing the epidemic and stopping its uncontrollable spread is to influence these individual links of an epidemic process. The source of infection can be isolated and treated; the route of transmission can be interrupted and a receptive individual can be protected, for example, by quarantine measures or vaccination, which, however, is not yet widely available for the COVID-19 pandemic.

With the epidemic spread of an infectious disease, there is a risk that without taking protective or emergency measures, the infection will spread uncontrollably through the population, and there is a possibility that the capacity of the medical system for isolation and treatment will be exhausted and this will have a major impact on the health of the population. One of the most dangerous situations is parallel spreading where a single diseased person simultaneously infects more than one person, which results in a massive spread of the infection in the population.

The key measures include the possibility of effectively interrupting the spread of infection among individuals and in the entire population (restrictions on gathering, limited provision of selected services, the use of protective equipment and disinfectants).

The main goal of the measures is to interrupt the continuous epidemic process and to stop the epidemic in the shortest period of time possible and with as low human life losses as possible, while simultaneously minimising the negative impacts on the economy (while, however, not losing sight of the primary goal – to stop the epidemic). This can be achieved by restricting movement of persons, restricting occurrence of mass events, restricting the operation of activities with grave epidemiological consequences, using adequate personal protective equipment and using disinfectants to an increased degree.

The Protective Measure, along with other valid measures, aims to ensure a wider range of specific measures taking into account precautionary principle in connection with further spread of COVID-19.

The goal of the imposed measures is to limit selected activities or services where this limitation is important particularly for infectious diseases transmissible from person to person, one of which is COVID-19. With a serious infection, which is transmitted by contaminated droplets (aerosol), it is necessary to prevent concentration of people, particularly in an enclosed space, and to possibly define other requirements for their presence in such a place. Therefore, it is necessary to use tools of regulation traffic in such places.

The goal of this Protective Measure is to take actions necessary to further slow down the spread of COVID-19, to further flatten the curve of the number of persons infected with the SARS-CoV-2 coronavirus, which causes the respiratory disease COVID-19, in the Czech Republic and thereby to prevent overload or collapse of the medical system, which happened or is happening in those countries where adequate measures were not taken in a timely manner (i.e. in Wuhan in China, in Italy, Spain, France, Portugal, the United Kingdom, certain parts of the USA, particularly New York, in South America, etc.).

As the European Commission states in its Communication of 19 January 2021¹, as long as the numbers of infected people are rising and until the extent of the vaccination coverage reverses the inflow of the pandemic, it will be necessary to remain vigilant, to continue to comply with the measures against the spread of the infection and to carry out hygiene controls. Thus, the European Commission calls on the Member States to provide immediate response in order to limit the risk of the potentially more aggressive third wave of the epidemic, which would be characterised by new and more infectious variants of the virus, which are already present in Europe. At this moment, there are no scientific findings on whether the new variants of the virus cause more serious health problem but it has been scientifically confirmed that they are more infectious by 50-70%, which means a simpler and faster transmission, resulting in an additional burden on the already overloaded healthcare systems.

In its risk assessment of 21 January 2021,² the European Centre for Disease Prevention and Control (ECDC) summarises that due to the new virus variants, the risk of community transmission in the EU is very high, which may lead to a sudden increase of the number of infected people, higher hospitalisation rate and a higher mortality rate in all age categories, particularly in the older population. Therefore, the ECDC calls for adoption of measures that will ease the burden on the medical systems.

Based on the current state of knowledge, the flattening of the curve indicating the number of persons infected with the SARS-CoV-2 coronavirus aims to achieve three absolutely fundamental positive effects:

- To prevent overloading the capacity of hospitals. This is supposed to allow for maintaining the necessary medical care for those patients who are not infected with the SARS-CoV-2 coronavirus as well as for those patients with COVID-19 who need hospitalisation. The objective is to maintain mortality rate as low as possible. According to the National Institute of Public Health, which bases its estimate on the data and analyses of the European Centre for Disease Prevention and Control, a serious condition requiring hospitalisation may develop in more than 30% of those infected, of whom, on a wider average, 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 higher tens of percent of the population within a short term of several months.
- To prevent an explosive spread of COVID-19, which might result in (a) an increased spread of more aggressive types of the SARS-CoV-2 coronavirus and (b) increased

¹ Communication from the Commission to the European Parliament, the European Council and the Council: United Front against COVID-19 (https://ec.europa.eu/info/sites/info/files/communication-united-front-beat-COVID-19_en.pdf)

² <https://www.ecdc.europa.eu/sites/default/files/documents/COVID-19-risk-related-to-spread-of-new-SARS-CoV-2-variants-EU-EEA-first-update.pdf>

concentrations of the SARS-CoV-2 coronavirus in the body. Based on the current scientific findings, a higher concentration of the SARS-CoV-2 coronavirus in the body and the presence of its more aggressive types lead to a wider range of health complication in the infected persons and to higher mortality.

- To reduce mortality and the number of cases with a serious course of the infection because over time our knowledge of the behaviour of the SARS-CoV-2 coronavirus and the methods of treating the infection and alleviating its consequences will grow. It is common knowledge that experimental attempts at treatment with various types of antiviral drugs (such as remdesivir or hydroxychloroquine) are already being made and that in certain cases, such treatment delivers certain results. Vaccination in the Czech Republic was launched in late 2020 and early 2021.

If no emergency measures were taken, it cannot be reasonably ruled out, considering the aforementioned circumstances, that the total number of those infected in the Czech Republic could reach millions, with hundreds of thousands of person potentially requiring hospitalisation (while, based on the current state of knowledge, a considerable number of those hospitalised may require demanding intensive care). As a result of infection, tens of thousands of people could fall victim to the disease, which can be prevented with the proposed, well targeted measures. The healthcare system of the Czech Republic (or even the healthcare system of any other country) would not be able to handle such numbers, among other reasons, due to the number of intensive care beds for adult patients (i.e. in the anaesthesiology and resuscitation departments and intensive care units) and due to the number of ventilators for adults; moreover, a part of these capacities are used by patients with other diseases, and thus only a part of them can be permanently earmarked for coronavirus patients. If the number of available intensive care beds and lung ventilators were exceeded, the number of victims would start to rise dramatically and could run into the hundreds of thousands of the residents of the Czech Republic in the event of an explosive spread of the infection, even according to considerably conservative estimates, and this would not affect only the elderly.

Similar measures as have been adopted in the Czech Republic have been and are being adopted also by the governments of other countries. It needs to be emphasised that some countries chose less strict actions and measures in the beginning. However, as time progressed, it became apparent that such less strict measures are not effective almost anywhere and that the impact on the population in such cases is worse than immediate implementation of relatively stricter measures, which was done in the Czech Republic. Not only did a more relaxed initial approach lead to an explosive spread of COVID-19 (see, for example, Sweden, the Netherlands, Spain, Italy, the United Kingdom and the USA) and possibly even to mutation of this virus (in the United Kingdom, the Republic of South Africa and Brazil) and to loss of life of thousands to tens of thousands in each of these countries, for the time being, but in the end, such an approach leads to equally strict or even stricter measures than the ones that have been chosen in the Czech Republic.

The different approaches of individual governments mainly stem from the fact that sufficient information on the SARS-CoV-2 coronavirus and on its exact properties and characteristics as well as on the details of its spreading and transmission were not available as of when the individual measures were imposed and are still not available now. The various measures of the governments of individual countries are taken in good faith based on all available information. Nevertheless, in the course of the pandemic, virtually all the countries of western civilisation affected by the spread of COVID-19 have gradually proceeded to take the same actions as the Czech Republic (i.e. to declare a state of emergency, to restrict movement

and entry of foreign nationals, to restrict retail sales, etc.), although the approaches of individual countries may differ in certain details.

The degree of uncertainty and higher level of risk associated with the COVID-19 epidemic is also caused by the fact that the virus is gradually evolving and mutating, which changes its properties. The genetic information of coronaviruses is fairly changeable in comparison with other viruses, which is one of the reasons for selection of different variants of the virus. At the same time, findings on the SARS-CoV-2 coronavirus and its properties are also changing dynamically.

Nevertheless, available empirical data show that an unrestrictive approach leads to markedly more severe adverse consequences than adoption of restrictions. Possible sudden loosening of adopted measures might have unforeseeable consequences and, in an extreme case, could result in complete reversal of the favourable results.

Introduction of COVID-19 means any import of COVID-19 cases to the territory of the Czech Republic. It is necessary to perceive that the number of imported cases is controlled due to the basically global restriction of mobility and deliberate reduction of the mobility options within the EU by perhaps all the Member States.

During the waves referred to as the first and the second, the Member States of the European Union gradually introduced mutual health and border controls for entry into their territories, which limited entry only to selected categories of persons. During the first wave, the reintroduction of internal border controls was notified by 18 Member States of the Schengen Area (out of total 26), and a number of other Member States of the European Union and the Schengen Area introduced additional restrictive measures for entry. Due to the COVID-19 epidemic, several Member States continue to carry out internal border controls (Belgium, Austria, Hungary, Denmark, Finland and Norway) and controls referred to as near-border controls or in-country controls are being strengthened. In order to limit the impact on economies and free movement of travellers with an essential function or need during the second wave of the pandemic, the Council adopted its Recommendation on 13 October 2020,³ in which it agreed on joint coordination. Due to the persisting exponential spread of COVID-19, especially of its new variants, the European Council agreed during its session held on 21 January 2021 to make the above Recommendation stricter, and this was subsequently discussed and approved by the EU Council. The revised Recommendation places an emphasis on not restricting the mobility of persons travelling from low-risk (green) regions/countries where the incidence rate is 25 or lower (100,000 residents / 14 days) and, at the same time, the test positivity is below 4% (total number of tests / week). As concerns other regions/countries, which the Recommendation categorises into orange (medium-risk) ones, red (risk) ones and dark red (high-risk) ones, Member States are given flexibility in adopting national epidemiological measures but the principle of proportionality (i.e. less strict measures for countries with a lower risk of infection) and non-discrimination (the same rules for citizens and foreign nationals) should always be adhered to. From among the possible measures, an emphasis is placed on quarantine and testing before or after entry in an effort to prevent reintroduction of borders or an across-the-board ban on transport. For high-risk

³ COUNCIL RECOMMENDATION (EU) 2020/1475 of 13 October 2020 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic (<https://eur-lex.europa.eu/legal-content/CS/TXT/PDF/?uri=CELEX:32020H1475&from=CS>)

countries, it is recommended applying the rule of testing before departure and quarantine as a general rule. Furthermore, it is recommended that people should be discouraged from any other than essential travel, particularly from and to risk and high-risk countries.

In point III.1, which contains criteria identical to those in the Council Recommendation (see above), the Czech Republic has fully transposed the mechanism of rating green, orange, red and dark red countries.

The list of countries with a low risk was prepared in full accordance with articles 8, 10, 12 and 13 of the Council Recommendation and the weekly update is made according to the data delivered by the European Centre for Disease Prevention and Control (ECDC). When preparing the list of low-risk countries, it is necessary to define a certain limit, and it is not possible to label only the countries with an epidemiological situation worse than or comparable with that in the territory of the Czech Republic as the low-risk countries. In an extreme case, this interpretation might result in a situation where the country with the worst epidemiological situation in the world would have to allow free entry for persons travelling from any country without any restriction. This would surely not be the correct way of preventing the spread of the epidemic. Orange, red and dark red countries are colour coded in this way exactly for the reason that they meet the objective criteria because of their poor epidemiological situations and it is necessary to take a consistent approach to them. The fact alone that these countries may have lower values than the Czech Republic does not make them green countries and does not mean that there is no risk of an additional import of infection when trips are made from or to these countries.

To sum it up, a mechanism for putting countries/regions on a list of countries with low, medium, high and very high risk of prevalence of COVID-19 has been designed in the context of the Council Recommendation for Union coordination in such a way so that it corresponds to the joint coordination at the EU level and so that it creates an environment for prevention of the spread of the infection.

As concerns the obligation to undergo a test at one's own expense, it is hereby stated that point I.2 of the Protective Measure represents a restriction of free movement of persons within the meaning of the Council Recommendation. Therefore, this is an effort to limit free movement of persons, and this is why the obligation to pay the test from one's own pocket has been imposed. In essence, the purpose is to discourage people from unnecessary travel. If the test were paid under a public insurance scheme, the obligation to undergo such a test would not represent almost any restriction.

Restriction of free movement of persons defined in point I.2 or point II of the Protective Measure is, once again, based on the Council Recommendation. In Article 17, the Council Recommendation states: *"Member States that consider necessary to introduce restrictions to free movement, based on their own decision-making processes, could require persons travelling from an area classified other than 'green' pursuant to point 10 to (a) undergo quarantine/self-isolation; and/or (b) undergo a test for COVID-19 infection after arrival."* For those countries, which are not on the list of low-risk countries, the Czech Republic decided to take advantage of the option given in the Council Recommendation, based on the legal power of the Ministry of Health, which is entrusted to this Ministry by the provision of Section 68(1) of Act No. 258/2000 Coll. Based on this power, the Ministry of Health is authorised to impose quarantine on persons who stayed in risk countries, which would involve a nearly absolute impossibility to leave the place of their residence, and even this very strict measure would not be beyond the framework of the Council Recommendation. However, the Czech Republic decided to adopt a more moderate measure and the Ministry of Health defined exceptions to the restriction of free movement of persons in point II.

The Protective Measure defines the obligation to wear protective equipment for the respiratory tract – at least in the form of what is referred to as a disposable face mask (that is, not shawls, neck cloths, home-made cloth face masks) – only in the situations referred to in point II and for a period of 10 days. The correct term for a face mask is a medical face mask. Therefore, the obligation to wear face masks is defined, for example, for travel to work and for movement that is a part of performance of a job, for trips to medical facilities, etc. There is no obligation to wear a respiratory tract protection, for example, in one's place of residence. It is necessary to interpret the Protective Measure according to its purpose, which is to prevent the spread of COVID-19. This is why it is necessary that persons referred to in points I.2 through I.4 whose free movement in the country is restricted according to point II should wear a face mask for the incubation period whenever they move among other persons. At the same time, an emergency measure of the Ministry of Health imposing a general obligation to wear protective equipment for respiratory tract (currently the emergency measure of 30 November 2020, ref. no. MZDR 15757/2020-42/MIN/KAN) also applies to all persons in the Czech Republic. In the light of the emergency measure with the ref. no. MZDR 15757/2020-42/MIN/KAN, the Protective Measure does not provide for unreasonably stricter rules. As concerns the reasons for imposing the obligation to wear protective equipment for respiratory tract, see the detailed rationale of the applicable emergency measure because in the context of this Protective Measure, these are not significant specifics requiring further different rationale. A face mask protects the people around from transmission of infection. It is not intended to protect the wearer; it is not a part of personal protective equipment. The problem of a face mask lies with its insufficiently sealed edge where air penetrates under the mask around the nose and the cheeks. This impairs the filtration efficiency of the used material, which is sometimes good (used from a document, see below). The classification is based, for example, on a document by the Research Institute for Safety at Work, v. v. i., titled "Information on the Protection of Airways". According to this document: "*Respirators (filtration half-masks against particles) designed to protect respiratory organs (hereinafter also referred to as "FFR" – filtering facepiece respirators), which are sometimes referred to as respirators, are subject to different regulatory standards across the world. These standards specify certain required physical properties and performance characteristics in order for the respirators to conform to a specific standard. During pandemics or emergency situations, public health authorities often refer to these standards when they issue recommendations for respirators, and they, for example, state that a certain part of the population should use a respirator classified as "N95, FFP2 or equivalent". The purpose of this document is only to clarify some key similarities between these recommendations, specifically between the following FFR performance standards: • N95 (USA NIOSH-42CFR84) • FFP2 (Europe EN 149-2001) • KN95 (China GB2626-2006) • P2 (Australia / New Zealand AS / NZA 1716: 2012) • Korea 1st grade (Korea KMOEL - 2017-64) • DS (Japan JMHLW-Notification 214, 2018). Based on this comparison, it is reasonable to regard Chinese KN95, AS / NZ P2, Korean 1st grade and Japanese DS FFR to be "equivalent" to US NIOSH N95 and FFP2 European respirators for filtering particles that are not oil-based, ...*".

As concerns the gradual loosening of the restrictions on entry of persons from third countries, the across-the-board ban with the defined exceptions expired at the end of June 2020. Based on joint discussions, a Council Recommendation was adopted on 30 June 2020⁴,

⁴ COUNCIL RECOMMENDATION (EU) 2020/1144 of 30 July 2020 amending Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction (<https://eur-lex.europa.eu/legal-content/CS/TXT/PDF/?uri=CELEX:32020H0912&from=ES>)

which summarised the criteria for putting a given third country on what is referred to as the “Common Green List”, while presenting the initial list of third countries, for which gradual relaxation of the rules for entry into the EU can take place starting from 1 July 2020. This list is flexible and should be understood as the maximum. If a Member State assesses that all the criteria are not met in the given national context, it can decide not to put the third country concerned on its national list. At the same time, a national list should not be larger than the list of third countries approved by the Council. Evaluation and revision of the common EU list takes place at 14-day intervals. Due to deterioration of epidemiological situation, several third countries – Algeria, Monte Negro, Georgia, Canada, Morocco, Japan, Serbia and Tunisia – have already been taken off the list. The measure for the purposes of travel from third countries, which are not on the Common Green List, remains similar to that applicable before June 2020, meaning that entry should only be permitted within the defined exceptions: healthcare workers, medical researchers and senior care workers; cross-border workers; seasonal workers in agriculture; transport workers; diplomats, employees of international organisations and persons invited by international organisations whose physical presence is required for the proper functioning of these organisations, members of armed forces, workers providing humanitarian aid and civil defence workers in the performance of their duties; passengers in transit; persons travelling for urgent family reasons; sailors; persons in need of international protection or who have another humanitarian reason; third country nationals travelling for the purpose of studies; high-skilled workers from third countries, if their employment is essential from the economic point of view and their work activity cannot be postponed or performed abroad. According to a proposed revision of the Recommendation, it has been newly recommended imposing an obligation to undergo a PCR test before a trip for travels from non-EU countries and introducing other measures, particularly for those third countries, which have not been rated as low risk or in which one of the new variants of the virus is present. A new condition for putting third countries on the Union’s safe list is incidence of 25 (14 days / 100,000 residents) and simultaneously test positivity below 4% (the total number of tests / week). In this context, the number of tests should exceed 300 (the number of tests / 100,000 residents / week). Besides epidemiological criteria, the assessment should also take into account other findings, particularly the way the third country overall handles its epidemiological situation or reciprocity.

In response to the call of Member States for better specification of individual categories, the European Commission presented their guidelines on 28 October 2020 (COM(2020) 686 final)⁵, which elaborate on the individual categories of exceptions for travel from third countries, including the recommendations on the proof of such purposes. For study purposes, the specification has been ensured by reference to Directive 2016/801 on students and researchers. The categories of persons not falling within the scope of this Directive are stated as possible, i.e. as persons that are left to the discretion of individual Member States – this also applies to the category of preparatory courses for university studies, which the Czech Republic restricts in accordance with the Recommendation. In this respect, the Protective Measure also responds to the crisis measures of the government imposed during the state of emergency, which substantially restrict free movement, assembly in the territory of the Czech Republic and generally introduce remote learning for schools. A mechanism

⁵ https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20201028_com-2020-686-commission-communication_en.pdf

allowing for visits between unmarried couples who have a permanent partner relationship has been introduced, both for those with a visa obligation (including resumption of acceptance of applications for short-term visas) and for those without a visa obligation.

Entry from third countries is made possible in such a way so that it is in accordance with the EU-level coordination as much as possible. The Czech Republic progressively loosened travel from safe countries; Australia, New Zealand, South Korea and Thailand are currently on the national list. At the same time, exceptions for travel of persons from third countries, which are not on the list of countries with a low risk of prevalence of COVID-19 have been expanded. For example, starting from 24 August 2020, the filing of applications for short-term visas for the purpose of employment has been permitted for the citizens of Ukraine for the sake of economic interests of the Czech Republic.

In view of the significant number of foreign nationals from third countries who arrived in the Czech Republic in violation of the conditions defined by the Protective Measure and who were detained by the Police of the Czech Republic, it is necessary to have these foreign nationals take a PCR test for the presence of COVID-19 before placing them in the facility for detention of foreign nationals or immediately after placing them in that facility, before releasing them after initial detention or in the event of their voluntary return. The goal is to prevent the spread of the infection in the Czech Republic among the general population, among the foreign nationals detained in the facility or among the people they encounter on their way to their home country.

A uniform method has been introduced for reporting a stay longer 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 prevalence of COVID-19. This method involves filling out an electronic Arrival Form, which needs to be filled out before arriving in the Czech Republic. Regional Public Health Offices will receive this information via the electronic form.

As part of the worldwide restrictions on movement of persons due to epidemiological measures taken by individual countries, the Czech Republic tries to actively seek out countries or their parts with a low risk of transmission of COVID-19 so that the citizens of the Czech Republic are given at least a limited option to travel safely for tourist and recreational purposes outside the Czech Republic. Most EU countries have chosen the same approach and the practice of issuing a list of countries or their parts with a low risk of transmission of COVID-19 with regular weekly updates based on the development of the epidemiological situation in the given location has proved to be a flexible solution. The Czech Republic has long been trying to reach consensus within the European Union regarding the list of safe countries; nevertheless, just as, for example, Germany or Poland, the Czech Republic is not opposed to the inclusion of selected tourist destinations in the list of safe destinations on limited-time basis or regionally limited basis; this would also secondarily support the sector of travel agencies and carriers in the Czech Republic. So far, the epidemiological situation and the restrictions on free movement have not made it possible to include any such region in the list.

In connection with the end of the transitional period – simply put, in connection with BREXIT – the citizens of the United Kingdom of Great Britain and Northern Ireland have been viewed as EU citizens since 1 January 2021, provided that Part Two of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community applies to them, that is, provided that they are holders of a certificate of temporary residence or a permanent residence permit issued by the Czech Republic or their equivalents issued by another Member State of the European Union. Family members of the citizens of the United Kingdom of Great Britain and

Northern Ireland, to whom Part Two of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community applies, are viewed as family members of the citizens of the European Union within the meaning of Section 15a(1) or Section 15a(2)(b) of Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Czech Republic and on amendments to certain Acts, as amended.

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