



Prague, 30th November 2020

Ref. no.: MZDR 20599/2020-40/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 3rd December 2020 at 00:00 hours,

I. it has been decreed

1. that all persons who entered the territory of the Czech Republic after 3rd December 2020, 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 not on the list of countries with a low risk of transmission of COVID-19 under point III.1 hereof, shall report this fact immediately before entering the territory of the Czech Republic by filling in electronic form as mentioned under point III.4, to a regional Public Health Office with jurisdiction over the person's normal place of residence or registered place of residence, shall present the certificate (passenger card received on filling in the electronic form) on request during the border control or residence check and within five days of their entry into the territory of the Czech Republic shall 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, including citizens of the Czech Republic 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 or who travel to or from the Czech Republic for the period of time not exceeding 24 hours,
 - c) 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 and officials of international organisations registered with the Ministry of Foreign Affairs, provided that their stay in the country does not exceed 14 days,
 - d) persons below the age of 5,
 - e) citizens of the Czech Republic, citizens of the European Union and their family members with their place of residence in the territory of the Czech Republic and foreigners with a residence permits for a stay over 90 days issued by the Czech Republic who travel with a tour operator or via travel agency but only in regions as mentioned in the list under clause III.1,
 - f) cross-border workers, pupils and students who for the purpose of work performance or education on a regular basis at least once a week justifiably cross the state border with the Czech Republic from or to the neighbouring state;
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 point I.2 and within 7 days of their entry into the territory of the Czech Republic 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, 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 transmission of COVID-19 pursuant to point III.1 hereof, and for third country nationals who are temporary or permanent residents in such third 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 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,

- 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. 2 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,
 - 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 14 days 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 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;
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,
 - c) payment for the medical care, unless the payment is secured otherwise; this does not apply to foreign nationals with a long-term residence permit,
 - d) their return to their country of origin if the purpose of their stay in the territory of the Czech Republic is terminated; unless is provided otherwise; this does not apply to foreign nationals with a long-term residence permit;

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 point 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 third countries that are not on the list of countries with a low risk of transmission of COVID-19 under clause III.1, 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.4 (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, sports-related purposes and for the purpose of a sabbatical,

- 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,
- n) employee cards, if they are submitted to the Consulate General of the Czech Republic in Lvov by nationals of Ukraine to whom a deadline for submitting an application for an employee card was set from 16 March 2020 to 25 May 2020 on the basis of a lottery registration for the submission of an application for an employee card;

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 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.7, with the exception of point I.7 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;
- 10. that all persons referred to in point I.2, including the persons referred to in points I.2 (a) through (c) and (e), shall be required to wear respiratory protective equipment for the period specified in point II hereof or for a period of 10 days, particularly if these are the persons referred to in point I.2(a), unless the period defined in point 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 with the exception of those travelling with a travel agency as referred to in point I.2 (e) or those in accordance with point I.2 (f), 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, or as referred to in clause III.5; the same obligation is applied to educational institutions in relation to students and teachers;
- 12. 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;

13. that international bus carriers and air transporters are to prevent those who travel from third 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 form as referred to in point I.2, from using their services, if they do not submit the certificate received on filling in the electronic form.

II. prohibits

all persons referred to in point I.2, 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, or for a period of 10 days, or until they present the result of an RT-PCR test for the presence of SARS CoV-2 as referred to in point 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 proceedings referred to in point I.11,
- 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;

This prohibition does not apply to persons below the age of 5.

To foreigners referred to in clause I.11, the free movement restriction applies for a period of 10 days.

III. provides

1. that the list of the countries or their parts with a low risk of transmission of COVID-19, including the countries labelled for purposes in accordance with point I.11, and regions for purposes in accordance with point I.2 (e), 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;

there are always listed those European Union Member States that notify in the case of point (a) the maximum value of 25, whereas at the same time they do not notify in the case of point (b) the value of or exceeding 4 %;

for the purposes of the point I.11 there are marked those European Union Member States that notify in the case of point (a) the value lower than 250, whereas at the same time they notify in the case of point (b) the value of 4 % or higher, or they notify in the case of point (a) the value in the range from 25 to 350 but at the same time they notify in the case of point (b) the value of 4 % or lower;

the list of the countries 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,
4. that the electronic form „Public Health Passenger Locator Form“ is available at www.prijezdovymformular.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 EU citizens, including Czech citizens and third country nationals with permitted long-term or permanent residence in the European Union, are allowed to meet the requirement of submitting themselves, at their own expense, to an RT-PCR test for the presence of SARS CoV-2 under point I.2, by presenting a negative result of RT-PCR test for the presence of SARS CoV-2, which has been performed in the territory of the EU member state and which is not older than 72 hours; the test result is submitted immediately on entry into the territory of the Czech Republic to a regional Public Health Office as specified in point I.3,
6. that for the purpose of this Protective Measure are as member states of European Union understood, aside from the member states of European union, the following countries: the United Kingdom of Great Britain and Northern Ireland, 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.

II

The Protective Measure of the Ministry of Health with the ref. no. MZDR 20599/2020-37/MIN/KAN of 16th November 2020 will be terminated with effect as of 3rd December 2020, 00:00 hours.

III

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

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, with the number of those infected reaching higher figures than normal sporadic infection levels. The infection levels that then lead to an epidemic spread (known as the 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 carriers of the disease, the incubation period, and transmission routes. The most severe epidemics from a point of view of impact and burden on the population are those caused by interpersonal transmission. The highest infection levels 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. Those carrying 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, an 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 continuity of the epidemic process and to stop the epidemic as quickly as possible with the least possible loss of human lives, while simultaneously minimising negative impacts on the economy (while concentrating on 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), high concentrations of people, especially indoors, must be avoided, for instance by imposition of regulations for congregating in such a place. It is therefore necessary to implement measures 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 over-filling hospital capacities. This is 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. According to data and analysis of the European Centre for Prevention and Control of Disease, serious cases demanding hospitalisation may arise in more than 30 % of those infected, of whom, on a wider average, at least 2.5 % of those infected (although probably considerably more) will be patients in critical condition. Uncontrolled spread of the epidemic could result in the disease affecting 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 in the body 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 of methods for treating the infection and alleviate its consequences will grow. Eventually, we plan to develop medicines or vaccines. It is 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 some cases such treatment is delivering certain positive results.

If no emergency measures were 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, due to the limited number of intensive care beds for adults (i.e. in anaesthesiology and resuscitation departments and intensive care units) and the limited number of ventilators for adults, which must also be available to 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. The impact on the population in such cases has proved to be more serious than where immediate implementation of the relatively stricter measures occurred, as in the case of the Czech Republic. Not only did 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 has led to the imposition of equally strict or even stricter measures than were decided upon in the Czech Republic.

The various approaches of individual governments are 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 separate 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 though the approach of individual countries may differ in certain details.

The degree of uncertainty and the 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 considerably 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. Potential sudden relaxation of implemented measures could have dire consequences and in extreme cases could lead to complete reversal of any positive results.

During the “first wave”, Member States of the European Union 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 of persons. 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. Due to the COVID-19 pandemic, several Member States still pursue controls on the inner borders (Hungary, Denmark, Finland and Norway). To limit the impact on the economy and free movement of those who need to travel to perform their functions or essential needs during the second wave of the pandemic, on 13 October the Council adopted a recommendation¹ in which they agreed on close coordination. The recommendation places emphasis on not limiting free movement of persons travelling from regions/countries (in green) where the incidence rate is 25 or lower (per 100,000 inhabitants per 14 days) and at the same time a test positivity rate of 4% (total number of tests per week). For regions/countries that are classified as red or orange according to the Council's recommendation, member states have a degree of flexibility in adoption of national measures, while always maintaining the principle that less strict measures shall apply in "orange" regions/countries. According to the Council's recommendation, the orange category comprises regions/countries where the incidence is lower than 50 and the test positivity rate is higher than 4%, or the incidence is between 25 and 150 and the test positivity rate is lower than 4 %. Countries that do not meet the criteria for inclusion on the "green" or "orange" list will be classified as "red". In addition to epidemiological criteria, other aspects should also be taken into account, i.e. the local epidemiological situation within each territory, etc. The recommendation also stipulates a category of travellers with an essential function or need to whom the restrictions should not apply under any circumstances (e.g. cross-border workers, persons working in the transportation industry etc.).

As far as the gradual relaxation of entry restrictions of persons from third countries is concerned, blanket ban with stipulated exceptions terminated at the end of June. Based on joint discussions, a Council Recommendation was adopted on 30 June 2020², 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. Due to the negative developments of epidemiological situation, the following third countries have been already removed from the list: Algeria, Montenegro, Morocco and Serbia. The measures concerning travelling from third countries, which are not on so-called Common Green list, are similar as during the period preceding June 2020, i.e. the entry should be allowed only to the extent of stipulated exceptions.

In the context of the Council Recommendation for coordination, a mechanism has been designed for inclusion of countries/regions in the list of countries with a low risk of incidence of COVID-19. The reference values stipulated by the Council Recommendation have been

¹ COUNCIL RECOMMENDATION (EU) 2020/1475 of 13 October 2020 on a coordinated approach to the restriction of movement in response to the COVID-19 pandemic.

² COUNCIL RECOMMENDATION (EU) 2020/1144 of 30 July 2020 amending Recommendation (EU) 2020/912 on the temporary restriction of non-essential travel into the EU and the possible lifting of such restriction

increased to make them correspond with the assessment of the epidemiological situation in the Czech Republic, so that restrictions will be imposed only in the most essential cases.

Entry from third countries has now been enabled in order to be fully in accordance with the coordination on EU level. The Czech Republic has gradually lifted restrictions on travelling from countries with a low risk of COVID-19 transmission, on the list there are now the following countries: Australia, Canada, Japan, New Zealand, South Korea, and Thailand. Simultaneously, there have been introduced exceptions for the persons travelling from third countries, which are not on the list with a low risk of COVID-19 transmission. For instance, as of 24 August 2020, the application for short-term work visas for Ukrainian nationals will be released due to the economic interest of the Czech Republic.

At the same time, restriction on free movement for 10 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.

Due to the significant number of third country nationals who arrived in the Czech Republic in violation of the conditions of the protective measure and who were detained by the Czech Police, these foreigners must, before their placement in the detention facility or immediately after their placement in the facility, before their release after initial detention or for the purpose of voluntary return, undergo a PCR test for the presence of COVID 19. The aim is to prevent the spread of infection in the Czech Republic among the general population, among foreigners detained in the facility or among persons traveling to their home country.

Also, a uniform method has been introduced for reporting a stay of longer than 12 hours during the past 14 days in the territories of those countries, which are not on the list of countries with a low risk of COVID-19 transmission, which involves completing an electronic form to report this fact immediately before entering the territory of the Czech Republic. The completed form with the information will be received by the appropriate regional Public Health Office according to place of residence. In the case of journeys to/from the Czech Republic, the possibility of travelling without the need to complete a form and being tested has been extended from 12 to 24 hours in order to give this exception greater effect, since in practice the 12-hour restriction was far too short to be effective.

Given the worldwide restrictions on free movement caused by epidemic measures adopted by individual states, the Czech Republic actively searches for countries or their parts with low risk of COVID-19 transmission, so that Czech citizens would have at least some possibility to travel safely for recreational and tourist purposes outside the territory of the Czech Republic. Most EU countries apply the same approach and the practice of publishing the list of countries or their parts with low risk of COVID-19 transmission according to local epidemiological developments on weekly basis has proven to be a functional provisional solution of the situation.

On a long-term basis, the Czech Republic strives for reaching consensus with other Member States on the list of countries or their parts with low risk of COVID-19 transmission, however,

as, for instance, Germany or Poland, the Czech Republic supports the inclusion of selected tourist destinations on the list of safe destinations, which would also be of help for the travel agency and transportation sectors in the Czech Republic. So far, the epidemiological situation and the restrictions of free movement do not yet allow any such region to be included in this safe destination list.

On 13 October 2020, the EU Council approved the Recommendation for implementation of epidemiological restrictions³ (testing and quarantine requirements) involving freedom of movement of persons only for essential journeys. According to this recommendation, differentiation must be made between so-called “red” and “orange” countries; restriction of the freedom of movement of persons is not permitted in “green” countries. Creation of the list must take place on the basis of the agreed criteria which include the degree of testing, proportion of positive tests in those tested and the incidence rate per 100,000 over the preceding 14 days. In combination with national determination of the incidence rate these criteria are included in preventive measures.

On 30 June 2020, in an attempt to improve coordination, the Council of the EU adopted its “recommendation on temporary restriction on non-essential travel into the EU and possible lifting of such restriction”. In addition to a mechanism for determining safe third countries with which mobility regulations could return to the situation as it was pre-COVID-19, this recommendation includes exclusion categories for which such restrictions should not apply even when arriving from a country not appearing in the EU safe country list. Such exclusions include: healthcare workers, medical research workers and workers that care for the elderly; cross-border workers; agricultural workers; transport industry workers; diplomats, employees of international organisations and persons with an invitation from international organisations, members of the armed forces, humanitarian aid workers and civil rescue workers when performing their function; travellers in transit, persons travelling for urgent family reasons; sailors, persons needing international protection or with another humanitarian reason; third country nationals travelling to take up/resume studies; highly qualified workers from third countries if their employment is essential due to economic considerations and their work cannot be postponed or performed abroad.

In connection with calls from member states for better specification of separate categories, on 28 October 2020, the European Commission issued a guideline (COM(2020) 686 final)⁴ which breaks down each category in greater detail, including recommendations for proving the

³ Council Recommendation (EU) 2020/1475 of 13 October 2020 on a coordinated approach to the restriction of freedom of movement in response to the COVID-19 pandemic.

⁴ https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20201028_com-2020-686-commission-communication_en.pdf

relevant purposes. In the case of “study purposes”, students and research workers are specified in greater detail, with reference to guideline 2016/801. A category of persons that are not affected by this guideline may be created at the discretion of each member state – this applies also to the “preparatory courses for study at universities” category which, in accordance with the Recommendation, is currently restricted in the Czech Republic. In this respect, protective measures also react to the crisis measures declared by the Government during the state of emergency, which restrict free movement, gatherings in the territory of the Czech Republic and stipulate distance tuition for schools. Also a mechanism has been introduced for permitting visits for unmarried couples in a permanent partnership together; this applies both for those subject to visa requirements (including resumption of acceptance of applications for short-stay visas) and for those not subject to visa requirements.

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