

Ordinance of the State Government on Infection Protection Measures against the Spread of the SARS-CoV-2 Virus (Corona Ordinance – “CoronaVO”)

of 25 June 2021

On the basis of Art. 32 in conjunction with Arts. 28 to 31 of the [German] Infection Protection Act (“IfSG”) of 20 July 2000 (Federal Law Gazette I, p. 1045), last amended by Article 1 of the Act of 28 May 2021 (Federal Law Gazette I, p. 1174), it is decreed:

Part 1 – General Regulations

Art. 1

Objective, Incidence Levels, Procedure

(1) This Ordinance is intended to combat the pandemic of the SARS-CoV-2 virus (Corona virus) in order to protect the health of citizens, while a sufficient immunization of the population has not yet been achieved. For cases of high regional outbreak incidence exceeding the seven-day incidence of 100, the state government reserves the right to take additional measures.

(2) The following incidence levels apply:

1. Incidence Level 1 exists when the seven-day incidence reaches a maximum value of 10 in an urban or rural county;
2. Incidence Level 2 exists when the seven-day incidence reaches a value of more than 10 and a maximum value of 35 in an urban or rural county;
3. Incidence Level 3 exists when the seven-day incidence reaches a value of

more than 35 and a maximum value of 50 in an urban or rural county;

4. Incidence Level 4 exists when the seven-day incidence reaches a value of more than 50.

(3) As soon as a value of the seven-day incidence published by the State Health Office, which is decisive for an incidence level, has been exceeded or fallen below in a city or district for five consecutive days, the competent health authority shall immediately publish a notice in the manner customary in the locality. The incidence levels apply on the day after the local announcement.

Art. 2

General Distance and Hygiene Rules

(1) Maintaining a minimum distance of 1.5 meters from other people, adequate hygiene and ventilation of enclosed spaces is generally recommended.

(2) In public areas and in establishments accessible by the public, a minimum distance of 1.5 metres from other persons must be maintained, unless compliance with the minimum distance is unreasonable in individual cases or a lower distance is necessary for special reasons. This does not apply to gatherings of several persons permitted under the general contact restrictions in Art. 7.

Art. 3

Mask Obligation

(1) The obligation to wear a medical mask applies.

(2) An exception to the mask obligation under Paragraph 1 applies:

1. In private areas,

2. Outdoors, unless it can be assumed that a minimum distance of 1.5 meters from other persons cannot be reliably maintained,
3. For children up to the age of six,
4. For persons who can credibly demonstrate that they cannot or cannot reasonably be expected to wear a medical mask for health or other compelling reasons, whereby the credibility of health reasons must generally be substantiated by a medical attestation, or
5. If the wearing of a mask is unreasonable or impossible for similarly weighty and unjustifiable reasons in the individual case, or if another protection of at least an equivalent level is available for other persons.

(3) The SARS-CoV-2 Occupational Health and Safety Ordinance of 21 January 2021 (BAntz AT 22 January 2021 V1), last amended by Article 1 of the Ordinance of 21 April 2021 (BAntz AT 22 April 2021 V1), as amended from time to time, shall apply in workplaces and operating sites.

Art. 4

Vaccinated, Recovered and Tested Persons, Proof

(1) A vaccinated person is an asymptomatic person who is in possession of a vaccination certificate issued to him or her within the meaning of Art. 2 Numeral 3 COVID-19 Protective Measures Exemption Ordinance of 8 May 2021 ("SchAusnahmV" - BAntz AT 8 May 2021 V1).

(2) A recovered person is an asymptomatic person who is in possession of a recovery certificate issued to him or her within the meaning of Art. 2 Numeral 5 SchAusnahmV.

(3) A tested person is an asymptomatic person who

1. Has not yet completed the sixth year of life, or
2. Is in possession of a negative test certificate issued to him or her.

(4) A test certificate is a proof within the meaning of Art. 2 Numeral 7 SchAusnahmV that

1. Takes place on site under the supervision of the person who must verify the presence of a test certificate,
2. Is carried out within the framework of in-company testing within the meaning of occupational health and safety by personnel who have the necessary training or knowledge and experience to do so, or
3. Was performed or supervised by a service provider in accordance with Art. 6 Paragraph 1 of the Corona Virus Test Ordinance of 8 March 2021 (BAnz AT 9 March 2021 V1).

The underlying test must not be more than 24 hours old. For pupils, the submission of a negative test certified by their school and dating back a maximum of 60 hours, or corresponding test evidence certified by the school, shall be sufficient; this shall apply accordingly to day-care facilities for children.

(5) Where, by regulations made under or pursuant to this Ordinance, proof of vaccination, recovery or testing is required, the provider, organiser or operator shall be required to verify such proof.

Art. 5 *Hygiene Concept*

(1) Insofar as a hygiene concept is to be established by means of regulations of this Ordinance or on the basis of this Ordinance, the persons responsible shall take into account the requirements of infection protection in accordance with the specific

circumstances of the individual case. The hygiene concept shall describe how the hygiene requirements are to be implemented, in particular

1. The maintenance of a minimum distance of 1.5 metres and the regulation of flows of people,
2. The regular and sufficient ventilation of indoor spaces,
3. The regular cleaning of surfaces and objects, and
4. Timely and comprehensible information about the applicable hygiene requirements.

(2) At the request of the competent authority, those responsible shall submit the hygiene concept and provide information on its implementation.

Art. 6

Data Processing

(1) Insofar as data are to be processed with reference to this provision as a result of regulations of this Ordinance or on the basis of this Ordinance, the first name and surname, address, date and period of attendance and, if available, the telephone number may be collected and stored by those obliged to process data from those present, in particular visitors, users or participants, solely for the purpose of providing information to the Health Department or the local police authority in accordance with Arts. 16, 25 IfSG. A new survey is not required if the data are already available. Art. 28a Paragraph 4 Sentences 2 to 7 IfSG shall remain unaffected.

(2) Those obliged to process data must exclude persons who refuse, in whole or in part, the collection of their contact data in accordance with Paragraph 1 Sentence 1 from visiting or using the facility or from participating in the event.

(3) Where attendees provide contact details pursuant to Paragraph 1, Sentence 1, to

those obliged to process the data, they must provide accurate information.

(4) The collection and storage may also be carried out in an end-to-end encrypted form that is not readable for the data controller in accordance with the state of the art, as long as it is ensured that the competent health authority receives the data by means of a secure transmission in a form that is readable for the health authority in the event of a release by the data controller. The end-to-end encrypted form must allow the transmission of the data to the health authority for a period of four weeks. Where data processing is carried out in this way, Paragraph 2 shall apply, provided that the data controller need only ensure that the presence of each person is recorded and stored by the digital application where the digital application requires the input of the types of data referred to in Paragraph 1. If data processing pursuant to Sentence 1 is provided for, an analogous collection of contact data of the data subject shall alternatively be made possible.

Part 2 – Special Regulations

Art. 7

General Contact Restrictions

(1) Private gatherings are permissible,

1. In Incidence Level 1 with a total of no more than 25 persons,
2. In Incidence Level 2 and 3, only with members of one's own household and three other households, with a total of no more than 15 persons; their children and up to five other children do not count until they have completed their 14th year of life,
3. In Incidence Level 4, only with members of one's own household and one other household, with a total of no more than five persons; their children do

not count until they have completed their 14th year of life.

If a household already consists of the maximum permissible number of persons or more, this household may meet with one additional person not belonging to the household.

(2) Couples who do not live together are considered one household.

(3) For the general contact restrictions, vaccinated persons and recovered persons are not taken into account when determining the number of persons and households.

(4) In cases of social hardship or for similarly weighty and indispensable purposes, the general contact restrictions shall not apply.

Art. 8

Events

(1) Events such as theatre, opera and concert performances, film screenings, flea markets, fairs, city festivals, folk festivals, city tours, information events and company celebrations are permissible

1. In Incidence Level 1

a) With up to 1,500 persons outdoors and with up to 500 persons within enclosed spaces, or

b) With up to 30 percent of the licensed capacity, or

c) With up to 60 percent of the licensed capacity, whereby participation is only permissible upon presentation of proof of testing, vaccination or recovery.

2. In Incidence Level 2
 - a) With up to 750 persons outdoors and with up to 250 persons within enclosed spaces, or
 - b) With up to 20 percent of the licensed capacity, or
 - c) With up to 60 percent of the licensed capacity, whereby participation is only permissible upon presentation of proof of testing, vaccination or recovery.
3. In Incidence Level 3 only with up to 500 persons outdoors and with up to 200 persons within enclosed spaces, whereby participation is only permissible upon presentation of proof of testing, vaccination or recovery.
4. In Incidence Level 4 only with up to 250 persons outdoors and with up to 100 persons within enclosed spaces, whereby participation is only permissible upon presentation of proof of testing, vaccination or recovery.

In Incidence Level 1, the obligation to wear a medical mask shall apply if the number of persons participating outdoors exceeds 300, and in Incidence Levels 2 to 4, 200. The distance requirement does not apply in the cases of Sentence 1 Numerals 1 and 2, and Letter c in each case.

(2) Private events, such as birthday and wedding parties, that go beyond the gatherings of several people permitted under the general contact restrictions are permissible

1. In Incidence Level 1 with up to 300 persons outdoors, whereby participation in events in enclosed spaces is only permissible upon presentation of proof of testing, vaccination or recovery,
2. In Incidence Level 2 with up to 200 persons outdoors, whereby participation in events in enclosed spaces is only permissible upon presentation of proof

of testing, vaccination or recovery,

3. In Incidence Level 3 with up to 50 persons outdoors, whereby participation is only permissible upon presentation of proof of testing, vaccination or recovery,
4. In Incidence Level 4 with up to ten persons outdoors, whereby participation is only permissible upon presentation of proof of testing, vaccination or recovery.

The distance requirement and the obligation to wear a medical mask shall not apply.

(3) Excepted from the restrictions of Paragraphs 1 and 2 are

1. Committee meetings of legal entities, companies and comparable associations,
2. Events that serve the maintenance of work, service or business operations, public safety and order or social welfare,
3. Events in the area of services and measures under Art. 16 of the Eighth Book of the Social Security Code - Children and Youth Welfare (SGB VIII), of the Frühe Hilfen in accordance with the Corona Ordinance Family Education and Frühe Hilfen, as well as in the area of child and youth welfare services that are carried out within the framework of services or measures according to Arts. 11, 13, 14, 27 to 35a, 41 to 42e with the exception of Art. 42a Paragraph 3a SGB VIII, and
4. Events for similarly weighty and irrefutable reasons.

(4) Anyone holding an event must prepare a hygiene concept and carry out data processing. Employees and other contributors are not taken into account when determining the permissible number of persons.

(5) Events and meetings of the organs, parts of organs and other bodies of the legislative, judicial and executive branches as well as of self-government, as well as nomination and election campaign events and the collection of support signatures required for parliamentary and municipal elections for election proposals of parties, electoral associations and individual candidates as well as for petitions for referendums, petitions for motions, citizens' petitions, residents' petitions and residents' meetings shall be permissible without the restrictions of Paragraphs 1, 2 and 4. The obligation to wear a medical mask shall only apply to visitors of these events.

(6) An event within the meaning of this provision is a temporary and localised and planned event with a defined objective or intention under the responsibility of an organiser, a person, organisation or institution in which a group of people specifically participates.

Art. 9

Meetings under Article 8 of the Basic Law

(1) Notwithstanding the general contact restrictions and the regulations for events, meetings intended to serve the exercise of the fundamental right of freedom of assembly under Article 8 of the Basic Law shall be permissible.

(2) The chairman of the meeting must work towards compliance with the distance rule in accordance with Art. 2 Paragraph 2. The competent authorities may impose further conditions, for example, for compliance with the hygiene requirements.

(3) Assemblies may be prohibited if protection against infection cannot be achieved by other means, in particular by imposing conditions.

Art. 10

*Events Organised by Religious, Faith and Non-Confessional Organisations
as well as Events in the Case of Death*

(1) Notwithstanding the general contact restrictions and the regulations for events, events organised by churches as well as religious and faith communities for the practice of religion and corresponding events of non-confessional organisations are permissible. Anyone holding an event shall establish a hygiene concept and perform data processing.

(2) Notwithstanding the general contact restrictions and the regulations for events, burials, urn burials and prayers for the dead are permissible. Anyone holding an event shall establish a hygiene concept and perform data processing.

Art. 11

Cultural, Recreational and Other Establishments, and Transportation

(1) The operation of cultural institutions such as galleries, museums, memorials, archives, libraries and similar institutions shall be permissible to the public

1. In Incidence Levels 1 and 2 without the restrictions of Numerals 2 and 3,
2. In Incidence Level 3 only with one person per ten square metres or part thereof,
3. In Incidence Level 4 only with one person per 20 square metres or part thereof, whereby access shall only be permissible upon presentation of proof of testing, vaccination or recovery.

(2) The operation of trade fairs and similar institutions shall be permissible to the public

1. In Incidence Level 1
 - a) Only with one person per three square metres or part thereof, or
 - b) Without any area limitation, whereby access shall only be permissible upon presentation of proof of testing, vaccination or recovery,
2. In Incidence Level 2
 - a) Only with one person per seven square metres or part thereof, or
 - b) Only with one person per three square metres or part thereof, whereby access shall only be permissible upon presentation of proof of testing, vaccination or recovery,
3. In Incidence Level 3 only with one person per ten square metres or part thereof, whereby access shall only be permissible upon presentation of proof of testing, vaccination or recovery,
4. In Incidence Level 4 only with one person per 20 square metres or part thereof, whereby access shall only be permissible upon presentation of proof of testing, vaccination or recovery.

(3) The operation of recreational establishments such as amusement parks, high ropes courses and similar institutions, baths and bathing lakes with controlled access, saunas and similar facilities shall be permissible to the public

1. In Incidence Levels 1 and 2 without the restrictions of Numerals 2 and 3,
2. In Incidence Level 3 only with one person per ten square metres or part thereof, whereby access shall only be permissible upon presentation of proof of testing, vaccination or recovery,
3. In Incidence Level 4 only with one person per 20 square metres or part

thereof outdoors, whereby access shall only be permissible upon presentation of proof of testing, vaccination or recovery.

The use of baths and similar establishments for official purposes, for rehabilitation sport, school sport, study, top-level or professional sport as well as for beginners' swimming courses or for similar purposes shall be permissible without the restrictions of Sentence 1.

(4) The operation of river and lake navigation in excursion traffic, tourist rail, bus and cableway transport and similar establishments

1. Shall be generally permissible in Incidence Levels 1 and 2, whereby access shall only be permissible upon presentation of proof of testing, vaccination or recovery,
2. Shall be permissible in Incidence Level 3 with up to 75 percent of the regularly permissible number of passengers, whereby access shall only be permissible upon presentation of proof of testing, vaccination or recovery,
3. Shall be permissible in Incidence Level 4 with up to 50 percent of the regularly permissible number of passengers, whereby access shall only be permissible upon presentation of proof of testing, vaccination or recovery.

(5) The operation of prostitution establishments, brothels and similar establishments as well as any other exercise of the prostitution trade within the meaning of Art. 2 Paragraph 3 of the Protection of Prostitutes Act

1. Shall be generally permissible in Incidence Level 1, whereby access shall only be permissible upon presentation of proof of testing, vaccination or recovery,
2. Shall be permissible in Incidence Level 2 only with one person per ten square metres or part thereof of the area intended for the public and insofar as the premises in which the paid sexual service is provided are not used by

more than two persons at the same time, whereby access shall only be permissible upon presentation of proof of testing, vaccination or recovery,

3. Shall be prohibited in Incidence Levels 3 and 4.

(6) The operation of discotheques, clubs and similar establishments

1. Shall be permissible in Incidence Level 1 only with one person per ten square metres or part thereof, whereby access shall only be permissible upon presentation of proof of testing, vaccination or recovery,
2. Shall be prohibited in Incidence Levels 2 to 4.

(7) Any person who operates an establishment under Paragraphs 1 to 6 shall draw up a hygiene concept and carry out data processing. The area intended for public use shall be decisive for the permissible number of persons.

Art. 12

Extracurricular, Vocational and Academic Education

(1) Extracurricular and adult education offers such as adult education courses, offers by music, art and youth art schools and similar offers shall be permissible

1. In Incidence Levels 1 and 2 without the restrictions of Numerals 2 and 3,
2. In Incidence Level 3 without any limitation of the number of participants, whereby access shall only be permissible upon presentation of proof of testing, vaccination or recovery,
3. In Incidence Level 4 only with up to 100 persons outdoors and with up to 20 persons within enclosed spaces, whereby participation is only permissible upon presentation of proof of testing, vaccination or recovery.

The obligation to provide proof shall not apply to gatherings of several persons permissible under the general contact restrictions.

(2) Events of vocational training pursuant to the Vocational Training Act or the Handicrafts Code as well as examinations and examination preparations, the implementation of labour market policy measures and other further and continuing vocational training, of language and integration courses and events of study operation pursuant to the Corona Ordinance Study Operation, the conduct of practical and theoretical driving, boating and flying school training and of practical and theoretical examinations, as well as the conduct of postgraduate seminars pursuant to Art. 2b of the Road Traffic Act (“StVG”) and driving aptitude seminars pursuant to Art. 4a of the StVG and comparable offers shall be permissible without the restrictions of Paragraph 1, Sentence 1. The obligation to wear a medical mask does not apply if a minimum distance of 1.5 metres from other persons may be reliably maintained.

(3) Nursing schools, schools for health care professions and specialised schools for social work under the departmental responsibility of the Ministry of Social Affairs, further education and training institutions for nursing and health care professions as well as schools for activities in the emergency services and schools under the departmental responsibility of the Ministry of Rural Areas shall offer two COVID-19 rapid tests each school week to the pupils involved in classroom teaching and to the staff working at the institutions in classroom teaching; this shall not apply to vaccinated or recovered persons. The time and organisation of tests to be carried out shall be determined by the school administration. Admission shall only be permitted upon presentation of proof of testing, vaccination or recovery. Proof of testing shall be deemed to have been provided if the person concerned has taken part in the testing and has tested negative; this shall also apply if, at the school, the testing is not carried out before or immediately after entering the school premises but at a later point in the school day. The proof must not be provided

1. For participation in intermediate and final examinations or in performance assessments required for the award of grades,

2. For entering the school premises for a short period of time, insofar as this is absolutely necessary for participation in the distance learning course, or
3. For entry by service providers that is required at short notice for the operation of the school or takes place outside operating hours.

For intermediate and final examinations, the school administration shall take appropriate measures to separate persons without a certificate from the other examination candidates.

(4) Anyone who provides extracurricular, vocational and academic education and training shall draw up a hygiene concept and carry out data processing.

Art. 13

Gastronomy, Accommodation and Entertainment Venues

(1) The operation of gastronomy, entertainment venues and similar establishments shall be permissible

1. In Incidence Levels 1 and 2 without the restrictions of Numerals 2 and 3,
2. In Incidence Level 3 only with one person per 2.5 square metres or part thereof of restaurant space within closed rooms and without limitation of the number of persons outdoors, whereby access to enclosed spaces shall only be permissible upon presentation of proof of testing, vaccination or recovery,
3. In Incidence Level 4 only with one person per 2.5 square metres or part thereof of restaurant space within closed rooms and without limitation of the number of persons outdoors, whereby access to enclosed spaces shall only be permissible upon presentation of proof of testing, vaccination or recovery.

In Incidence Levels 2 to 4, smoking shall be permissible only outdoors.

(2) The operation of canteens, cafeterias at universities and academies under the Academies Act as well as company canteens within the meaning of Art. 25 Paragraph 1 of the Restaurants Act (“GastG”) shall be permissible for use by members of the respective institution

1. In Incidence Levels 1 to 3 without the restrictions of Numeral 2,
2. In Incidence Level 4, whereby access shall only be permissible upon presentation of proof of testing, vaccination or recovery.

(3) The operation of accommodation businesses and similar establishments shall be permissible

1. In Incidence Levels 1 and 2 without the restrictions of Numeral 2,
2. In Incidence Level 3 and 4, whereby access shall only be permissible upon presentation of proof of testing, vaccination or recovery; if there is no proof of vaccination or recovery, a new test certificate shall be submitted every three days.

(4) Anyone operating an establishment in accordance with Paragraphs 1 to 3 shall draw up a hygiene concept and carry out data processing.

Art. 14

Trade and Service Companies

(1) The operation of retail trade and shops and similar establishments shall be permissible

1. In Incidence Levels 1 and 2 without the restrictions of Numeral 2,
2. In Incidence Level 3 and 4 only with one customer per ten square metres of sales area or part thereof.

For shopping centres the respective total sales area shall be applied.

(2) Insofar as a medical mask cannot be worn permanently during a service close to the body, offer or activity, the presentation of proof of testing, vaccination or recovery by the client is required for the use of the service; this does not apply to physiotherapy and occupational therapy, speech therapy and podiatry as well as medical foot care and similar health-related services.

(3) Anyone operating a retail establishment, a shop, a commercial or service business with customer traffic or a similar establishment shall draw up a hygiene concept and carry out data processing in Incidence Level 4. The obligation to process data does not apply to businesses that serve the basic needs of the population.

Art. 15

Sports and Sporting Events

(1) Recreational and amateur sport shall be

1. Permissible in Incidence Levels 1 and 2 without the restrictions of Numerals 2 and 3,
2. Generally permissible in Incidence Level 3 in general, whereby participation shall only be permissible upon presentation of proof of testing, vaccination or recovery,
3. In Incidence Level 4 only outdoors with up to 25 persons outdoors and with up to 14 persons within enclosed spaces, whereby participation is only permissible upon presentation of proof of testing, vaccination or recovery.

The restrictions of Numerals 2 and 3 shall not apply to gatherings of several persons permissible under the general contact restrictions.

(2) The restrictions of Paragraph 1 shall not apply to sport for official purposes, rehabilitation sport, school sport, study sport and top-level or professional sport.

(3) Competitive events such as those of recreational, amateur, top-level and professional sports shall be permissible

1. In Incidence Level 1

a) With up to 1,500 spectators outdoors and with up to 500 spectators within enclosed spaces, or

b) With up to 30 percent of the licensed capacity, or

c) With up to 60 percent of the licensed capacity, whereby participation is only permissible upon presentation of proof of testing, vaccination or recovery.

2. In Incidence Level 2

a) With up to 750 spectators outdoors and with up to 250 spectators within enclosed spaces, or

b) With up to 20 percent of the licensed capacity, or

c) With up to 60 percent of the licensed capacity, whereby participation is only permissible upon presentation of proof of testing, vaccination or recovery.

3. In Incidence Level 3 only with up to 500 spectators outdoors and with up to 200 spectators within enclosed spaces, whereby participation is only permissible upon presentation of proof of testing, vaccination or recovery.

4. In Incidence Level 4 only with up to 250 spectators outdoors and with up to 100 spectators within enclosed spaces, whereby participation is only

permissible upon presentation of proof of testing, vaccination or recovery.

In Incidence Level 1, if the number of spectators exceeds 300, and in Incidence Levels 2 to 4, if the number of spectators exceeds 200, it is compulsory to wear a medical mask outdoors. The distance requirement shall not apply in the cases of Sentence 1 Numerals 1 and 2, Letter c respectively.

(4) Employees and other participants as well as sportsmen and sportswomen shall not be taken into account when determining the permissible number of spectators. The permissible number of sportsmen and sportswomen at competitive events is unlimited in the cases of Paragraph 2 and limited to 100 persons outdoors and 14 persons inside enclosed spaces for recreational and amateur sports at Incidence Level 4. Anyone holding a competitive event shall draw up a hygiene concept and carry out data processing.

Art. 16

Slaughterhouses and the Use of Seasonal Workers in Agriculture

(1) The employees of

1. Slaughterhouses, cutting plants, meat processing plants, game processing plants and other businesses producing and handling foodstuffs made from unprocessed meat with more than 30 employees, insofar as they are employed in the slaughtering and cutting sector, and
2. Agricultural businesses, including special crop businesses, with more than ten seasonal workers, in the period of the employment of seasonal workers

must, before they begin work for the first time, present proof of testing, vaccination or recovery. In the cases referred to in Sentence 1 Numeral 1, employees of establishments with more than 100 employees in the slaughtering and cutting area shall be subject to an additional weekly test obligation in terms of Art. 4 Paragraph 4. Vaccinated or recovered persons within the meaning of Art. 4 Paragraphs 1 and 2

are exempt from the testing obligation of Sentences 1 and 2. The test, vaccination or recovery proofs shall be submitted to the operator upon request. The organisation and financing of the testing is the responsibility of the operator, unless otherwise guaranteed. On agricultural operations, the obligation to wear a medical mask does not apply outside enclosed spaces.

(2) Anyone operating establishments referred to in Paragraph 1 Sentence 1 shall draw up a hygiene concept and carry out data processing. Notwithstanding Art. 5 Paragraph 2, the hygiene concept shall be submitted to the locally competent health authority. Insofar as these deficiencies are identified, the hygiene concept is to be adjusted immediately based on the specifications of the health authority.

(3) At the request of the operator, the locally responsible health authority may permit exemptions from the testing obligations under Paragraph 1 for employees of a work area if the operator presents reasons within the framework of a specific hygiene concept that make a deviation appear justifiable.

(4) The operator shall carry out data processing of the data of employees and visitors to the premises. In the case of Paragraph 1 Numeral 2, only the data of employees shall be processed.

Part 3 - Final Regulations

Art. 17

Further Measures, Individual Case Decisions, Model Projects

(1) In individual cases, the responsible authorities may allow deviations from the requirements set out by or on the basis of this Ordinance for an important reason. This Ordinance and Ordinances adopted pursuant to this Ordinance shall be without prejudice to the right of the competent authorities to adopt further-reaching measures to protect against infection.

(2) The Ministry of Social Affairs may issue instructions to the competent authorities within the framework of official and technical supervision for supplementary regional measures in the event of an exceptionally high incidence of infection (hot-spot strategy).

(3) The serving and consumption of alcohol is prohibited in Incidence Levels 3 and 4 in public places designated by the competent authorities.

(4) In agreement with the Ministry of Social Affairs, the responsible authorities may approve model projects. Insofar as model projects have proven successful in the assessment of the Ministry of Social Affairs, it may approve further comparable projects upon application.

Art. 18

Statutory Order Authorisations for Institutions, Companies, Offers and Activities

(1) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Education and Cultural Affairs is authorised to stipulate through statutory order for

1. The operation of schools within its departmental responsibility, childcare services of the reliable primary school and flexible afternoon care, after-school care facilities and after-school care centres, day-care facilities for children, primary school support classes, school kindergartens and day-care centres for children, and
2. Events in accordance with Art. 10,

conditions, requirements and other implementing rules to protect against infection with the Corona virus, in particular hygiene requirements, upper limits on the number of persons, prohibitions on operation, modalities of emergency care and requirements for the resumption of operation.

(2) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Science, in agreement with

the Ministry of Social Affairs, is authorised, through statutory orders for the operation of

1. Universities, academies according to the Academies Act, libraries and archives,
2. Student services, and
3. Art and cultural institutions, other than those referred to in Numeral 1 and Paragraph 5, as well as cinemas

to stipulate the conditions and requirements, in particular hygiene requirements, for protection against any infection with the Corona virus. Sentence 1 Numeral 1 shall not apply to the Baden-Württemberg Police University, including the Executive Board for Education of the Baden-Württemberg Police University and the Schwetzingen School of Law. For the Baden-Württemberg Police University including the Executive Board for Education of the Baden-Württemberg Police University, the Ministry of the Interior, and for the Schwetzingen School of Law, the Ministry of Justice may specify exemptions from the restrictions of this Ordinance necessary for the training, study and further education and the preparation and holding of examinations as well as for the recruitment procedure and conditions and requirements, in particular hygiene requirements, for protection against infection with the Corona virus.

(3) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Social Affairs is authorised, through statutory orders for the operation of

1. Hospitals, preventive and rehabilitation facilities, dialysis facilities and day clinics,
2. Facilities for people with care and support needs or with disabilities,
3. Facilities for the homeless,
4. Outpatient assisted living projects of the homeless assistance as well as

outpatient assisted living communities for which a provider is responsible in accordance with the Residence, Participation and Care Act,

5. Care and support services in and around the care sector,
6. Offerings in child and youth work as well as in youth social work in accordance with Arts. 11 and 13 of Book VIII of the Social Code, the promotion of education in the family in accordance with Art. 16 of Book VIII of the Social Code, and the Frühe Hilfen,
7. Nursing schools, schools for health care professions and technical schools for social services within its departmental responsibility,
8. Further education and training centres for the nursing and health care professions, as well as
9. Schools for rescue service work

to stipulate the conditions and requirements, in particular hygiene requirements, for the protection against any infection with Corona virus.

(4) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Justice shall be authorised, through statutory orders for the protection against any infection with the Corona virus, to stipulate

1. For the operation of state facilities for initial admission, conditions and requirements, in particular hygiene requirements, and
2. The separation of persons who are newly admitted to a state facility for initial admission or who are admitted after a longer period of absence.

(5) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Education and Cultural Affairs and the Ministry of Social Affairs are authorised, through joint statutory orders for the operation of

1. Public and private sports facilities and sports grounds, gyms and yoga studios and the organisation of sports competitions, as well as dance and ballet schools and similar establishments,
2. Bathing facilities including saunas and bathing lakes with controlled access, as well as
3. Music schools, art schools and youth art schools and similar institutions

to stipulate conditions and requirements, in particular hygiene requirements, for the protection against any infection with the Corona virus.

(6) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Transport and the Ministry of Social Affairs are authorised, through joint statutory orders for

1. Public and tourist passenger transport, including restaurant services within the meaning of Art. 25 Paragraph 1 Sentence 2 GastG, and
2. Theoretical and practical driving, boat and flight training, theoretical and practical examinations as well as the practical training contents of the initial and further training of officially recognised experts and examiners for motor vehicle, boat and air traffic, as well as other offers of driving schools that result directly from the Driving Licence Ordinance or the Road Traffic Act,

to stipulate conditions and requirements, in particular hygiene requirements, for the protection against any infection with Corona virus.

(7) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Economics and the Ministry of Social Affairs are authorised, through joint statutory orders for

1. The retail trade,
2. The accommodation sector,

3. The hotel and restaurant industry, including catering establishments within the meaning of Art. 25 Paragraph 1 Sentence 1 and Paragraph 2 GastG,
4. Trade fairs, exhibitions as well as conventions,
5. Industrial art,
6. Hairdressing, massage, cosmetic, tanning, nail, tattoo and piercing studios, medical and non-medical foot care establishments,
7. Places of entertainment,
8. Theme parks, including those that are operated as an itinerant trade within the meaning of Art. 55 Paragraph 1 of the Industrial Code (“GewO”), and
9. Markets within the meaning of Arts. 66 to 68 GewO

to stipulate conditions and requirements, in particular hygiene requirements, for the protection against any infection with Corona virus.

(8) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Social Affairs is authorised to stipulate through statutory order conditions and requirements, in particular hygiene requirements, in agreement with the respective competent ministry for other institutions, establishments, offerings and activities not regulated separately in this Ordinance for the protection against any infection with the Corona virus.

Art. 19

Ordinance Authorisations on Separation Obligations

Pursuant to Art. 32 Sentence 2, the Ministry of Social Affairs shall be authorised to issue by statutory order regulations on separation obligations and related additional obligations and measures in order to combat the Corona virus, in particular

1. The separation of sick persons, persons suspected of being sick, persons suspected of being infected and carriers, in a suitable manner in accordance with Art. 30 Paragraph 1 Sentence 2 IfSG,
2. The obligation of household members of contact persons of persons tested positive for the Corona virus as well as of persons tested positive by means of a self-test to undergo a PCR or rapid test, according to Art. 28 Paragraph 1 Sentence 1 IfSG,

as well as to prescribe exceptions to this and conditions including further orders to this effect.

Art. 20

Ordinance Authorisations on the Processing of Personal Data

Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Social Affairs and the Ministry of the Interior are authorised to regulate by means of a joint statutory order further details on the processing of personal data between health authorities, local police authorities and the police enforcement service, insofar as this is necessary to protect against infection

1. For the protection of law enforcement officers as well as the staff of local police forces against infection during operations,
2. For the ordering, implementation, monitoring and execution of measures in accordance with the [German] Infection Protection Act,
3. For the prosecution of criminal offences and administrative offences according to the [German] Infection Protection Act and on the basis of statutory orders issued on the basis thereof, and
4. To examine the capacity for detention or placement and the need for isolated placement in detention centres and prisons.

Art. 21
Regulatory Offences

Within the meaning of Art. 73 Paragraph 1a Numeral 24 IfSG, a regulatory offence is committed by anyone who deliberately or negligently

1. Does not maintain a minimum distance of 1.5 metres to other persons contrary to Art. 2 Paragraph 2 Sentence 1,
2. Contrary to Art. 3, Paragraph 1, Art. 8, Paragraph 1 Sentence 2 or Art. 15 Paragraph 3, Sentence 2 does not wear a medical mask,
3. Contrary to Art. 4 Paragraph 5 in conjunction with Art. 8 Paragraph 1 Sentence 1 Numeral 1 Letter c, Numeral 2 Letter c, Numerals 3 or 4, Art. 8 Paragraph 2 Sentence 1, Art. 11 Paragraph 1 Numerals 2 or 3, Art. 11 Paragraph 2 Numeral 1 Letter b, Numeral 2 Letter b, Numerals 3 or 4, Art. 11 Paragraph 3 Sentence 1 Numerals 2 or 3, Art. 11 Paragraph 4, Art. 11 Paragraph 5 Numerals 1 or 2, Art. 11 Paragraph 6 Numeral 1, Art. 12 Paragraph 1 Sentence 1 Numerals 2 or 3, Art. 13 Paragraph 1 Sentence 1 Numerals 2 or 3, Art. 13 Paragraph 2 Numeral 2, Art. 13 Paragraph 3 Numeral 2, Art. 14 Paragraph 2 Half-Sentence 1, Art. 15 Paragraph 3 Sentence 1 Numeral 1 Letter c, Numeral 2 Letter c, and Numerals 3 or 4 or Art. 16 Paragraph 1 Sentence 4 fails to comply with an obligation to verify the test, vaccination or recovery certificate,
4. Contrary to Art. 5 Paragraph 2, fails to submit a hygiene concept at the request of the competent authority or fails to provide information on its implementation,
5. Contrary to Art. 6 Paragraph 2, does not exclude persons refusing the collection of their contact details in whole or in part from visiting or using the facility or from participating in an event,
6. Contrary to Art. 6 Paragraph 3, submits, as an attendee, incorrect

information regarding contact information,

7. Contrary to Art. 7 Paragraph 1 Sentence 1, takes part in a private gathering,
8. Contrary to Art. 8 Paragraph 1 Sentence 1, Art. 8 Paragraph 2 Sentence 1 or Art. 15 Paragraph 3 Sentence 1, holds an event in excess of the permissible number of participants or capacity,
9. Contrary to Art. 8 Paragraph 1 Sentence 1 Numeral 1 Letter c, Numeral 2 Letter c and Numerals 3 and 4, Art. 8 Paragraph 2 Sentence 1, Art. 15 Paragraph 3 Sentence 1 Numeral 1 Letter c, Numeral 2 Letter c, Numerals 3 or 4, participates in an event without presenting proof of testing, vaccination or recovery,
10. Contrary to Art. 8 Paragraph 4 Sentence 1, Art. 10 Paragraph 1 Sentence 2, Art. 10 Paragraph 2 Sentence 2 or Art. 15 Paragraph 4 Sentence 3, conducts an event without drawing up a hygiene concept or carrying out data processing,
11. Contrary to Art. 9, Paragraph 2, Sentence 1, does not work towards compliance with the distance rule,
12. Contrary to Art. 11 Paragraph 1 Numerals 2 or 3, Art. 11 Paragraph 2 Numeral 1 Letter a, Numerals 2, 3 or 4, Art. 11 Paragraph 3 Sentence 1 Numerals 2 or 3, Art. 11 Paragraph 4 Numerals 2 or 3, Art. 11 Paragraph 5 Numeral 2 or 3 or Art. 11 Paragraph 6 Numerals 1 or 2, operates a cultural, recreational or other facility or a transport establishment,
13. Contrary to Art. 11 Paragraph 1 Numeral 3, Art. 11 Paragraph 2 Numeral 1 Letter b, Numeral 2 Letter b, Numerals 3 or 4, Art. 11 Paragraph 3 Sentence 1 Numerals 2 or 3, Art. 11 Paragraph 4, Art. 11 Paragraph 5 Numerals 1 or 2 or Art. 11 Paragraph 6 Numeral 1, enters a cultural, recreational or other facility or a transport facility without presenting a test, vaccination or recovery certificate,

14. Contrary to Art. 11 Paragraph 7 Sentence 1, operates a cultural, leisure or other facility or a transport establishment without drawing up a hygiene concept or carrying out data processing,
15. Contrary to Art. 12 Paragraph 1 Numeral 3, offers extracurricular or adult education in excess of the permissible number of persons,
16. Contrary to Art. 12 Paragraph 1 Numerals 2 or 3, participates in an extracurricular or vocational education programme without presenting proof of testing, vaccination or recovery,
17. Contrary to Art. 13 Paragraph 1 Sentence 1 Numerals 2 or 3, operates a restaurant, place of entertainment or similar establishment in excess of the permitted area limit or permits smoking in enclosed rooms contrary to Art. 13 Paragraph 1 Sentence 2,
18. Contrary to Art. 13 Paragraph 1 Sentence 1 Numerals 2 or 3, Art. 13 Paragraph 2 Numeral 2 or Art. 13 Paragraph 3 Numeral 2, enters a restaurant, place of entertainment, refectory, cafeteria, company canteen, accommodation establishment or similar establishment without presenting proof of testing, vaccination or recovery,
19. Contrary to Art. 13 Paragraph 4, operates a restaurant, place of entertainment, refectory, cafeteria, company canteen, accommodation establishment or similar facility without drawing up a hygiene concept or carrying out data processing,
20. Contrary to Art. 14 Paragraph 1 Sentence 1 Numeral 2, operates a retail business, a shop or a similar establishment in excess of the area limit,
21. Contrary to Art. 14 Paragraph 2 Half-Sentence 1, makes use of a service without presenting proof of testing, vaccination or recovery,
22. Contrary to Art. 14 Paragraph 3 Sentence 1, operates a retail business, a

shop, a service business with customer traffic or a similar establishment without drawing up a hygiene concept or carrying out data processing,

23. Contrary to Art. 15 Paragraph 1 Sentence 1 Numeral 3, engages in recreational or amateur sport exceeding the number of persons,
24. Contrary to Art. 15 Paragraph 1 Sentence 1 Numerals 2 or 3, participates in recreational or amateur sport without proof of testing, vaccination or convalescence,
25. Contrary to Art. 16 Paragraph 1 Sentence 5, does not finance or organise testing as an operator,
26. Contrary to Art. 16 Paragraph 2, fails to draw up a hygiene concept, fails to submit it or fails to adapt it immediately or fails to carry out data processing.

Art. 22

Transitional Regulation

For the purpose of counting the relevant days under Art. 1 Paragraph 2 Numerals 1 to 4, the five days prior to 28 June 2021 shall also be counted; the respective incidence levels shall apply on the day following the local announcement.

Art. 23

Entry into Force, Expiry

(1) This Ordinance comes into force on 28 June 2021; at the same time, the Corona Ordinance of 13 May 2021 (Federal Law Gazette, p. 431), which was last amended by Article 1 of the Ordinance of 18 June 2021 (emergency promulgation pursuant to Article 4 Sentence 1 of the Promulgation Act and retrievable on the Internet at <http://www.baden-wuerttemberg.de/corona-verordnung>) shall expire.

Notwithstanding Sentence 1, Arts. 1, 18 and 22 shall come into force on the day of

its promulgation. The statutory regulations issued on the basis of the Corona Ordinance of 23 June 2020 (Federal Law Gazette, p. 483), last amended by Article 1 of the Ordinance of 17 November 2020 (Federal Law Gazette, p. 1052), or the statutory regulations issued on the basis of the Corona Ordinance of 30 November 2020 (Federal Law Gazette, p. 1067), last amended by Article 1 of the Ordinance of 26 February 2021 (Federal Law Gazette, p. 249), or the statutory regulations issued on the basis of the Corona Ordinance of 7 March 2021 (Federal Law Gazette, p. 273), last amended by Article 1 of the Ordinance of 19 March 2021 (Federal Law Gazette, p. 298) or the statutory regulations issued on the basis of the Corona Ordinance of 27 March 2021 (Federal Law Gazette, p. 343), last amended by Article 1 of the Ordinance of 1 May 2021 (Federal Law Gazette, p. 417), or the statutory regulations issued on the basis of the Corona Ordinance of 13 May 2021 (Federal Law Gazette, p. 431), last amended by Article 1 of the Ordinance of 18 June 2021 (emergency promulgation pursuant to Article 4 Sentence 1 of the Promulgation Act and retrievable on the Internet at <http://www.baden-wuerttemberg.de/corona-verordnung>), shall continue to apply until their expiry pursuant to Paragraph 2 Sentence 2.

(2) This Ordinance shall expire at the end of 26 July 2021. At the same time, all ordinances issued pursuant to this Ordinance, the ordinance of 23 June 2020, the ordinance of 30 November 2020, the ordinance of 7 March 2021, the ordinance of 27 March 2021 or the ordinance of 13 May 2021 shall expire unless previously repealed.

Stuttgart, 25 June 2021

The Government of the State of Baden-Württemberg:

Kretschmann

Strobl

Dr. Bayaz

Schopper

Bauer

Walker

Dr. Hoffmeister-Kraut

Lucha

Gentges

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Razavi

Hoogvliet