

## Federal law consolidated: Entire legislation for COVID-19 Protective Measures Ordinance, version of 11.11.2020

### Long title

Ordinance of the Federal Minister of Social Affairs, Health, Care and Consumer Protection, with which special protective measures against the spread of COVID-19 are taken (COVID-19 Protective Measures Ordinance – COVID-19-SchuMaV)  
StF: [Federal Law Gazette II No. 463/2020](#)

### Alteration

[Federal Law Gazette II No. 472/2020](#)

[Federal Law Gazette II No. 476/2020](#)

[Federal Law Gazette II No. 479/2020](#)

### Preamble/promulgation clause

On the basis of §§ 3 Paragraph 1, 4(1) and 5(1) of the COVID-19 Measures Act, [Federal Law Gazette I No. 12/2020](#), as last amended by Federal Law [Gazette I No. 104/2020](#), as well as § 15 of the Epidemic Act 1950, [Federal Law Gazette No. 186/1950](#), as last amended by Federal Law [Gazette I No. 104/2020](#), is decreed in agreement with the Main Committee of the National Council:

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### Text

#### Public Places

**§ 1.** (1) When entering public outdoor places, a distance of at least one meter must be maintained from people who do not live in the same household.

(2) When entering public places in enclosed spaces, a distance of at least one metre must be maintained from persons who do not live in the same household and a close-fitting mechanical protective device covering the mouth and nose area must be worn.

#### Initial control

**§ 2.** (1) To prevent the spread of COVID-19, leaving one's own private living area and staying outside one's own private living area from 8:00 p.m. to 6:00 a.m. the following day is only permitted for the following purposes:

1. averting an immediate danger to life, limb and property,
2. Care of and assistance for persons in need of support as well as exercise of family rights and fulfilment of family obligations,
3. covering the necessary basic needs of daily life,
4. professional and educational purposes, where necessary, or participation in judicial or administrative proceedings or official acts, and
5. Stay outdoors for physical and mental recreation.

(2) The private living area also includes residential units in accommodation facilities as well as in homes for the elderly, nursing and disabled.

#### Means of mass transport

**§ 3.** In means of mass transport and the associated metro stations, platforms, stops, stations and airports plus their connecting structures, a distance of at least one metre must be maintained from persons who do not live in the same household and a mechanical protective device covering the mouth and nose and closely fitting. If, due to the number of passengers and when boarding and disembarking, it is not possible to maintain a distance of at least one metre, this may exceptionally be deviated from.

#### Carpooling, occasional traffic, cable cars and rack railways

**§ 4.** (1) The joint use of motor vehicles by persons who do not live in the same household is only permitted if only two persons are transported in each row of seats, including the driver. The same applies to taxis and taxi-like companies, to training and further education trips as well as on board aircraft that are not considered a means of mass transport. In addition, a close-fitting mechanical protective device covering the mouth and nose area must be worn.

(2) For taxis, taxi-like companies and school transport within the meaning of §§ 30a ff of the Family Burden Equalisation Act 1967, [Federal Law Gazette No. 376/1967](#), for the purpose of transporting persons with disabilities and kindergarten children, paragraph 1 sentence 1 if this is necessary due to the number of passengers.

(3) The use of cable cars and rack railways is only for purposes in accordance with § 2 Paragraph 1 Z 1 up to 4 or for the purpose of practicing sports by athletes in accordance with § 9 Paragraph 3 Z 1 permissible. § 3 shall be applied mutatis mutandis.

#### **Customer Areas**

**§ 5.** (1) Entering the customer area of permanent establishments is permitted under the following conditions:

1. A distance of at least one metre must be maintained with regard to persons who do not live in the same household.
2. Customers must wear a close-fitting mechanical protective device covering the mouth and nose area.
3. The operator must ensure that he and his employees wear a close-fitting mechanical protective device covering the mouth and nose area when in contact with the customer, unless there is any other suitable protective device for spatial separation between the persons that ensures the same level of protection.
4. The operator must take appropriate measures to ensure that a maximum of so many customers are in the customer area at the same time that 10 m<sup>2</sup> are available per customer; if the customer area is less than 10 m<sup>2</sup>, only one customer may enter the customer area of the permanent establishment at a time. In the case of permanent establishments without staff, this condition must be indicated in an appropriate manner.
5. Z 4 applies to structurally connected premises (e.g. shopping centres, market halls) with the proviso that the areas of the customer areas of the production sites and the connecting structure are to be added together and that a maximum of so many customers may be present at the same time both on the area determined in this way and in the customer area of the respective production sites that 10 m<sup>2</sup> of the area or customer area of the permanent establishment determined in this way are available per customer.

(2) Can be due to the nature of the service

1. the minimum distance of one meter between the customer and the service provider and/or
2. the customer does not comply with the wearing of a close-fitting mechanical protective device covering the mouth and nose area,

this is only permissible if the risk of infection can be minimized by other appropriate protective measures.

(3) Paragraph 1 Z 1 bis 3 is to be applied mutatis mutandis to

1. outdoor markets,
2. Administrative authorities and administrative courts in the case of party relations,
3. closed rooms of institutions for the practice of religion.

(4) Paragraph 1 Z 1 bis 4 is to be applied mutatis mutandis to libraries and archives.

(5) The operator of commercial establishments used for the sale of goods may enter the customer area of these premises for customers

1. not earlier than the date on which the permanent establishment was open at the earliest in the last four weeks on the day of the week preceding the entry into force of these provisions, and
2. until 7.00 p.m. at the latest

permit. More restrictive opening time rules due to other legal provisions remain unaffected.

(6) Paragraph 5 does not apply to

1. charging stations,
2. Permanent establishments according to § 2 Z 1, 3 and 4 as well as § 7 Z 1 and 3 of the Opening Hours Act 2003, [Federal Law Gazette I No. 48/2003](#) and
3. Entering pharmacies during on-call duty in accordance with § 8 of the Pharmacy Act, [RGrBl. No. 5/1907](#).

#### **Place of professional activity**

**§ 6.** (1) At the place of professional activity, a distance of at least one meter must be maintained between the persons, unless the risk of infection can be minimized by appropriate protective measures.

(2) The obligation to wear a close-fitting mechanical protective device covering the mouth and nose area in areas where this is not already mandatory under other legislation is only permitted by agreement between employer and employee.

(3) If, due to the nature of the professional activity, the distance of at least one meter between persons cannot be maintained, a close-fitting mechanical protective device covering the mouth and nose area must be worn or the risk of infection must be minimized by other appropriate protective measures, such as technical or organizational protective measures, such as the formation of fixed teams or the installation of partitions or plexiglass walls.

(4) Paragraph 1 bis 3 are to be applied mutatis mutandis to vehicles of the employer if they are used for professional purposes.

#### **Hospitality**

**§ 7.** (1) It is prohibited to enter and drive on premises of all types of establishments in the hospitality industry for the purpose of using the services of the hospitality industry.

(2) Paragraph 1 does not apply to hotels and restaurants operated within the following establishments:

1. hospitals and health resorts,
2. homes for the elderly, nursing homes and the disabled,
3. institutions for the care and accommodation of children and young people, including schools and kindergartens,
4. Operated

if these are used exclusively by the persons cared for, accommodated or not staying there for mere visits or by employees.

(3) Paragraph 1 does not apply to accommodation establishments if food and drinks are administered or served exclusively to accommodation guests at the premises. The administration and consumption must take place as far as possible in the residential unit.

(4) Paragraph 1 does not apply to public transport if food and drinks are administered or served there exclusively to users of public transport.

(5) With regard to the exceptions provided for in paragraph 2 up to 4 applies:

1. With regard to persons who do not live in the same household, a distance of at least one metre must be maintained and – except during the stay at the place of administration – a mechanical protective device covering the mouth and nose area and closely fitting must be worn.
2. The operator may only admit groups of persons if they
  - a) consist of a maximum of six persons, who may only come from two different households, or
  - b) consist exclusively of persons who live in the common household or form a group of guests in the common accommodation unit.

In the maximum personal limit according to lit. a a maximum of six minor children of these persons or minors with whom these persons exercise supervisory duties shall not be included.

3. The operator must ensure that the consumption of food and beverages does not take place in the immediate vicinity of the dispensary.

4. Food and drinks may only be consumed in the premises while sitting at administration stations. The operator shall set up the administration sites in such a way that there is a distance of at least one metre between the groups of persons. This does not apply if the risk of infection can be minimized by appropriate protective measures for spatial separation.
5. When in contact with the customer, the operator and his employees must wear a close-fitting mechanical protective device covering the mouth and nose area, unless there is another suitable protective device for spatial separation between the persons that ensures the same level of protection.
6. Self-service is permitted provided that the risk of infection can be minimized by special hygienic precautions.

(6) With regard to the exceptions provided for in paragraph 2 up to 4, the operator may only allow entry and driving into the permanent establishment in the period between 06.00 and 20.00 o'clock. In companies, entry by employees in shifts is permitted throughout. More restrictive curfews and opening hours due to other legal provisions remain unaffected.

(7) By way of derogation from paragraph 1 the collection of food and beverages is permitted between 06.00 and 20.00 o'clock, provided that they are not consumed on site and a distance of at least one meter is maintained from persons who do not live in the same household and a close-fitting mechanical protective device covering the mouth and nose area is worn.

(8) Paragraph 1 does not apply to delivery services.

### **Tourist accommodation establishments**

**§ 8.** (1) Entering accommodation establishments for the purpose of using the services of accommodation establishments is prohibited.

(2) Accommodation establishments are accommodation establishments which are under the direction or supervision of the accommodation provider or a person authorised by the accommodation provider and which are intended for the temporary accommodation of guests, whether in return for payment or free of charge. Supervised campsites or caravan sites, unless they are permanent pitches, as well as refuges are considered accommodation establishments.

(3) Paragraph 1 does not apply to entering an accommodation establishment

1. by persons who are already in accommodation at the time of entry into force of this provision, for the duration of accommodation agreed in advance with the accommodation provider,
2. for the purpose of caring for and providing assistance to persons in need of support,
3. for professional reasons,
4. for training purposes of legally recognised institutions,
5. to satisfy an urgent need for housing,
6. by spa guests and accompanying persons in a health resort who, in accordance with § 42a of the Krankenanstalten- und Kuranstaltengesetz (KAKuG), [Federal Law Gazette No. 1/1957](#), as an accommodation establishment with an attached outpatient clinic in accordance with § 2 Paragraph 1 Z 5 KAKuG is organized,
- 6a. by patients and accompanying persons in a rehabilitation facility, which acts as an accommodation establishment with an attached outpatient clinic in accordance with § 2 Paragraph 1 Z 5 KAKuG is organized,
7. by pupils for the purpose of school attendance and students for study purposes (boarding schools, apprentice dormitories and student dormitories).

(4) In generally accessible areas, the guest must keep a distance of at least one meter from other persons who do not live in the common household or do not belong to the guest group in the common accommodation unit. This does not apply if the risk of infection can be minimized by appropriate protective measures for spatial separation.

(5) When entering publicly accessible areas in enclosed spaces, a close-fitting mechanical protective device covering the mouth and nose area must be worn. When in contact with the customer, the operator and his employees must wear a close-fitting mechanical protective device covering the mouth and nose area, unless there is another suitable protective device for spatial separation between the persons that ensures the same level of protection.

(6) Overnight stays in a dormitory or in shared dormitories are only permitted if a distance of at least 1.5 meters is maintained compared to persons who do not live in the same household or if the risk of infection can be minimized by appropriate protective measures for spatial separation.

### **Sport**

**§ 9.** (1) Entering public places for the purpose of practicing sports whose sport-specific practice involves physical contact is prohibited.

(2) Entering sports facilities in accordance with § 3 Z 11 of the Federal Sports Promotion Act 2017 (BSFG 2017), [Federal Law Gazette I No. 100/2017](#), for the purpose of practicing sports is prohibited.

(3) Exempt from the prohibition laid down in paragraph 2 are entrances

1. of sports facilities by top athletes according to § 3 Z 6 BSFG 2017, also from the field of disabled sports, or athletes who carry out their sporting activity professionally and earn income from it or already participate in international competitions in accordance with § 3 Z 5 BSFG 2017, their supervisors and trainers as well as representatives of the media. The athletes must keep a distance of at least one meter from supervisors and coaches as well as representatives of the media; § 6 applies to supervisors, trainers and representatives of the media Receive.
2. of outdoor sports facilities by not from Z 1 recorded persons. In this case, the sports facilities may only be entered for the purpose of practicing sport, the sport-specific practice of which does not involve physical contact. Closed premises of the sports facility may only be entered if this is necessary for the practice of sports in the open-air area. Staying in the sports facility is limited with the duration of the sports practice. § 1 applies mutatis mutandis.

(4) In the exercise of team sports or sports whose sport-specific practice involves physical contact, by athletes in accordance with paragraph 3 Z 1 the responsible physician must develop a state-of-the-art COVID-19 prevention concept to minimize the risk of infection and continuously monitor its compliance. Before starting training and competition operations for the first time, a molecular biological test or an antigen test must be used to prove that the athletes are SARS-CoV-2 negative. If a SARS-CoV-2 infection becomes known in an athlete, caregiver or trainer, all athletes, caregivers and coaches must be subjected to molecular biological testing for the presence of SARS-CoV-2 before each competition in the following ten days after the infection becomes known.

(5) The COVID-19 prevention concept according to paragraph 4 shall include at least the following:

1. training of athletes and caregivers in hygiene, obligation to keep records of the state of health,
2. Rules of conduct of athletes, supervisors and coaches outside of training and competition times,
3. Health checks before every training session and every competition,
4. Specifications for training and competition infrastructure,
5. Hygiene and cleaning plan for infrastructure and materials,
6. Traceability of contacts in the context of training sessions and competitions,
7. regulations on behaviour in the event of the onset of COVID-19 symptoms,
8. in the case of away competitions, inform the responsible district administrative authority that a case of COVID-19 has occurred in an athlete, coach or coach.

(6) Airfields according to the Aviation Act, [Federal Law Gazette No. 253/1957](#), are sports facilities in accordance with paragraph 2 equated.

### Homes for the elderly, nursing and disabled

**§ 10.** (1) When entering homes for the elderly, nursing homes and the disabled, § 1 applies to residents in generally accessible places that do not belong to the living area as well as to visitors and employees. Paragraph 1 and 2 analogously.

(2) The operator of old people's homes and nursing homes may only admit employees if a molecular biological test for SARS-CoV-2 or an antigen test for SARS-CoV-2 is carried out for them once a week and the result is negative. In the event of a positive test result, admission may nevertheless take place if, on the basis of the medical laboratory findings, it can be assumed that there is no longer any risk of infection, in particular due to the CT value >30. If tests are not available in sufficient numbers, priority must be given to testing employees with resident contact.

(2a) The operator of old people's homes and nursing homes may only admit employees if they wear a close-fitting mechanical protective device covering the mouth and nose area throughout. Are tests in accordance with paragraph 2 not available in sufficient numbers, the operator may only admit employees if the employees wear a Corona SARS-CoV-2 pandemic respirator (CPA) or equivalent or higher standard mask when in contact with residents. If these masks are not available in sufficient numbers, the operator may, by way of derogation, admit employees in contact with residents in accordance with the first sentence.

(3) The operator of old people's homes and nursing homes may only admit residents for re-admission if they present a negative result of an antigen test for SARS-CoV-2, the acceptance of which must not have been more than 24 hours ago, or a molecular biological test for SARS-CoV-2, the acceptance of which must not have been more than 48 hours ago, or if appropriate precautions in accordance with paragraph 7 Z 9 and 10.

(4) The operator of old people's homes and nursing homes may only admit visitors if they show a negative result of an antigen test for SARS-CoV-2, the acceptance of which must not have been more than 24 hours ago, or a molecular biological test for SARS-CoV-2, the acceptance of which must not have been more than 48 hours ago. If such a test result cannot be demonstrated, the operator may only admit visitors if they wear a Corona SARS-CoV-2 pandemic respirator (CPA) or equivalent or higher standard mask throughout the visit, unless there is any other suitable protective device for spatial separation between residents and visitors that ensures the same level of protection. By way of derogation, if these masks are not available in sufficient numbers, the operator may only admit visitors if the visitors wear a close-fitting mechanical protective device covering the mouth and nose area throughout the visit, provided that there is no other suitable protective device for spatial separation between the occupant and the visitor that ensures the same level of protection. These requirements also apply to the admission of non-medical external service providers and to the admission of residents' representatives in accordance with the Heimaufenthaltsgesetz (HeimAufG), [Federal Law Gazette I No. 11/2004](#), and members of established commissions for the protection and promotion of human rights (Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [Federal Law Gazette III No. 190/2012](#)).

(5) The operator of old people's and nursing homes may only admit one visitor per two days to the old people's and nursing home for each resident. In total, a maximum of two different persons may be admitted for each resident in the period from 3 November 2020 to 17 November 2020 inclusive. From 18 November 2020, one visitor per day may be admitted for each resident. This does not apply to visits in the context of palliative and hospice care, pastoral care or to accompany critical life events. Paragraph 2 applies to pastors Receive.

(6) The measures provided for in homes for the elderly, care and the disabled must not be disproportionate or lead to unreasonable cases of hardship.

(7) Based on a risk analysis, the operator of homes for the elderly, nursing and disabled has to develop and implement a state-of-the-art COVID-19 prevention concept to minimize the risk of infection. The COVID-19 prevention concept must include in particular:

1. specific hygiene requirements,
2. regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
3. regulations concerning the administration of food and beverages,
4. Requirements for the training of employees with regard to hygiene measures as well as with regard to professional and private risk behaviour, mandatory documentation of the training,
5. Requirements for access by external service providers, whereby the operator may only admit non-medical external service providers into the facility for the period from 3 November 2020 to 17 November 2020 inclusive if these are absolutely necessary for the maintenance of operation,
6. Specific regulations for residents who, in accordance with § 15 Paragraph 6 compliance with the requirements cannot be expected,
7. Regulations for the control of the visits, in particular requirements for the duration of the visits and places of visit, mandatory advance notification and health checks before each entry into the facility. For relatives and persons who perform regular support and care tasks, paragraph 4 deviating, specific and situation-adapted specifications are made,
8. Requirements for the handling of screening programs according to § 5a of the Epidemic Act 1950 (EpiG), [Federal Law Gazette No. 186/1950](#),
9. regulations on the admission and readmission of residents who have tested positive for SARS-CoV-2,
10. Regulations on organisational, spatial and personnel arrangements for the implementation of quarantine measures for residents.

The COVID-19 prevention concept may also include a privacy-compliant contact traceability system, such as a system for recording attendance on a voluntary basis of visitors.

(8) The implementation of the activities of the residents' representatives in accordance with the HeimAufG as well as of established commissions for the protection and promotion of human rights (Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [Federal Law Gazette III No. 190/2012](#)) is to be made possible in the homes for the elderly, nursing and the disabled.

### Hospitals and health resorts and other places where health services are provided

**§ 11.** (1) When entering hospitals, health resorts and other places where health services are provided, § 5 applies to visitors and to employees with visitor contact. Paragraph 1 Z 1 to 3 analogously. In addition, the operator or service provider must minimise the risk of infection by taking into account the specific circumstances by means of appropriate protective measures, insofar as this is technically possible and reasonable.

(2) The operator of a bed-holding hospital and a bed-holding health resort may only admit employees if a molecular biological test for SARS-CoV-2 or an antigen test for SARS-CoV-2 is carried out for them once a week and the result is negative. In the event of a positive test result, admission may nevertheless take place if it can be assumed on the basis of the medical laboratory findings that there is no longer any risk of infection, in particular due to the CT value >30. If tests are not available in sufficient numbers, priority must be given to testing employees with patient contact.

(2a) Are tests according to § 2 not available in sufficient numbers, the operator of a bed-holding hospital and a bed-holding health resort may only admit employees if the employees wear a Corona SARS-CoV-2 pandemic respirator (CPA) or equivalent or higher standard mask when in contact with patients.

(2b) Paragraph 2 and 2a applies mutatis mutandis to patient lawyers under the Accommodation Act (Ubg), [Federal Law Gazette No. 155/1990](#), and members of established commissions for the protection and promotion of human rights (Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [Federal Law Gazette III No. 190/2012](#)).

(3) Based on a risk analysis, the operator of a bed-holding hospital and a bed-holding health resort has to develop and implement a state-of-the-art COVID-19 prevention concept to minimize the risk of infection. The COVID-19 prevention concept must include in particular:

1. specific hygiene requirements,
2. regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
3. regulations concerning the administration of food and beverages,

4. Requirements for the training of employees with regard to hygiene measures as well as with regard to professional and private risk behaviour, mandatory documentation of the training,
5. Requirements for access by external service providers,
6. Regulations for the management of visits, in particular requirements for the maximum number, frequency and duration of visits as well as places of visit and health checks before each entry into the facility. For relatives and persons who perform regular support and care tasks, specific requirements adapted to the situation must be made,
7. Requirements for participation in screening programs according to § 5a Epig.

The COVID-19 prevention concept may also include a privacy-compliant contact traceability system, such as a system for recording attendance on a voluntary basis of visitors.

(4) In hospitals and departments of psychiatry, the activities of patient advocates under the UbG and of established commissions for the protection and promotion of human rights must be made possible.

#### **Leisure facilities**

**§ 12.** (1) Entering leisure facilities, except in the private residential area, for the purpose of using the services of these facilities is prohibited.

(2) Leisure facilities are establishments and establishments which serve the purpose of entertainment, amusement or recreation, such as in particular:

1. fairground establishments, leisure and amusement parks,
2. Baths and facilities according to § 1 Paragraph 1 Z 1 bis 7 of the Bath Hygiene Act (BHygG), [Federal Law Gazette No. 254/1976](#); in relation to bathrooms according to § 1 Paragraph 1 Z 6 BHygG (baths on surface waters) the prohibition according to para. 1 applies not if bathing does not take place in these baths,
3. Dancing schools
4. betting shops, slot machines, gambling halls and casinos,
5. show mines,
6. institutions for the practice of prostitution,
7. Theatres, concert halls and arenas, cinemas, variety shows and cabarets,
8. Indoor playgrounds,
9. paintball facilities,
10. Museums
11. museum railways,
12. Animal parks and zoos.

#### **Events**

**§ 13.** (1) Events are prohibited.

(2) In particular, planned meetings and activities for entertainment, amusement, physical and mental training and edification are considered to be events. In any case, this includes cultural events, sporting events, wedding celebrations, birthday parties, anniversary celebrations, film screenings, trips with coaches or excursion ships for tourist purposes, exhibitions, congresses, trade and public fairs and occasional markets.

(3) Paragraph 1 does not apply to

1. Sporting events in top-class sport according to § 14,
2. professional meetings, if these are necessary for the maintenance of professional activities,
3. the private living area, with the exception of places that do not serve to satisfy an immediate residential need, such as in particular garages, gardens, sheds or barns,
4. Assemblies according to the Assembly Act 1953, [Federal Law Gazette No. 98/1953](#); these are permissible under the conditions of the aforementioned Federal Act with the proviso that participants must wear a mechanical protective device covering the mouth and nose area and closely fitting,
5. meetings of organs of political parties,
6. meetings of statutory bodies of legal persons that cannot be postponed, provided that it is not possible to hold them in digital form,
7. Meetings in accordance with the Labour Constitution Act, [Federal Law Gazette No. 22/1974](#) and
8. Gatherings of no more than six persons, who may come from only two different households, plus their minor children or minors who have a duty of supervision, but a total of no more than six minors.

(4) From paragraph 1 funerals with a maximum of 50 people are excluded. In these cases, a distance of at least one metre must be maintained from persons who do not live in the same household and a close-fitting mechanical protective device covering the mouth and nose area must be worn.

(5) From paragraph 1 exceptions are rehearsals and artistic performances without an audience, which are carried out for professional purposes. § 6 and § 9 Paragraph 4 the last sentence shall apply mutatis mutandis. Based on a risk analysis, a state-of-the-art COVID-19 prevention concept to minimize the risk of infection must be developed and implemented. In addition, a COVID-19 representative must be appointed. The COVID-19 prevention concept must include in particular:

1. specific hygiene requirements,
2. regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
3. regulations concerning the use of sanitary facilities,
4. Regulations for the control of the number of participants,
5. Guidelines for the training of participants with regard to hygiene measures.

The COVID-19 prevention concept may also include a privacy-compliant contact traceability system, such as a system for recording attendance on a voluntary basis of participants in rehearsals or artistic performances.

(6) From paragraph 1 excluded are meetings for necessary vocational education and training purposes, for the fulfilment of necessary integration measures in accordance with the Integration Act, [Federal Law Gazette I No. 68/2017](#), for the preparation and implementation of driving training and further education as well as for general driving tests and for final professional examinations. A distance of at least one metre must be maintained from persons who do not live in the same household and a close-fitting mechanical protective device covering the mouth and nose area must be worn. Can be due to the peculiarity of the training

1. the minimum distance of one metre between persons and/or
2. persons do not comply with the wearing of a close-fitting mechanical protective device covering the mouth and nose area,

the risk of infection must be minimised by other appropriate protective measures.

#### **Sporting events in top-class sport**

**§ 14.** (1) Events where only top athletes in accordance with § 3 Z 6 BStG 2017 sports are permitted in closed rooms with up to 100 and in the open-air area with up to 200 athletes plus the coaches, supervisors and other persons necessary for the execution of the event. Based on a risk analysis, the organizer must develop and implement a state-of-the-art COVID-19 prevention concept for these persons to minimize the risk of infection.

(2) The COVID-19 prevention concept according to paragraph 1 in the case of team sports or sports whose sport-specific practice involves physical contact, § 9 Paragraph 4 to comply. For individual sports, the COVID-19 prevention concept must include in particular:

1. Requirements for the training of participating athletes, supervisors and trainers in hygiene, obligation to keep records of the state of health,
2. Rules of conduct of athletes, supervisors and coaches outside of training and competition times,
3. Health checks before every training session and every competition,
4. Regulations for controlling the flows of participating athletes, coaches and coaches,
5. regulations concerning the use of sanitary facilities,
6. Hygiene and cleaning plan for infrastructure and materials,
7. Traceability of contacts in the context of training sessions and competitions,
8. Regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection.

(3) Medical care and COVID-19 testing of athletes, caregivers and coaches must help minimize the risk of infection. For supervisors, trainers and other persons who are necessary for the implementation of the event, § 6 also applies. analogously, for the athletes § 9 Receive.

#### **Exceptions**

**§ 15.** (1) This Regulation shall not apply to:

1. Elementary educational institutions, schools according to the School Organization Act, [Federal Law Gazette No. 242/1962](#), Art. V Z 2 der 5. SchOG-Novelle, [BGBl. Nr. 323/1975](#), and the Private School Act, [Federal Law Gazette No. 244/1962](#), agricultural and forestry schools, the regular use of sports facilities in the context of regular lessons and facilities for extracurricular childcare,
2. Universities according to the Universities Act 2002, [Federal Law Gazette I No. 120/2002](#), and the Private Universities Act, [Federal Law Gazette I No. 74/2011](#), Fachhochschulen gemäß dem Fachhochschul-Studiengesetz, [BGBl. Nr. 340/1993](#), and Universities of Teacher Education in accordance with the Higher Education Act 2005, [Federal Law Gazette I No. 30/2006](#),
3. activities within the sphere of activity of the bodies of legislation and enforcement, with the exception of party relations in administrative authorities and administrative courts, unless otherwise stipulated in the area of house rules, and
4. Events for the practice of religion.

(2) Prohibitions of entry and conditions and obligations under this Regulation shall not apply

1. to avert an immediate danger to life, limb and property,
2. for the care and assistance of persons in need of support, or
3. to supervise minor children.

(3) The obligation to wear a close-fitting mechanical protective device covering the mouth and nose area does not apply

1. for children up to the age of six,
2. for persons who cannot be expected to do so for health reasons. In this case, a mechanical protective device that does not fit tightly but completely covers the mouth and nose area may also be worn. A complete cover is present if the non-tight-fitting protective device reaches up to the ears and well under the chin. If this cannot be expected of the persons for health reasons, the obligation to wear a mechanical protective device covering the mouth and nose area does not apply, and
3. during the consumption of food and drinks.

(4) The obligation to observe the minimum distance laid down in this Regulation shall not apply:

1. provided that suitable protective devices for spatial separation are in place between the persons,
2. within groups of up to a maximum of six persons, who may only come from two different households, plus their minor children or minors with whom there is a duty of supervision, but a maximum of six minors in total,
3. within the closed class or group association of institutions referred to in paragraph 1 Z 1,
4. between persons with disabilities and their accompanying persons who provide personal assistance or care services,
5. if this requires the performance of religious acts,
6. in aircraft which are considered to be means of mass transport,
7. under water and
8. in the practice of sport for necessary security and assistance.

(5) The obligation to maintain the distance according to § 5 Paragraph 3 Z 2 shall not apply if this is necessary for the exercise of the administrative activity in the exercise of party relations.

(6) § 10 Paragraph 1 does not apply to residents who cannot be expected to comply with the requirements for health or disability-specific reasons, in particular due to dementia impairment.

(7) Persons who temporarily live together in a household are treated in the same way as persons who live in the same household.

#### **Credibility**

**§ 16.** (1) The existence of the requirements according to § 2, § 4 Paragraph 3 and § 15 are on request to

1. organs of the public security service,
2. the authorities and administrative courts in the case of party relations and official acts, and
3. Holders of a permanent establishment or place of work as well as operators of a means of transport to fulfil their duty under § 8 Paragraph 4 of the COVID-19 Measures Act (COVID-19-MG), [Federal Law Gazette I No. 12/2020](#),

to make it credible.

(2) The reason for exception of § 15 Paragraph 3, according to which the wearing of a mechanical protective device covering the mouth and nose area cannot be expected for health reasons, proof must be provided by a certificate issued by a doctor entitled to practise the profession independently in Austria.

(3) If the existence of a ground for exception pursuant to paragraph 1 Z 3 credibly demonstrated, the owner of the permanent establishment or place of work as well as the operator of a means of transport is obliged to comply with § 8 Paragraph 4 of COVID-19 MG.

#### **Principles of participation according to § 6 COVID-19-MG and § 28a EpiG**

**§ 17.** As part of the cooperation according to § 6 COVID-19-MG and § 28a EpiG, the organs of the public security service shall refrain from taking measures against persons who violate an obligation to behave or refrain from doing so under this Ordinance if the lawful state can be restored by more lenient means or if these measures would not be proportionate. The decision whether to refrain from taking a measure in accordance with the first sentence shall be taken on the basis of the epidemiological risk situation related to COVID-19, in particular on the basis of information provided by the local competent health authorities.

### **Employee Protection and Federal Employee Protection**

**§ 18.** This ordinance establishes the Employee Protection Act, [Federal Law Gazette No. 450/1994](#), and the Federal Employee Protection Act, [Federal Law Gazette I No. 70/1999](#), not touched.

### **Entry into force and transitional right**

**§ 19.** (1) This Regulation shall enter into force on 3 November 2020 and expire on 30 November 2020.

(2) With the entry into force of this regulation, the COVID-19 Measures Ordinance, [Federal Law Gazette II No. 197/2020](#), out of force. It shall enter into force again with the expiry of this Regulation, in the version which, had it not expired, on 7 November 2020 on the basis of its last amendment by Regulation [BGBl. II No. 456/2020](#) would have been obtained.

(3) § 2 expires on 12 November 2020.

(4) § 5 Paragraph 5 and 6, § 7 Paragraph 6, § 8 Paragraph 3 Z 6a, § 9 Paragraph 4, § 10 Paragraph 2, 2a, 3, 4, 7 and 8, § 11 Paragraph 2, 2a, 2b and 4 as well as § 15 Paragraph 1 Z 1 and paragraph 6 as amended by Regulation [BGBl. II No. 472/2020](#) will enter into force on 11 November 2020.