

Federal law consolidated: Entire legislation for the 3rd COVID-19 Protective Measures Ordinance, version of 17.12.2020

Long title

Ordinance of the Federal Minister of Social Affairs, Health, Care and Consumer Protection, with which special protective measures are taken against the spread of COVID-19 (3rd COVID-19 Protective Measures Ordinance – 3rd COVID-19-SchuMaV)

StF: [Federal Law Gazette II No. 566/2020](#)

Alteration

[Federal Law Gazette II No. 598/2020](#)

Preamble/promulgation clause

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

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Text

Public Places

§ 1. (1) When entering public places outdoors, a distance of at least one metre shall be maintained from persons who do not live in the same household.

2. When entering public places in enclosed spaces, a distance of at least one metre shall 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 shall be worn.

Note for the following provision

Not applicable on 24 and 25.12.2020 (cf. § 20 para. 7).

Initial control

§ 2. (1) In order to prevent the spread of COVID-19, leaving one's own private living area and staying outside one's own private living area from 20:00 to 06:00 of 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, such as in particular
 - a) the contact with
 - aa) the life partner not living in the same household,
 - bb) individual closest relatives (parents, children and siblings),
 - cc) individual important caregivers, with whom physical or non-physical contact is usually maintained several times a week,
 - b) the supply of basic goods of daily life,
 - c) the use of health services or testing for SARS-CoV-2 as part of screening programmes;
 - d) the coverage of a housing need,
 - e) the satisfaction of basic religious needs, such as visits to cemeteries and individual visits to places of religious practice, and
 - f) the care of animals,
4. professional and training purposes, where necessary,
5. Staying outdoors alone, with persons from the common household or persons according to Z 3 lit. a for physical and mental recreation,
6. the exercise of administrative or judicial channels which cannot be postponed, including participation in public meetings of the general representative bodies and in oral proceedings of the courts and administrative authorities in order to respect the principle of publicity;
7. to participate in elections provided for by law and to use instruments of direct democracy provided for by law,
8. for the purpose of permitted entry into customer areas of business premises in accordance with §§ 5, 7 and 8 as well as certain locations in accordance with §§ 9, 10 and 11, and
9. to participate in events in accordance with § 13 Abs. 3 Z 1 bis 9 and § 14.

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

(3) Contacts within the meaning of para. 1 no. 3 lit. a and para. 1 no. 5 may only take place if

1. on the one hand, persons from no more than one household are involved at the same time, and
2. on the other hand, only one person is involved.

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 shall be permitted only if only two persons are transported in each row of seats, including the driver. The same applies to taxis and taxi-like companies 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) In the case of the transport of persons with disabilities, pupils and kindergarten children, taxis, taxi-like businesses and school transport within the meaning of §§ 30a ff of the Family Burden Equalisation Act 1967, [Federal Law Gazette No. 376/1967](#), may deviate from paragraph 1 sentence 1 if this is necessary due to the number of passengers.

3. The following shall apply to the use of cable cars and rack railways:

1. § 3 shall apply mutatis mutandis.
2. In enclosed or coverable means of travel (gondolas, cabins, coverable chairs), a maximum of so many persons may be transported at the same time that half of the transport capacity of the vehicle is not exceeded.
3. The use is only permitted for the purposes stated in § 2 para. 1 no. 1 to 4 and 6 to 9 or for the purpose of practicing sports by athletes in accordance with § 9 para. 2 no. 1.

(Note: Paragraph 4 comes into force on 24.12.2020)

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 m² are available per customer; if the customer area is less than 10 m², 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.

(2) Entry into structurally connected premises (e.g. shopping centres, market halls) is only permitted under the following conditions:

1. Paragraph 1 no. 1 to 3 also applies mutatis mutandis to the connecting structures.
2. Paragraph 1 no. 4 shall apply with the proviso that:
 - a) in the case of shopping centres, the areas of the customer areas of the premises must be added together without taking into account the connecting structure and that a maximum of so many customers may be present at the same time both in the customer area of the respective production sites and in the connecting structure that 10 m² of the area thus determined are available per customer,
 - b) in the case of market halls, the areas of the customer areas of the production facilities and the connecting structure must 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 m² of the area or customer area of the permanent establishment determined in this way are available per customer.
3. Entering the connecting structures, including corridors, elevators, staircases and other

generally accessible areas, is permitted for customers exclusively for the purpose of passing through to the customer areas of the production facilities.

4. The consumption of food and drinks is prohibited.
5. Based on a risk analysis, the operator of structurally connected production facilities must 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:
 - a) specific hygiene requirements,
 - b) regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
 - c) Risk analysis
 - d) regulations concerning the use of sanitary facilities,
 - e) regulations concerning the administration of food and beverages,
 - f) Regulations for the control of customer flows and regulation of the number of customers,
 - g) equalisation measures, such as barriers and floor markings,
 - h) requirements for the training of traders and operators of hospitality industry with regard to hygiene measures,
 - i) Regulations to prevent event-like meetings.

The operator of structurally connected premises must ensure compliance with these provisions by taking appropriate measures.

(3) May, 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.

(4) Entering permanent establishments for the use of services due to the peculiarity of which the minimum distance of one meter cannot be maintained is only permitted if no food and drinks are consumed during the provision of the service.

(5) Paragraph 1 no. 1 to 3 shall apply mutatis mutandis to:

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

(6) Para. 1 no. 1 to 4 and para. 2 no. 5 shall apply mutatis mutandis to

1. Museums, art halls and cultural exhibition venues,
2. Libraries
3. Libraries
4. Archives

(Note: Z 5 comes into force on 24.12.2020)

(7) The operator of commercial establishments serving the sale of goods may allow customers to enter the customer area of these premises until 7.00 p.m. at the latest. More restrictive opening time rules due to other legal provisions remain unaffected.

8. Paragraph 7 shall not apply to:

1. charging stations,
2. Permanent establishments in accordance with § 2 no. 1, 3 and 4 as well as § 7 no. 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) When entering places of work, care must be taken to ensure that the professional activity should preferably take place outside the workplace, provided that this is possible and employers and employees reach agreement on the work carried out outside the workplace.

2. When entering places of work:

1. maintain a distance of at least one metre between persons who do not live in the same household, and

2. to wear a close-fitting mechanical protective device covering the mouth and nose area in enclosed spaces,

unless physical contact with other persons is excluded or the risk of infection can be minimized by other appropriate protective measures. Other appropriate protective measures are in particular technical protective measures such as the installation of partitions or plexiglass walls and, if technical protective measures would make the work impossible, organizational protective measures such as the formation of fixed teams.

(3) In addition, stricter agreements may be made between employer and employee for the wearing of a close-fitting mechanical protective device covering the mouth and nose area.

4. Entry into places of work where services are provided due to the nature of which the minimum distance of one metre cannot be maintained shall be permitted only if:

1. during the provision of the service, a close-fitting mechanical protective device covering the mouth and nose area is worn throughout, and

2. no food and drinks are consumed during the provision of the service.

(5) Paragraphs 2 to 4 also apply to external jobs in accordance with § 2 (3) last sentence of the Employee Protection Act (ASchG), [Federal Law Gazette No. 450/1994](#).

(6) Paragraphs 2 and 3 shall apply mutatis mutandis to the employer's vehicles if they are used for professional purposes.

Hospitality

§ 7. (1) Entering and driving at permanent establishments of all types of establishments in the hospitality industry for the purpose of acquiring goods or using services of the hospitality industry is prohibited.

2. Paragraph 1 shall 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 paragraphs 2 to 4:

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

3. 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.

4. 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.
5. 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 paragraphs 2 to 4, the operator may only allow entry and entry into the permanent establishment in the period between 06.00 and 19.00. In companies, entry by employees in shifts is permitted throughout. More restrictive curfews and opening hours due to other legal provisions remain unaffected.

(7) Notwithstanding paragraph 1, the collection of food and non-alcoholic beverages and alcoholic beverages filled in commercially sealed containers is permitted between 06.00 and 19.00. The food and drinks may not be consumed within a radius of 50 meters around the premises. When picking up, 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.

(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 one of his representatives and which are intended for the temporary accommodation of guests, whether 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 that cannot be postponed,
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 which is organised 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 para. 1 no. 5 KAKuG,
7. by patients and accompanying persons in a rehabilitation facility organised as an accommodation establishment with an attached outpatient clinic in accordance with § 2 para. 1 no. 5 KAKuG,
8. 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 generally accessible areas in enclosed spaces, a close-fitting mechanical protective device covering the mouth and nose area shall 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 shall only be permitted if a distance of at least 1,5 metres is maintained from persons who do not live in the same household or if the risk of infection can be minimised by appropriate protective measures for spatial separation.

Sports facilities

§ 9. (1) Entering sports facilities in accordance with § 3 no. 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.

(2) Excluded from the prohibition of paragraph 1 are access to sports facilities

1. 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 have already participated in international competitions according to § 3 Z 5 BSFG 2017, their supervisors and coaches 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 mutatis mutandis to supervisors, trainers and representatives of the media.
2. outdoors by persons not covered by Z 1. 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 and § 5 Abs. 1 Z 4 apply mutatis mutandis.

(3) When practicing team sports or sports whose sport-specific practice involves physical contact by athletes in accordance with paragraph 2 no. 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 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. In the event of a positive test result, it is nevertheless permissible to enter sports facilities if:

1. in any case, there are at least 48 hours without symptoms after expired infection and
2. on the basis of the medical laboratory findings, in particular due to the CT value >30, it can be assumed that there is no longer a risk of infection.

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 or an antigen test for the presence of SARS-CoV-2 before each competition in the following ten days after the infection becomes known.

4. The COVID-19 prevention concept referred to in paragraph 3 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.

Homes for the elderly, nursing and disabled

§ 10. (1) Entering homes for the elderly, nursing and disabled is prohibited.

2. Paragraph 1 shall not apply to:

1. Inhabitant
2. persons necessary for the care of the residents or for the operation of the facility, including the staff of the auxiliary and administrative area,
3. Visits in the context of palliative and hospice care, pastoral care as well as for accompaniment in critical life events,
4. one visitor per inhabitant per week,
5. in addition, a maximum of two persons per resident in need of support per day, if they perform regular support and care tasks,
6. in addition, a maximum of two persons per day to accompany underage residents of homes for the disabled,
7. Residents' representatives in accordance with the Heimaufenthaltsgesetz (HeimAufG), [Federal Law Gazette I No. 11/2004](#), patient and nursing lawyers as well as organs of nursing supervision for the performance of the tasks provided for by state law as well as 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) When entering homes for the elderly, nursing and disabled, § 1 applies mutatis mutandis to residents in generally accessible places that do not belong to the living area as well as to visitors, accompanying persons and employees.

(4) 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 and, in the event of contact with residents, a respirator of protection class FFP-2 (FFP-2 mask) or an equivalent or higher standard mask. Furthermore, the operator of old people's homes and nursing homes may only admit employees if an antigen test for SARS-CoV-2 or a molecular biological test for SARS-CoV-2 is carried out twice a week and the result of which is negative. In the event of a positive test result, admission may nevertheless take place if:

1. in any case, there are at least 48 hours without symptoms after expired infection and
2. on the basis of the medical laboratory findings, in particular due to the CT value >30, it can be assumed that there is no longer a risk of infection.

If tests are not available in sufficient numbers, priority must be given to testing employees with resident contact.

(5) If a sufficient number of tests are not available in accordance with paragraph 4, the operator may only admit employees if the employees wear a respirator of protection class FFP-2 (FFP-2 mask) or equivalent or higher standard mask at all times when in contact with residents.

(6) The operator of old people's homes and nursing homes may only admit residents for new admission if they present a negative result of an antigen test for SARS-CoV-2, the acceptance of which must not be more than 24 hours ago, or a molecular biological test for SARS-CoV-2, the acceptance of which must not be more than 48 hours ago, or appropriate precautions are taken in accordance with para. 10 no. 9 and 10.

7. The operator of old people's homes and nursing homes shall offer residents antigen tests for SARS-CoV-2 or molecular biological tests for SARS-CoV-2 twice a week if they have left the old people's and nursing home within this period.

8. The operator of old people's homes and nursing homes may only admit visitors and accompanying persons if they have 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 of a molecular biological test for SARS-CoV-2, the acceptance of which must not have been more than 48 hours ago. In addition, the operator may only admit visitors and accompanying persons if they wear a respirator of protection class FFP-2 (FFP-2 mask) or an equivalent or a mask corresponding to a higher standard throughout the visit or stay, provided that there is no other suitable protective device for spatial separation between residents and visitors or accompanying persons that ensures the same level of protection. These requirements also apply to the admission of non-medical external service providers, residents' representatives under the HeimAufG, patient and nursing lawyers as well as organs of nursing supervision to carry out the tasks provided for by state law 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 Strafe, [BGBl. III No. 190/2012](#)).

(9) For persons who regularly visit residents in accordance with para. 2 no. 3 and for persons who perform regular support and care tasks in accordance with para. 2 no. 5, paragraph 4 applies mutatis mutandis.

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

(11) Based on a risk analysis, the operator of homes for the elderly, nursing homes and the disabled shall develop and implement a state-of-the-art COVID-19 prevention concept to minimise 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 if these are absolutely necessary for the maintenance of operation,
6. specific regulations for residents who cannot be expected to comply with the requirements in accordance with § 16 (6),
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 provide regular support and care tasks, deviating, specific and situation-adapted requirements can be 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 and
11. Time and organizational requirements regarding the testing of residents in accordance with paragraph 7, in particular determination of fixed dates at regular intervals.

The COVID-19 prevention concept may also include a data protection-compliant system for the traceability of contacts, such as a system for recording attendance on a voluntary basis of visitors or accompanying persons.

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

§ 11. (1) Entering hospitals and health resorts is prohibited.

2. Paragraph 1 shall not apply to:

1. Patients
2. persons necessary for the care of patients or for the operation of the facility, including the staff of the auxiliary and administrative area,
3. one visitor per patient per week, if the patient is admitted to the hospital or spa for more than one week,
4. in addition, a maximum of two persons per day to accompany or visit underage patients,
5. in addition, a maximum of two persons per day to accompany patients in need of support,
6. a maximum of one person to accompany him during examinations during pregnancy, as well as before and during delivery and for visits after delivery,
7. Visits in the context of palliative and hospice care, pastoral care as well as for accompaniment in critical life events,
8. Patient lawyers according to the Accommodation Act (UbG), [Federal Law Gazette No. 155/1990](#), residents' representatives according to HeimAufG, patient and nursing lawyers for the performance of the tasks provided for by state law as well as established commissions for the protection and promotion of human rights.

(3) When entering hospitals and health resorts and other places where health services are provided, § 5 para. 1 no. 1 to 3 applies mutatis mutandis to visitors and accompanying persons and § 5 para. 1 no. 1 to 3 and § 5 para. 3 and § 5 para. 3 mutatis mutandis for patient and visitor contact. 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.

(4) The operator of a bed-holding hospital and a bed-holding spa 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:

1. in any case, there are at least 48 hours without symptoms after expired infection and
2. on the basis of the medical laboratory findings, in particular due to the CT value >30, it can be assumed that there is no longer a risk of infection.

If tests are not available in sufficient numbers, priority must be given to testing employees with patient contact.

(5) If a sufficient number of tests are not available in accordance with paragraph 4, 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), a respirator of protection class FFP-2 (FFP-2 mask) or an equivalent or higher standard mask at all times upon contact with patients.

(6) Paragraphs 4 and 5 apply mutatis mutandis to patient lawyers under the UbG, residents' representatives in accordance with the HeimAufG, patient and nursing lawyers 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](#)).

(7) Based on a risk analysis, the operator of a bed-holding hospital and a bed-holding health resort shall develop and implement a STATE-of-the-art COVID-19 prevention concept to minimise 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 data protection-compliant system for the traceability of contacts, such as a system for recording attendance on a voluntary basis of visitors or accompanying persons.

Leisure and cultural facilities

§ 12. (1) Entering leisure and cultural facilities for the purpose of using the services of these facilities is prohibited.

(2) Leisure facilities are establishments and facilities that serve the entertainment, amusement or recreation. Leisure facilities whose entry is prohibited in accordance with paragraph 1 are in particular

1. fairground establishments, leisure and amusement parks,
2. Baths and facilities in accordance with § 1 para. 1 no. 1 to 7 of the Bathing Hygiene Act (BHygG), [Federal Law Gazette No. 254/1976](#); with regard to baths pursuant to § 1 sec. 1 no. 6 BHygG (baths on surface waters), the prohibition according to § 1 para. 1 does not apply if bathing operation 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. Indoor playgrounds,
8. Paintball facilities and
9. museum railways,

(Note: Final part will enter into force on 24 December 2020)

3. Cultural establishments shall mean institutions which serve cultural edification and participation in cultural life. Cultural institutions whose entry is prohibited in accordance with paragraph 1 are in particular:

1. Theatre
2. concert halls and arenas,
3. Cinemas
4. Variety teas and
5. Cabarets

but not museums, art halls, cultural exhibition halls, libraries, libraries and archives.

Note for the following provision

1. Paragraph 3 no. 11 does not apply on 24 and 25.12.2020.
2. Notwithstanding § 13 sec. 3 no. 10, meetings on 24 and 25.12.2020 of no more than ten persons are permitted, whereby these may come from a maximum of ten different households. Paragraph 13(4) does not apply to such meetings.
(cf. § 20 para. 7)

Events

§ 13. (1) Events are prohibited.

(2) An event shall in particular include planned meetings and activities for entertainment, amusement, physical and mental training and edification. 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, congresses, trade and public fairs and occasional markets.

3. Paragraph 1 shall not apply to:

1. professional meetings that cannot be postponed if they are necessary for the maintenance of professional activities and cannot be held in digital form,
2. Assemblies according to the Assembly Act 1953, [Federal Law Gazette No. 98/1953](#),
3. Sporting events in top-class sport according to § 14,
4. meetings of organs of political parties that cannot be postponed, provided that it is not possible to hold them in digital form,
5. meetings of statutory bodies of legal persons that cannot be postponed, provided that it is not possible to hold them in digital form,
6. meetings that cannot be postponed in accordance with the Labour Constitution Act, [Federal Law Gazette No. 22/1974](#), if it is not possible to hold them in digital form,
7. funerals with a maximum of 50 people,
8. rehearsals and artistic performances without an audience, which are carried out for professional purposes,
9. Meetings for absolutely 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](#), and for final vocational examinations, if it is not possible to hold them in digital form,
10. meetings of not 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, and
11. Gatherings in the private living area, with the exception of gatherings in places that do

not serve to satisfy an immediate housing need, such as in particular in garages, gardens, sheds or barns.

(4) When entering places for the purpose of participating in events in accordance with para. 3 no. 1, 2 and 4 to 10, a distance of at least one meter must be maintained compared to persons who do not live in the same household. In addition,

1. for events in accordance with para. 3 no. 1, 2, 4 to 7 and 9 as well as
2. for events according to para. 3 no. 10 in closed rooms

wear a close-fitting mechanical protective device covering the mouth and nose area.

(5) § 5 (1) no. 4 does not apply to meetings for training and further education purposes as well as to meetings pursuant to para. 3 no. 1 in the customer area of permanent establishments.

(6) In the case of rehearsals and artistic performances in accordance with paragraph 3 no. 8, § 6 and § 9 (3) 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.

(7) May, at meetings in accordance with paragraph 3 no. 9, due to the nature of the training or further education or the integration measure

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 in which only top athletes practice sports in accordance with § 3 Z 6 BStG 2017 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 implementation 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 referred to in paragraph 1 shall comply with § 9 (4) for team sports or for sports whose sport-specific practice involves physical contact. 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, coaches and coaches must help to minimise the risk of infection. For supervisors, coaches and other persons who are necessary for the implementation of the event, § 6 also applies mutatis mutandis, for the athletes § 9 mutatis mutandis.

Enter

§ 15. Within the meaning of this Ordinance, lingering is also considered to be entering (§ 1 para. 2 of the COVID-19 Measures Act [COVID-19-MG], [Federal Law Gazette I No. 12/2020](#)).

Exceptions

§ 16. 1. This Regulation shall not apply to:

1. Elementary educational institutions, schools in accordance with the School Organisation Act, [Federal Law Gazette No. 242/1962](#), Art. V No. 2 of the 5th SchOG Amendment, [Federal Law Gazette No. 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 in accordance with the Universities Act 2002, [Federal Law Gazette I No. 120/2002](#), and the Private Universities Act, [Federal Law Gazette I No. 74/2011](#), Universities of Applied Sciences pursuant to the Universities of Applied Sciences Study Act, [Federal Law Gazette No. 340/1993](#), and Universities of Teacher Education pursuant to the Higher Education Act 2005, [Federal Law Gazette I No. 30/2006](#), including the libraries of these institutions,
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) Restrictions pursuant to § 2, prohibitions of entry as well as conditions and obligations according to this ordinance do not apply

1. to avert immediate danger to life, limb and property, or
2. to supervise minor children.

3. The obligation to wear a close-fitting mechanical protective device covering the mouth and nose area shall 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,
3. during the consumption of food and drinks, and
4. for deaf and severely hearing impaired persons as well as their communication partners during communication.

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 the closed class or group association of institutions in accordance with para. 1 no. 1,
3. between persons with disabilities and their accompanying persons who provide personal assistance or care services,
4. if this requires the performance of religious acts,
5. in aircraft which are considered to be means of mass transport,
6. underwater
7. in the exercise of sport for necessary security and assistance,
8. between persons who temporarily live together in a household, and
9. for the care and assistance of persons in need of support.

(5) The obligation to observe the distance pursuant to § 5 (5) no. 2 does not apply if this is necessary for the exercise of the administrative activity in the exercise of party relations.

(6) § 10 (3) 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. The obligation to test under this Regulation shall not apply to persons who have been shown to have been infected with COVID-19 in the three months preceding testing.

(8) The operator's obligation to carry out tests in accordance with § 10 (4) and (7) and § 11 (4) does not apply if tests are not available in sufficient numbers.

Credibility

§ 17. (1) The existence of the requirements pursuant to § 2, § 4 (3) and § 16 is to be met upon request to

1. organs of the public security service,
2. 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 (4) COVID-19-MG,

to make it credible.

(2) The exceptional ground of Paragraph 16(3), according to which the wearing of a mechanical protective device covering the mouth and nose area cannot be reasonably expected for health reasons, must be proven by a certificate issued by a doctor entitled to practise his profession independently in Austria.

(3) If the existence of an exceptional reason pursuant to para. 1 no. 3 has been credibly established, the owner of the permanent establishment or place of work as well as the operator of a means of transport has fulfilled his obligation under § 8 para. 4 of the COVID-19-MG.

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

§ 18. In the context of the cooperation under § 6 COVID-19-MG and § 28a EpiG, the organs of the public security service must refrain from taking measures against persons who violate an obligation to behave or refrain from doing so under this Ordinance if the legal condition can be established 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

§ 19. This ordinance does not affect the Employee Protection Act, [Federal Law Gazette No. 450/1994](#), and the Federal Employee Protection Act, [Federal Law Gazette I No. 70/1999](#).

Entry into force and transitional provisions

§ 20. 1. This Regulation shall enter into force on 17 December 2020. At the same time, the 2nd COVID-19 Protective Measures Ordinance, [Federal Law Gazette II No. 544/2020](#), expires.

(2) § 4 (4), § 5 (6) no. 5 and the exception for animal parks, zoos and botanical gardens in § 12 (2) come into force on 24 December 2020.

(3) The obligation pursuant to § 5 para. 6 no. 1 to 4 to develop a prevention concept must be complied with by 22 December 2020. From this point on, this must be implemented.

(4) Until 18 December 2020, the operator shall comply with his obligation under § 10 (4) if the employees continuously wear a close-fitting mechanical protective device covering the mouth and nose area and an antigen test for SARS-CoV-2 or a molecular biological test for SARS-CoV-2 is carried out for them twice a week and the result of which is negative. In the event of a positive test result, admission may nevertheless take place if:

1. in any case, there are at least 48 hours without symptoms after expired infection and
2. on the basis of the medical laboratory findings, in particular due to the CT value >30, it can be assumed that there is no longer a risk of infection.

5. This Regulation shall expire on the expiry of 26 December 2020.

(6) § 4 para. 3 no. 3 expires on 24 December 2020.

7. On 24 and 25 December 2020:

1. § 2 and § 13 Abs. 3 Z 11 do not apply.
2. By way of derogation from Paragraph 13(3)(10), meetings of no more than ten persons are permitted, which may come from a maximum of ten different households. Paragraph 13(4) does not apply to such meetings.