

Federal law consolidated: Entire legislation for COVID-19 Measures Act, version of 23.12.2020

Long title

Federal Act on Provisional Measures to Prevent the Spread of COVID-19 (COVID-19 Measures Act – COVID-19-MG)

StF: [Federal Law Gazette I No. 12/2020](#) (NO: GP XXVII [IA 396/A AB 102 p. 16](#). BR: [FROM 10287 P. 903.](#))

Alteration

[Federal Law Gazette I No. 16/2020](#) (NO: GP XXVII [IA 397/A AB 112 P. 19](#). BR: [FROM 10288 P. 904.](#))

[Federal Law Gazette I No. 23/2020](#) (NO: GP XXVII [IA 402/A AB 115 P. 22](#). BR: [FROM 10291 P. 905.](#))

[Federal Law Gazette I No. 104/2020](#) as amended [federal law Gazette I No. 124/2020](#) (VFB) (NO: GP XXVII [IA 826/A AB 370 p. 51](#). BR: [10408 AB 10411 S. 912.](#))

[Federal Law Gazette I No. 138/2020](#) (NO: GP XXVII [AB 564 P. 71](#). BR: [10472 AB 10519 S. 917.](#))

[Federal Law Gazette I No. 23/2021](#) (NO: GP XXVII [IA 1197/A AB 629 P. 77](#). BR: [10530 AB 10533 S. 919.](#))

[FEDERAL LAW GAZETTE I No. 33/2021](#) (NO: GP XXVII [IA 1214/A AB 671 P. 85](#). BR: [10541 AB 10542 S. 922.](#))

[Federal Law Gazette I No. 82/2021](#) (NO: GP XXVII [IA 1466/A AB 813 P. 101](#). BR: [FROM 10620 P. 925.](#))

[Federal Law Gazette I No. 90/2021](#) (NO: GP XXVII [IA 1324/A AB 757 P. 91](#). BR: [10577 AB 10603 S. 924.](#))

[Federal Law Gazette I No. 100/2021](#) (NO: GP XXVII [IA 1572/A p. 109](#). BR: [10643 AB 10640 S. 926.](#))

[Federal Law Gazette I No. 105/2021](#) (NO: GP XXVII [IA 1662/A AB 883 P. 113](#). BR: [10647 AB 10662 S. 927.](#))

[Federal Law Gazette I No. 143/2021](#) (NO: GP XXVII [IA 1780/A AB 1008 P. 115](#). BR: [FROM 10717 P. 929.](#))

[Federal Law Gazette I No. 183/2021](#) (NO: GP XXVII [IA 1824/A AB 1067 P. 125](#). BR: [10748 AB 10750 S. 931.](#))

[Federal Law Gazette I No. 204/2021](#) (NO: GP XXVII [AB 1139 P. 131](#). BR: [FROM 10784 P. 934.](#))

[Federal Law Gazette I No. 255/2021](#) (NO: GP XXVII [IA 1969/A AB 1270 P. 135](#). BR: [10796 AB 10820 S. 936.](#))

[Federal Law Gazette I No. 6/2022](#) (NO: GP XXVII [AB 1313 P. 139](#). BR: [10864 AB 10873 S. 937.](#))

[FEDERAL LAW GAZETTE I No. 64/2022](#) (NO: GP XXVII [IA 2066/A AB 1438 P. 153](#). BR: [FROM 10954 P. 940.](#))

[FEDERAL LAW GAZETTE I No. 89/2022](#) (NO: GP XXVII [IA 2591/A AB 1503 P. 162](#). BR: [10980 AB 10994 P. 942.](#))

[Federal Law Gazette I No. 103/2022](#) (NO: GP XXVII [IA 2652/A p. 168](#). BR: [11008 AB 11018 S. 944.](#))

Text

Scope and general provisions

§ 1. (1) This Federal Act authorises the regulation of entering and driving on business premises, places of work, certain places and public places in their entirety, the regulation of the use of means of transport and exit regulations as health police measures to prevent the spread of COVID-19.

(2) Entering within the meaning of this Federal Act shall also include lingering.

(3) Certain places within the meaning of this Federal Act are certain public and certain private places with the exception of the private residential area.

(4) Public places within the meaning of this Federal Act are those that can be entered or driven by a group of persons not determined from the outset.

(5) In particular, the following may be considered as requirements under this Federal Act:

1. distance rules,
2. the obligation to wear a mechanical protective device covering the mouth and nose area,
3. other protective measures such as organisational or spatial measures, and
4. Prevention concepts are programmatic representations of regulations – adapted to the respective offer – to prevent the spread of COVID-19.

(6) Requirements under this Federal Act are in particular certain types or purposes of the use of places and means of transport.

7. The assessment of the epidemiological situation shall be based in particular on the following criteria:

1. transmissibility, as measured by emerging COVID-19 cases and clusters,
2. Cluster analysis, measured by the number of cases with clarified source,
3. Resources and capacities in the healthcare sector, taking into account the current utilization of existing hospital capacities as well as the current occupancy in normal and intensive care units,
4. PERFORMED SARS-CoV-2 tests including positive rate and
5. regional peculiarities such as a special influx of non-local people, in particular tourism and commuter flows.

(8) In an ordinance issued on the basis of this Federal Act, typifying gradations may be made with regard to the epidemiological situation and different measures may be linked to different risk classifications ("traffic light system").

Corona Commission

§ 2. (1) An advisory board (Corona Commission) shall be set up at the Federal Ministry of Social Affairs, Health, Care and Consumer Protection to advise the Federal Minister responsible for health care on the assessment of the epidemiological situation in accordance with § 1 (7).

(2) The recommendations of the Corona Commission shall be published on the website of the Federal Minister responsible for health care. In addition, the main reasons for this should also be published.

Entering and driving on business premises and places of work as well as using means of transport

§ 3. (1) In the event of the occurrence of COVID-19, regulation may:

1. entering and driving at permanent establishments or only certain permanent establishments for the purpose of acquiring goods or using services,
2. entering and driving at places of work or only certain places of work in accordance with § 2 (3) of the Employee Protection Act and
3. the use of means of transport or only certain means of transport

to the extent necessary to prevent the spread of COVID-19.

(2) A regulation referred to in paragraph 1 may, in accordance with the epidemiological situation, specify the number and at what time or under what conditions and conditions permanent establishments or places of work may be entered and used or means of transport.

Furthermore, entering and driving on business premises or places of work as well as the use of means of transport may be prohibited if more lenient measures are not sufficient.

Entering and navigating certain places and public places in their entirety

§ 4. (1) In the event of the occurrence of COVID-19, it may be possible by regulation to enter and drive on

1. certain places, or
2. public places in their entirety

to the extent necessary to prevent the spread of COVID-19.

(2) A regulation referred to in paragraph 1 may determine, in accordance with the epidemiological situation, the number and at what time or under what conditions and conditions these places may be entered and driven. Furthermore, entering and driving at certain places may be prohibited in accordance with para. 1 no. 1, but not public places in their entirety in accordance with para. 1 no. 2, unless more lenient measures are sufficient.

Initial control

§ 5. (1) If it is essential to prevent the spread of COVID-19 in order to prevent an imminent collapse of medical care or similar emergency situations, and measures in accordance with §§ 3 and 4 are not sufficient, it may be ordered by ordinance that leaving the private living area is only permitted for certain purposes.

(2) Purposes pursuant to paragraph 1, for which leaving the private residential area is in any case permissible, are:

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 purposes, where necessary, and
5. Stay outdoors for physical and mental recreation.

Participation of public security service bodies

§ 6. (1) The organs of the public security service shall support the competent authorities and bodies under this Federal Act on their request in the exercise of their described tasks or in the enforcement of the measures provided for, if necessary by means of coercion.

(2) The organs of the public security service shall cooperate in the implementation of this Federal Act and the ordinances issued on the basis of this Federal Act by:

1. measures to prevent imminent administrative offences,
2. measures to initiate and secure administrative criminal proceedings, and
3. the punishment of administrative violations by organ penalty orders (§ 50 VStG).

(3) If, according to the professional assessment of the respective health authority, within the framework of the participation provided for in paragraph 1 for the organs of the public security service according to the nature of the communicable disease and its transmission possibilities, a hazard is associated that can only be countered by special protective measures, the health authorities are obliged to take adequate protective measures.

Responsibilities

§ 7. (1) Ordinances under this Federal Act shall be issued by the Federal Minister responsible for health care.

(2) Ordinances under this Federal Act may be issued by the Governor if no ordinance has been issued in accordance with paragraph 1 or additional measures are laid down in accordance with paragraph 1. Ordinances pursuant to § 5 require the consent of the Federal Minister responsible for health care.

(3) Ordinances under this Federal Act may be issued by the district administrative authority if no ordinances have been issued in accordance with paragraphs 1 or 2 or if additional measures are laid down in accordance with regulations pursuant to paragraphs 1 or 2. Ordinances pursuant to § 5 require the consent of the Governor.

(4) A regulation pursuant to paragraphs 1 to 3 may differentiate regionally according to the respective epidemiological situation.

5. Regulations referred to in paragraph 1 may repeal regulations referred to in paragraphs 2 and 3 or parts thereof. Regulations pursuant to paragraph 2 may repeal regulations pursuant to paragraph 3 or parts thereof.

(6) Ordinances pursuant to paragraphs 2 and 3 shall be notified to the Federal Minister responsible for health care before they enter into force.

Penal provisions

§ 8. (1) Who:

1. enters or drives a permanent establishment or a place of work or uses a means of transport whose entry, driving or use is prohibited in accordance with § 3, or
2. enters or drives a place whose entry or driving is prohibited in accordance with § 4,

commits an administrative offence and is punishable by a fine of up to EUR 1 450 and, in the event of non-recovery, by imprisonment of up to four weeks.

(2) Who:

1. enters or drives a permanent establishment or a place of work contrary to the conditions laid down in an ordinance pursuant to § 3 or conditions addressed to it or uses a means of transport contrary to the conditions laid down in an ordinance pursuant to § 3 or conditions addressed to it, or
2. enters or drives the places specified in an ordinance pursuant to § 4 contrary to the times, conditions or conditions specified therein,

commits an administrative offence and is punishable by a fine of up to 500 euros, in the event of non-collection with imprisonment of up to one week.

(3) Who, as the owner of a permanent establishment or a place of work, as an operator of a means of transport or as an obligated party not covered by paragraph 1 with regard to certain private places, does not ensure that the permanent establishment, the place of work, the means of transport or the specific private place whose entry or driving is prohibited in accordance with §§ 3 and 4 is not entered or driven, commits an administrative offence and is punishable by a fine of up to EUR 30 000 and, in the event of non-recovery, by imprisonment of up to six weeks.

(4) Any person who, as the owner of a permanent establishment or a place of work, as an operator of a means of transport or as an obligated party not covered by paragraph 2 with regard to certain private places in accordance with § 4, does not ensure that the permanent establishment, the place of work, the means of transport or the specific private place does not conflict with the number of persons, times, times laid down in an ordinance pursuant to §§ 3 and 4, Conditions or conditions are entered or driven, commit an administrative offence and are punishable by a fine of up to EUR 3 600, in the event of non-collection with imprisonment of up to four weeks.

(5) Any person who violates an ordinance pursuant to § 5 commits an administrative offence and is to be punished with a fine of up to EUR 1 450, in the event of non-submission with imprisonment of up to four weeks.

(6) Anyone who, contrary to § 9, refuses to allow the organs of the district administrative authority or the experts consulted by them to enter or inspect, to provide information or to submit documents relating to compliance with the requirements and requirements of this Federal Act, commits an administrative offence and is liable to a fine of up to EUR 1 450, in the event of non-submission with imprisonment of up to four weeks, to punish.

Control

§ 9. (1) The district administrative authority and, at its request, the organs of the public security service within the scope of their duty of support in accordance with § 6 may check

compliance with entry bans, conditions and obligations – also by means of on-site inspection. To this end, the organs of the district administrative authority, the experts consulted by them and the organs of the public security service are entitled to enter and visit permanent establishments, places of work, means of transport and certain places, as well as to inspect and secure evidence of all documents relating to compliance with entry bans, requirements and requirements under this Federal Act. The respective holder or obligated party must enable the organs of the district administrative authority, the experts consulted by them and the organs of the public security service to enter and inspect, to provide them with the necessary information and to submit the necessary documents.

(2) The right of entry under paragraph 1 does not cover entry into external workplaces located in the private residential area by organs of the public security service.

Hearing of the Corona Commission

§ 10. The Federal Minister responsible for health care must consult the Corona Commission – except in the event of imminent danger – before issuing ordinances under this Federal Act.

Agreement with the Main Committee of the National Council

§ 11. (1) The following ordinances of the Federal Minister responsible for health care require agreement with the Main Committee of the National Council:

1. Ordinances pursuant to the last sentence of § 3 (2) prohibiting entry, driving or use,
2. ordinances pursuant to the last sentence of Paragraph 4(2) prohibiting entry or driving, and
3. Ordinances according to § 5.

(2) In the event of imminent danger, agreement with the Main Committee of the National Council shall be reached within four days of adoption in the case of ordinances pursuant to paragraph 1.

(3) An ordinance pursuant to the last sentence of Paragraph 3(2) and the last sentence of Paragraph 4(2) prohibiting entry, driving or use shall provide that it shall cease to apply no later than four weeks after its entry into force. An ordinance pursuant to § 5 shall provide that it shall cease to apply no later than ten days after its entry into force.

(4) Ordinances of the Federal Government pursuant to § 12 (1) require agreement with the Main Committee of the National Council.

Coming into force

§ 12. (1) This Federal Act shall enter into force on the expiry of the date of promulgation and shall cease to apply at the end of 30 June 2021. If this is absolutely necessary due to the epidemiological situation, a different date of expiry of this Federal Act may be determined by ordinance of the Federal Government, which may not be later than 31 December 2021.

(1a) Paragraph 2 in the version of the Federal Act [Federal Law Gazette I No. 16/2020](#) shall enter into force retroactively on 16 March 2020.

(2) If an ordinance has been issued in accordance with § 3, the provisions of the Epidemic Act 1950, [Federal Law Gazette No. 186/1950](#), concerning the closure of permanent establishments within the scope of this ordinance do not apply.

(3) The provisions of the Epidemic Act 1950 remain unaffected.

(4) Ordinances based on this Federal Act may be issued before its entry into force, but may not enter into force before it.

(5) §§ 1, 2 and § 2a in the version of the Federal Act [Federal Law Gazette I No. 23/2020](#) shall enter into force on the day following the announcement.

(6) The title, §§ 1 to 11 including headings as well as §§ 12 and 13 in the version of the Federal Act [Federal Law Gazette I No. 104/2020](#) shall enter into force on the day following the announcement; at the same time, § 2a and its heading shall cease to apply.

(7) § 9 in the version of the Federal Act [Federal Law Gazette I No. 138/2020](#) comes into force on the day following the announcement.

Enforcement

§ 13. The Federal Minister for Social Affairs, Health, Care and Consumer Protection is entrusted with the implementation of this federal law.