

## Federal law consolidated: Entire legislation for COVID-19 Measures Ordinance, version of 15.05.2020

### Long title

Ordinance of the Federal Minister of Social Affairs, Health, Care and Consumer Protection concerning relaxation of the measures taken to combat the spread of COVID-19 (COVID-19 Relaxation Ordinance – COVID-19-LV)

StF: [Federal Law Gazette II No. 197/2020](#)

### Alteration

[Federal Law Gazette II No. 207/2020](#)

[Federal Law Gazette II No. 231/2020](#)

[Federal Law Gazette II No. 239/2020](#)

[Federal Law Gazette II No. 246/2020](#)

[Federal Law Gazette II No. 266/2020](#)

[Federal Law Gazette II No. 287/2020](#)

[Federal Law Gazette II No. 299/2020](#)

[Federal Law Gazette II No. 332/2020](#)

[Federal Law Gazette II No. 342/2020](#)

[Federal Law Gazette II No. 398/2020](#)

### Preamble/promulgation clause

On the basis of §§ 1 and 2 no. 1 of the COVID-19 Measures Act, [Federal Law Gazette I No. 12/2020](#), as last amended by the Federal Act [Federal Law Gazette I No. 23/2020](#) and § 15 of the Epidemic Act 1950, [Federal Law Gazette No. 186/1950](#), last amended by the Federal Act [Federal Law Gazette I No. 23/2020](#), the following is prescribed:

### 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. *(Note 2)*

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 area shall be worn. *(Note 1)*

3. In the means of mass transport, a distance of at least one metre shall be maintained with regard to persons who do not live in the same household and a mechanical protective device covering the mouth and nose area shall be worn. 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.

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*Note 1: By judgment of 1 October 2020, V 463-467/2020-16, the Verfassungsgerichtshof rightly served on the Federal Minister for Social Affairs, Health, Care and Consumer Protection on 29 October 2020, rightly ruled:*

*'1. The phrase 'and to wear a mechanical protective device covering the mouth and nose area' in Paragraph 1(2) of the Ordinance of the Federal Minister for Social Affairs, Health, Care and Consumer Protection concerning relaxation of the measures taken to combat the spread of*

COVID-19 (COVID-19 Relaxation Ordinance – COVID-19-LV), [Federal Law Gazette II No 197/2020](#), was unlawful.

2. The sequence of words found to be unlawful shall no longer apply.'

See [Federal Law Gazette II No. 492/2020.](#))

Note 2: By judgment of 16 June 2021, V 34/2021-12, V 136/2021-11, the Constitutional Court rightly served on the Federal Minister for Social Affairs, Health, Care and Consumer Protection on 28 June 2021, hereby ruled:

'I. Paragraph 1(1) of the Ordinance of the Federal Minister for Social Affairs, Health, Care and Consumer Protection concerning the relaxation of the measures taken to combat the spread of COVID-19 (COVID-19 Relaxation Ordinance – COVID-19-LV), [Federal Law Gazette II No 197/2020](#), was unlawful.

II. The provision found to be unlawful shall no longer apply.'

See [Federal Law Gazette II No. 318/2021.](#))

### Customer Areas

**§ 2.** (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 mechanical protective device covering the mouth and nose area.
3. The operator must ensure that he and his employees wear a 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 permanent establishment at a time. In the case of permanent establishments without staff, this condition must be indicated in an appropriate manner.
5. For structurally connected business premises (e.g. shopping centres, market halls), Z 4 applies with the proviso that the areas of the customer areas of the business premises 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 business premises 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) May, due to the nature of the service,

1. the minimum distance of one meter between the customer and the service provider and/or (Note 1)
2. the customer does not comply with the wearing of a 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 no. 1 to 3 shall apply mutatis mutandis to enclosed spaces of institutions for the exercise of religion.

(4) Para. 1 no. 1 to 3 shall apply mutatis mutandis to outdoor markets.

(5) When entering nursing homes, hospitals and health resorts as well as when entering places where health and care services are provided, the operator or service provider must minimize the risk of infection by means of appropriate protective measures.

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Note 1: By judgment of 8 June 2021, V 587/2020-8, the *Verfassungsgerichtshof* (Constitutional Court) served on the Federal Minister for Social Affairs, Health, Care and Consumer Protection on 20 July 2021, rightly held:

1. § 2 sec. 1 no. 2 of the Ordinance of the Federal Minister for Social Affairs, Health, Care and Consumer Protection concerning relaxation of the measures taken to combat the spread of COVID-19, [Federal Law Gazette II No. 197/2020](#), was unlawful.
2. The provision found to be unlawful shall no longer apply.' (cf. [Federal Law Gazette II No. 359/2021](#)))

### **Place of professional activity**

**§ 3.** 1. At the place of professional activity, a distance of at least one metre shall be maintained between persons, unless appropriate protective measures can minimise the risk of infection.

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

(3) If, due to the nature of the professional activity, the distance of at least one metre between persons cannot be maintained, the risk of infection shall be minimised by other appropriate protective measures.

(4) Paragraphs 1 to 3 shall apply mutatis mutandis to the employer's vehicles if they are used for professional purposes during working hours.

### **Carpooling**

**§ 4.** 1. The joint use of motor vehicles by persons who do not live in the same household shall be permitted only if a mechanical protective device covering the mouth and nose is worn and only two persons are transported in each row of seats, including the driver.

(2) The same applies to taxis and taxi-like establishments as well as on board aircraft which are not considered to be means of mass transport. By way of derogation from paragraph 1, § 1(3) shall also apply mutatis mutandis to school transport within the meaning of §§ 30a ff of the Family Burden Equalisation Act 1967, to transports of persons with special needs and to transports of kindergarten children.

### **Training**

**§ 5.** (1) The entry of training facilities by trainees or students is permitted exclusively for the following purposes:

1. Training in health, nursing, social and legal professions,
2. Preparation and execution of matriculation examinations, school leaving examinations, university entrance qualification examinations, basic education qualifications and professional qualification or final examinations as well as certification examinations,
3. Preparation and implementation of driving, rail, flight and ship training and further education as well as general driving, rail, flight and ship tests,
4. Training facilities in accordance with the Security Police Act, including preparatory activities,
5. integration measures necessary to comply with the Integration Act, [Federal Law Gazette I No. 68/2017](#),
6. Training by the Public Employment Service (AMS) and on behalf of the AMS, offers within the framework of the European Social Fund as well as offers of the Ministry of Social Affairs (SMS) in accordance with the Training Compulsory Training Act, [Federal Law Gazette I No. 62/2016](#).

(2) Trainees or students must keep a distance of at least one metre from persons who do not live in the same household and wear a mechanical protective device covering the mouth and nose area.

(3) May, due to the nature of the training:

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

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

(4) Entering training facilities in accordance with paragraph 1 is also permitted for professionally necessary purposes.

(Note: Para. 5 repealed by Z 5, [Federal Law Gazette II No. 207/2020](#)).

### **Hospitality**

**§ 6.** 1. Entry into permanent establishments of all types of establishments in the hospitality industry shall be permitted under the conditions laid down in this provision.

(2) The operator may only allow customers to enter the permanent establishment in the period between 06.00 and 23.00. More restrictive curfews and opening hours due to other legal provisions remain unaffected. (Note 2)

(3) The operator must ensure that the consumption of food and beverages does not take place in the immediate vicinity of the issuing point. (Note 2)

4. 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 visitors. This does not apply if the risk of infection can be minimized by appropriate protective measures for spatial separation. (Note 1)

(5) The operator may only admit visitor groups if they

1. consist of a maximum of four adults plus their minor children or minor children who have custody obligations, or
2. consist of persons living in the same household.

(6) The operator must ensure that each customer is placed in closed rooms of the permanent establishment by the operator or an employee.

(7) The operator must ensure that he and his employees wear a mechanical protective device covering the mouth and nose area when in contact with the customer. (Note 3)

(8) From the first time entering the premises until arriving at the administration site, the customer must keep a distance of at least one meter from other persons who do not belong to his group of visitors and wear a mechanical protective device covering the mouth and nose area in closed rooms. When leaving the administration site, the customer must keep a distance of at least one meter from other persons who do not belong to his visitor group.

9. The operator shall ensure that there are no items at the place of administration intended for common use by customers. Self-service is only permitted if the food and drinks are handed out by the operator or an employee or for the removal of pre-portioned and covered food and drinks.

(10) When picking up pre-ordered food and/or drinks, it must be ensured that they are not consumed on site and that a distance of at least one metre is maintained from persons who do not live in the same household and that a mechanical protective device covering the mouth and nose area is worn. At the pick-up, non-pre-ordered drinks can also be taken along.

11. Paragraphs 1 to 10 shall not apply to modes of operation in the hotel and restaurant industry operated within the following establishments:

1. hospitals and spa facilities;
2. nursing homes and retirement homes;
3. institutions for the care and accommodation of children and young people, including schools and kindergartens;
4. establishments, if they may only be used by employees;
5. Means of mass transport.

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*Note 1: By judgment of 1 October 2020, G 272/2020-11 ua., the Verfassungsgerichtshof (Constitutional Court, etc.), served on the Federal Minister for Social Affairs, Health, Care and Consumer Protection on 5 November 2020, rightly ruled:*

*"1. § 6 (1) and (4) of the Ordinance of the Federal Minister for Social Affairs, Health, Care and Consumer Protection concerning relaxation of the measures taken to combat the spread of COVID-19 (COVID-19 Relaxation Ordinance – COVID-19-LV), [Federal Law](#)*

Gazette II No. 197/2020, as amended by Federal Law Gazette II No. 207/2020 is repealed as unlawful.

2. The repeal shall enter into force on the expiry of 31 December 2020.' (cf. Federal Law Gazette II No. 485/2020)

Note 2: By judgment of 8 June 2021, V 615/2020-7, the *Verfassungsgerichtshof* (Constitutional Court) served on the Federal Minister for Social Affairs, Health, Care and Consumer Protection on 20 July 2021, rightly held:

- I. 1. Paragraph 6(2) and (3) of the Ordinance of the Federal Minister for Social Affairs, Health, Care and Consumer Protection concerning relaxation of the measures taken to combat the spread of COVID-19, Federal Law Gazette II No 197/2020, as amended by Federal Law Gazette II No 207/2020 was unlawful.
- Ii. The provisions found to be unlawful shall no longer apply.' (cf. Federal Law Gazette II No. 360/2021)

Note 3: By judgment of 15 December 2021, V 234/2021-7, the *Verfassungsgerichtshof* (Constitutional Court) served on the Federal Minister for Social Affairs, Health, Care and Consumer Protection on 30 December 2021, rightly ruled:

- "1. § 6 sec. 7 of the Ordinance of the Federal Minister for Social Affairs, Health, Care and Consumer Protection concerning relaxation of the measures taken to combat the spread of COVID-19, Federal Law Gazette II No. 197/2020, as amended by Federal Law Gazette II No. 207/2020 was unlawful.
2. The provision found to be unlawful shall no longer apply.' (cf. Federal Law Gazette II No. 345/2022))

### **Tourist accommodation establishments**

**§ 7.** (1) Entering accommodation establishments for the purpose of recreation and leisure activities is prohibited.

(2) Accommodation establishments are accommodation establishments which are under the direction or supervision of the accommodation provider or an agent of the accommodation provider and which are intended for the accommodation of guests for temporary stay, whether in return for payment or free of charge. Supervised camping or caravan sites, unless they are permanent pitches, as well as shelters and cabin ships are considered accommodation establishments.

(3) Paragraph 1 does not apply to accommodation

1. persons already in accommodation at the time of entry into force of this provision for the duration of accommodation agreed in advance with the accommodation establishment,
2. for the purpose of caring for and providing assistance to persons in need of support,
3. for professional reasons,
4. for training purposes,
5. to satisfy an urgent need for housing,
6. of rehabilitation patients in a rehabilitation facility and spa guests in a health resort according to § 42a KAKuG, BGBI. No. 1/1957, who are organized as accommodation facilities with an attached outpatient clinic in accordance with § 2 abs. 1 no. 5 KAKuG, as well as their accompanying persons,
7. of pupils for the purpose of attending school (boarding schools, apprentice dormitories).

(4) Paragraph 1 does not apply to gastronomic establishments in accommodation establishments for the administration of food and for the serving of beverages. § 6 (2) to (10) applies.

### **Sport**

**§ 8.** (1) Entering sports facilities in accordance with § 3 Z 11 BSFG 2017, Federal Law Gazette I No. 100/2017, is prohibited.

(2) By way of derogation from paragraph 1, sports facilities may be entered for the exercise of sports in the open-air area if a distance of at least two metres is maintained during the exercise of sport vis-à-vis persons who do not live in the same household.

(3) When practicing team sports in the open-air area by top athletes in accordance with § 3 Z 6 BSFG 2017, also from the field of disabled sports, who earn income from their sporting activities, the distance of two meters may be undercut if the responsible team doctor has developed a COVID-19 prevention concept in accordance with the state of the art, whereby the risk of infection can be minimized, and who continuously monitors its compliance. This must be followed. Before starting training and competition operations for the first time, molecular biological testing must be used to prove that athletes, coaches and coaches are SARS-CoV-2 negative. If a SARS-CoV2 infection becomes known in an athlete, caregiver or coach, the entire team, all caregivers and coaches must be subjected to molecular biological testing for the presence of SARS-CoV-2 before each game in the following 14 days after the infection becomes known.

(4) The COVID-19 prevention concept referred to in paragraph 3 shall include at least the following topics:

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.

(5) Notwithstanding paragraph 1, entry into sports facilities in accordance with § 3 no. 11 BSFG 2017 for the practice of sports in closed premises is only permitted by top athletes in accordance with § 3 no. 6 BSFG 2017, also from the field of disabled sports. When practicing sports, 20m<sup>2</sup> of the total area of the respective room must be available per top athlete and a distance of at least two meters must be maintained compared to persons who do not live in the same household.

(6) Airfields in accordance with the Aviation Act, [Federal Law Gazette No. 253/1957](#), are treated in the same way as sports facilities. When practicing sports, a distance of at least two meters must be maintained from persons who do not live in the same household.

(7) Entering sports facilities in accordance with § 3 (11) BSFG 2017 is also permitted to supervisors, coaches and referees under the conditions specified in paragraphs 2 to 6. The entry of sports facilities by representatives of the media is permitted if a distance of at least two meters is maintained from other persons.

### **Other institutions**

**§ 9.** (1) Visitors are prohibited from entering the following facilities:

1. leisure facilities, except in the private living area,
2. Cable cars and rack railways.

(1a) Entering the visitor area of museums, exhibitions, libraries, libraries and archives including their reading areas as well as animal parks and zoos is permitted under the conditions of § 2 para. 1 no. 1 to 5. If the visitor area is located outdoors, § 1 (1) applies.

(1b) Entering the institutions and participating in offers of extracurricular youth education and youth work is permitted under the conditions of § 2 para. 1 no. 1 to 4 and § 1 para. 1 and 2.

(2) Leisure facilities pursuant to para. 1 no. 1 are establishments and facilities that serve the entertainment, amusement or recreation. These are:

1. fairground establishments, leisure and amusement parks,
2. Baths and facilities in accordance with § 1 para. 1 no. 1 to 7 of the Bath 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. Theatres, concert halls and arenas, cinemas, variety shows and cabarets,
8. Indoor playgrounds,
9. paintball facilities,
10. museum railways,
11. Excursion boats in occasional traffic.

(3) Paragraph 1 no. 3 does not apply to accommodation of club members on the premises of leisure facilities.

(4) Paragraph 2 no. 3 does not apply to admissions by dance couples living in the same household, provided that 10 m<sup>2</sup> of dance floor is available per couple. Individual lessons are also permitted.

(5) Paragraph 2 no. 7 does not apply to entry with multi-lane motor vehicles.

### **Events**

**§ 10.** (1) Events with more than 10 people 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, these include cultural events, sporting events, weddings, film screenings, exhibitions, congresses, offers to promote care and education in families, help to cope with family problems.

(3) For funerals, a maximum number of participants of 30 people applies.

(4) When entering venues in accordance with paragraph 1, a distance of at least one metre shall be maintained with regard to persons who do not live in the same household. Furthermore, a mechanical protective device covering the mouth and nose area must be worn in enclosed spaces. For events in closed rooms, an area of 10 m<sup>2</sup> must also be available per person.

5. Paragraphs 1 to 4 shall not apply to:

1. events in the private living area,
- 1a. religious events, with the exception of funerals,
2. Assemblies according to the Assembly Act 1953, [Federal Law Gazette No. 98/1953](#). These are permissible under the conditions of the aforementioned federal law.
3. meetings for professional purposes, if they are necessary for the maintenance of professional activity,
4. Entrances according to § 5, § 8 and § 9 Abs. 5,.
5. meetings of organs of political parties,
6. Meetings of organs of legal persons.

(6) In the case of religious practice outdoors, unless this is already apparent from § 1 (1), a distance of at least one metre must be observed vis-à-vis persons who do not live in the same household. In addition, the organizer must ensure that the risk of infection is minimized by appropriate protective measures.

### **Exceptions**

**§ 11.** 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 No. 2 of the 5th SchOG Amendment, [Federal Law Gazette No. 323/1975](#) and Private School Act, [Federal Law Gazette No. 244/1962](#), as well as agricultural and forestry schools,
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 according to the University of Applied Sciences Study

Act, [Federal Law Gazette No. 340/1993](#), and Universities of Teacher Education according to the Higher Education Act 2005, [Federal Law Gazette I No. 30/2006](#),

3. Activities within the scope of the legislative and enforcement bodies.

2. Prohibitions on entry and conditions and obligations laid down in 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.

(2a) The obligation to wear a mechanical protective device covering the mouth and nose area and the obligation to maintain a distance shall not apply if this requires the performance of religious acts by recognized churches and religious societies and religious confessional communities.

3. The wearing of a mechanical protective device covering the mouth and nose area shall not apply to children up to the age of 6 and to persons who cannot reasonably be expected to wear the device for health reasons.

(4) The obligation to maintain the distance does not apply between persons with disabilities and their accompanying persons who provide personal assistance or care services.

5. Where appropriate protective devices for spatial separation are in place between persons, a distance of one metre need not be maintained.

6. In the case of control by public security service bodies, the reasons for the use of the exception shall be substantiated.

7. Persons who live only temporarily in the same household shall be treated in the same way as persons living in the same household.

(8) Notwithstanding § 1 (3), the obligation to observe the distance does not apply in aircraft.

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

**§ 12.** 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](#).

### **Coming into force**

**§ 13.** 1. This Regulation shall enter into force on 1 May 2020 and shall expire on 30 June 2020.

2. At the end of 30 April 2020, the following shall apply:

1. the Regulation on provisional measures to prevent the spread of COVID-19, [Federal Law Gazette II No. 96/2020](#), and
2. the ordinance pursuant to § 2 no. 1 of the COVID-19 Measures Act, [Federal Law Gazette II No. 98/2020](#),

out of force.

(3) Paragraph 2(3), Paragraph 4(2), Paragraph 5(1)(3), (4) to (6), the lapse of Paragraph 5(5), Paragraph 6, Paragraph 7(2), Paragraph 7(3)(4) and (6), Paragraph 7(4), Paragraph 8, Paragraph 9(1), (1a) and (1b), (2), (4) and (5), Paragraph 10(2), (5) and (6), Paragraph 11(1) (1) of the 1, Paragraphs 2a and 5 in the version [federal law gazette II no. 207/2020](#) will enter into force on 14 May 2020.