

## Federal law consolidated: Entire legislation for COVID-19 Measures Ordinance, version of 01.05.2020

### 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 shall apply mutatis mutandis to 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.

(\_\_\_\_\_)

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 businesses.

### **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 training and further education as well as general driving tests,
4. Training facilities according to the Security Police Act including preparatory activities.

(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.

5. Paragraphs 1 to 3 shall not apply to:

1. Nursery schools
2. Schools according to 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 Private School Act, [Federal Law Gazette No. 244/1962](#),
3. agricultural and forestry schools,
4. Universities according to the Universities Act 2002, [Federal Law Gazette I No. 120/2002](#), and Private Universities Act, [Federal Law Gazette I No. 74/2011](#),

5. Universities of applied sciences in accordance with the Fachhochschul-Studiengesetz, [Federal Law Gazette No. 340/1993](#), and
6. Universities of teacher education in accordance with the Higher Education Act 2005, [Federal Law Gazette I No. 30/2006](#).

### **Hospitality**

**§ 6.** (1) The entry into permanent establishments of all operating modes of the hospitality industry is prohibited.

(2) Paragraph 1 shall not apply to hospitality businesses operated within the following establishments:

1. hospitals and health resorts,
2. nursing homes and retirement homes,
3. institutions for the care and accommodation of children and young people, including schools and kindergartens,
4. Companies, if they may only be used by employees.

(3) Paragraph 1 does not apply to accommodation establishments if food and drinks are administered and served exclusively to accommodation guests at the premises.

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

5. With regard to the exceptions provided for in paragraphs 2 to 4, it shall be ensured that a distance of at least one metre is maintained vis-à-vis persons who do not live in the same household.

(6) The collection of pre-ordered food is permitted provided that it is not consumed on site and that a distance of at least one metre is maintained with regard to persons who do not live in the same household and that a mechanical protective device covering the mouth and nose area is worn.

(7) Paragraph 1 does not apply to professionally necessary purposes and to delivery service.  
(Note 1)

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*Note 1: By judgment of 1 October 2020, V 429/2020-10, the Verfassungsgerichtshof (Constitutional Court) served on the Federal Minister for Social Affairs, Health, Care and Consumer Protection on 29 October 2020, rightly held:*

*'1. Paragraph 6 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 cease to apply.'*

*See [Federal Law Gazette II No. 488/2020](#).)*

### **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 campsites or caravan sites, unless they are permanent pitches, as well as refuges 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 of legally recognised institutions,

5. to satisfy an urgent need for housing,
6. of spa guests and accompanying persons in a health resort which is organized in accordance with § 42a 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. of pupils for the purpose of attending school (boarding schools, apprentice dormitories).

### **Sport**

**§ 8.** (1) Entering sports facilities in accordance with § 3 Z 11 BSFG 2017, [Federal Law Gazette I No. 100/2017](#), for the practice of sport is prohibited.

(2) Exceptions to the prohibition laid down in paragraph 1 are access to non-public sports facilities

1. by top athletes according to § 3 Z 8 BSFG 2017, also from the field of disabled sports, who carry out their sporting activity professionally, earn income from it and have already participated in international competitions according to § 3 Z 5 BSFG 2017, as well as their supervisors and coaches as well as representatives of the media. A distance of at least two metres must be maintained between top athletes, coaches and coaches as well as representatives of the media. If possible, training sessions do not have to take place in closed premises. For training sessions in closed premises, 20 m<sup>2</sup> of the total area of the room must be available per person. This also applies to common areas.
2. by squad players, coaches and coaches of the twelve clubs of the highest league of the Austrian Bundesliga as well as the ÖFB Cup finalists, in small groups of a maximum of six squad players with the same personnel composition. A distance of at least two metres must be maintained between squad players, coaches and coaches. If possible, training sessions do not have to take place in closed premises. With regard to training sessions in closed premises, Z 1 applies.

(3) Exceptions to the prohibition laid down in paragraph 1 are also the entry of non-public sports facilities by athletes with regard to those outdoor sports in which a distance of at least two meters can be maintained between all athletes in the typical practice of this sport. When practicing sports, this distance must be observed. 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.

(4) Airfields in accordance with the Aviation Act, [Federal Law Gazette No. 253/1957](#), are treated in the same way as non-public sports facilities. Paragraph 3 shall apply mutatis mutandis.

### **Other institutions**

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

1. Museums and exhibitions,
2. libraries and archives,
3. leisure facilities, except in the private living area,
4. Cable cars and rack railways.

(2) Leisure facilities in accordance with para. 1 no. 3 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. animal parks and zoos,
6. show mines,
7. institutions for the practice of prostitution,
8. Theatres, concert halls and arenas, cinemas, variety shows and cabarets,

9. Indoor playgrounds,
10. paintball facilities,
11. Museum railways and excursion boats.

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

### **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.

(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. Paragraph 1 shall not apply to:

1. events in the private living area,
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 strictly necessary for the maintenance of professional activity,
4. Entrances according to § 5. *(Note 1)*

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*Note 1: By judgment of 1 October 2020, V 428/2020-10, the Verfassungsgerichtshof (Constitutional Court) served on the Federal Minister for Social Affairs, Health, Care and Consumer Protection on 29 October 2020, rightly held:*

*'1. Paragraph 10 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, [BgBl. II No 197/2020](#), was unlawful.*

*2. The provision found to be unlawful shall cease to apply.'*

*See [Federal Law Gazette II No. 484/2020](#)*

### **Exceptions**

**§ 11.** 1. This Regulation shall not apply to:

1. Schools according to 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 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.

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 shall 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.