

## Federal law consolidated: Entire legislation for COVID-19 Measures Ordinance, version of 15.06.2020

### 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, a distance of at least one metre shall be maintained vis-à-vis persons who do not live in the same household.

(Note: Para. 2 repealed by Z 2, [Federal Law Gazette II No. 266/2020](#))

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.

#### Customer Areas

**§ 2.** (1) When entering the customer area of permanent establishments, a distance of at least one meter must be maintained with regard to persons who do not live in the same household.

(1a) When entering the customer area of pharmacies, a mechanical protective device covering the mouth and nose area must also be worn. The operators and their employees must wear a mechanical protective device covering the mouth and nose area when in contact with the customer.

(2) If, due to the nature of the service, the minimum distance of one meter between the customer and the service provider cannot be maintained, this is only permissible if the risk of infection can be minimized by appropriate protective measures.

(3) Paragraph 1 shall apply mutatis mutandis to enclosed spaces of institutions for the exercise of religion.

(4) Paragraph 1 (*Note 1*) 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.

(6) Notwithstanding paragraph 1, § 10 (6) to (9) shall apply mutatis mutandis when entering venues in permanent establishments.

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*Note 1: No. 7 of the amendment [FEDERAL LAW GAZETTE II No. 266/2020](#) reads: "In § 2 para. 4, the word sequence "Z 1 to 3" is omitted.". Correct would be: "In § 2 abs. 4 the word sequence "Z 1 and 3" is omitted.".*

### **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 meter between persons cannot be maintained, the risk of infection must be minimized by other appropriate protective measures, such as technical or organizational protective measures, such as the formation of fixed teams, the installation of partition walls or plexiglass walls.

(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, occasional traffic, excursion boats, 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, for training and further education trips, as well as on board aircraft, which are not considered a means of mass transport. (*Note 1*)

(2) Notwithstanding paragraph 1, § 1 (3) shall also apply mutatis mutandis to taxis and taxi-like businesses as well as 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.

(3) In the case of the transport of persons in cable cars and rack railways, coaches and excursion boats, § 1 (3) shall apply mutatis mutandis. In the open-air area of excursion ships, § 1 (1) applies.

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*Note 1: By judgment of 23 February 2021, V 533/2020-9, the Verfassungsgerichtshof (Constitutional Court) served on the Federal Minister for Social Affairs, Health, Care and Consumer Protection on 23 March 2021, rightly held:*

*'1. Paragraph 4(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), [BGBl. II No 197/2020](#), as amended by [BGBl. II No. 266/2020](#) was unlawful.*

*2. The provisions found to be unlawful shall no longer apply.'*

*cf. [Federal Law Gazette II No. 146/2021](#).)*

## Facilities according to the Bath Hygiene Act

**§ 5.** Facilities pursuant to § 1 para. 1 no. 1 to 7 of the Bathing Hygiene Act – BHygG, [Federal Law Gazette No. 254/1976](#) may only be entered if the operator evaluates its obligations under § 13 BHygG with regard to the special preventive measures to prevent the spread of COVID-19 and adapts its measures and bathing regulations in accordance with the state of the art. § 2 (1) applies.

## 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 01.00 of the following day. More restrictive curfews and opening hours due to other legal provisions remain unaffected.

(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 1)*

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: Para. 5 repealed by Z 12, [Federal Law Gazette II No. 266/2020](#))*

(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 shall 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 which ensures the same level of protection. *(Note 1)*

(8) From the first entry into the premises until the arrival at 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. 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.

*(Note: Para. 10 repealed by Z 14, [Federal Law Gazette II No. 266/2020](#))*

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 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:*

- 1. § 1 sec. 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.*
- 2. § 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. 231/2020](#) was unlawful.*

*ii. The provisions found to be unlawful shall no longer apply.' (cf. [Federal Law Gazette II No. 360/2021](#))*

### **Tourist accommodation establishments**

**§ 7.** 1. Entry into tourist accommodation establishments shall be permitted under the conditions laid down in this provision.

(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 pitches, shelters and cabin cabins are also considered accommodation facilities.

(3) 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.

4. 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.

*(Note: Para. 5 repealed by Z 16, [Federal Law Gazette II No. 266/2020](#))*

(6) The conditions set out in § 6 (2) to (10) shall apply to entering gastronomic establishments in accommodation establishments. Members of a group of guests (para. 3) are treated in the same way as persons living in the same household. § 6 (9) second sentence does not apply to overnight guests, provided that the risk of infection can be minimized by special hygienic precautions.

(7) The requirements specified in § 8 apply to entering fitness areas in accommodation establishments. Members of a group of guests (para. 3) are treated in the same way as persons living in the same household.

(8) The requirements specified in § 5 apply to entering wellness areas in accommodation establishments. Members of a group of guests (para. 3) are treated in the same way as persons living in the same household.

### **Sport**

**§ 8.** (1) Entering sports facilities in accordance with § 3 Z 11 BSGF 2017, [Federal Law Gazette I No. 100/2017](#), is permitted under the conditions of § 2 (1). § 1 (1) applies to open-air areas of sports facilities.

(2) When practicing sports on sports facilities in accordance with § 3 no. 11 BSGF 2017, a distance of at least two meters must be maintained compared to persons who do not live in the same household. This distance can be undercut in the short term.

(3) In the case of sports practice by top athletes in accordance with § 3 Z 6 BSGF 2017, also from the field of disabled sports, the distance of two meters can be undercut if a responsible doctor has developed a COVID-19 prevention concept in accordance with the state of the art to minimize the risk of infection and who continuously monitors its compliance. 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, all athletes, caregivers and coaches must be subjected to molecular biological testing for the presence of SARS-CoV-2 before each competition in the following 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) 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.

*(Note: Paragraphs 6 and 7 repealed by [Federal Law Gazette II No. 231/2020](#))*

### **Other institutions**

**§ 9.** (1) Entering the visitor area of museums, exhibitions, libraries, archives including their reading areas as well as other leisure facilities is permitted under the conditions of § 2 (1).

(2) Entering facilities for the exercise of prostitution is prohibited.

### **Events**

**§ 10.** 1. For the purposes of this Regulation, events shall mean, in particular, planned meetings and activities for entertainment, amusement, physical and mental training and edification. In any case, these include cultural events, sporting events, weddings, funerals, film screenings, exhibitions, vernissages, congresses, offers of extracurricular youth education and youth work, training and education and training.

(2) Events with more than 100 people are prohibited. As of July 1, 2020, events with assigned and marked seating will be permitted in enclosed spaces with up to 250 people and in the open-air area with up to 500 people. As of August 1, 2020, events with assigned and marked seats will be permitted in enclosed spaces with up to 500 people and in the open-air area with up to 750 people. Persons who are required to carry out the event are not included in these maximum numbers. § 6 applies to the administration of food and the serving of drinks to visitors as well as to the curfew regulation.

*(Note: Para. 3 repealed by Z 22, [Federal Law Gazette II No. 266/2020](#))*

(4) As of 1 August 2020, by way of derogation from paragraph 2, events with assigned and marked seats in closed rooms with up to 1000 people and in the open-air area with up to 1250 persons with the permission of the district administrative authority locally responsible for the venue are permitted. The decision period for approval is four weeks from the date of complete submission of the documents. A prerequisite for approval is a COVID-19 prevention concept of the organizer. In this procedure, the following circumstances must also be taken into account as a prerequisite for authorisation:

1. the epidemiological situation in the catchment area of the event,
2. the capacities of the locally competent health authority in the event of necessary contact tracing due to a suspected or ill case at the event.

(5) Each organizer of events with more than 100 people must appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept. The COVID-19 prevention concept must include in particular requirements for the training of employees and, based on a risk analysis, measures to minimize the risk of infection. These include in particular:

1. Regulations for the control of visitor flows,
2. specific hygiene requirements,
3. regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
4. regulations concerning the use of sanitary facilities,
5. Regulations concerning the administration of food and beverages.

(6) For events with assigned and marked seats, a distance of at least one meter from other persons who do not live in the same household or do not belong to a common group of visitors must be observed. If this distance cannot be maintained due to the arrangement of the seats, the

seats located on the side of each of them must be kept free, unless the risk of infection can be minimized by other appropriate protective measures.

(7) When entering venues in accordance with paragraph 6 in enclosed spaces, a mechanical protective device covering the mouth and nose area shall be worn. This does not apply while visitors are in the seats assigned to them. However, if the distance of one metre is not reached laterally despite the release of the seats located on the side of it in accordance with paragraph 6, a mechanical protective device covering the mouth and nose area shall also be worn on the assigned seats, unless the risk of infection can be minimised by other appropriate protective measures or persons who live in the common household or belong to the same group of visitors.

(8) For events without assigned and marked seats, a distance of at least one meter must be maintained from 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 dancers, § 8 abs. 1 and 2 apply mutatis mutandis. § 6 applies to the administration of food and the serving of drinks.

(9) May, due to the nature of a training, education and 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. The obligation to wear a mechanical protective device covering the mouth and nose area does not apply to participants while in their seats or to lecturers.

(10) § 3 applies mutatis mutandis to participants in rehearsals and participants in artistic performances. For orchestras in a fixed composition, § 8 (3) last movement applies mutatis mutandis.

11. Paragraphs 1 to 9 shall not apply to:

1. events in the private living area,
2. religious events,
3. Assemblies according to the Assembly Act 1953, [Federal Law Gazette No. 98/1953](#). These are permissible under the conditions of the aforementioned Federal Act, with the proviso that participants must wear a mechanical protective device covering the mouth and nose area if the distance of at least one meter in accordance with § 1 (1) cannot be maintained.
4. meetings for professional purposes, if they are necessary for the maintenance of professional activity,
5. meetings of organs of political parties,
6. meetings of organs of legal persons,
7. Meetings according to the Labour Constitution Act – ArbVG, [Federal Law Gazette 22/1974](#),
8. Entrances to theatres, concert halls and arenas, cinemas, variety shows and cabarets carried out by multi-lane motor vehicles.

(12) In the case of the exercise of religion outdoors, unless this is already apparent from Paragraph 1(1), a distance of at least one metre must be maintained 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.

(13) Measures against participants in the meeting who violate the obligation to wear a mechanical protective device covering the mouth and nose area shall be refrained from after consultation with the health authority if the lawful condition can be restored by more lenient means or if measures would not be proportionate.

### **Trade and public fairs**

**§ 10a.** (1) Trade fairs and public fairs are permitted with the permission of the district administrative authority locally responsible for the venue. The decision period for approval is two weeks from the date of complete submission of the documents. In this procedure, the epidemiological situation in the catchment area of the trade fair or public fair and the capacities



of the locally responsible health authority in the event of necessary contact tracing due to a suspected or ill case at the trade fair or public fair must also be taken into account.

(2) The prerequisite for approval is the appointment of a COVID-19 representative and a COVID-19 prevention concept of the organizer. The COVID-19 prevention concept must be implemented by the organizer. In particular, it must include requirements for the training of employees and persons with visitor contact as well as measures to minimize the risk of infection based on a risk analysis. These include in particular:

1. Regulations for the control of visitor flows, for example by allocating time slots and implementing a one-way system for admission,
2. specific hygiene requirements,
3. regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
4. regulations concerning the use of sanitary facilities,
5. Regulations concerning the administration of food and beverages.

(3) Entering the visitor area of trade fairs and public fairs is permitted under the following conditions:

1. With regard to persons who do not live in the same household, a distance of at least one meter must be maintained, if this cannot be maintained, a mechanical protective device covering the mouth and nose area must be worn.
2. The organizer must ensure that persons in contact with visitors wear a protective device covering the mouth and nose area, provided that there is no other suitable protective device for spatial separation between the persons that ensures the same level of protection.

(4) § 6 applies to the administration of food and the serving of beverages.

### **Extracurricular youth education and youth work, supervised holiday camps**

**§ 10b.** (1) In the case of extracurricular youth education and youth work or in supervised holiday camps,

1. the minimum distance of one metre from persons who do not live in the same household, and
2. the wearing of a mechanical protective device covering the mouth and nose area is omitted,

provided that a COVID-19 prevention concept is created and implemented by the carrier.

2. That preventive approach shall include, in particular:

1. training of supervisors,
2. specific hygiene measures,
3. organisational measures, including the division into small groups of a maximum of 20 people, whereby the interaction between the small groups is reduced to a minimum. The distance between the groups must not be less than one metre. Persons who are required to carry out the holiday camp are not included in this maximum number.
4. Regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection.

(3) For gastronomic offers, accommodation as well as for sports and leisure activities, paragraph 1 shall apply mutatis mutandis.

### **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 maintain a distance of one meter does not apply if this requires the performance of religious acts.

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 observe the distance does not apply between persons with disabilities and their accompanying persons who provide personal assistance or care services and underwater.

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](#).

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

**§ 13.** 1. This Regulation shall enter into force on 1 May 2020 and shall expire on 31 August 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.

(4) Paragraph 2(3), Paragraph 3(3), the heading of Paragraph 4, Paragraph 4(2) and (3), Paragraph 5 including the heading, the heading of Paragraph 6, Paragraph 6(5) and (7), Paragraph 7 and the heading, Paragraph 8(1), (2) and (5), the omission of Paragraph 8(6) and (7), Paragraph 9 and the heading, Paragraph 10 including the heading, Paragraph 11(2a), the heading to Paragraph 13 and Paragraph 13(1) as amended by [Regulation BGBl. II No 231/2020](#) shall enter into force upon expiry of the 28 May 2020 in force.

(4a) The amendments in § 10 by the amendment [BGBl. II No. 239/2020](#) come into force on the day following the announcement.

(5) § 9 (2) ceases to apply at the end of 30 June 2020.



(6) § 2 (1), (4) and (6) and § 9 (1) as amended by Regulation [BGBl. II No. 246/2020](#) shall enter into force on the day following the announcement.

(7) Paragraphs 10a and 10b, including headings, the amendments to Paragraph 1(1), Paragraph 2(1), Paragraph 2(2), (1a) and (3), Paragraph 4(1) and (2), Paragraph 5, Paragraph 6(2), Paragraph 6(8) and (10), Paragraph 7(3), Paragraph 8, Paragraph 9(1), Paragraph 10(1), Paragraph 10(2) and (6), the abolition of Paragraph 10(3), Paragraph 10(11)(2) and (3), § 10 (13), § 11 (2a) and § 11 (4) as well as the discontinuation of § 1 (2), § 2 (4), § 6 (5) and § 7 (5) shall enter into force at the end of 14 June 2020.