

## Federal law consolidated: Entire legislation for the 3rd COVID-19 Measures Ordinance, version of 08.11.2021

### Long title

Ordinance of the Federal Minister of Social Affairs, Health, Care and Consumer Protection concerning measures taken to combat the spread of COVID-19 (3rd COVID-19 Measures Ordinance – 3rd COVID-19-MV)

StF: [Federal Law Gazette II No. 441/2021](#)

### Alteration

[Federal Law Gazette II No. 456/2021](#)

[Federal Law Gazette II No. 459/2021](#)

[Federal Law Gazette II No. 465/2021](#)

### Preamble/promulgation clause

On the basis of §§ 3 para. 1, 4 para. 1, 4a para. 1 and 5 para. 1 of the COVID-19 Measures Act, [Federal Law Gazette I No. 12/2020](#), as last amended by the Federal Act [Federal Law Gazette I No. 183/2021](#), as well as § 5c of the Epidemic Act 1950, [Federal Law Gazette No. 186/1950](#), as last amended by the Federal Act [Federal Law Gazette I No. 183/2021](#), it is prescribed:

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### Text

#### General provisions

**§ 1.** 1. For the purposes of this Regulation, a mask of protection class FFP2 (FFP2 mask) without an exhalation valve or a mask of at least equivalent standard shall mean a mask of at least equivalent standard.

2. For the purposes of this Regulation, the following shall be considered as evidence of a low epidemiological risk:

1. "1G detection": Evidence of a centrally approved vaccine against COVID-19
  - a) second vaccination, which must not have been more than 360 days ago and must have elapsed at least 14 days between the first and second vaccination,
  - b) vaccination from the 22nd day after vaccination for vaccines for which only one vaccination is provided, which must not be more than 270 days ago,
  - c) vaccination, provided that there is a positive molecular biological test for SARS-CoV-2 at least 21 days before vaccination or evidence of neutralising antibodies prior to vaccination, provided that the vaccination was not more than 360 days ago, or
  - d) further vaccination, which must not be more than 360 days ago and between this and a vaccination in the sense of the
    - aa) lit. a or c at least 120 days or
    - bb) lit. b at least 14 daysmust have elapsed;
2. "2G verification": proof according to Z 1 or a
  - a) proof of recovery from an infection with SARS-CoV-2 survived in the last 180 days or a medical confirmation of an infection with SARS-CoV-2 survived in the last 180 days that has been confirmed by molecular biology, or
  - b) segregation notice if it has been issued to a person demonstrably infected with SARS-CoV-2 in the last 180 days prior to the intended testing;
3. '2,5G detection' means evidence in accordance with Z 1 or 2 or evidence by an authorised body of a negative result of a molecular biological test for SARS-CoV-2, the acceptance of which must not have been more than 72 hours ago;
4. "3G detection" means evidence in accordance with Nos 1 to 3 or evidence by an authorised body of a negative result of an antigen test for SARS-CoV-2, the acceptance of which must not have taken more than 24 hours ago.

(3) A proof according to § 4 Z 1 of the COVID-19 School Ordinance 2021/22 (C-SchVO 2021/22), [Federal Law Gazette II No. 374/2021](#), (Corona Test Pass) is equivalent to a 2G proof with regard to persons who are subject to general compulsory schooling in accordance with the Compulsory Education Act 1985, [Federal Law Gazette I No. 76/1985](#). This also applies on Friday, Saturday and Sunday of this week in the week in which the test intervals in accordance with § 19 (1) C-SchVO 2021/2022 are adhered to.

(4) Evidence pursuant to paragraph 2 must be submitted in Latin script in German or English or in the form of a certificate in accordance with § 4b (1) of the Epidemic Act 1950 (EpiG), [Federal Law Gazette No. 186/1950](#).

5. Where this Regulation provides for proof in accordance with paragraph 2, it shall be kept available for the duration of the stay. The owner of a permanent establishment, the person responsible for a specific place or the person responsible for a meeting is authorised to identify the following personal data of the data subject:

1. Name
2. Date of birth
3. validity or period of validity of the proof and
4. Barcode or QR code.

In addition, he is entitled to determine data for the purpose of establishing identity. With the exception of the collection of contact data in accordance with § 17, any duplication or storage of the evidence and the personal data contained in the evidence is just as inadmissible as the processing of the data collected in the context of identity verification. This also applies mutatis mutandis to certificates pursuant to § 4b (1) EpiG.

6. Where a COVID-19 prevention approach is prescribed in this Regulation, a state of the art approach to minimise the risk of infection with SARS-CoV-2 shall be developed and implemented. The COVID-19 prevention concept must include in particular:

1. specific hygiene measures,
2. regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
3. regulations concerning the use of sanitary facilities,
4. where applicable, regulations concerning the consumption of food and beverages,
5. Regulations for the control of the flow of persons and regulation of the number of persons,
6. regulations concerning equalisation measures, such as barriers and ground markings,
7. Requirements for training employees on hygiene measures and supervising the performance of a SARS-CoV-2 antigen test for self-testing.

(7) Only suitable persons may be appointed as COVID-19 officers. A prerequisite for such suitability is at least knowledge of the COVID-19 prevention concept as well as the local conditions and organizational processes. The COVID-19 officer is the contact person for the authorities and has to supervise the implementation of the COVID-19 prevention concept.

### **Public Places**

**§ 2.** When entering public places in enclosed spaces, a mask must be worn.

### **Vehicle**

**§ 3.** (1) When using

1. Taxis and taxi-like businesses as well as school transport within the meaning of §§ 30a ff of the Familienlastenausgleichsgesetz 1967, [Federal Law Gazette No. 376/1967](#),
2. Means of mass transport

and in the associated stations, platforms, stops, stations and airports as well as their respective connecting structures, a mask must be worn in enclosed spaces.

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

*(Note: Z 1 comes into force on 15.11.2021)*

2. A mask must be worn in closed or coverable means of travel (gondolas, cabins, coverable armchairs) as well as in closed rooms of the associated stations.
3. The operator of cable cars and rack railways must appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept.

(3) The following shall apply to the use of coaches and excursion boats in occasional services:

1. The operator may only admit persons if they present a 2G proof.
2. The operator must appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept.

### **Customer Areas**

**§ 4.** (1) When entering and driving on the customer area of business premises as well as the connecting structures of structurally connected business premises (e.g. shopping centers, market halls), customers must wear a mask in enclosed rooms.

(2) The operator of permanent establishments for the use of body-related services may only admit customers if they present 2G proof.

(3) Paragraph 1 shall apply mutatis mutandis to administrative authorities and administrative courts in the case of party relations.

### **Hospitality**

**§ 5.** (1) The operator of permanent establishments of all operating modes of the hospitality industry may only admit customers for the purpose of purchasing goods or using services of the hospitality industry if they present a 2G proof.

(2) The operator of permanent establishments in the hospitality industry in which an increased mixing and interaction of customers is to be expected, such as discotheques, clubs,

après-ski venues and dance halls, may only admit customers for the purpose of purchasing goods or using services if they provide 2G proof.

(3) The operator must appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept.

4. Self-service shall be permitted provided that appropriate hygiene measures are taken to minimise the risk of infection. These measures are to be reflected in the COVID-19 prevention concept in accordance with paragraph 3.

5. The obligation to provide proof in accordance with paragraph 1 shall not apply to:

1. the collection of food and drinks. Customers must wear a mask indoors;
2. Food and catering stalls. Customers must wear a mask indoors;
3. Types of hotels and restaurants operated within the following establishments:
  - a) hospitals and health resorts for patients;
  - b) old people's homes and nursing homes as well as inpatient residential facilities for the disabled for residents;
  - c) institutions for the care and accommodation of children and young people, including schools and primary educational institutions;
  - d) establishments, if they may only be used by employees or persons professionally active there;
  - e) Means of mass transport.

### **Tourist accommodation establishments**

**§ 6.** (1) Accommodation establishments are accommodation establishments which are under the direction or supervision of the accommodation provider or an agent of this accommodation and are intended for the paid or free accommodation of guests for temporary stay. Supervised camping or caravan pitches, shelters and cabin cabins are also considered accommodation facilities.

(2) The operator may only admit guests to accommodation establishments upon first entry if they present proof of 2G.

(2a) Paragraph 2 does not apply to entering an accommodation establishment

1. by persons who are already in accommodation at the time of entry into force of this provision, for the duration of accommodation agreed in advance with the accommodation provider,
2. for the purpose of caring for and providing assistance to persons in need of support,
3. for professional reasons that cannot be postponed,
4. to satisfy an urgent need for housing,
5. by spa guests in a health resort which is organised in accordance with § 42a of the Krankenanstalten- und Kuranstaltengesetz (KAKuG), [Federal Law Gazette No. 1/1957](#), as an accommodation establishment with an attached outpatient clinic in accordance with § 2 para. 1 no. 5 KAKuG,
6. by patients in a rehabilitation facility that is organized as an accommodation facility with an attached outpatient clinic in accordance with § 2 para. 1 no. 5 KAKuG,
7. by pupils for the purpose of school attendance and students for study purposes (boarding schools, apprentice dormitories and student dormitories).

In the cases of Z 2 to 6, the operator may only admit guests if they present proof of 3G.

(3) For entering

1. § 5 applies mutatis mutandis to gastronomic establishments in accommodation establishments;
2. Sports facilities in accommodation establishments are subject to § 7 mutatis mutandis;
3. Leisure facilities in accommodation establishments § 8 applies mutatis mutandis.

(4) The operator must appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept.

## **Sports facilities**

**§ 7.** (1) Entering sports facilities in accordance with § 3 no. 11 of the Federal Sports Promotion Act 2017 – BSFG 2017, [Federal Law Gazette I No. 100/2017](#), for the purpose of practicing sports is only permitted under the conditions specified in this provision.

(2) The operator of non-public sports facilities may only admit customers if they present a 2G proof.

(3) The operator of non-public sports facilities shall appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept.

(4) In the case of sports practice by top athletes in accordance with § 3 Z 6 BSFG 2017, the responsible doctor must develop a COVID-19 prevention concept and monitor its compliance on an ongoing basis. Top athletes as well as their supervisors and trainers must present a 3G certificate for training and competition operations if physical contact with other persons cannot be ruled out in accordance with § 9 (1). In the event of a positive test result, it is nevertheless permissible to enter sports facilities if:

1. at least 48 hours of absence of symptoms after expired infection, and
2. on the basis of the medical laboratory findings, in particular on the basis of a CT value >30, it can be assumed that there is no longer a risk of infection.

If a SARS-CoV-2 infection becomes known in an athlete, caregiver or coach, all athletes, caregivers and coaches must undergo molecular biological testing or an antigen test for the presence of SARS-CoV-2 infection before each competition in the following fourteen days after the infection becomes known.

(5) The COVID-19 prevention concept in accordance with paragraph 4 shall contain, in addition to Paragraph 1(6):

1. requirements for the training of athletes, supervisors and trainers in hygiene as well as for the obligation to keep records of the state of health,
2. Rules of conduct for athletes, coaches and coaches outside training and competition times,
3. Requirements for health checks before each training and competition,
4. Specifications for training and competition infrastructure,
5. Hygiene and cleaning plan for infrastructure and materials,
6. Requirements for the traceability of contacts in the context of trainings and competitions,
7. in the case of away competitions, requirements for the information of the responsible district administrative authority there, if a SARS-CoV-2 infection has occurred in an athlete, coach or coach in the epidemiologically relevant period thereafter.

## **Leisure and cultural facilities**

**§ 8.** (1) Leisure facilities are establishments and facilities that serve the entertainment, amusement or recreation. Leisure facilities are in particular

1. fairground establishments, leisure and amusement parks,
2. Baths and facilities in accordance with § 1 para. 1 no. 1 to 7 of the Bathing Hygiene Act (BHygG), [Federal Law Gazette No. 254/1976](#),
3. Dancing schools
4. betting shops, slot machines, gambling halls and casinos,
5. show mines,
6. institutions for the practice of prostitution,
7. Indoor playgrounds,
8. paintball facilities,
9. museum railways,
10. Animal parks, zoos and botanical gardens.

(2) The operator of leisure facilities may only admit customers for the purpose of using the services of these facilities if they provide 2G proof.

(3) Operators of facilities pursuant to § 1 para. 1 no. 1 to 7 BHygG must evaluate their obligations pursuant to § 13 BHygG with regard to the special preventive measures to prevent

the spread of COVID-19 and adapt their measures and bathing regulations in accordance with the state of the art.

(4) The operator of leisure facilities shall appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept.

5. Cultural establishments shall mean institutions which serve cultural edification and participation in cultural life. For

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

§ 4 Abs. 1. Paragraphs 2 and 4 apply to cultural institutions in which meetings take place predominantly, such as theatres, cinemas, variety shows, cabarets, concert halls and arenas.

### **Place of professional activity**

**§ 9.** (1) Workers, owners and operators may enter places of work where physical contact with other persons cannot be excluded only if they have 3G proof. Contacts within the meaning of the first sentence shall not be considered to be a maximum of two physical contacts per day, which take place outdoors and do not last longer than 15 minutes at a time.

(1a) Employees, owners and operators of permanent establishments in accordance with § 5 (2) may only enter them if they present proof of 2G. If this cannot be demonstrated, proof of a negative result of a molecular biological test for SARS-CoV-2, the acceptance of which must not have been more than 72 hours ago, must be provided by an authorised body and a mask must be worn in direct contact with the customer.

(1b) Paragraph 1a shall also apply mutatis mutandis to meetings pursuant to Paragraph 12(3).

(2) Paragraph 1 also applies to entering external workplaces in accordance with § 2 (3) last sentence of the Employee Protection Act (ASchG), [Federal Law Gazette No. 450/1994](#), or § 2 (7) last sentence of the Federal Employee Protection Act (B-BSG), [Federal Law Gazette I No. 70/1999](#), with the exception of those in one's own private living area. Providers of mobile care and support services may only enter external workplaces if they present a 3G certificate and wear a close-fitting mechanical protective device covering the mouth and nose area in enclosed spaces when in contact with customers.

(3) The owner of a place of work with more than 51 employees shall appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept.

4. With a view to wearing a mask and providing evidence of low epidemiological risk, more stringent rules may be provided for in justified cases beyond this Regulation.

### **Old people's and nursing homes as well as inpatient residential facilities for the disabled**

**§ 10.** (1) The entry of old people's and nursing homes as well as inpatient residential facilities of the disabled assistance by visitors and accompanying persons is only permitted under the following conditions:

1. The operator may only admit visitors and accompanying persons if they present a 2G proof;
2. Visitors and accompanying persons must wear a mask throughout closed rooms, unless the risk of infection is minimized by other appropriate protective measures.

(1a) Para. 1 no. 1 does not apply to

- a) persons accompanying or visiting minors or residents in need of support, and
- b) Visits as part of palliative and hospice care, pastoral care and support during critical life events.

(2) Paragraph 1 shall also apply mutatis mutandis to entry by

1. external service providers,
2. Residents' representatives according to the Heimaufenthaltsgesetz (HeimAufG), [Federal](#)



[Law Gazette I No. 11/2004](#),

3. Patient, disability and nursing lawyers,
4. Bodies of nursing supervision for the performance of the tasks provided for by state law and
5. Members of established commissions for the protection and promotion of human rights (Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [Federal Law Gazette III No. 190/2012](#), and Convention on the Rights of Persons with Disabilities, [Federal Law Gazette III No. 155/2008](#)).

(3) The entry of old people's and nursing homes as well as inpatient residential facilities of the disabled assistance by employees is only permitted under the following conditions:

1. The operator may only admit employees if they present 3G proof. In the event of a positive test result, admission may nevertheless take place if:
  - a) at least 48 hours of absence of symptoms after expired infection, and
  - b) on the basis of the medical laboratory findings, in particular on the basis of a CT value >30, it can be assumed that there is no longer a risk of infection.
2. In enclosed spaces, employees must wear a close-fitting mechanical protective device covering the mouth and nose area.

This also applies mutatis mutandis to the operator.

(4) The operator of old people's and nursing homes as well as inpatient residential facilities of the disabled assistance may only admit residents for new admission if they present a 3G proof or appropriate precautions are taken in accordance with para. 6 no. 6 and 7.

5. The operator of old people's homes and nursing homes shall offer residents an antigen test for SARS-CoV-2 or a molecular biological test for SARS-CoV-2 or molecular biological test for SARS-CoV-2 at least every three days, provided that they have left the home within that period.

(6) The operator shall appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept. In addition to § 1 (6), the COVID-19 prevention concept must include:

1. Requirements for the training of employees with regard to professional and private risk behaviour, mandatory documentation of the training,
2. Requirements for access by external service providers,
3. specific regulations for residents who cannot be expected to comply with the requirements in accordance with § 19 (8),
4. Regulations for the management of visits, in particular requirements for the duration of visits and places of visit, mandatory advance notification and health checks before each entry into the facility, whereby deviating, specific and situation-adapted requirements can be made for relatives and persons who perform regular support and care tasks,
5. Requirements for the handling of screening programs according to § 5a EpiG,
6. regulations on the admission and readmission of residents who have tested positive for SARS-CoV-2,
7. Regulations on organizational, spatial and personnel precautions for the implementation of quarantine measures in accordance with § 7 EpiG for residents,
8. Time and organizational requirements regarding the testing of residents in accordance with paragraph 5, in particular determination of fixed dates at regular intervals.

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

(7) Paragraphs 1 and 3 shall apply to day care facilities in the care of the elderly and in the area of the disabled.

(8) The measures provided for in old people's homes and nursing homes as well as inpatient residential facilities for the disabled must not be disproportionate or lead to unreasonable cases of hardship.

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

**§ 11.** (1) The entry into hospitals or health resorts by visitors and accompanying persons is only permitted in accordance with § 10 (1) and (1a). § 10 (1) no. 1 does not apply to persons accompanying them to a delivery. § 10 (8) applies mutatis mutandis.

(2) Patients, visitors and accompanying persons may only enter other places where healthcare services are provided if they wear a mask indoors.

(3) The operator may only admit employees in accordance with § 10 (3). § 10 (3) also applies mutatis mutandis to the operator. Furthermore, the operator or service provider must minimize the risk of infection by taking into account the specific circumstances by means of appropriate protective measures, insofar as this is organizationally and technically possible and reasonable.

(4) The operator of a hospital or health resort must appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept. In addition to § 1 (6), the COVID-19 prevention concept must include:

1. Requirements for the training of employees with regard to professional and private risk behaviour, mandatory documentation of the training,
2. Requirements for access by external service providers,
3. regulations for the management of visits, in particular requirements for the maximum number, frequency and duration of visits as well as places of visit and health checks before each entry into the facility, whereby specific situation-adapted requirements must be made for relatives and persons who perform regular support and care tasks,
4. Requirements for participation in screening programs according to § 5a EpiG.

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

### **Meetings**

**§ 12.** (1) Meetings with more than 25 participants are only permitted on condition that the person responsible for the meeting only admits the participants if they present a 2G proof.

2. Meetings with more than 50 participants shall be permitted only under the following conditions:

1. The person responsible for the meeting must notify the meeting to the locally responsible district administrative authority at least one week in advance. The following information shall be provided:
  - a) name and contact details (telephone number, e-mail address) of the person responsible for the meeting,
  - b) time, duration and place of the meeting,
  - c) the purpose of the meeting,
  - d) Number of participants.

The notification must be made electronically to an e-mail address provided by the responsible district administrative authority or by means of a web application.

2. The person responsible for the meeting may only admit the participants if they present a 2G proof.

3. Meetings with more than 250 participants shall be permitted only under the following conditions:

1. The person responsible for the meeting must obtain permission from the locally competent district administrative authority. In doing so, the information provided in para. 2 no. 1 must be provided and the prevention concept in accordance with para. 4 must be submitted. The decision period for approval is two weeks from the date of complete submission of the documents.
2. The person responsible for the meeting may only admit the participants if they present a 2G proof.

(4) In the case of meetings of more than 50 persons, the person responsible for a meeting shall appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept. The district administrative authority must randomly check compliance with covid-19



prevention concepts. The COVID-19 prevention concept must be kept ready for this purpose during the duration of the meeting and submitted to the district administrative authority upon request.

5. Several meetings may take place at the same time in one place, provided that appropriate measures, such as spatial or structural separation or staggered time, exclude a mixing of participants in the meetings taking place at the same time and minimise the risk of infection.

6. Paragraphs 1 to 5 shall not apply to:

1. meetings in the private residential area, with the exception of gatherings in places that do not serve to satisfy an immediate housing need, such as in particular in garages, gardens, sheds or barns;
2. Funerals;
3. Assemblies according to the Assembly Act 1953, [Federal Law Gazette No. 98/1953](#);
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 No. 22/1974](#);
8. driving in theatres, concert halls and arenas, cinemas, variety shows and cabarets, if this is done with multi-lane motor vehicles.

For meetings according to Z 2 to 7 with more than 50 people, a mask must be worn in closed rooms, unless all persons present a 2G proof.

(7) With the exception of the requirement of a prevention concept, § 7 (4) shall apply mutatis mutandis to meetings for rehearsals for professional purposes and for professional artistic performance in a fixed composition. For meetings carried out by or on behalf of the Public Employment Service in accordance with the Unemployment Insurance Act 1977 (AIVG), [Federal Law Gazette No. 606/1977](#), as measures of retraining and reintegration into the labour market, § 9(1) shall apply mutatis mutandis.

(8) § 12 applies to all meetings regardless of the place of the meeting. If the requirements of §§ 4 to 8 are also met, the stricter rule applies with regard to the detection of a low epidemiological risk.

(Note: Para. 9 repealed by Art. 1 no. 21, [Federal Law Gazette II No. 459/2021](#))

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

**§ 13.** For gatherings of persons in the context of extracurricular youth education and youth work or in the context of supervised holiday camps, § 12 (2) to (5) and (8) applies mutatis mutandis with the proviso that the person responsible for the meeting may also admit the participants if they present proof of 3G.

### **Meetings in top-class sport**

**§ 14.** (1) At meetings where only top athletes practice sports in accordance with § 3 Z 6 BSFG 2017, the person responsible for the meeting must appoint a COVID-19 representative for these persons, as well as for coaches, supervisors and other persons necessary for the implementation of the meeting and to develop and implement a COVID-19 prevention concept. § 7 (4) and (5) applies to team sports or to sports whose sport-specific practice involves physical contact. For individual sports, the COVID-19 prevention concept must contain, in addition to § 1 (6), in particular:

1. requirements for the training of athletes, supervisors and trainers in hygiene as well as for the obligation to keep records of the state of health,
2. Rules of conduct for athletes, coaches and coaches outside training and competition times,
3. Requirements for health checks before each training and competition,
4. Regulations for controlling the flows of participating athletes, coaches and coaches,
5. Hygiene and cleaning plan for infrastructure and materials,

6. Specifications for the traceability of contacts in the context of trainings and competitions.

(2) Medical care and COVID-19 testing of athletes, caregivers and coaches must help minimize the risk of infection. For supervisors, coaches and other persons who are necessary for the implementation of the meeting, § 9 also applies, for the athletes § 7 mutatis mutandis.

### **Trade and public fairs**

**§ 15.** § 12 (1) to (5) applies mutatis mutandis to trade and public fairs.

### **Casual Markets**

**§ 16.** (1) For occasional markets or separate areas of occasional markets where not only goods, food or beverages are offered for sale, § 12 (1) to (5) shall apply mutatis mutandis.

2. For the purposes of this Regulation, occasional markets shall mean sales events which, seasonally or not regularly, bring together producers, traders, operators of hotels and restaurants or fairground establishments in a given place to sell goods, food or drink or to offer services.

3. Markets which do not take place regularly shall be those which take place at intervals greater than once a month and not for more than ten weeks.

(4) For occasional markets or separate areas of occasional markets where only goods, food or drinks are offered for sale, § 12 (4) applies and for customers § 4 (1).

### **Collection of contact data**

**§ 17.** (1) The operator of a permanent establishment pursuant to §§ 5 and 6, a non-public sports facility pursuant to § 7, a non-public leisure facility pursuant to § 8, a cultural institution pursuant to § 8 (5) last sentence and the person responsible for a meeting, a trade and public fair or an occasional market in accordance with §§ 12 to 16 is obliged to inform persons who are expected to stay at the place concerned for more than 15 minutes, for the purpose of contact tracing, the

1. first and last names as well as
2. the telephone number and, if available, the e-mail address

to collect. In the case of visitor groups consisting exclusively of persons living in the same household, the disclosure of the data of only one adult member of this visitor group is sufficient.

(2) The obligated party under paragraph 1 must provide the aforementioned data with the date and time of entry into the respective permanent establishment or the specified place and, if available, with a table number or area of the specific stay.

(3) The obligated party under paragraph 1 must provide the district administrative authority with the data upon request in accordance with § 5 (3) EpiG.

(4) The obligated party pursuant to paragraph 1 may process the data exclusively for the purpose of contact person tracking and transmit it to the district administrative authority to the extent of its request; processing of the data for other purposes is inadmissible.

(5) The obligated party under paragraph 1 must take appropriate data security measures in the context of the processing and transmission of this data and, in particular, ensure that the data cannot be viewed by third parties.

(6) The obligated party under paragraph 1 shall keep the data for a period of 28 days from the date of their collection and, in the case of meetings, from the date of the meeting and thereafter delete or destroy them immediately.

(7) If contact data cannot be collected in the form of paragraph 1 due to legitimate confidentiality interests, appropriate alternative measures must be taken.

8. Paragraph 1 shall not apply to:

1. permanent establishments and certain places where there is a stay predominantly outdoors, with the exception of permanent establishments in accordance with § 5 and meetings in accordance with § 12 (1) to (3);
2. Meetings pursuant to § 12 (6) no. 3 and no. 5;
3. gatherings in the private living area;

4. Occasional markets or separate areas from occasional markets where only goods, food or drinks are offered for sale.

### **Enter**

**§ 18.** Entry within the meaning of this ordinance also includes staying (§ 1 para. 2 COVID-19-MG).

### **Exceptions**

**§ 19.** 1. This Regulation shall not apply:

1. for – with the exception of § 17, § 19 abs. 2, 3, 4 no. 1 to 7 and §§ 20 to 23 – elementary educational institutions, childminders or fathers, 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 the Private School Act, [Federal Law Gazette No. 244/1962](#), agricultural and forestry schools, the regular use of sports facilities in the context of regular lessons and facilities for extracurricular education Childcare
2. for universities in accordance with the Universities Act 2002, [Federal Law Gazette I No. 120/2002](#), private universities in accordance with the Private Universities Act, [Federal Law Gazette I No. 77/2020](#), universities of applied sciences in accordance with the Fachhochschulgesetz, [Federal Law Gazette No. 340/1993](#), and universities of teacher education in accordance with the Higher Education Act 2005, [Federal Law Gazette I No. 30/2006](#), including the libraries of these institutions,
3. for activities within the scope of the legislative bodies, unless otherwise stipulated in the area of house rules,
4. for activities within the sphere of activity of the general representative bodies, unless they are already covered by Z 3 and there are no other regulations in the area of house rules,
5. for activities within the sphere of jurisdiction with the exception of party relations in administrative courts, unless otherwise stipulated in the area of house rules,
6. for – with the exception of § 4 (3), § 9, § 19 (2), (3) and (10) and §§ 20 and 21 – other activities within the sphere of activity of the enforcement bodies, unless otherwise stipulated in the area of house rules,
7. for meetings for the practice of religion.

(2) For elementary educational institutions, institutions for extracurricular childcare and childminders:

1. § 5 (3) and (4) C-SchVO 2021/22, [Federal Law Gazette II No. 374/2021](#), as amended by Regulation [Federal Law Gazette II No. 434/2021](#), applies mutatis mutandis to pedagogical and other care staff, administrative staff and childminders. The obligation to provide proof of a negative result of a molecular biological test for SARS-CoV-2 carried out by an authorised body at least once a week of presence, the acceptance of which must not have been more than 72 hours ago (§ 4 Z 1 lit. d C-SchVO 2021/22), does not apply if corresponding tests are not available in sufficient numbers.
  2. For other persons with the exception of children in care, § 5 (1) C-SchVO 2021/22 applies mutatis mutandis with the proviso that proof of a low epidemiological risk does not have to be presented if the facility is only entered at short notice, in particular for the purpose of picking up children. In addition, the obligation to wear a close-fitting mechanical protective device covering the mouth and nose area does not apply to children up to the age of six.
3. Conditions and obligations under this Regulation shall not apply:
1. to avert immediate danger to life, limb and property, or
  2. to supervise minor children.
- (4) The obligation to wear a mask does not apply
1. during the consumption of food and drinks;
  2. for deaf and severely hearing impaired persons and their communication partners during

communication;

3. if this is necessary for therapeutic-pedagogical reasons;
4. for persons providing or using speech therapy health services, for the duration of the provision or use of the speech therapy service;
5. if this is necessary for the provision of a body-related service;
6. during the practice of sports;
7. for persons who cannot be expected to do so for health or disability-specific reasons. In this case, another close-fitting mechanical protective device covering the mouth and nose area may also be worn. If this cannot be expected of the persons for health reasons, another mechanical protective device that is not tightly fitting but completely covers the mouth and nose area may also be worn. A complete cover is present if the non-tight-fitting protective device reaches up to the ears and well under the chin. If this cannot be expected of the persons for health reasons, the obligation to wear a mechanical protective device covering the mouth and nose area does not apply.

5. The obligation to wear a mask or a mechanical protective device covering the mouth and nose and fitting closely shall not apply to children up to the age of six; Children from the age of six to 14 may also wear a close-fitting mechanical protective device covering the mouth and nose area.

(6) The obligation to wear a mask does not apply to pregnant women, who instead have to wear another mechanical protective device covering the mouth and nose area and closely fitting.

(7) The obligation to provide proof in accordance with § 1 (2) does not apply to children up to the age of twelve.

(8) The obligation to submit a negative test result does not apply to persons who cannot be expected to undergo testing for health or disability-specific reasons, in particular due to dementia. If these persons have other proof in accordance with § 1 (2), their obligation to submit remains unaffected.

(9) If persons are obliged by this Ordinance to provide proof in accordance with § 1 (2), these proofs shall only be kept available for the duration of the stay at permanent establishments, non-public sports facilities or leisure facilities without staff.

(10) Employees, owners and operators who do not have 3G proof in accordance with § 9 (1) must wear a mask continuously at the place of work.

(11) The obligation to submit a 2G certificate does not apply to persons who do not have proof in accordance with § 1 para. 2 no. 2 lit. a or b and cannot be vaccinated without danger to life or health. In such cases, evidence from an authorised body of a negative result of a molecular biological test for SARS-CoV-2, the acceptance of which must not have been more than 72 hours ago, shall be provided.

(12) The obligation to provide 2G evidence does not apply to persons who provide evidence of initial vaccination with a centrally authorised vaccine against COVID-19 and evidence by an authorised body of a negative result of a molecular biological test for SARS-CoV-2, the acceptance of which must not have been more than 72 hours ago.

### **Credibility**

**§ 20.** (1) The existence of the requirements pursuant to § 19 is to be determined on request to

1. organs of the public security service,
2. Authorities and administrative courts in the case of party relations and official acts, and
3. holders of a permanent establishment or place of work as well as operators of a means of transport to fulfil their duty under § 8 (4) COVID-19-MG,
4. the person responsible for a meeting

to make it credible.

(2) The reason for exception pursuant to Paragraph 19(11) and the exceptional grounds according to which health reasons

1. the wearing of a mask or a close-fitting mechanical protective device covering the mouth and nose area or a mechanical protective device covering the mouth and nose area

cannot be reasonably expected,

2. the performance of a test provided for in Paragraph 1(2) cannot be reasonably expected, as well as the existence of a pregnancy must be proven by a certificate issued by a doctor entitled to practise his profession independently in Austria or the EEA.

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

### **Principles of participation according to § 10 COVID-19-MG and § 28a EpiG**

**§ 21.** In the context of the cooperation pursuant to § 10 COVID-19-MG and § 28a EpiG, the organs of the public security service shall refrain from taking measures against persons who violate an obligation to behave or refrain from doing so under this Ordinance if the legal condition can be established by more lenient means or if these measures would not be proportionate. The decision whether to refrain from taking a measure pursuant to § 10 COVID-19-MG and § 28a EpiG must be made on the basis of the epidemiological hazard situation in connection with COVID-19, in particular on the basis of information provided by the locally competent health authorities.

### **Employee protection, federal employee protection and maternity protection**

**§ 22.** This Ordinance does not affect the ASchG, the B-BSG and the Maternity Protection Act 1979, [Federal Law Gazette No. 221/1979](#).

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

**§ 23.** 1. This Regulation shall enter into force on 1 November 2021 and shall expire on 12 December 2021. Sections 12 to 16 shall cease to apply at the end of 5 December 2021.

(2) § 3 sec. 2 no. 1 in the version of Regulation [BGBl. II No. 441/2021](#) and Ordinance [BGBl. II No. 459/2021](#) enters into force on 15 November 2021; at the same time § 19 para. 10 expires.

(3) The deadline pursuant to § 12 para. 2 no. 1 does not apply to meetings with up to 100 participants that take place until the end of 14 November 2021.

4. Medical confirmations issued before the entry into force of this Regulation concerning an infection which has occurred in the last six months and which have currently expired shall remain valid for the relevant period.

5. Meetings to be held within the temporal scope of this Regulation in accordance with paragraph 1 may be notified, requested and authorised as soon as the Regulation is promulgated. Meetings for which a permit has been granted from 19 May 2021 in the implementation of the COVID-19 Opening Ordinance – COVID-19 Public Transport, [Federal Law Gazette II No. 214/2021](#), or the 2nd COVID-19 Opening Ordinance, [Federal Law Gazette II No. 278/2021](#), do not require a permit in accordance with § 12 para. 3 no. 1.

(6) Meetings pursuant to § 12 (3) shall be deemed to have been approved if a permit was already available before the entry into force of Regulation [BGBl. II No. 456/2021](#) and Ordinance [Federal Law Gazette II No. 459/2021](#) and the requirements of § 12 sec. 3 no. 2 are met.

(7) Paragraph 1(2), Paragraph 5(2), Paragraph 9(1a) and (1b), Paragraph 12(3)(2) and (8), Paragraph 13, Paragraph 19(11) and (12), Paragraph 20(2) and Paragraph 23(6) as amended by [Regulation BGBl. II No 456/2021](#) and Regulation [BGBl. II No 459/2021](#) shall enter into force on 8 November 2021.

(8) § 19 (12) in the version of Regulation [BGBl. II No. 459/2021](#) expires on 6 December 2021.

(9) The authorisation requirement pursuant to § 12 (3) no. 1 does not apply to meetings with up to 500 participants that take place until the end of 21 November 2021.

(10) Paragraph 1(3), Paragraph 3(1) and (3), Paragraph 4(1) to (3), Paragraph 5(1), Paragraph 6(2) and (2a), Paragraph 7(2) and (4), Paragraph 8(2) and (5), Paragraph 10(1) and (1a), Paragraph 11(1), Paragraph 12(1) to (4) and (6) and (7), Paragraph 16(4), Paragraph 19(1)

and Paragraph 23(1) to (4) and (9) as amended by [Regulation BGBl. II No 459/2021](#) enter into force with 8. November 2021 in force; at the same time, Paragraph 12(9) shall cease to apply.

(11) Paragraph 3(2)(2), Paragraph 9(2), Paragraph 10(2) to (4) and Paragraph 11(3), as amended by Regulation [BGBl. II No 459/2021](#), shall enter into force on 15 November 2021. Until the end of 14 November 2021, persons may also enter old people's and nursing homes, inpatient residential facilities of the disabled assistance as well as hospitals or health resorts in accordance with § 10 (2) and § 11 (1) no. 2 in the version of Ordinance [BGBl. II No. 441/2021](#) if they present proof of 3G.

(12) Paragraph 1(2)(1)(a), (c) and (d) as amended by Regulation [BGBl. II No. 459/2021](#) shall enter into force on 6 December 2021.