

## Federal law consolidated: Entire legislation for the 6th COVID-19 Protective Measures Ordinance, version of 12.12.2021

### Long title

Ordinance of the Federal Minister of Social Affairs, Health, Care and Consumer Protection, with which special protective measures against the spread of COVID-19 are taken (6th COVID-19 Protective Measures Ordinance – 6th COVID-19-SchuMaV)

StF: [Federal Law Gazette II No. 537/2021](#)

### Alteration

[Federal Law Gazette II No. 556/2021](#)

[Federal Law Gazette II No. 568/2021](#)

[Federal Law Gazette II No. 588/2021](#)

[Federal Law Gazette II No. 601/2021](#)

[Federal Law Gazette II No. 602/2021](#)

[Federal Law Gazette II No. 6/2022](#)

[Federal Law Gazette II No. 24/2022](#)

### Preamble/promulgation clause

On the basis of §§ 3 para. 1, 4 para. 1, 4a para. 1, 5 para. 1 and 6 para. 1 of the COVID-19 Measures Act, [Federal Law Gazette I No. 12/2020](#), as last amended by the Federal Act [BGBl. 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](#), is decreed in agreement with the Main Committee of the National Council:

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## **Text**

### **Scope**

**§ 1.** This regulation regulates public health measures to prevent the spread of COVID-19.

### **General provisions**

**§ 2. 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 270 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 was 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 vaccination was not more than 270 days ago, or
  - d) further vaccination, which must not be more than 270 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 days
 must 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 2021/22 are adhered to. In school-free periods, this applies mutatis mutandis to persons who are subject to general compulsory schooling, provided that similar tests and test intervals can be proven in § 19 (1) C-SchVO 2021/22.

(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 § 19, 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.

(8) When entering premises, places of work, old people's and nursing homes, inpatient residential facilities for the disabled, certain places and public places, as well as at meetings and when using means of transport, care must be taken to ensure that a distance of at least two metres is or can be maintained between persons who do not live in the same household.

### **Initial control**

**§ 3.** (1) In order to prevent the spread of COVID-19 and to prevent a breakdown of medical care, leaving one's own private living area and staying outside one's own private living area shall be permitted only for the following purposes:

1. averting an immediate danger to life, limb and property,
2. Care of and assistance for persons in need of support as well as exercise of family rights and fulfilment of family obligations,
3. Covering the necessary basic needs of daily life, such as in particular
  - a) the contact with
    - aa) the life partner not living in the same household,
    - bb) individual closest relatives (parents, children and siblings),
    - cc) individual important caregivers with whom physical or non-physical contact is usually maintained several times a week,
  - b) the supply of basic goods of daily life,
  - c) the use of health services, the use of vaccination against COVID-19 or the testing for SARS-CoV-2,

- d) the coverage of a housing need,
- e) the satisfaction of basic religious needs, such as visits to cemeteries and individual visits to places of religious practice, and
- f) the care of animals,

4. professional and training purposes, where necessary,
5. Staying outdoors alone, with persons from the common household or persons according to Z 3 lit. a for physical and mental recreation,
6. the exercise of administrative or judicial channels which cannot be postponed, including participation in public meetings of the general representative bodies and in oral proceedings of the courts and administrative authorities in order to respect the principle of publicity;
7. to participate in elections provided for by law and to use instruments of direct democracy provided for by law,
8. for the purpose of entering customer areas of permanent establishments pursuant to § 6 (2), § 7 (7) and (8), § 8 (5), from certain locations pursuant to § 9 (4), § 10 (6), § 12 (2), (3) and (8) and § 13 (2), (3), (4), last sentence and 5, as well as facilities pursuant to § 21 (1) no. 1 and (2) and (2) and (2),
9. to participate in meetings pursuant to § 14 (1) and (6) and § 21 (1) no. 7.

(2) The own private residential area also includes residential units in accommodation facilities as well as in old people's and nursing homes as well as inpatient residential facilities of the disabled assistance.

(3) Contacts within the meaning of para. 1 no. 3 lit. a and para. 1 no. 5 may only take place if

1. on the one hand, persons from no more than one household are involved at the same time, and
2. on the other hand, only one person is involved.

(4) Paragraphs 1 and 2 do not apply to persons who have a 2G certificate and to children up to the age of twelve. § 2 (5) applies mutatis mutandis to inspections.

### **Public Places**

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

### **Vehicle**

**§ 5.** 1. A mask shall be worn when motor vehicles are used jointly by persons who do not live in the same household.

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

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

1. The operator of cable cars and rack railways may only admit persons who do not use the cable car or rack railway for professional purposes or to cover necessary basic needs of daily life if they present 2G proof.
2. Persons must wear a mask in closed or coverable means of travel (gondolas, cabins, coverable armchairs) as well as in enclosed 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.

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

1. The operator may only admit persons if they present a 2G proof.

2. People must wear a mask indoors.
3. The operator must appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept.

### **Customer Areas**

**§ 6.** (1) Customers may only enter customer areas of permanent establishments for the purpose of purchasing goods or using services if they have 2G proof.

2. Paragraph 1 shall not apply to:

1. public pharmacies,
2. food retailers (including outlets of food producers) and farmers' direct marketers,
3. drugstores and drugstores,
4. Sale of medical devices and sanitary articles, medical aids and aids,
5. health and care services,
6. Services for people with disabilities provided by the Länder within the framework of the disability assistance, social assistance, participation or equal opportunities laws,
7. Services under the Unemployment Insurance Act 1977 (AIVG), [Federal Law Gazette No. 609/1977](#), the Public Employment Service Act (AMSG), [Federal Law Gazette No. 313/1994](#), and the Disability Recruitment Act (BEinstG), [Federal Law Gazette No. 22/1970](#),
8. veterinary services,
9. sale of animal feed,
10. Sale and maintenance of safety and emergency products, i.e. in particular fire extinguishers, protective equipment, lamps, fuels, fuses, salt spreaders, but not weapons and weapon accessories, unless their acquisition is absolutely necessary for professional purposes for legal reasons,
11. emergency services,
12. Agricultural trade, including animal auctions, as well as horticultural and national product trade in seeds, fodder and fertilizers,
13. petrol stations and charging stations as well as car washes,
14. Banks
15. Postal service providers including their postal partners, insofar as these postal partners fall under the exceptions of § 6 (2) as well as postal offices pursuant to § 3 no. 7 Postmarktgesetz (PMG), [Federal Law Gazette I No. 123/2009](#), which are operated by a municipality or are located in municipalities in which the supply cannot be provided by any other postal office covered by § 6 (2), but exclusively for the provision of postal services and the postal services permitted under § 6 (2) activities and telecommunications providers,
16. services related to the administration of justice,
17. public transport,
18. tobacco shops and newsstands,
19. hygiene and cleaning services,
20. waste disposal companies,
21. car and bicycle workshops,
22. the collection of pre-ordered goods.

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

(4) When entering and driving on the customer area of business premises and the connecting structures of structurally connected business premises (e.g. shopping centres, market halls), customers must wear a mask in enclosed spaces.

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

(6) Paragraph 4 shall apply mutatis mutandis to:

1. Administrative authorities and administrative courts in the case of party relations;

2. Institutions for the practice of religion.

(7) The operator of permanent establishments may – without prejudice to more restrictive opening hours due to other legal provisions – only allow customers to enter the customer area between 05.00 and 23.00. This does not apply to

1. charging stations,
2. Permanent establishments in accordance with § 2 no. 1, 3 and 4 as well as § 7 no. 1 and 3 of the Opening Hours Act 2003, [Federal Law Gazette I No. 48/2003](#), and
3. Pharmacies during on-call duty in accordance with § 8 of the Pharmacy Act, [RGBI. No. 5/1907](#).

### **Hospitality**

**§ 7.** (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 shall ensure that:

1. each customer of the permanent establishment is assigned a seat by the operator or an employee;
2. the consumption of food and beverages does not take place in the immediate vicinity of the issuing point;
3. the permanent establishment is only entered by customers in the period between 05.00 and 23.00 – without prejudice to more restrictive opening hours due to other legal provisions.

(3) Food and beverages may only be consumed in the premises while sitting at administration stations. By way of derogation, food and drinks may also be consumed while standing at snack and catering stands at places of administration; Paragraph 2 no. 2 does not apply.

(4) Customers must wear a mask in enclosed spaces. This does not apply during the stay at the administration site.

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

(6) Self-service is 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 5.

7. Paragraphs 1 and 2 shall not apply to operating modes of the hotel and restaurant industry operated within the following establishments:

1. hospitals and health resorts for patients;
2. old people's homes and nursing homes as well as inpatient residential facilities for the disabled for residents;
3. institutions for the care and accommodation of children and young people, including schools and primary educational institutions;
4. Companies if they may only be used by employees or persons professionally active there.

(8) Paragraphs 1 and 2 shall not apply to the collection of food and non-alcoholic beverages and alcoholic beverages filled in containers customary in the trade. The food and drinks may not be consumed within a radius of 50 meters around the premises. A mask must be worn when picking up in enclosed spaces.

### **Tourist accommodation establishments**

**§ 8.** (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 if they present a 2G proof.

(3) Guests must wear a mask in enclosed spaces of generally accessible areas.

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

(5) 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 attending school and students for study purposes (boarding schools, apprentice dormitories and student dormitories),

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

(6) For entering

1. § 7 applies mutatis mutandis to gastronomic establishments in accommodation establishments;
2. Sports facilities in accommodation establishments are subject to § 9 mutatis mutandis;
3. Leisure facilities in accommodation establishments § 10 applies mutatis mutandis.

### **Sports facilities**

**§ 9.** (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. Customers must wear a mask indoors.

(3) The operator must ensure that customers enter the sports facility – without prejudice to more restrictive opening hours due to other legal provisions – only in the period between 05.00 and 23.00.

(4) For the entry of public sports facilities by persons who do not have 2G proof, the following applies:

1. Only outdoor sports facilities may be entered.
2. Sports may only be practiced with persons in accordance with § 3 para. 1 no. 2, no. 3 lit. a or with persons who live in the same household.
3. Sports facilities may only be entered for the purpose of practising sport whose sport-specific practice does not involve physical contact.
4. Closed premises of the sports facility may only be entered if this is necessary for the practice of sports in the open-air area. A mask must be worn in enclosed spaces.
5. Staying in the sports facility is limited with the duration of the sports practice.

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

(6) 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 coaches must present a 3G certificate for training and competition operations if physical contact with other persons cannot be

ruled out in accordance with § 11 (2). 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.

(7) The COVID-19 prevention concept in accordance with paragraph 6 shall contain, in addition to Paragraph 2(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**

**§ 10.** (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. Customers must wear a mask indoors.

(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.

(6) The operator of cultural institutions may only admit customers for the purpose of using the services of these institutions if they provide 2G proof. This does not apply to the collection of pre-ordered goods. Customers must wear a mask indoors. Paragraph 4 shall apply mutatis mutandis.

(7) The operator must ensure that leisure and cultural facilities of customers – without prejudice to more restrictive opening hours due to other legal provisions – are only entered in the



period between 05.00 and 23.00.

### **Place of professional activity**

**§ 11.** (1) When entering places of work, care must be taken to ensure that the professional activity should preferably take place outside the workplace, provided that this is possible and employers and employees reach agreement on the work carried out outside the workplace.

(2) Workers, owners and operators may only enter places of work where physical contact with other persons cannot be excluded 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.

3. A mask shall be worn when entering places of work, unless physical contact with persons who do not live in the same household is excluded or the risk of infection can be minimised by other appropriate protective measures. Other appropriate protective measures are in particular technical protective measures such as the installation of partitions or plexiglass walls and, if technical protective measures would make the work impossible, organizational protective measures such as the formation of fixed teams.

(4) Paragraphs 2 and 3 shall also apply 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 2G certificate and wear a mask when in contact with customers. If a 2G proof cannot be presented, a 2.5G proof may exceptionally be presented.

(5) 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.

(6) In addition to § 2 (6), the COVID-19 prevention concept pursuant to paragraph 5 shall contain requirements for the control of evidence and for ensuring compliance with requirements.

(7) With regard to the wearing of a mask and the submission of 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**

**§ 12.** (1) Entry into old people's homes and nursing homes as well as inpatient residential facilities of the disabled assistance is only permitted under the conditions specified in this provision.

(2) The operator must ensure that a maximum of two visitors per inhabitant are admitted per day. In addition,

1. a maximum of two persons per resident in need of support per day, if they perform regular support and care tasks;
2. A maximum of two persons per day to accompany underage residents of inpatient housing facilities for the disabled

can be admitted.

(3) The restriction in accordance with paragraph 2 does not apply to visits in the context of palliative and hospice care, pastoral care and to accompany critical life events.

(4) In accordance with the first sentence of paragraph 2, the operator of old people's and nursing homes as well as inpatient residential facilities for the disabled may only admit visitors if they have a 2G detection and additionally proof of a negative result of a molecular biological test for SARS-CoV-2, the acceptance of which must not be more than 72 hours ago. 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.

For persons who perform regular support and care tasks in accordance with para. 2 no. 1, paragraph 6 applies mutatis mutandis.

(5) When entering old people's homes and nursing homes as well as inpatient residential facilities of the disabled assistance, residents in generally accessible places not belonging to the living area as well as visitors and accompanying persons must wear a mask.

(6) 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. Employees must wear a mask.
2. The operator may only admit employees if they present a 2G proof. If this cannot be demonstrated, 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, must be provided. 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.

This also applies mutatis mutandis to the operator.

(7) Paragraph 6 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](#)).

(8) 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 2.5G proof or appropriate precautions are taken in accordance with para. 10 no. 6 and 7.

9. 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.

(10) The operator shall appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept. In addition to § 2 (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 § 21 (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 9, 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.

(11) Paragraphs 4 to 6 shall apply to day care facilities in the care of the elderly and in the area of the disabled.

(12) The measures provided for in old people's homes, nursing homes and 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**

**§ 13.** (1) Entry into hospitals and health resorts and places where health services are provided shall be permitted only under the conditions set out in this provision.

(2) The operator of a bed-holding hospital or spa must ensure that a maximum of one visitor per patient per day is admitted. In addition, a maximum of two people per day

1. to accompany patients in need of support and
2. to accompany or visit underage patients,

can be admitted.

(3) The restriction in accordance with paragraph 2 does not apply to visits in the context of palliative and hospice care, pastoral care and to accompany critical life events.

(4) Visitors and accompanying persons must wear a mask. In accordance with the first sentence of paragraph 2, the operator of a hospital or health resort may only admit visitors if they have a 2G certificate and additionally proof of a negative result of a molecular biological test for SARS-CoV-2, the acceptance of which must not be more than 72 hours ago. 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.

Sentences 2 and 3 do not apply to accompanying persons in the event of childbirth or to visits in accordance with paragraph 3.

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

(6) The operator may only admit employees in accordance with § 12 (6). § 12 (6) also applies mutatis mutandis to the operator, to accompanying persons during examinations during pregnancy and to persons in accordance with paragraph 2 no. 1. 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.

(7) § 12 (6) shall also apply mutatis mutandis to entry by

1. external service providers,
2. Patient lawyers according to the Accommodation Act (UbG), [Federal Law Gazette No. 144/1990](#),
3. Residents' representatives according to the Heimaufenthaltsgesetz (HeimAufG), [Federal Law Gazette I No. 11/2004](#),
4. Patient, disability and nursing lawyers,
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](#)).

(8) 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 § 2 (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.

(9) § 12 (12) shall apply mutatis mutandis.

### **Meetings**

**§ 14.** (1) Leaving one's own private living area and staying outside one's own private living area for the purpose of attending meetings is only permitted for persons who do not have 2G proof for the following meetings:

1. funerals;
2. Assemblies according to the Assembly Act 1953, [Federal Law Gazette No. 98/1953](#);
3. meetings for professional purposes, if they are necessary for the maintenance of professional activity;
4. meetings of organs of political parties that cannot be postponed, where it is not possible to hold them in digital form;
5. meetings of organs of legal persons which cannot be postponed, provided that it is not possible to hold them in digital form;
6. meetings that cannot be postponed under the Labour Constitution Act – ArbVG, [Federal Law Gazette No. 22/1974](#);
7. meetings of medical and psychosocial support groups;
8. driving in theatres, concert halls and arenas, cinemas, variety shows and cabarets, if this is done with multi-lane motor vehicles;
9. Meetings pursuant to paragraph 6 and §§ 15 and 16.

For meetings in accordance with Z 1 to 7, a mask must be worn indoors. For meetings in accordance with Z 2, this also applies outdoors.

(2) Under the following conditions, meetings not covered by paragraph 1 without exclusively assigned and marked seats, such as wedding, birthday or Christmas parties, with up to 25 participants in closed rooms and with up to 300 participants outdoors and with exclusively assigned and marked seats with up to 2,000 participants in closed rooms and with up to 4,000 participants outdoors, are permitted:

1. The person responsible for the meeting may only admit the participants if they present a 2G proof.
2. Participants must wear a mask indoors.
3. The person responsible for the meeting must notify meetings with more than 50 participants 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.

4. The person responsible for the meeting must obtain permission from the locally competent district administrative authority for meetings with more than 250 participants. In doing so, the information in no. 3 must be provided and the prevention concept in accordance with paragraph 4 must be submitted. The decision period for approval is two weeks from the date of complete submission of the documents.

5. The meeting may only take place between 05.00 and 23.00.

6. § 7 applies mutatis mutandis to the administration of food and the serving of beverages.

(3) Paragraph 2 shall not apply to meetings attended by a maximum of four persons from different households, not including a maximum of six minor children of those persons or minor children over whom those persons perform supervisory duties, provided that leaving their own private living area and staying outside their own private living area constitutes a permissible reason for departure.

(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) With the exception of the requirement of a prevention concept, § 9 (6) shall apply mutatis mutandis to meetings for rehearsals for professional purposes and for professional artistic performance in a fixed composition. Other meetings for rehearsals or artistic performances in a fixed composition are permitted under the conditions of paragraph 2; if the wearing of a mask cannot be adhered to due to the nature of the activity, the risk of infection must be minimized by other appropriate protective measures. For meetings that are carried out in accordance with the AIVG by or on behalf of the Public Employment Service as measures of retraining and retraining as well as for reintegration into the labour market, as well as for other meetings for absolutely necessary vocational education and training purposes, for the fulfilment of necessary integration measures in accordance with the Integration Act (IntG), [Federal Law Gazette I No. 68/2017](#) , and to final professional examinations, § 11 (2) and (3) applies mutatis mutandis. If the wearing of a mask cannot be adhered to due to the nature of the training or further education or the integration measure of persons, the risk of infection must be minimized by other appropriate protective measures.

(7) § 14 applies to all meetings regardless of the place of the meeting. If the requirements of §§ 6 to 10 are also met, the stricter rule applies with regard to the detection of a low epidemiological risk.

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

**§ 15.** For gatherings of persons in the context of extracurricular youth education and youth work or in the context of supervised holiday camps, § 14 (2) to (5) applies mutatis mutandis with the proviso that

1. the person responsible for the meeting may also admit the participants if they present proof of 2.5G;
2. a maximum of four participants per group of 25 participants are permitted.

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

**§ 16.** (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. § 9 (6) and (7) 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 § 2 (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. § 11 also applies to supervisors, coaches and other persons who are necessary for the meeting, and § 9 mutatis mutandis for the athletes.

### **Trade and public fairs**

**§ 17.** § 14 (2) to (5) applies mutatis mutandis to trade fairs and public fairs.

### **Casual Markets**

**§ 18.** (1) For occasional markets, § 14 (2) 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, § 14 (4) and § 6 (1) and (4) apply.

### **Collection of contact data**

**§ 19.** (1) The operator of a permanent establishment pursuant to §§ 7 and 8, a non-public sports facility pursuant to § 9, a non-public leisure facility pursuant to § 10, a cultural institution pursuant to § 10 (5) and the person responsible for a meeting, a trade and public fair or an occasional market pursuant to §§ 14 to 18 is obliged to inform persons who are likely 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 a stay is predominantly outdoors, with the exception of permanent establishments in accordance with § 7 and meetings in accordance with § 14 (2);
2. Meetings pursuant to § 14 (1) no. 2 and no. 4;
3. Meetings in the private living area.

## Enter

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

## Exceptions

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

1. for – with the exception of § 19, § 21 sec. 2 to 4 and §§ 22 to 25 – elementary educational institutions, childminders or fathers, schools in accordance with 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 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 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 § 6 sec. 6 no. 1, § 11, § 21 para. 3 to 6 and §§ 22 to 24 – 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. 473/2021](#), 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 twice a week of presence, the acceptance of which must not have been more than 72 hours ago (§ 4 no. 1 lit. d C-SchVO 2021/22), does not apply if sufficient numbers of corresponding tests are not available.
  2. For other persons – with the exception of children in care – § 5 para. 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 service close to the body or if this makes the provision of a service impossible;
6. during the practice of sports;
7. in damp rooms, such as showers and swimming pools;
8. 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 § 2 (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 § 2 (2), their obligation to submit remains unaffected.

(9) If this Ordinance obliges persons to provide proof in accordance with Paragraph 2(2), such evidence shall only be kept available for the duration of the stay at permanent establishments, non-public sports facilities or leisure facilities without staff.

(10) The obligation to provide 2G evidence and the restrictions for persons who do not have 2G proof do not apply to:

1. persons who have no proof in accordance with § 2 para. 2 no. 2 lit. a or b and cannot be vaccinated without danger to life or health, and
2. Expectant mother.

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.

(11) If it can be credibly demonstrated that proof of a negative result of a molecular biological test for SARS-CoV-2 prescribed by §§ 11 to 13 and 15 cannot be provided by an authorised body for reasons of lack of availability, an untimely evaluation or due to the unpredictability of the official activity to be performed, the operator or the person responsible for the meeting may exceptionally also then if they provide proof of 3G. This also applies mutatis mutandis to the operator.

(12) Where this Regulation lays down rules on the maximum number of persons and households, persons providing personal assistance or 24-hour care to the parties concerned shall not be included in determining the number of persons and households.

(13) Paragraph 2(3) shall apply mutatis mutandis to persons of school age who do not reside permanently in Austria.

### **Credibility**

**§ 22.** (1) The existence of the requirements in accordance with §§ 3, 14 and 21 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 21(10) 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 2(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**

**§ 23.** 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**

**§ 24.** 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, expiry and transitional right**

**§ 25.** 1. This Regulation shall enter into force on 12 December 2021 and shall expire on 21 December 2021.

2. 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.

(3) The deadline pursuant to § 14 (2) no. 3 does not apply to meetings that take place until the end of 19 December 2021.

(4) Meetings pursuant to § 14 (2) shall be deemed to have been approved if a permit was already available before the entry into force of Regulation [BGBl. II No. 465/2021](#) and the requirements of § 14 (2) are met.