

## Federal law consolidated: Entire legislation for the 4th COVID-19 Protective Measures Ordinance, version of 26.02.2021

### Long title

Ordinance of the Federal Minister of Social Affairs, Health, Care and Consumer Protection, with which special protective measures are taken against the spread of COVID-19 (4th COVID-19 Protective Measures Ordinance – 4th COVID-19-SchuMaV)

StF: [Federal Law Gazette II No. 58/2021](#)

### Alteration

[Federal Law Gazette II No. 76/2021](#)

[Federal Law Gazette II No. 94/2021](#)

### Preamble/promulgation clause

On the basis of §§ 3 para. 1, 4 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. 23/2021](#), as well as § 15 of the Epidemic Act 1950, [Federal Law Gazette No. 186/1950](#), as last amended by the Federal Act [Federal Law Gazette I No. 23/2021](#), in agreement with the Main Committee of the National Council, the following is decreed:

### Table of contents

Section	Designation
§ 1.	Public Places
§ 2.	Initial control
§ 3.	Means of mass transport
§ 4.	Carpooling, occasional traffic, cable cars and rack railways
§ 5.	Customer Areas
§ 6.	Place of professional activity
§ 7.	Hospitality
§ 8.	Tourist accommodation establishments
§ 9.	Sports facilities
§ 10.	Homes for the elderly, nursing and disabled
§ 11.	Hospitals and health resorts and other places where health services are provided
§ 12.	Leisure and cultural facilities
§ 13.	Events
§ 14.	Sporting events in top-class sport
§ 15.	Enter
§ 16.	Exceptions
§ 17.	Test
§ 18.	Credibility
§ 19.	Data processing
§ 20.	Principles of participation according to § 6 COVID-19-MG and § 28a EpiG
§ 21.	Employee protection, federal employee protection and maternity protection
§ 22.	Coming into force

### Text

## **Public Places**

**§ 1.** (1) When entering public places outdoors, a distance of at least two meters must be maintained from persons who do not live in the same household.

(2) When entering public places in enclosed spaces, a distance of at least two metres must be maintained with regard to persons who do not live in the same household and wear a respiratory mask of protection class FFP2 (FFP2 mask) without exhalation valve or a mask of at least equivalent standard.

## **Initial control**

**§ 2.** (1) In order to prevent the spread of COVID-19, leaving one's own private living area and staying outside one's own private living area from 20:00 to 06:00 of the following day is only permitted 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 or 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 permitted entry into customer areas of permanent establishments in accordance with §§ 5, 7 and 8 as well as certain locations in accordance with §§ 9, 10 and 11 as well as facilities in accordance with § 16 para. 1 no. 1, 2 and 4, and
9. to participate in events in accordance with § 13 Abs. 3 Z 1 bis 9 and § 14.

(2) The own private residential area also includes residential units in accommodation establishments as well as in homes for the elderly, nursing and disabled.

(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.

## **Means of mass transport**

**§ 3.** In means of mass transport and the associated metro stations, platforms, stops, stations and airports plus their connecting structures, a distance of at least two metres must be maintained from persons who do not live in the same household and a respirator of protection class FFP2 (FFP2 mask) without exhalation valve or a mask of at least equivalent standard must

be worn. If, due to the number of passengers and when boarding and disembarking, it is not possible to maintain the distance of at least two meters, this may exceptionally be deviated from.

### **Carpooling, occasional traffic, cable cars and rack railways**

**§ 4.** 1. The joint use of motor vehicles by persons who do not live in the same household shall be permitted only if only two persons are transported in each row of seats, including the driver. The same applies to taxis and taxi-like companies as well as on board aircraft that are not considered a means of mass transport. In addition, a respirator of protection class FFP2 (FFP2 mask) without exhalation valve or a mask with at least equivalent standard must be worn.

(2) In the case of the transport of persons with disabilities, pupils and kindergarten children, taxis, taxi-like businesses and school transport within the meaning of §§ 30a ff of the Family Burden Equalisation Act 1967, [Federal Law Gazette No. 376/1967](#), may deviate from paragraph 1 sentence 1 if this is necessary due to the number of passengers.

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

1. § 3 applies mutatis mutandis, whereby in closed or coverable means of travel (gondolas, cabins, coverable armchairs) and in closed access areas of cable cars and rack railways a respiratory mask of protection class FFP2 (FFP2 mask) without exhalable valve or a mask with at least equivalent standardized standard is to be worn.
2. In enclosed or coverable means of travel (gondolas, cabins, coverable chairs), a maximum of so many persons may be transported at the same time that half of the transport capacity of the vehicle is not exceeded. This does not apply if only persons from the same household are transported.

(4) Based on a risk analysis, the operator of cable cars and rack railways shall develop and implement a state-of-the-art COVID-19 prevention concept to minimise the risk of infection. The COVID-19 prevention concept must include in particular:

1. specific hygiene requirements,
2. regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
3. Risk analysis
4. regulations concerning the use of sanitary facilities,
5. regulations concerning the consumption of food and beverages,
6. Regulations for the control of customer flows and regulation of the number of customers,
7. equalisation measures, such as barriers and floor markings,
8. Guidelines for the training of employees with regard to hygiene measures.

The operator must ensure compliance with these provisions by taking appropriate measures.

### **Customer Areas**

**§ 5.** (1) Entering and driving through the customer area of permanent establishments is permitted under the following conditions:

1. A distance of at least two metres must be maintained with regard to persons who do not live in the same household.
2. Customers must wear a respirator of protection class FFP2 (FFP2 mask) without exhalation valve or a mask with at least equivalent standardized standard. This does not apply if the customer area of the permanent establishment is located outdoors and physical contact with persons who do not live in the same household is excluded.
3. The requirements of § 6 (2) to (7) apply to the operator entering places of work.
4. The operator must take appropriate measures to ensure that a maximum of so many customers are in the customer area at the same time that 20 m<sup>2</sup> are available per customer; if the customer area is smaller than 20 m<sup>2</sup>, only one customer may enter the customer area of the permanent establishment at a time. In the case of permanent establishments without staff, this condition must be indicated in an appropriate manner.
5. The operator of permanent establishments in accordance with paragraph 3 no. 1 must take appropriate measures to ensure that a maximum of so many customers are in the customer area at the same time that 10 m<sup>2</sup> are available per customer; if the customer

area is smaller than 10 m<sup>2</sup>, only one customer may enter the customer area of the permanent establishment at a time.

(2) Entry into structurally connected premises (e.g. shopping centres, market halls) is only permitted under the following conditions:

1. Paragraph 1 no. 1 to 3 also applies mutatis mutandis to the connecting structures.
2. Paragraph 1 no. 4 shall apply with the proviso that:
  - a) in the case of shopping centres, the areas of the customer areas of the premises must be added together without taking into account the connecting structure and that a maximum of so many customers may be present at the same time both in the customer area of the respective business premises and in the connecting structure that 20 m<sup>2</sup> of the area thus determined are available per customer, whereby only so many customers may be in the customer area of business premises in accordance with para. 1 no. 5 in the customer area, that 10 m<sup>2</sup> are available per customer,
  - b) in the case of market halls, the areas of the customer areas of the production sites and the connecting structure must be added together and that a maximum of so many customers may be present at the same time both on the area determined in this way and in the customer area of the respective production sites that 20 m<sup>2</sup> of the area or customer area of the permanent establishment determined in this way are available per customer.
3. Entering the connecting structures, including corridors, elevators, staircases and other generally accessible areas, is permitted for customers exclusively for the purpose of passing through to the customer areas of the production facilities.
4. The consumption of food and drinks is prohibited.
5. Based on a risk analysis, the operator of structurally connected production facilities must develop and implement a state-of-the-art COVID-19 prevention concept to minimize the risk of infection. The COVID-19 prevention concept must include in particular:
  - a) specific hygiene requirements,
  - b) regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
  - c) Risk analysis
  - d) regulations concerning the use of sanitary facilities,
  - e) regulations concerning the administration of food and beverages,
  - f) Regulations for the control of customer flows and regulation of the number of customers,
  - g) equalisation measures, such as barriers and floor markings,
  - h) requirements for the training of traders and operators of hospitality industry with regard to hygiene measures,
  - i) Regulations to prevent event-like meetings.

The operator of structurally connected premises must ensure compliance with these provisions by taking appropriate measures.

(3) In addition to paragraph 1, entry into permanent establishments for the use of services shall only be permitted under the following conditions:

1. Operators may only admit customers to premises for the use of body-related services if they have evidence of a negative result of an antigen test for SARS-CoV-2 or a molecular biological test for SARS-CoV-2, the acceptance of which must not have been more than 48 hours ago. The customer must keep this proof ready for the duration of the stay. Body-related services include in particular services of hairdressers and wig makers (stylists), beauticians (beauticians), in particular piercing and tattooing, as well as masseurs and podiatrists.
2. Services for education and training purposes may only be provided to one person or persons from the same household at a time. Other services may only be provided to as many persons as are necessary for the provision of the service. § 13 (4) and (5) applies to services for absolutely necessary vocational education and training purposes.
3. If, due to the nature of the service, the minimum distance of two meters cannot be maintained, this is only permitted if no food and drinks are consumed during the provision of the service.

(4) May, due to the nature of the service,

1. the minimum distance of two meters between the customer and the service provider and/or
2. the customer does not comply with the wearing of a respirator of protection class FFP2 (FFP2 mask) without an exhalation valve or a mask with at least an equivalent standard,

without prejudice to para. 3 no. 3, this is only permissible if the risk of infection can be minimized by other appropriate protective measures.

(5) Paragraph 1 no. 1 to 3 shall apply mutatis mutandis to:

1. outdoor markets,
2. Administrative authorities and administrative courts in the case of party relations, and
3. closed rooms of institutions for the practice of religion.

(6) Para. 1 no. 1 to 4 shall apply mutatis mutandis to:

1. Museums, art halls and cultural exhibition venues,
2. Libraries
3. Libraries
4. Archives
5. Animal parks, zoos and botanical gardens.

(7) The operator of commercial establishments used for the sale of goods may only allow customers to enter the customer area of these premises between 06.00 and 19.00. More restrictive opening time rules due to other legal provisions remain unaffected.

8. Paragraph 7 shall 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. entering pharmacies during on-call duty in accordance with § 8 of the Pharmacy Act, [RGI. No. 5/1907](#).

### **Place of professional activity**

**§ 6.** (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. When entering places of work:

1. maintain a distance of at least two metres between persons who do not live in the same household, and
2. wear a close-fitting mechanical protective device covering the mouth and nose area,

unless physical contact with persons who do not live in the same household is excluded or the risk of infection can be minimized 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.

(3) In addition, stricter agreements may be made between employer and employee for the wearing of a close-fitting mechanical protective device covering the mouth and nose area.

(4) In addition to paragraph 2, places of work may be replaced by

1. teachers who are in direct contact with students,
2. employees in areas of warehouse logistics where the minimum distance of two meters cannot be maintained on a regular basis,
3. employees with direct customer contact,
4. persons who are active in party relations in administrative authorities and administrative courts,

only if an antigen test for SARS-CoV-2 or a molecular biological test for SARS-CoV-2 is carried out every seven days at the latest, the result of which is negative. If the employee does not comply with this obligation and this proof cannot be presented, a respirator of protection class FFP2

(FFP2 mask) without exhalation valve or a mask with at least equivalent standard must be worn in customer contact, contact with pupils, party traffic and the areas mentioned in Z 2. Proof of a negative antigen test for SARS-CoV-2 or a negative molecular biological test for SARS-CoV-2 must be presented to the employer and kept available for a period of seven days.

5. Workers in elementary educational establishments who are in direct contact with children in the context of care and support may enter places of work only if an antigen test for SARS-CoV-2 or a molecular biological test for SARS-CoV-2 is carried out at the latest every seven days, the result of which is negative. Proof of a negative antigen test for SARS-CoV-2 or a negative molecular biological test for SARS-CoV-2 must be presented to the employer and kept available for a period of seven days. If proof is available, paragraph 2 no. 2 does not apply. If there is no proof, a respirator of protection class FFP2 (FFP2 mask) without exhalation valve or a mask with at least equivalent standard must be worn in the event of contact with children.

(6) Paragraphs 2 to 5 also apply to external jobs in accordance with § 2 (3) last sentence of the Employee Protection Act (ASchG), [Federal Law Gazette No. 450/1994](#).

(7) External workplaces in accordance with § 2 (3) last sentence ASchG may only be entered by providers of body-related services if there is an antigen test for SARS-CoV-2 or a molecular biological test for SARS-CoV-2, the result of which is negative and the acceptance of which was not more than 48 hours ago.

(8) Paragraph 4(1) shall apply to the employer's vehicles if they are used for professional purposes.

### **Hospitality**

**§ 7.** (1) Entering and driving at permanent establishments of all types of establishments in the hospitality industry for the purpose of acquiring goods or using services of the hospitality industry is prohibited.

2. Paragraph 1 shall not apply to hotels and restaurants operated within the following establishments:

1. hospitals and health resorts,
2. homes for the elderly, nursing homes and the disabled,
3. institutions for the care and accommodation of children and young people, including schools and kindergartens,
4. Undertakings

if these are used exclusively by the persons cared for, accommodated or not staying there for mere visits or by employees.

(3) Paragraph 1 does not apply to accommodation establishments if food and drinks are administered or served exclusively to accommodation guests at the premises. The administration and consumption must take place as far as possible in the residential unit.

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

5. With regard to the exceptions provided for in paragraphs 2 to 4 and with regard to paragraph 7:

1. With regard to persons who do not live in the same household, a distance of at least two metres must be observed and – except while staying at the place of administration – a respiratory mask of protection class FFP2 (FFP2 mask) without exhalation valve or a mask with at least equivalent standard must be worn.
2. The operator must ensure that the consumption of food and beverages does not take place in the immediate vicinity of the dispensary.
3. Food and drinks may only be consumed in the premises while sitting at administration stations. The operator shall set up the administration sites in such a way that there is a distance of at least two metres between the groups of persons. This does not apply if the risk of infection can be minimized by appropriate protective measures for spatial separation.
4. § 6 (4) applies to the operator and his employees in the case of direct customer contact.
5. Self-service is permitted provided that the risk of infection can be minimized by special hygienic precautions.

(6) With regard to the exceptions provided for in paragraphs 2 to 4, the operator may only allow entry and entry into the permanent establishment in the period between 06.00 and 19.00. In companies, entry by employees in shifts is permitted throughout. More restrictive curfews and opening hours due to other legal provisions remain unaffected.

(7) Notwithstanding paragraph 1, the collection of food and non-alcoholic beverages and alcoholic beverages filled in commercially sealed containers is permitted between 06.00 and 19.00. The food and drinks may not be consumed within a radius of 50 meters around the premises. When picking up, a distance of at least two meters must be maintained for persons who do not live in the same household and a respirator of protection class FFP2 (FFP2 mask) without exhalation valve or a mask with at least equivalent standardized standard must be worn.

(8) Paragraph 1 does not apply to delivery services. § 6 (4) applies.

### **Tourist accommodation establishments**

**§ 8.** (1) Entering accommodation establishments for the purpose of using the services of accommodation establishments is prohibited.

(2) Accommodation establishments are accommodation establishments which are under the direction or supervision of the accommodation provider or one of his representatives and which are intended for the temporary accommodation of guests, whether for payment or free of charge. Supervised campsites or caravan sites, unless they are permanent pitches, as well as refuges are considered accommodation establishments.

(3) Paragraph 1 does not apply to 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. for training purposes of legally recognised institutions,
5. to satisfy an urgent need for housing,
6. by spa guests and accompanying persons 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,
7. by patients and accompanying persons in a rehabilitation facility organised as an accommodation establishment with an attached outpatient clinic in accordance with § 2 para. 1 no. 5 KAKuG,
8. by pupils for the purpose of school attendance and students for study purposes (boarding schools, apprentice dormitories and student dormitories)

for the duration strictly necessary.

(4) In generally accessible areas, the guest must keep a distance of at least two meters from other persons who do not live in the common household or do not belong to the group of guests in the common accommodation unit. This does not apply if the risk of infection can be minimized by appropriate protective measures for spatial separation. When entering publicly accessible areas in enclosed spaces, a respirator of protection class FFP2 (FFP2 mask) without exhalation valve or a mask of at least equivalent standard must be worn.

(5) § 6 (4) applies to the operator and his employees in the case of direct customer contact.

6. Overnight stays in a dormitory or in shared dormitories shall only be permitted if a distance of at least two metres is maintained from persons who do not live in the same household or if the risk of infection can be minimised by appropriate protective measures.

### **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 prohibited.

(2) Excluded from the prohibition of paragraph 1 are access to sports facilities

1. by top athletes according to § 3 Z 6 BSFG 2017, also from the field of disabled sports, or athletes who carry out their sporting activity professionally and earn income from it or have already participated in international competitions according to § 3 Z 5 BSFG 2017, their supervisors and coaches as well as representatives of the media. The athletes must keep a distance of at least two meters from supervisors and coaches as well as representatives of the media; § 6 applies mutatis mutandis to supervisors, trainers and representatives of the media.
2. outdoors by persons not covered by Z 1. In this case, the sports facilities may only be entered for the purpose of practicing sport, the sport-specific practice of which does not involve physical contact. Closed premises of the sports facility may only be entered if this is necessary for the practice of sports in the open-air area. Staying in the sports facility is limited with the duration of the sports practice. § 1 and § 5 Abs. 1 Z 4 apply mutatis mutandis.

(3) When practicing team sports or sports whose sport-specific practice involves physical contact by athletes in accordance with paragraph 2 no. 1, the responsible physician must develop a STATE-of-the-art COVID-19 prevention concept to minimize the risk of infection and continuously monitor its compliance. Before the training and competition starts for the first time and at least every seven days thereafter, a molecular biological test or an antigen test must be used to prove that the athletes are negative for SARS-CoV-2. In the event of a positive test result, it is nevertheless permissible to enter sports facilities if:

1. in any case, there are at least 48 hours without symptoms after expired infection and
2. on the basis of the medical laboratory findings, in particular due to the 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 trainer, all athletes, caregivers and coaches must be subjected to molecular biological testing or an antigen test for the presence of SARS-CoV-2 before each competition in the following ten days after the infection becomes known.

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

1. training of athletes and caregivers in hygiene, obligation to keep records of the state of health,
2. Rules of conduct of athletes, supervisors and coaches outside of training and competition times,
3. Health checks before every training session and every competition,
4. Specifications for training and competition infrastructure,
5. Hygiene and cleaning plan for infrastructure and materials,
6. Traceability of contacts in the context of training sessions and competitions,
7. regulations on behaviour in the event of the onset of COVID-19 symptoms,
8. in the case of away competitions, inform the responsible district administrative authority that a case of COVID-19 has occurred in an athlete, coach or coach.

### **Homes for the elderly, nursing and disabled**

**§ 10.** (1) Entering homes for the elderly, nursing and disabled is prohibited.

2. Paragraph 1 shall not apply to:

1. Inhabitant
2. persons necessary for the care of the residents or for the operation of the facility, including the staff of the auxiliary and administrative area,
3. Visits in the context of palliative and hospice care, pastoral care as well as for accompaniment in critical life events,
4. one visitor per inhabitant per week,
5. in addition, a maximum of two persons per resident in need of support per day, if they perform regular support and care tasks,
6. in addition, a maximum of two persons per day to accompany underage residents of homes for the disabled,



7. Residents' representatives in accordance with the Heimaufenthaltsgesetz (HeimAufG), [Federal Law Gazette I No. 11/2004](#), patient and nursing lawyers as well as organs of nursing supervision for the performance of the tasks provided for by state law as well as 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](#)).

(3) When entering homes for the elderly, nursing homes and the disabled, § 1 applies mutatis mutandis to residents in generally accessible places that do not belong to the living area as well as to visitors and accompanying persons of homes for the disabled.

(4) The operator of old people's homes and nursing homes may only admit employees if they wear a close-fitting mechanical protective device covering the mouth and nose area and, in the event of contact with residents, a Corona SARS-CoV-2 pandemic respirator (CPA), a respiratory mask of protection class FFP2 (FFP2 mask) without exhalation valve or a mask with a higher standard. Furthermore, the operator of old people's homes and nursing homes may only admit employees if an antigen test for SARS-CoV-2 or a molecular biological test for SARS-CoV-2 is carried out at the latest every three days, the result of which is negative. Proof of this must be presented and kept available for a period of three days. In the event of a positive test result, admission may nevertheless take place if:

1. in any case, there are at least 48 hours without symptoms after expired infection and
2. on the basis of the medical laboratory findings, in particular due to the CT value >30, it can be assumed that there is no longer a risk of infection.

If tests are not available in sufficient numbers, priority must be given to testing employees with resident contact.

(4a) The operator of homes for the disabled may only admit employees if they wear a close-fitting mechanical protective device covering the mouth and nose area and, in the event of contact with residents, a Corona SARS-CoV-2 pandemic respirator (CPA), a respirator of protection class FFP2 (FFP2 mask) without exhalation valve or a mask of a higher standard. Furthermore, the operator of homes for the disabled may only admit employees if an antigen test for SARS-CoV-2 or a molecular biological test for SARS-CoV-2 is carried out every seven days, the result of which is negative. Proof of this must be provided and kept available for a period of seven days. In the event of a positive test result, admission may nevertheless take place if:

1. in any case, there are at least 48 hours without symptoms after expired infection and
2. on the basis of the medical laboratory findings, in particular due to the CT value >30, it can be assumed that there is no longer a risk of infection.

If tests are not available in sufficient numbers, priority must be given to testing employees with resident contact.

(5) The operator of old people's homes and nursing homes may only admit residents for re-admission if they present a negative result of an antigen test for SARS-CoV-2, the acceptance of which must not have been more than 24 hours ago, or a molecular biological test for SARS-CoV-2, the acceptance of which must not have been more than 48 hours ago, or appropriate precautions are taken in accordance with para. 10 no. 10 and 11.

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

7. The operator of old people's homes and nursing homes may only admit visitors and accompanying persons if they have a negative result of an antigen test for SARS-CoV-2, the acceptance of which must not have been more than 24 hours ago, or of a molecular biological test for SARS-CoV-2, the acceptance of which must not have been more than 48 hours ago. In addition, the operator may only admit visitors and accompanying persons if they wear a respiratory mask of protection class FFP2 (FFP2 mask) without exhalation valve or a mask with at least equivalent standardized standard throughout the visit or stay, provided that there is no other suitable protective device for spatial separation between residents and visitors or accompanying persons that ensures the same level of protection. These requirements also apply to the admission of non-medical external service providers, residents' representatives under the HeimAufG, patient and nursing lawyers as well as organs of nursing supervision to carry out the tasks provided for by state law and 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 Strafe, [BGBl. III No. 190/2012](#)).

(8) Paragraph 4 shall apply mutatis mutandis to persons who regularly visit residents in accordance with paragraph 2 no. 3 and to persons who perform regular support and care tasks in accordance with para. 2 no. 5.

(9) The measures provided for in homes for the elderly, nursing and disabled persons must not be disproportionate or lead to unreasonable cases of hardship.

(10) Based on a risk analysis, the operator of homes for the elderly, nursing homes and the disabled must develop and implement a state-of-the-art COVID-19 prevention concept to minimise the risk of infection. The COVID-19 prevention concept must include in particular:

1. specific hygiene requirements,
2. regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
3. regulations concerning the administration of food and beverages,
4. Requirements for the training of employees with regard to hygiene measures as well as with regard to professional and private risk behaviour, mandatory documentation of the training,
5. Requirements for access by external service providers,
6. specific regulations for residents who cannot be expected to comply with the requirements in accordance with § 16 (10),
7. Regulations on a mandatory information meeting for residents after an exit of more than two hours,
8. Regulations for the control of the visits, in particular requirements for the duration of the visits and places of visit, mandatory advance notification and health checks before each entry into the facility. For relatives and persons who provide regular support and care tasks, deviating, specific and situation-adapted requirements can be made,
9. Requirements for the handling of screening programs according to § 5a of the Epidemic Act 1950 (EpiG), [Federal Law Gazette No. 186/1950](#),
10. regulations on the admission and readmission of residents who have tested positive for SARS-CoV-2,
11. regulations on organisational, spatial and personnel arrangements for the implementation of quarantine measures for residents,
12. Time and organizational requirements regarding the testing of residents in accordance with paragraph 6, 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 attendance on a voluntary basis of visitors or accompanying persons.

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

**§ 11.** (1) Entering hospitals and health resorts is prohibited.

2. Paragraph 1 shall not apply to:

1. Patients
2. persons necessary for the care of patients or for the operation of the facility, including the staff of the auxiliary and administrative area,
3. one visitor per patient per week, if the patient is admitted to the hospital or spa for more than one week,
4. in addition, a maximum of two persons per day to accompany or visit underage patients,
5. in addition, a maximum of two persons per day to accompany patients in need of support,
6. a maximum of one person to accompany him during examinations during pregnancy, as well as before and during delivery and for visits after delivery,
7. Visits in the context of palliative and hospice care, pastoral care as well as for accompaniment in critical life events,
8. Patient lawyers according to the Accommodation Act (UbG), [Federal Law Gazette No. 155/1990](#), residents' representatives according to HeimAufG, patient and nursing

lawyers for the performance of the tasks provided for by state law as well as established commissions for the protection and promotion of human rights.

(3) When entering hospitals and health resorts and other places where health services are provided, § 5 para. 1 no. 1 and 2 and § 5 para. 4 apply mutatis mutandis to visitors and accompanying persons. When entered by non-medical external service providers, § 5 para. 1 no. 1 to 3 and § 5 para. 4 apply mutatis mutandis to patient and visitor contact. When entering by employees, a Corona SARS-CoV-2 pandemic respirator (CPA), a respirator of protection class FFP2 (FFP2 mask) without exhalation valve or a mask with a higher standardized standard must be worn continuously when entering by employees and § 5 para. 1 no. 1 and 2 and § 5 para. 4 apply mutatis mutandis. This also applies mutatis mutandis to health and care service providers. 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 technically possible and reasonable.

(4) The operator of a hospital and a health resort may only admit employees if an antigen test for SARS-CoV-2 or a molecular biological test for SARS-CoV-2 is carried out at the latest every seven days, the result of which is negative. This applies mutatis mutandis to operators of other places where health services are provided, as well as health and care service providers for the admission of their employees and entry by health and care service providers. Proof of this must be provided and kept available for a period of seven days. In the event of a positive test result, admission may nevertheless take place if:

1. in any case, there are at least 48 hours without symptoms after expired infection and
2. on the basis of the medical laboratory findings, in particular due to the CT value >30, it can be assumed that there is no longer a risk of infection.

If tests are not available in sufficient numbers, priority must be given to testing employees with patient contact.

(5) Paragraphs 4 and 5 apply mutatis mutandis to patient lawyers under the UbG, residents' representatives in accordance with The HeimAufG, patient and nursing lawyers and 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](#)).

(6) Based on a risk analysis, the operator of a bed-holding hospital and a bed-holding health resort shall develop and implement a STATE-of-the-art COVID-19 prevention concept to minimise the risk of infection. The COVID-19 prevention concept must include in particular:

1. specific hygiene requirements,
2. regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
3. regulations concerning the administration of food and beverages,
4. Requirements for the training of employees with regard to hygiene measures as well as with regard to professional and private risk behaviour, mandatory documentation of the training,
5. Requirements for access by external service providers,
6. 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. For relatives and persons who perform regular support and care tasks, specific requirements adapted to the situation must be made,
7. 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 attendance on a voluntary basis of visitors or accompanying persons.

### **Leisure and cultural facilities**

**§ 12.** (1) Entering leisure and cultural facilities for the purpose of using the services of these facilities is prohibited.

(2) Leisure facilities are establishments and facilities that serve the entertainment, amusement or recreation. Leisure facilities whose entry is prohibited in accordance with paragraph 1 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](#); with regard to baths pursuant to § 1 sec. 1 no. 6 BHygG (baths on surface waters), the prohibition according to § 1 para. 1 does not apply if bathing operation does not take place in these baths,
3. Dancing schools
4. betting shops, slot machines, gambling halls and casinos,
5. show mines,
6. institutions for the practice of prostitution,
7. Indoor playgrounds,
8. Paintball facilities and
9. museum railways,

but not animal parks, zoos and botanical gardens.

3. Cultural establishments shall mean institutions which serve cultural edification and participation in cultural life. Cultural institutions whose entry is prohibited in accordance with paragraph 1 are in particular:

1. Theatre
2. concert halls and arenas,
3. Cinemas
4. Variety teas and
5. Cabarets

but not museums, art halls, cultural exhibition halls, libraries, libraries and archives.

## **Events**

**§ 13.** (1) Events are prohibited.

(2) An event shall in particular include planned meetings and activities for entertainment, amusement, physical and mental training and edification. In any case, this includes cultural events, sporting events, wedding celebrations, birthday parties, anniversary celebrations, film screenings, trips with coaches or excursion ships for tourist purposes, congresses, trade and public fairs and occasional markets.

3. Paragraph 1 shall not apply to:

1. professional meetings that cannot be postponed if they are necessary for the maintenance of professional activities and cannot be held in digital form,
2. Assemblies according to the Assembly Act 1953, [Federal Law Gazette No. 98/1953](#),
3. Sporting events in top-class sport according to § 14,
4. meetings of organs of political parties that cannot be postponed, provided that it is not possible to hold them in digital form,
5. meetings of statutory bodies of legal persons that cannot be postponed, provided that it is not possible to hold them in digital form,
6. meetings that cannot be postponed in accordance with the Labour Constitution Act, [Federal Law Gazette No. 22/1974](#), if it is not possible to hold them in digital form,
7. funerals with a maximum of 50 people,
8. rehearsals and artistic performances without an audience, which are carried out for professional purposes,
9. Meetings for absolutely necessary vocational education and training purposes, for the fulfilment of necessary integration measures in accordance with the Integration Act, [Federal Law Gazette I No. 68/2017](#), and for driving education and training, general driving tests and final vocational examinations, if it is not possible to hold them in digital form,
10. meetings of not more than four persons, who may come from only two different households, plus their minor children or minors who have a duty of supervision, but a total of no more than six minors, and
11. Gatherings in the private living 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.

(4) When entering places for the purpose of participating in events in accordance with para. 3 no. 1, 2, 4 to 7, 9 and 10, a distance of at least two meters must be maintained compared to persons who do not live in the same household. In addition,

1. for events in accordance with para. 3 no. 1, 2, 4 to 7 and 9 as well as
2. for events according to para. 3 no. 10 in closed rooms

wear a respirator of protection class FFP2 (FFP2 mask) without exhalation valve or a mask of at least equivalent standard.

(5) § 5 (1) no. 4 and (5) does not apply to meetings for training and further education purposes as well as to meetings pursuant to para. 3 no. 1 in the customer area of permanent establishments.

(6) In the case of rehearsals and artistic performances in accordance with paragraph 3 no. 8, § 6 and § 9 (3) last sentence shall apply mutatis mutandis. Based on a risk analysis, a state-of-the-art COVID-19 prevention concept to minimize the risk of infection must be developed and implemented. In addition, a COVID-19 representative must be appointed. The COVID-19 prevention concept must include in particular:

1. specific hygiene requirements,
2. regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
3. regulations concerning the use of sanitary facilities,
4. Regulations for the control of the number of participants,
5. Guidelines for the training of participants with regard to hygiene measures.

The COVID-19 prevention concept may also include a privacy-compliant contact traceability system, such as a system for recording attendance on a voluntary basis of participants in rehearsals or artistic performances.

(7) At meetings in accordance with paragraph 3 no. 9, the minimum distance of two meters between persons who do not live in the same household may exceptionally be undercut if the risk of infection can be minimized by other appropriate protective measures.

(8) If the wearing of a respiratory mask of protection class FFP2 (FFP2 mask) cannot be complied with at meetings in accordance with paragraph 3 no. 9 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.

### **Sporting events in top-class sport**

**§ 14.** (1) Events in which only top athletes practice sports in accordance with § 3 Z 6 BStG 2017 are permitted in closed rooms with up to 100 and in the open-air area with up to 200 athletes plus the coaches, supervisors and other persons necessary for the implementation of the event. Based on a risk analysis, the organizer must develop and implement a state-of-the-art COVID-19 prevention concept for these persons to minimize the risk of infection.

(2) The COVID-19 prevention concept referred to in paragraph 1 shall comply with § 9 (4) for team sports or for sports whose sport-specific practice involves physical contact. For individual sports, the COVID-19 prevention concept must include in particular:

1. Requirements for the training of participating athletes, supervisors and trainers in hygiene, obligation to keep records of the state of health,
2. Rules of conduct of athletes, supervisors and coaches outside of training and competition times,
3. Health checks before every training session and every competition,
4. Regulations for controlling the flows of participating athletes, coaches and coaches,
5. regulations concerning the use of sanitary facilities,
6. Hygiene and cleaning plan for infrastructure and materials,
7. Traceability of contacts in the context of training sessions and competitions,
8. Regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection.

(3) Medical care and COVID-19 testing of athletes, coaches and coaches must help to minimise the risk of infection. For supervisors, coaches and other persons who are necessary for the implementation of the event, § 6 also applies mutatis mutandis, for the athletes § 9 mutatis mutandis.

### Enter

**§ 15.** Within the meaning of this Ordinance, lingering is also considered to be entering (§ 1 para. 2 of the COVID-19 Measures Act [COVID-19-MG], [Federal Law Gazette I No. 12/2020](#)).

### Exceptions

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

1. for – with the exception of § 6 sec. 2, 4 no. 1 and 5, § 15, § 16 sec. 3, 7 and 11 and §§ 17 to 21 – elementary educational institutions, 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 and enforcement bodies, with the exception of party relations in administrative authorities and administrative courts, unless otherwise stipulated in the area of house rules,
4. for religious practice events.

(2) Restrictions pursuant to § 2, prohibitions of entry as well as conditions and obligations according to this ordinance do not apply

1. to avert immediate danger to life, limb and property, or
2. to supervise minor children.

3. The obligation to wear a respiratory mask of protection class FFP2 (FFP2 mask) without exhalation valve or a mask with at least equivalent standard or a mechanical protective device covering the mouth and nose area and closely fitting shall 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. during the practice of sports; § 6 (2) and (4) remain unaffected.

(4) The obligation to wear a respiratory mask of protection class FFP2 (FFP2 mask) without exhalation valve or a mask with at least equivalent standard or a mechanical protective device covering the mouth and nose area and closely fitting does 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.

(5) The obligation to wear a respirator of protection class FFP2 (FFP2 mask) without exhalation valve or a mask with at least equivalent standard does not apply to persons who cannot be expected to do so for health reasons. In this case, a 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, a mechanical protective device that does not fit tightly 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.

(6) The obligation to wear a respirator of protection class FFP2 (FFP2 mask) without exhalation valve, or a mask with at least equivalent standard, does not apply to pregnant women.

Instead, a close-fitting mechanical protective device covering the mouth and nose area must be worn.

(7) The obligation to wear a respiratory mask of protection class FFP2 (FFP2 mask) without an exhalation valve or a mask with at least equivalent standardized standard does not apply if it cannot be purchased in a reasonable manner for the obligated person. In this case, at least one close-fitting mechanical protective device covering the mouth and nose area shall be worn.

8. The obligation to observe the minimum distance laid down in this Regulation shall not apply:

1. provided that suitable protective devices for spatial separation are in place between the persons,
2. within the closed class or group association of institutions in accordance with para. 1 no. 1,
3. between persons with disabilities and their accompanying persons who provide personal assistance or care services,
4. if this requires the performance of religious acts,
5. in aircraft which are considered to be means of mass transport,
6. underwater
7. in the exercise of sport for necessary security and assistance,
8. between persons who temporarily live together in one household,
9. for the care and assistance of persons in need of support,
10. if, exceptionally, this is not possible in the short term due to local conditions, and
11. when staying outdoors for persons in accordance with § 2 para. 1 no. 3 lit. a.

(9) The obligation to observe the distance pursuant to § 5 para. 5 no. 2 does not apply if this is necessary for the exercise of the administrative activity in the exercise of party relations.

(10) § 10 (3) does not apply to residents who cannot be expected to comply with the requirements for health or disability-specific reasons, in particular due to dementia impairment.

(11) Evidence of a negative test result for SARS-CoV-2 shall be accompanied by a medical confirmation of an infection in the six months preceding the intended test and currently expired at that time or evidence of neutralising antibodies for a period of six months.

(12) The obligation to submit a negative test result does not apply to children up to the age of ten.

### **Test**

**§ 17.** For the purposes of this Regulation, test results shall mean evidence obtained in the course of tests by authorised bodies.

### **Credibility**

**§ 18.** (1) The existence of the requirements in accordance with §§ 2 and 16 is to be determined upon 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,

to make it credible.

(2) The exceptional reason according to which, for health reasons, the wearing of a respiratory mask of protection class FFP2 (FFP2 mask) without exhalation valve, or a mask with at least equivalent standardized standard or a mechanical protective device covering the mouth and nose area and narrowly fitting mechanical protective device or the mouth and nose area can not be expected, as well as the presence of a pregnancy is due to a to prove the independent exercise of the profession to an authorized doctor issued certificate.

(3) If the existence of an exceptional reason pursuant to para. 1 no. 3 has been credibly established, 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.

### **Data processing**

**§ 19.** Where this Regulation provides for evidence of an epidemiologically low risk, the holder of a permanent establishment or the person responsible for a specific place shall be authorised to identify the following personal data of the data subject:

1. Name
2. Date of birth
3. the 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. The storage of this personal data is not permitted.

### **Principles of participation according to § 6 COVID-19-MG and § 28a EpiG**

**§ 20.** In the context of the cooperation under § 6 COVID-19-MG and § 28a EpiG, the organs of the public security service must 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 in accordance with the first sentence shall be taken on the basis of the epidemiological risk situation related to COVID-19, in particular on the basis of information provided by the local competent health authorities.

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

**§ 21.** This Ordinance does not affect the Employee Protection Act, [Federal Law Gazette No. 450/1994](#), the Federal Employee Protection Act, [Federal Law Gazette I No. 70/1999](#), and the Maternity Protection Act 1979, [Federal Law Gazette No. 221/1979](#).

### **Coming into force**

**§ 22.** 1. This Regulation shall enter into force on 8 February 2021 and shall expire on 27 February 2021.

(2) § 5 (1), § 6 (7) (new) and 8, § 10 (4), (4a) and (10), § 11 (3), (4), (5) (new) and 6, § 13 (7) and (8) and § 22 (1) as amended by Ordinance [BGBl. II No. 76/2021](#) shall enter into force on 18 February 2021, at the same time § 11 (5) (old) shall cease to apply.

(3) The table of contents, § 2 sec. 2, § 5 sec. 1 no. 3, § 6 sec. 6 and 7, § 7 sec. 2 no. 2, § 10 including title, § 11 sec. 2, 3 and 5, § 16 sec. 1 no. 1, sec. 7 to 13 and § 22 sec. 1 in the version of regulation [BGBl. II No. 94/2021](#) enter into force on February 28, 2021.