



## Consolidated Federal Law: Entire legislation for the COVID-19 Measures Act, version of 02/27/2021

### long title

Federal law on interim measures to prevent the spread of COVID-19 (COVID-19 Measures Act - COVID-19-MG)

StF: [Federal Law Gazette I No. 12/2020](#) (NR: GP XXVII [IA 396/A AB 102 p. 16](#), BR: [AB 10287 p. 903](#).)

### modification

[Federal Law Gazette I No. 16/2020](#) (NR: GP XXVII [IA 397/A AB 112 p. 19](#), BR: [AB 10288 p. 904](#).)

[Federal Law Gazette I No. 23/2020](#) (NR: GP XXVII [IA 402/A AB 115 p. 22](#), BR: [AB 10291 p. 905](#).)

[Federal Law Gazette I No. 104/2020](#) as amended by [Federal Law Gazette I No. 124/2020](#) (VFB) (NR: GP XXVII [IA 826/A AB 370 p. 51](#), BR: [10408 AB 10411 p. 912](#).)

[Federal Law Gazette I No. 138/2020](#) (NR: GP XXVII [AB 564 p. 71](#), BR: [10472 AB 10519 p. 917](#).)

[Federal Law Gazette I No. 23/2021](#) (NR: GP XXVII [IA 1197/A AB 629 p. 77](#), BR: [10530 AB 10533 p. 919](#).)

[Federal Law Gazette I No. 33/2021](#) (NR: GP XXVII [IA 1214/A AB 671 p. 85](#), BR: [10541 AB 10542 p. 922](#).)

[Federal Law Gazette I No. 82/2021](#) (NR: GP XXVII [IA 1466/A AB 813 p. 101](#), BR: [AB 10620 p. 925](#).)

[Federal Law Gazette I No. 90/2021](#) (NR: GP XXVII [IA 1324/A AB 757 p. 91](#), BR: [10577 AB 10603 p. 924](#).)

[Federal Law Gazette I No. 100/2021](#) (NR: GP XXVII [IA 1572/A p. 109](#), BR: [10643 AB 10640 p. 926](#).)

[Federal Law Gazette I No. 105/2021](#) (NR: GP XXVII [IA 1662/A AB 883 p. 113](#), BR: [10647 AB 10662 p. 927](#).)

[Federal Law Gazette I No. 143/2021](#) (NR: GP XXVII [IA 1780/A AB 1008 p. 115](#), BR: [AB 10717 p. 929](#).)

[Federal Law Gazette I No. 183/2021](#) (NR: GP XXVII [IA 1824/A AB 1067 p. 125](#), BR: [10748 AB 10750 p. 931](#).)

[Federal Law Gazette I No. 204/2021](#) (NR: GP XXVII [AB 1139 p. 131](#), BR: [AB 10784 p. 934](#).)

[Federal Law Gazette I No. 255/2021](#) (NR: GP XXVII [IA 1969/A AB 1270 p. 135](#), BR: [10796 AB 10820 p. 936](#).)

[Federal Law Gazette I No. 6/2022](#) (NR: GP XXVII [AB 1313 p. 139](#), BR: [10864 AB 10873 p. 937](#).)

[Federal Law Gazette I No. 64/2022](#) (NR: GP XXVII [IA 2066/A AB 1438 p. 153](#), BR: [AB 10954 p. 940](#).)

[Federal Law Gazette I No. 89/2022](#) (NR: GP XXVII [IA 2591/A AB 1503 p. 162](#), BR: [10980 AB 10994 p. 942](#).)

[Federal Law Gazette I No. 103/2022](#) (NR: GP XXVII [IA 2652/A p. 168](#), BR: [11008 AB 11018 p. 944](#).)

### text

#### Scope and general provisions

**§ 1.**(1) This Federal Act authorizes the regulation of entering and driving on business premises, workplaces, certain locations and public places in their entirety, the regulation of the use of means of transport and exit regulations as health police measures to prevent the spread of COVID-19.

(2) Remaining also counts as entering within the meaning of this Federal Act.

(3) Certain places within the meaning of this Federal Act are certain public and certain private places with the exception of private residential areas.

(4) Public places within the meaning of this Federal Act are those that can be entered or driven on by a group of people who have not been previously specified.

(5) The following conditions may be considered in particular as a result of this Federal Act:

1. distance rules,
2. the obligation to wear a mechanical protective device covering the mouth and nose area,
3. other protective measures such as organizational or spatial measures,
4. Prevention concepts, these are programmatic representations of regulations - adapted to the respective offer - to prevent the spread of COVID-19 and
5. With regard to regulations according to paragraphs 5b and 5c: Evidence of an only low epidemiological risk. Evidence must be issued if the test result for SARS-CoV-2 is negative, if there is medical confirmation that an infection has occurred and is currently in progress, or if the antibody test is positive. A low epidemiological risk can be present if the test result for SARS-CoV-2 is negative, if there is medical confirmation that an infection has occurred and is currently in progress, or if the antibody test is positive. Proof according to Section 4 (18) of the Epidemics Act and a special notice are equivalent to a medical confirmation of an infection that has occurred and is currently in progress, if this was issued to a person who has been proven to have COVID-19.

(5a) The federal minister responsible for the health system may issue an ordinance based on the latest scientific standards in terms of the quality, method of implementation and timeliness of the test, as well as the form and content of evidence of an epidemiologically low risk pursuant to para. 5 no. 5 . Provision must be made for the proof to be uniform in accordance with Article 1 Paragraph 5 Z 5, in particular that only the name, date of birth, time of sample collection, period of validity of the proof and barcode or QR code and, if applicable, the official signature are visible on the proof.

(5b) By ordinance pursuant to Section 3 Para. 1 Z 1 or Section 4 Para may be entered if the owner of a business premises or the person who is obligated in accordance with Article 4 with regard to certain locations is presented with proof in accordance with Article 1 Para. 5 No. 5 and for the entire duration of the stay for any further inspection by the owner or obligated person or for a inspection by the authority is available. For this purpose, the owner or the obligated person is entitled to determine personal data and to determine their identity. It is not permitted to store the proof and the proof of identity.

(5c) It can be determined by ordinance pursuant to Article 3 Paragraph 1 Item 2 that

1. Places of work where there is customer contact
2. Places of work where a certain distance (para. 5 no. 1) regularly cannot be maintained or
3. Retirement, nursing and disabled homes as well as hospitals and health resorts

may only be entered by employees or workers if the owner or operator of these places of work, homes for the elderly, nursing homes and homes for the disabled or hospitals and sanatoriums is presented with proof in accordance with § 1 Para. 5 Z 5 and for the entire duration of the stay for any held ready for further review by the owner or operator or for review by the authority. For this purpose, the owner or operator is entitled to determine personal data and to determine identity. It is not permitted to store the proof and the proof of identity. The regulation must provide that a respirator of protection class FFP2 (FFP2 mask) without an exhalation valve or an equivalent or a higher standard must be worn, if proof or confirmation pursuant to Section 1 (5) no. 5 cannot be presented; this does not apply to places of work where there is contact with vulnerable groups of people (residents in old people's homes, nursing homes and homes for the disabled, patients). Tests within the scope of operational tests are free of charge.

(6) Prerequisites under this Federal Act are, in particular, certain types or purposes of using places and means of transport.

(7) The epidemiological situation must be assessed using the following criteria in particular:

1. Transmissibility as measured by new COVID-19 cases and clusters,
2. cluster analysis measured by the number of cases with a clarified source,
3. Resources and capacities in the healthcare system, taking into account the current utilization of the existing hospital capacities and the current occupancy in normal and intensive care units,
4. SARS-CoV-2 tests performed including the positive rate and
5. regional peculiarities such as a particular influx of non-residents, especially tourist and commuter flows.

(8) In an ordinance issued on the basis of this Federal Act, classifications can be made with regard to the epidemiological situation and different measures can be linked to different risk classifications ("traffic light system").

### **Corona Commission**

**§ 2.**(1) An advisory board (Corona Commission) must be set up at the Federal Ministry for Social Affairs, Health, Care and Consumer Protection to advise the Federal Minister responsible for the health system on the assessment of the epidemiological situation in accordance with Section 1 (7).

(2) The recommendations of the Corona Commission are to be published on the website of the Federal Minister responsible for the health system. In addition, the main justifications for this should also be published.

### **Entering and driving on business premises and places of work as well as using means of transport**

**§ 3.**(1) If COVID-19 occurs, by ordinance

1. Entering and driving on business premises or only certain business premises for the purpose of purchasing goods or using services,
2. Entering and driving on work places or only certain work places according to § 2 Para. 3 of the Employee Protection Act (ASchG) and
3. the use of means of transport or only certain means of transport

regulated to the extent necessary to prevent the spread of COVID-19.

(2) In accordance with the epidemiological situation, an ordinance pursuant to para. 1 can determine in what number and at what time or under what conditions and conditions business premises or places of work may be entered and driven on or means of transport may be used. Furthermore, entering and driving on business premises or work places as well as the use of means of transport can be prohibited if milder measures are not sufficient.

### **Entering and driving on certain places and public places in their entirety**

**§ 4.**(1) If COVID-19 occurs, entering and driving on

1. certain places or
2. public places in their entirety

regulated to the extent necessary to prevent the spread of COVID-19.

(2) Depending on the epidemiological situation, an ordinance pursuant to para. 1 can determine the number and time or under which conditions and conditions these places may be entered and driven on. Furthermore, entering and driving on certain places according to para. 1 no. 1, but not public places in their entirety according to para. 1 no. 2, can be prohibited if more lenient measures are not sufficient.

### **exit regulation**

**§ 5.**(1) If it is essential to prevent the spread of COVID-19, to prevent an imminent collapse of medical care or similar emergency situations, and measures according to §§ 3 and 4 are not sufficient, an ordinance can be ordered that the Leaving the private living area is only permitted for specific purposes.

(2) Purposes according to para. 1, for which leaving the private living area is permissible in any case, are:

1. Averting an immediate danger to life, limb and property,
2. Caring for and providing assistance to people in need of support as well as exercising family rights and fulfilling family obligations,
3. covering the necessary basic needs of daily life,
4. professional purposes, if necessary, and
5. Staying outdoors for physical and mental relaxation.

### **Participation of organs of the public security service**

**§ 6.**(1) The organs of the public security service shall support the authorities and organs responsible under this Federal Act at their request in carrying out their tasks described or in enforcing the planned measures, if necessary using coercive means.

(2) The organs of the public security service shall participate in the implementation of this Federal Act and the ordinances issued on the basis of this Federal Act

1. measures to prevent impending administrative violations,
2. Measures to initiate and secure administrative penal proceedings and
3. the punishment of administrative violations by penal orders (§ 50 VStG).

(3) If, according to the professional assessment of the respective health authority within the framework of the cooperation provided for in paragraph 1, there is a risk for the organs of the public security service based on the type of communicable disease and its transmission possibilities, which can only be countered by special protective measures the health authorities are obliged to take adequate protective measures.

### **responsibilities**

**§ 7.**(1) Ordinances pursuant to this Federal Act shall be issued by the Federal Minister responsible for the health system.

(2) Ordinances pursuant to this federal law may be issued by the governor of the state if no ordinance pursuant to para. 1 has been issued or additional measures to an ordinance pursuant to para. 1 are determined. Ordinances according to § 5 require the approval of the federal minister responsible for the health system.

(3) Ordinances pursuant to this federal law may be issued by the district administrative authority if no ordinances pursuant to para. 1 or 2 have been issued or additional measures to ordinances pursuant to para. 1 or 2 are determined. Regulations according to § 5 require the approval of the governor.

(4) In an ordinance pursuant to paras. 1 to 3, regional differentiation can be made according to the respective epidemiological situation.

(5) Ordinances pursuant to Paragraphs 2 and 3 or parts thereof can be repealed by ordinance pursuant to Paragraph 1. Ordinances pursuant to para. 3 or parts thereof can be repealed by ordinance pursuant to para. 2.

(6) Ordinances pursuant to paragraphs 2 and 3 must be communicated to the Federal Minister responsible for the health system before they come into force.

## **penal provisions**

### **§ 8th.(1) Who**

1. enters or drives over a business premises or a place of work or uses a means of transport which entry, driving on or use of which is prohibited in accordance with § 3, or
2. enters or drives into a place that is prohibited from entering or driving under Section 4,

commits an administrative offense and is to be punished with a fine of up to 1,450 euros or, in the event of non-payment, with imprisonment of up to four weeks.

#### (2) who

1. enters or drives on a business premises or a place of work contrary to the conditions laid down in an ordinance pursuant to Section 3 or conditions imposed on him or uses a means of transport contrary to the conditions laid down in an ordinance pursuant to Section 3 or conditions imposed on him or
2. enters or drives over the places specified in an ordinance pursuant to Section 4 contrary to the times, conditions or conditions set out there,

commits an administrative offense and is to be punished with a fine of up to 500 euros or, in the event of non-payment, with imprisonment of up to one week.

(3) Anyone who, as the owner of a business premises or a place of work, as an operator of a means of transport or as an obligated person pursuant to Section 4 with regard to certain private places not covered by para. 1, does not ensure that the business premises, the place of work, the means of transport or the specific A private place that is forbidden to be entered or driven on pursuant to Sections 3 and 4 commits an administrative offense and is subject to a fine of up to EUR 30,000, or a prison sentence of up to six weeks in the event of non-compliance punish.

(4) Anyone who, as the owner of a business premises or a place of work, as an operator of a means of transport or as an obligated person pursuant to Section 4 with regard to certain private places not covered by para. 2, does not ensure that the business premises, the place of work, the means of transport or the specific If a private place is not entered or driven on contrary to the number of people, times, requirements or conditions laid down in an ordinance in accordance with §§ 3 and 4, this commits an administrative offense and is punishable by a fine of up to 3,600 euros, in the event of non-collection with imprisonment of up to four weeks to punish.

(5) Anyone who violates an ordinance pursuant to Section 5 commits an administrative offense and is to be punished with a fine of up to EUR 1,450 or, in the event of non-payment, with imprisonment of up to four weeks.

(6) Anyone who, contrary to Article 9, prevents the bodies of the district administrative authority, the experts consulted by them or the bodies of the public security service from entering or inspecting, providing information or presenting documents that are related to compliance with the requirements and requirements under this Federal Act is denied, commits an administrative offense and is to be punished with a fine of up to 1,450 euros or, in the event of non-payment, with imprisonment of up to four weeks.

## **control**

**§ 9.(1)** The district administrative authority and, at their request, the organs of the public security service within the scope of their duty to provide support pursuant to Section 6 can monitor compliance with bans on entry, prerequisites and conditions - also by on-site inspections. For this purpose, the organs of the district administration authority, the experts consulted by them and the organs of the public security service are entitled to enter and inspect business premises, places of work, means of transport and certain places, as well as all documents related to compliance with bans on entry, prerequisites and requirements related to this federal law, to inspect and secure evidence. The respective owner or obligor has the organs of the district administrative authority,

(2) The right of entry pursuant to paragraph 1 does not include the entry of external workplaces that are located in private residential areas by officials of the public security service.

### Hearing of the Corona Commission

**§ 10.** The federal minister responsible for the health system must – except in the case of imminent danger – hear the Corona Commission before issuing ordinances under this federal law.

### Agreement with the Main Committee of the National Council

**§ 11.**(1) The following ordinances of the Federal Minister responsible for the health system require the agreement of the Main Committee of the National Council:

1. Ordinances according to § 3 paragraph 2 last sentence, with which entering, driving on or using is prohibited,
2. Ordinances pursuant to Section 4 (2), last sentence, which prohibit entering or driving on, and
3. Regulations according to § 5.

(2) In the event of imminent danger, the Main Committee of the National Council shall be in agreement with ordinances pursuant to para. 1 within four days of their being issued.

(3) An ordinance pursuant to Article 3, paragraph 2, last sentence and Article 4, paragraph 2, last sentence, which prohibits entering, driving on or using it, shall provide that it shall expire no later than four weeks after it has come into force. An ordinance pursuant to Section 5 shall provide for it to expire no later than ten days after it has come into force.

(4) Federal Government ordinances pursuant to Article 12, Paragraph 1 require the agreement of the Main Committee of the National Council.

### Come into effect

**§ 12.**(1) This Federal Act shall enter into force at the end of the day of promulgation and expire at the end of June 30, 2021. If this is absolutely necessary due to the epidemiological situation, another date for the expiry of this federal law may be determined by ordinance of the Federal Government, whereby this date may not be after December 31, 2021.

(1a) Paragraph 2 in the version of the federal law Federal [Law Gazette I No. 16/2020](#) comes into force retrospectively as of March 16, 2020.

(2) If an ordinance was issued in accordance with Article 3, the provisions of the Epidemic Act 1950, [Federal Law Gazette No. 186/1950](#) , regarding the closure of business premises within the scope of this ordinance do not apply.

(3) The provisions of the Epidemics Act 1950 remain unaffected.

(3a) The Employee Protection Act - ASchG, [Federal Law Gazette No. 450/1994](#) , in the version of the Federal Law Federal [Law Gazette I No. 100/2018](#) , last amended by [Federal Law Gazette I No. 100/2018](#) , remains unaffected. Carrying out SARS-CoV-2 tests is considered an occupational medical examination in accordance with Section 82 Z 5 ASchG. Deviating from § 82 Z 6 ASchG, the implementation of COVID-19 vaccinations to combat pandemics by occupational physicians can also be included in the prevention time (§ 82a ASchG) without connection to the work of the employees. The federal minister responsible for the health system can issue an ordinance on a flat-rate reimbursement of costs from the federal government with regard to company tests.

(4) Ordinances based on this federal law may be issued before it comes into force, but may not come into force before this.

(4a) Ordinances that only correspond to a new version of this federal law may be issued from the date of promulgation of the federal law bringing about the change, but may not enter into force before the new federal provisions come into force.

(5) §§ 1, 2 and § 2a in the version of Federal [Law Gazette I No. 23/2020](#) shall come into force on the day following the announcement.

(6) The title, §§ 1 to 11 including headings as well as §§ 12 and 13 in the version of the federal law Federal [Law Gazette I No. 104/2020](#) come into force on the day following the announcement; at the same time, § 2a and its heading become ineffective.

(7) Section 9 in the version of the Federal [Law Gazette I No. 138/2020](#) shall enter into force on the day following the announcement.

(8) Article 1 paragraphs 5, 5a to 5c, Article 8 paragraph 6 and Article 12 paragraphs 3a and 4a as well as Article 13 in the version of the federal law Federal [Law Gazette I No. 23/2021](#) come into effect on the day following the announcement Power.

(9) Article 1 paragraph 5 item 5, paragraph 5a and Article 3 paragraph 1 item 2 in the version of the federal law Federal [Law Gazette I No. 33/2021](#) shall come into force on the day following the announcement.

### **completion**

**§ 13.**With the execution of this federal law

1. with regard to Section 12 (3a), first and second sentence, the Federal Minister of Labor in agreement with the Federal Minister responsible for the health system,
2. otherwise the federal minister responsible for the health system entrusted.