

## Federal law consolidated: Entire legislation for COVID-19 Opening Ordinance, version of 19.05.2021

### Long title

Ordinance of the Federal Minister of Social Affairs, Health, Care and Consumer Protection enacting the Ordinance on First Opening Steps with Regard to the COVID-19 Pandemic (COVID-19 Opening Ordinance – COVID-19 Public Transport)

StF: [Federal Law Gazette II No. 214/2021](#)

### Alteration

[Federal Law Gazette II No. 223/2021](#)

[Federal Law Gazette II No. 242/2021](#)

### Preamble/promulgation clause

On the basis of §§ 3 (1) and 4 (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. 33/2021](#), as well as §§ 5c and 15 of the Epidemic Act 1950, [Federal Law Gazette No. 186/1950](#), as last amended by the Federal Act [BGBI. I No. 64/2021](#), it is prescribed:

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## **Text**

### **General provisions**

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

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

1. evidence of a negative result of a SARS-CoV-2 antigen test for self-testing, recorded in a government data processing system, which must not have been taken more than 24 hours ago,
2. evidence from 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 48 hours ago,
3. 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 taken more than 72 hours ago,
4. a medical confirmation of an infection with SARS-CoV-2 that has been overcome in the last six months, which has been confirmed by molecular biology,
5. evidence of a centrally approved vaccine against COVID-19
  - a) initial vaccination from the 22nd day following the first vaccination, which must not have been more than three months ago, or
  - b) secondary vaccination, whereby the first vaccination must not have been more than nine months ago, or
  - c) vaccination from the 22nd day after vaccination for vaccines for which only one vaccination is provided, which must not have been more than nine months ago, or
  - d) vaccination, provided that there is a positive molecular biological test for SARS-CoV-2 at least 21 days before vaccination or evidence of neutralising antibodies prior to vaccination, provided that vaccination was not more than nine months ago,
6. evidence pursuant to Paragraph 4(18) of the EpiG or a segregation notice if it was issued to a person demonstrably ill with SARS-CoV-2 in the last six months prior to the intended testing,
7. evidence of neutralising antibodies which must not be older than three months.

If proof of a low epidemiological risk cannot be submitted, a SARS-CoV-2 antigen test for self-testing under the supervision of the operator of a permanent establishment in accordance with §§ 5 to 7, a non-public sports facility in accordance with § 8, a leisure and cultural institution in accordance with § 9, an old people's and nursing home or an inpatient residential facility of the disabled assistance (§ 11), a hospital, a health resort or any other place, at which a health service is provided (§ 12) or the person responsible for a meeting (§§ 13 to 16). The negative test result must be kept ready for the duration of the stay.

3. 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 in hygiene measures and performing a SARS-CoV-2 antigen test.

(4) 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 serves as a contact person for the authorities and has to monitor the implementation of the COVID-19 prevention concept.

### **Public Places**

**§ 2.** (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 meters must be maintained and a mask must be worn with regard to persons who do not live in the same household.

(3) § 8 (6) and § 13 (2) no. 1 and (2) shall apply mutatis mutandis to the practice of sports in public places.

### **Means of mass transport**

**§ 3.** In mass means of transport and the associated subway stations, platforms, stops, stations and airports as well as their respective connecting structures, a distance of at least two meters must be maintained and a mask must be worn from persons who do not live in the same household. If it is not possible to maintain this distance due to the number of passengers and when boarding and disembarking, this may exceptionally be deviated from.

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

**§ 4.** 1. The joint use of multi-lane 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 mask must be worn.

(2) In the case of the transport of persons with disabilities, pupils and kindergarten children, 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](#), deviations from paragraph 1 sentence 1 may be made for taxis, taxi-like businesses and school transports 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 the mask must also be worn in closed or coverable means of travel (gondolas, cabins, coverable armchairs) and in closed access areas of cable cars and rack railways.
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) The operator of cable cars and rack railways shall appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept.

### **Customer Areas**

**§ 5.** (1) Entering and driving through the customer area of permanent establishments is only 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 mask indoors.
3. The operator must 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 plus the persons living in the same household may enter the customer area of the permanent establishment at a time. In the case of permanent establishments without staff, this condition must be pointed out in an appropriate manner.
4. The operator of permanent establishments in accordance with paragraph 3 must 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 plus the persons living in the common household may enter the customer area of the permanent establishment.

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

1. Paragraph 1 no. 1 and 2 shall also apply mutatis mutandis to the connecting structures.
2. Paragraph 1 no. 3 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 production sites 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 permanent establishments in accordance with paragraph 3, 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. Customers may enter connecting structures, including aisles, elevators, staircases and other generally accessible areas, solely for the purpose of passing through to the customer areas of the premises.
4. In connecting structures, the consumption of food and drinks is prohibited. § 6 applies to the administration of food and drinks.
5. The operator must appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept. In addition to § 1 (3), the COVID-19 prevention concept must include:
  - a) requirements for the training of dealers with regard to hygiene measures,
  - b) Regulations to prevent event-like meetings.

(3) In addition to paragraph 1, entering premises for the use of body-related services such as in particular services of hairdressers and wig makers (stylists), beauticians (beauticians) as well as masseurs and podiatrists is only permitted under the following conditions:

1. The operator may only admit customers if they provide evidence of a low epidemiological risk. The customer must keep this proof ready for the duration of the stay.
2. No food and drinks may be consumed during the provision of the service.

Paragraph 1 no. 1 does not apply between the customer and the service provider.

4. Other services may only be provided to as many persons as are necessary for the provision of the service.

(5) Paragraph 1 no. 1 and 2 shall apply mutatis mutandis to:

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

(6) For outdoor markets, paragraph 1 no. 1 shall apply. In addition, a mask must be worn.

(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 22.00. 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, [RGI. No. 5/1907](#).

## **Hospitality**

**§ 6.** (1) Entering and driving into permanent establishments of all types of establishments in the hospitality industry for the purpose of acquiring goods or services of the hospitality industry shall be permitted only under the conditions set out in this provision.

- (2) The operator may only admit groups of visitors into enclosed spaces if they
  1. a maximum of four persons plus their minor children or minor children, against whom those persons perform supervisory duties, but no more than six minor children, or
  2. consist of persons living in the same household.
- (3) The operator may only admit groups of visitors outdoors if they
  1. a maximum of ten persons plus their minor children or minor children, against whom those persons perform supervisory duties, but no more than ten minor children, or
  2. consist of persons living in the same household.
4. The operator shall ensure that:
  1. the permanent establishment is only entered by customers in the period between 05.00 and 22.00 – without prejudice to more restrictive opening hours due to other legal provisions;
  2. the consumption of food and beverages does not take place in the immediate vicinity of the issuing point;
  3. the consumption of food and drinks takes place only while sitting at places of administration. By way of derogation, food and drinks may also be consumed while standing at snack and catering stands at places of administration;
  4. the administration sites are set up in such a way that there is a distance of at least two metres between the groups of visitors;
  5. Customers only enter the premises if they have evidence of a low epidemiological risk. This does not apply to snack and catering stands in accordance with Z 3.
- (5) The operator shall appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept.
- (6) The customer has
  1. keep a distance of at least two metres from other persons who do not live in the same household or belong to its group of visitors;
  2. wear a mask indoors. This does not apply during the stay at the place of administration;
  3. provide evidence of a low epidemiological risk for the duration of the stay.
- (7) 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.
- (8) Paragraphs 1 to 3, 4(1), (4) and (5) and (6)(3) shall not apply to operating modes of the hospitality industry operated within the following establishments:
  1. hospitals and health resorts;
  2. old people's homes and nursing homes as well as inpatient residential facilities for the disabled;
  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;
  5. Means of mass transport.
- (9) Paragraph 4 no. 1, para. 6 no. 1 and 2 and para. 10 shall apply mutatis mutandis to the collection of food and beverages. Para. 4 no. 1 shall not apply to delivery services.
10. Between 22:00 and 05:00 of the following day, no food or drink may be consumed within a radius of 50 metres from hospitality establishments.

### **Tourist accommodation establishments**

**§ 7.** 1. Entry into tourist accommodation establishments for the purpose of using the services of tourist accommodation establishments shall be permitted only under the conditions laid down in this provision.

(2) Accommodation establishments are accommodation establishments which are under the direction or supervision of the accommodation provider or an agent of the accommodation

provider and which are intended for the accommodation of guests for temporary stay, whether in return for payment or free of charge. Supervised camping or caravan pitches, shelters and cabin cabins are also considered accommodation facilities.

(3) The operator may only admit guests when entering for the first time if they have proven a low epidemiological risk. The guest must keep this proof ready for the duration of the stay.

(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. A mask must be worn when entering publicly accessible areas in enclosed spaces.

(5) For overnight stays in a dormitory or in common dormitories, § 13 (4) no. 5 shall apply mutatis mutandis.

(6) § 6 shall apply mutatis mutandis to entering gastronomic establishments in accommodation establishments. Members of a group of guests (para. 5) are treated in the same way as persons living in the same household.

(7) § 8 shall apply mutatis mutandis to entering sports facilities in accommodation establishments. Members of a group of guests (para. 5) are treated in the same way as persons living in the same household.

(8) § 9 shall apply mutatis mutandis to entering leisure facilities in accommodation establishments. Members of a group of guests (para. 5) are treated in the same way as persons living in the same household.

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

### **Sports facilities**

**§ 8.** (1) Entering sports facilities in accordance with § 3 Z 11 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) In closed rooms, § 5 (1) no. 3 shall apply mutatis mutandis, whereby this requirement must be pointed out in an appropriate manner in the case of sports facilities without staff.

(3) The operator must ensure that the sports facility is only entered by customers in the period between 05.00 and 22.00 o'clock.

4. The operator of non-public sports facilities may only admit customers who are likely to experience prolonged interaction with other persons if they have evidence of a low epidemiological risk. The customer must keep this proof ready for the duration of the stay.

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

(6) The customer has

1. wear a mask in enclosed spaces, except for sports and in damp rooms, and
2. to keep a distance of at least two meters from people who do not live in the same household. This does not apply
  - a) in the practice of sports whose typical sport involves physical contact,
  - b) for short-term sports-typical undercuts of the minimum distance in the context of sports practice as well as
  - c) if necessary security and assistance is provided.

(7) 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. Proof of low epidemiological risk must be provided before training and competition operations begin for the first time and at least every seven days thereafter. 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 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 fourteen days after the infection becomes known.

(8) The COVID-19 prevention concept pursuant to paragraph 7 shall contain, in addition to Paragraph 1(3):

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**

**§ 9.** (1) Entering leisure facilities for the purpose of using the services of these facilities is only permitted under the conditions set out in paragraphs 3 to 9.

(2) 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](#); with regard to baths pursuant to § 1 para. 1 no. 6 BHygG (baths on surface waters), § 2 applies mutatis mutandis if bathing is not carried out 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,
9. museum railways,
10. Animal parks, zoos and botanical gardens.

(3) In closed rooms, § 5 para. 1 no. 3 applies mutatis mutandis, except in facilities where a seat is usually occupied for the duration of the use of the service (rides). In this case, the operator must ensure that a place is left free between the customers if the distance in accordance with paragraph 9 no. 2 cannot be maintained.

(4) The operator must ensure that the leisure facility is only entered by customers in the period between 05.00 and 22.00 o'clock.

5. The operator may only admit customers who are likely to have a prolonged interaction with other persons if they have evidence of a low epidemiological risk. The customer must keep this proof ready for the duration of the stay.

(6) 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 the bathing regulations in accordance with the state of the art.

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

(8) § 6 applies to the administration of food and the serving of beverages.

(9) The customer has

1. wear a mask indoors. This does not apply in damp rooms;
2. to keep a distance of at least two meters from people who do not live in the same household. § 8 para. 6 no. 2 shall apply mutatis mutandis.

(10) Cultural institutions are institutions which serve the purpose of cultural edification and participation in cultural life. For

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

§ 5 para. 1 no. 1 to 3 applies mutatis mutandis.

### **Place of professional activity**

**§ 10.** (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, including those in places in accordance with §§ 5 to 9,

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 is minimised by other appropriate protective measures. Other appropriate protective measures are in particular technical protective measures such as the installation of partition walls or Plexiglas 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 another mechanical protective device covering the mouth and nose area and closely fitting.

(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 they provide the employer with evidence of a low epidemiological risk. Proof pursuant to § 1 (2) no. 4 to (7) must be kept available for the respective period of validity. If a test certificate is submitted in accordance with § 1 para. 2 no. 1 to 3, it must be renewed every seven days and kept available for a period of seven days. If the employee does not comply with these obligations, a mask must be worn when in contact with customers, in contact with pupils, in party relations and in the areas mentioned in Z 2.

(5) Paragraph 4 also applies to employees of elementary educational institutions who are in direct contact with children in the context of care and support. If they comply with this obligation, paragraph 2 no. 2 does not apply. Otherwise, a mask should be worn when in contact with children.

(6) Paragraphs 2 to 5 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](#), whereby additional

1. providers of physical services may only enter them if they have evidence of a low epidemiological risk;
2. Providers of mobile care and support services may only enter them if they provide evidence of a low epidemiological risk. If a test certificate is submitted in accordance with § 1 para. 2 no. 1 to 3, it must be renewed every seven days. In addition, providers of mobile care and support services must wear a Corona SARS-CoV-2 pandemic respirator (CPA) or mask when in contact with customers.



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

(8) The owner of a permanent establishment with more than 51 employees shall appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept.

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

**§ 11.** (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 three visitors are admitted per inhabitant per day. This restriction does not apply to visits as part of palliative and hospice care, pastoral care and to accompany critical life events. In addition,

1. a maximum of two persons per resident in need of support per day are admitted if they perform regular support and care tasks;
2. a maximum of two persons per day are admitted to accompany minor residents of inpatient accommodation facilities for the disabled.

3. The operator may only admit visitors and accompanying persons if they provide evidence of a low epidemiological risk. The visitor or the accompanying person must keep this proof ready for the duration of the stay. The operator may only admit visitors and accompanying persons if they wear a mask 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.

(4) Paragraph 3 also applies to the admission of external service providers, residents' representatives under the HeimAufG, patient, disability 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 Punishment, [Federal Law Gazette III No. 190/2012](#), as well as Convention on the Rights of Persons with Disabilities, [Federal Law Gazette III No. 155/2008](#)).

(5) When entering old people's homes and nursing homes as well as inpatient residential facilities of the disabled assistance, § 2 applies mutatis mutandis to residents in generally accessible places that do not belong to the residential area as well as to visitors to inpatient residential facilities of the disabled assistance and accompanying persons.

(6) The operator may only admit employees if

1. wear a close-fitting mechanical protective device covering the mouth and nose area and, in case of contact with residents, a Corona SARS-CoV-2 pandemic respirator (CPA) or mask;
2. they have evidence of a low epidemiological risk. Proof pursuant to § 1 (2) no. 4 to (7) must be kept available for the respective period of validity. If a test certificate is presented in accordance with § 1 para. 2 no. 1 to 3, it must be renewed every seven days and kept available for a period of seven days. 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.

(7) The operator may only admit residents for new admission if they provide evidence of a low epidemiological risk or if appropriate precautions are taken in accordance with para. 10 no. 7 and 8.

8. 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.

(9) For persons visiting residents in accordance with paragraph 2 2nd sentence and for persons in accordance with paragraph 2 no. 1 and 2, paragraph 6 no. 2 last sentence shall apply mutatis mutandis.

(10) The operator shall appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept. In addition to § 1 (3), the COVID-19 prevention concept must include:

1. Requirements for the training of employees with regard to professional and private risk behaviour, mandatory documentation of the training,
2. Requirements for access by external service providers,
3. specific regulations for residents who cannot be expected to comply with the requirements in accordance with § 19 (7),
4. Regulations for the management of 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, 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 organisational, spatial and personnel arrangements for the implementation of quarantine measures for residents,
8. Time and organizational requirements regarding the testing of residents in accordance with paragraph 8, 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.

(11) § 5 para. 1 no. 1 and 2 applies mutatis mutandis to operators of facilities for day care in the care of the elderly and in the disabled area.

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

**§ 12.** (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. This restriction does not apply to visits as part of palliative and hospice care, pastoral care and to accompany critical life events. 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 operator of a hospital or spa holding a bed may only admit visitors and accompanying persons if they provide evidence of a low epidemiological risk. This does not apply to accompanying persons in the event of childbirth. The visitor or the accompanying person must keep this proof ready for the duration of the stay.

(4) The operator of hospitals, health resorts and other places where health services are provided may only admit visitors and accompanying persons if they wear a mask throughout the visit or stay, provided that there is no other suitable protective device for spatial separation between the patient and the visitor or accompanying persons that ensures the same level of protection.

(5) When entering by external service providers, § 5 para. 1 no. 1 and 2 applies mutatis mutandis to patient and visitor contact.

(6) The operator may only admit employees if

1. wear a close-fitting mechanical protective device covering the mouth and nose area and, in case of contact with patients, wear a Corona SARS-CoV-2 pandemic respirator (CPA) or mask. § 5 para. 1 no. 1 shall apply mutatis mutandis;
2. they have evidence of a low epidemiological risk. Proof pursuant to § 1 (2) no. 4 to (7) must be kept available for the respective period of validity. If a test certificate is presented in accordance with § 1 para. 2 no. 1 to 3, it must be renewed every seven

days and kept available for a period of seven days. 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.

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) The operator of a bed-holding hospital or spa must appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept. In addition to § 1 (3), 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 attendance on a voluntary basis of visitors or accompanying persons.

## **Meetings**

**§ 13.** (1) Between 22.00 and 05.00 of the following day, meetings shall only be permitted if a maximum of four persons from different households participate. Such numbers shall not include a maximum of six minor children of those persons or minor children against whom those persons exercise supervisory duties.

(2) Meetings between 05.00 and 22.00 shall be permitted only if:

1. a maximum of four persons from different households plus a maximum of six minors as referred to in paragraph 1 participate in closed rooms, or
2. a maximum of ten persons from different households plus a maximum of ten minors as referred to in paragraph 1 participate in it outdoors, or
3. they take place in accordance with paragraphs 3 and 4.

3. Meetings without assigned and marked seats of up to 50 participants shall be permitted under the following conditions:

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

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

2. The person responsible for the meeting may only admit the participants if they have evidence of a low epidemiological risk. The participant must keep this proof ready for the duration of the stay.
3. The administration of food and the serving of beverages is not permitted.
4. A distance of at least two metres must be maintained with regard to persons who do not live in the same household.

(4) Under the following conditions, meetings with assigned and marked seats with up to 1,500 participants in enclosed spaces and with up to 3,000 participants outdoors are permitted:

1. The person responsible for a meeting shall ensure that:
  - a) only visitor groups in accordance with § 6 (2) and (3) are admitted and
  - b) a maximum of so many persons are present at the same time that half of the capacity of the place of meeting is not exceeded;
2. The person responsible for a meeting must report meetings with up to 50 participants in accordance with paragraph 3 no. 1. For meetings with more than 50 participants, a permit from the locally responsible district administrative authority must be obtained. The information provided in para. 3 no. 1 must be provided and the prevention concept in accordance with para. 5 must be submitted. The decision period for approval is three weeks from the date of complete submission of the documents.
3. The person responsible for a meeting may only admit the participants if they have evidence of a low epidemiological risk. The participant must keep this proof ready for the duration of the stay.
4. § 6 applies to the administration of food and the serving of drinks.
5. A distance of at least two metres must be maintained with regard to persons who do not live in the same household or belong to a common group of visitors. This does not apply if compliance with the minimum distance is not possible due to the arrangement of the seats. In this case, at least a seat between the visitor groups must be kept free.

5. 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.

(6) Several meetings may take place at the same time at one location, provided that the maximum numbers of paragraphs 3 and 4 per meeting are not exceeded and that appropriate measures, such as spatial or structural separation or staggered time, prevent a mixing of the participants in the meetings taking place at the same time and minimise the risk of infection.

7. A mask shall be worn for meetings in enclosed spaces. In the case of meetings in accordance with paragraphs 3 and 4, this shall also apply outdoors.

(8) For participants in rehearsals for professional purposes and participants in professional artistic performances, § 10 applies mutatis mutandis. For meetings for rehearsals for professional purposes and for professional artistic performance in a fixed composition, the last sentence of § 8 (7) applies mutatis mutandis. For a rehearsal and artistic performance taking place in the course of an association activity, paragraphs 3 and 9 apply mutatis mutandis; In addition, § 5 (1) no. 3 applies mutatis mutandis in closed rooms.

(9) For meetings

1. in accordance with paragraph 1 and paragraph 2 no. 1, paragraph 3 no. 4 and para. 7 do not apply,
2. in accordance with para. 2 no. 2, para. 3 no. 4 does not apply,

provided that no more than four persons from fewer than three households plus a maximum of six minor children of those persons and minors to whom those persons exercise existing supervisory duties participate.

10. Paragraphs 1 to 7 shall not apply to:

1. meetings in the private residential area, with the exception of gatherings in places that do not serve to satisfy an immediate housing need, such as in particular in garages, gardens, sheds or barns;
2. Funerals. Paragraph 4 no. 5 and para. 7 shall apply mutatis mutandis;
3. Assemblies according to the Assembly Act 1953, [Federal Law Gazette No. 98/1953](#). Paragraph 4 no. 5 and para. 7 shall apply mutatis mutandis;
4. meetings for professional purposes, if they are necessary for the maintenance of professional activity;
5. Meetings of organs of political parties. Paragraph 4 no. 5 and para. 7 shall apply mutatis

mutandis;

6. Meetings of organs of legal persons. Paragraph 4 no. 5 and para. 7 shall apply mutatis mutandis;
7. Meetings in accordance with the Labour Constitution Act – ArbVG, [Federal Law Gazette No. 22/1974](#). Paragraph 4 no. 5 and para. 7 shall apply mutatis mutandis;
8. driving in theatres, concert halls and arenas, cinemas, variety shows and cabarets, if this is done with multi-lane motor vehicles;
9. Meetings in non-public sports facilities according to § 8 for sports practice in typical group sizes. This does not apply to spectators;
10. Meetings for 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](#), for the preparation and implementation of driving education and training as well as general driving tests and final vocational examinations. Para. 3 no. 2, para. 4 no. 5 and para. 7 apply mutatis mutandis. This also applies to ship and flight schools. If, due to the nature of a training, education and training, the minimum distance of two meters between persons and/or persons the wearing of a mask cannot be maintained, the risk of infection must be minimized by other appropriate protective measures.

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

**§ 14.** (1) Meetings of persons in the context of extracurricular youth education and youth work or in the context of supervised holiday camps are permitted with up to 20 participants plus four caregivers.

(2) Several meetings may take place simultaneously at one place subject to the analogous application of § 13 (6).

(3) If a COVID-19 prevention concept is developed and implemented by the person responsible for the meeting in accordance with paragraph 4,

1. the minimum distance of two metres from persons who do not live in the same household, and
2. wearing a mask

omitted.

(4) The person responsible for the meeting shall appoint a COVID-19 representative and develop and comply with a COVID-19 prevention concept. In addition to § 1 (3), the prevention concept must contain:

1. Guidelines for the training of caregivers,
2. organizational requirements with regard to the implementation of paragraph 3.

5. The person responsible for the meeting may admit participants only if:

1. provide evidence of low epidemiological risk, which must be kept available for the duration of the stay;
2. as a caregiver, present proof at the latest every seven days or wear a mask when in contact with participants and other caregivers.

(6) For gastronomic offers, accommodation as well as for sports and leisure activities, paragraphs 2 and 3 shall apply mutatis mutandis.

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

**§ 15.** (1) Meetings at which only top athletes practice sports in accordance with § 3 Z 6 BSFG 2017 are permitted in closed rooms with up to 100 and outdoors with up to 200 athletes plus coaches, supervisors and other persons necessary for the holding of the meeting.

(2) The person responsible for the meeting shall appoint a COVID-19 representative for these persons and develop and implement a COVID-19 prevention concept. § 8 (7) and (8) applies to team sports or to sports whose sport-specific practice involves physical contact. For individual sports, the COVID-19 prevention concept must, in addition to § 1 (3), 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 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. Requirements for the traceability of contacts in the context of trainings and competitions,

(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 meeting, § 10 also applies, for the athletes § 8 mutatis mutandis.

### **Trade and public fairs**

**§ 16.** (1) § 13 (4) no. 2 shall apply mutatis mutandis to meetings in the context of trade fairs and public fairs.

(2) Entering the visitor area of trade fairs and public fairs 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. Visitors must wear a mask indoors.
3. Employees in contact with visitors must wear a mask unless there is any other suitable protective device for spatial separation that ensures the same level of protection.
4. In closed rooms, § 5 para. 1 no. 3 applies mutatis mutandis with the proviso that the areas of the visitor areas are to be added together without taking into account connecting structures and that both in the visitor area of the respective exhibitors and in the connecting buildings a maximum of so many visitors may be present at the same time that 20 m<sup>2</sup> of the area thus determined are available per visitor.
5. The person responsible for the meeting may only admit visitors if they have evidence of a low epidemiological risk. The visitor must keep this proof ready for the duration of the stay.
6. § 6 applies to the administration of food and drinks as well as to the curfew regulation.

(3) The person responsible for the meeting shall appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept.

(4) For organizationally separate meetings such as lectures or seminars that take place within the framework of specialist and public fairs, the maximum limits in accordance with § 13 (3) and (4) apply mutatis mutandis.

### **Collection of contact data**

**§ 17.** (1) The operator of a permanent establishment in accordance with §§ 6 and 7, a non-public sports facility in accordance with § 8, a non-public leisure facility in accordance with § 9 and the person responsible for a meeting in accordance with §§ 13 to 16 are obliged to inform persons who are likely to stay at the place concerned for more than 15 minutes for the purpose of contact tracing.

1. first and last names and
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 specific place.

(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 must keep the data for a period of 28 days from the time of their collection and then delete them immediately.

(7) If contact data cannot be collected in the form of paragraph 1 for legitimate reasons of anonymity, suitable alternative measures must be taken.

8. Paragraph 1 shall not apply to:

1. permanent establishments and certain places where there is a predominantly outdoor stay and, pursuant to this Regulation, a distance of at least two metres must be maintained compared with persons who do not live in the same household;
2. Meetings pursuant to § 13 (1) and (2) no. 1 and 2;
3. Meetings in the private living area.

### **Enter**

**§ 18.** 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**

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

1. for – with the exception of § 10 sec. 2, 4 no. 1 and sec. 5, § 14, § 17 and §§ 19 to 23 – elementary educational institutions, schools in accordance with the School Organization Act, [Federal Law Gazette No. 242/1962](#), Art. V no. 2 of the 5th SchOG amendment, [Federal Law Gazette No. 323/1975](#), and the Private School Act, [Federal Law Gazette No. 244/1962](#), agricultural and forestry schools, the regular use of sports facilities in the context of regular lessons and facilities for extracurricular 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 meetings for the practice of religion.

2. Prohibitions on entry and conditions and obligations laid down in this Regulation shall not apply:

1. to avert immediate danger to life, limb and property, or
2. on the supervision of minor children, with the exception of § 14.

3. The obligation to wear a mask or a close-fitting mechanical protective device covering the mouth and nose shall not apply:

1. during the consumption of food and drink permitted under the provisions of this Regulation;
2. for deaf and severely hearing impaired persons and their communication partners during communication;
3. during the practice of sports; § 10 (2) and (4) remain unaffected;
4. if this is necessary for therapeutic-pedagogical reasons.

4. The obligation to wear a mask shall not apply to the following persons:

1. children up to the age of 14, whereby children between the ages of six and 14 must instead wear another mechanical protective device covering the mouth and nose area and closely fitting;
2. pregnant women, who are required instead to wear another close-fitting mechanical

protective device covering the mouth and nose area;

3. persons providing or using speech therapy health services for the duration of the provision or use of the speech therapy service;
4. Persons for whom this cannot be expected for health 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 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 at short notice due to local conditions.

(6) The obligation to observe the distance pursuant to § 5 para. 5 no. 1 does not apply if this is necessary for the exercise of the administrative activity in the exercise of party traffic.

(7) § 11 (5) 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.

8. The obligation to provide evidence of low epidemiological risk shall not apply to:

1. children up to the age of ten;
2. Children attending primary school.

(9) 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 impairment. If these persons have other evidence of a low epidemiological risk, their obligation to submit remains unaffected.

(10) Where provisions are laid down in this Regulation concerning the maximum number of persons and households allowed, persons providing personal assistance or 24-hour care to persons concerned shall not be included in determining the number of persons and households.

### **Credibility**

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

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

to make it credible.

(2) The exceptional ground according to which, for health reasons,

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



cannot be reasonably expected,

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

(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.

(4) Evidence pursuant to § 1 (2) must be submitted in Latin script in German or English.

### **Data processing**

**§ 21.** Where this Regulation provides for evidence of a low epidemiological risk, the holder of a permanent establishment, the person responsible for a specific place or the person responsible for a meeting 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. Any duplication or storage of the evidence and the personal data contained in the evidence is just as inadmissible as the processing of the data collected in the context of identity verification.

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

**§ 22.** 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 under § 6 COVID-19-MG and § 28a EpiG must be made on the basis of the epidemiological danger 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**

**§ 23.** 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**

**§ 24.** 1. This Regulation shall enter into force on 19 May 2021 and shall expire on 30 June 2021. Sections 13 to 16 shall cease to apply at the end of 16 June 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 and evidence of neutralising antibodies shall remain valid for the respective period.

(3) Meetings may be notified, requested and authorised as soon as the Regulation is announced. Meetings for which a permit has been granted from 29 May 2020 in the execution of an ordinance on the basis of § 15 EpiG do not require a permit in accordance with § 13 para. 4 no. 2 2nd sentence up to four weeks after the entry into force of this ordinance.

(4) § 8 sec. 4 and § 9 sec. 5 in the version of Art. 2 of regulation [BGBl. II No. 214/2021](#) enter into force with the entry into force of that subsequent federal law amending § 1 sec. 5 no. 6 of the COVID-19-MG (§ 13 sec. 10 COVID-19-MG).

(5) Paragraph 8(6)(1), Paragraph 9(2)(2), Paragraph 11(11), Paragraph 13(8) and (9), Paragraph 19(9) and (10), Paragraph 20(2) and Paragraph 24(4) as amended by Regulation [BGBl. II No 223/2021](#) shall enter into force on 19 May 2021.