

Federal law consolidated: Entire legislation for the 2nd COVID-19 Measures Ordinance, version of 01.07.2021

Long title

Ordinance on further opening steps with regard to the COVID-19 pandemic (2nd COVID-19 Opening Ordinance – 2nd COVID-19 public transport)

StF: [Federal Law Gazette II No. 278/2021](#)

Alteration

[Federal Law Gazette II No. 278/2021](#)

[Federal Law Gazette II No. 321/2021](#)

Preamble/promulgation clause

On the basis of §§ 3 para. 1, 4 para. 1, 4a para. 1 and 5 para. 1 of the COVID-19 Measures Act, [Federal Law Gazette I No. 12/2020](#), as last amended by the Federal Act [BGBl. I No. 105/2021](#), as well as § 5c of the Epidemic Act 1950, [Federal Law Gazette No. 186/1950](#), last amended by the Federal Act [BGBl. I No. 105/2021](#), it is prescribed:

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Text

General provisions

§ 1. 1. For the purposes of this Regulation, a mask shall mean a close-fitting mechanical protective device covering the mouth and nose area.

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 certificate of infection with SARS-CoV-2 in the last 180 days, 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 90 days ago, or
 - b) secondary vaccination, which must not have been more than 270 days ago, or
 - c) vaccination from the 22nd day following vaccination for vaccines for which only one vaccination is provided, which must not be more than 270 days 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 270 days ago,
 6. a segregation notice if it was issued to a person demonstrably infected with SARS-CoV-2 in the last 180 days prior to the intended test,
 7. evidence of neutralising antibodies not older than 90 days.

If proof 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 §§ 4 to 6, a non-public sports facility in accordance with § 7, a leisure facility in accordance with § 8, an old people's and nursing home or an inpatient residential facility of the disabled assistance (§ 10), a hospital, a health resort or any other place where a health service is provided (§ 11) or for a Meeting of those responsible (§§ 12 to 16). The negative test result must be kept ready for the duration of the stay.

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

4. Where this Regulation provides for evidence in accordance with paragraph 2, 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. validity or period of validity of the proof and
4. Barcode or QR code.

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

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

1. specific hygiene measures,
2. regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
3. regulations concerning the use of sanitary facilities,

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

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

Public Places

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

Vehicle

§ 3. (1) When using

1. taxis and taxi-like establishments,
2. cable cars and rack railways,
3. Means of mass transport

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

(2) The operator of cable cars and rack railways shall appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept.

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

1. The operator may only admit persons if they provide proof in accordance with § 1 (2). The person must keep this proof ready for the duration of the stay.
2. The operator must appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept.

Customer Areas

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

1. Customers must wear a mask indoors.
2. The operator of permanent establishments for the use of body-related services may only admit customers if they provide proof in accordance with § 1 (2). The customer must keep this proof ready for the duration of the stay. The obligation to wear a mask does not apply.

(2) Para. 1 no. 1 also applies to

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

Hospitality

§ 5. (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 only be permitted under the following conditions:

1. The operator may only admit customers if they provide proof in accordance with § 1 (2). The customer must keep the proof ready for the duration of the stay.
2. In permanent establishments in the hospitality industry where seats are not normally occupied or are not taken for the predominant duration of the stay (in particular dance

halls, clubs and discotheques), the operator may also admit a maximum of so many persons that 75 % of the capacity of the permanent establishment is not exceeded.

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

3. Self-service shall be permitted provided that appropriate hygiene measures are taken to minimise the risk of infection. These measures are to be reflected in the COVID-19 prevention concept in accordance with paragraph 2.

(4) The obligation to provide proof in accordance with paragraph 1 no. 1 does not apply to:

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

Tourist accommodation establishments

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

(2) The operator may only admit guests to accommodation establishments when they enter for the first time if they provide proof in accordance with § 1 (2). The guest must keep this proof ready for the duration of the stay.

(3) For entering

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

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

Sports facilities

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

(2) The operator of non-public sports facilities may only admit customers if they provide proof in accordance with § 1 (2). The customer must keep this proof ready for the duration of the stay.

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

(4) In the case of sports practice by top athletes in accordance with § 3 Z 6 BSFG 2017, the responsible doctor must develop a COVID-19 prevention concept and monitor its compliance on an ongoing basis. Proof must be submitted in accordance with § 1 (2) before the training and competition operations start for the first time. Proof pursuant to § 1 (2) no. 4 to (7) must be kept available for the respective period of validity. If proof is provided 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, 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 infection before each competition in the following fourteen days after the infection becomes known.

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

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

Leisure and cultural facilities

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

1. fairground establishments, leisure and amusement parks,
2. Baths and facilities in accordance with § 1 para. 1 no. 1 to 7 of the Bathing Hygiene Act (BHygG), [Federal Law Gazette No. 254/1976](#); 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.

(2) The operator of leisure facilities may only admit customers for the purpose of using the services of these facilities if they provide proof in accordance with § 1 (2). The customer must keep this proof ready for the duration of the stay.

(3) Operators of facilities pursuant to § 1 para. 1 no. 1 to 7 BHygG must evaluate their obligations pursuant to § 13 BHygG with regard to the special preventive measures to prevent the spread of COVID-19 and adapt their measures and bathing regulations in accordance with the state of the art.

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

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

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

§ 4 Para. 1 no. 1 applies. Paragraphs 2 and 4 apply to the use of services provided by other cultural institutions, in particular theatres, cinemas, variety shows, cabarets, concert halls and arenas.

Place of professional activity

§ 9. 1. Places of work may be replaced by:

1. teachers who are in direct contact with students,
2. owners, operators and employees with direct customer contact,
3. persons who are active in party relations in administrative authorities and administrative courts,

are only entered if they wear a mask when in contact with pupils, in customer contact and in closed rooms, unless the risk of infection is minimised by other appropriate protective measures.

2. The obligation to wear a mask in accordance with paragraph 1 shall not apply if:

1. the persons referred to in paragraph 1 no. 1 to 3 have proof in accordance with § 1 para. 2 no. 1 to 7 and
2. Students, customers or parties a proof according to § 1 Abs. 2

(3) Paragraph 1 also applies to entering external workplaces in accordance with § 2 (3), last sentence of the Employee Protection Act (ASchG), [Federal Law Gazette No. 450/1994](#), whereby providers of mobile care and support services may only enter them if they additionally provide proof in accordance with § 1 (2). If proof 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 mask when in contact with customers in enclosed spaces. If the proof provided has exceeded the validity in accordance with § 1 (2), a respiratory mask of protection class FFP2 (FFP2 mask) without exhalation valve or a mask with at least equivalent standardized standard must be worn.

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

(5) Durch Vereinbarung zwischen Arbeitgeber und Arbeitnehmer können über die in den Abs. 1 bis 3 getroffenen Anordnungen zum Tragen einer Maske hinausgehende, strengere Regeln zum Tragen einer Maske, einer Atemschutzmaske der Schutzklasse FFP2 (FFP2-Maske) ohne Ausatemventil oder einer Maske mit mindestens gleichwertig genormtem Standard getroffen werden.

Alten- und Pflegeheime sowie stationäre Wohneinrichtungen der Behindertenhilfe

§ 10. (1) Das Betreten von Alten- und Pflegeheimen sowie stationären Wohneinrichtungen der Behindertenhilfe durch Besucher und Begleitpersonen ist nur unter folgenden Voraussetzungen zulässig:

1. Der Betreiber darf Besucher und Begleitpersonen nur einlassen, wenn diese einen Nachweis gemäß § 1 Abs. 2 vorweisen. Der Besucher bzw. die Begleitperson hat diesen Nachweis für die Dauer des Aufenthalts bereitzuhalten;
2. Besucher und Begleitpersonen haben in geschlossenen Räumen durchgehend eine Maske zu tragen, sofern das Infektionsrisiko nicht durch sonstige geeignete Schutzmaßnahmen minimiert wird.

(2) Abs. 1 gilt bei Bewohnerkontakt sinngemäß auch für das Betreten durch

1. externe Dienstleister,
2. Bewohnervertreter nach dem Heimaufenthaltsgesetz (HeimAufG), [BGBl. I Nr. 11/2004](#),
3. Patienten-, Behinderten- und Pflegeanwälte,
4. Organe der Pflegeaufsicht zur Wahrnehmung der nach landesgesetzlichen Vorschriften vorgesehenen Aufgaben und
5. Mitglieder von eingerichteten Kommissionen zum Schutz und zur Förderung der Menschenrechte (Fakultativprotokoll zum Übereinkommen gegen Folter und andere grausame, unmenschliche oder erniedrigende Behandlung oder Strafe, [BGBl. III](#)

[Nr. 190/2012](#), sowie Übereinkommen über die Rechte von Menschen mit Behinderungen, [BGBl. III Nr. 155/2008](#)).

(3) Das Betreten von Alten- und Pflegeheimen sowie stationären Wohneinrichtungen der Behindertenhilfe durch Mitarbeiter ist nur unter folgenden Voraussetzungen zulässig:

1. Der Betreiber darf Mitarbeiter nur einlassen, wenn diese einen Nachweis gemäß § 1 Abs. 2 vorweisen. Ein Nachweis gemäß § 1 Abs. 2 Z 4 bis 7 ist für die jeweilige Geltungsdauer bereitzuhalten. Wird ein Nachweis gemäß § 1 Abs. 2 Z 1 bis 3 vorgewiesen, so ist dieser alle sieben Tage zu erneuern und für die Dauer von sieben Tagen bereitzuhalten. Im Fall eines positiven Testergebnisses kann das Einlassen abweichend davon dennoch erfolgen, wenn
 - a) mindestens 48 Stunden Symptombefreiheit nach abgelaufener Infektion vorliegt und
 - b) auf Grund der medizinischen Laborbefunde, insbesondere auf Grund eines CT-Werts >30, davon ausgegangen werden kann, dass keine Ansteckungsgefahr mehr besteht.
2. Mitarbeiter haben in geschlossenen Räumen eine Maske zu tragen. Sofern der erbrachte Nachweis die Gültigkeit gemäß § 1 Abs. 2 überschritten hat, ist bei Kontakt mit Bewohnern in geschlossenen Räumen eine Corona SARS-CoV-2 Pandemie Atemschutzmaske (CPA) oder eine Atemschutzmaske der Schutzklasse FFP2 (FFP2-Maske) ohne Ausatemventil oder eine Maske mit mindestens gleichwertig genormtem Standard zu tragen.

(4) The operator of old people's and nursing homes as well as inpatient residential facilities of the disabled assistance may only admit residents for new admission if they provide proof in accordance with § 1 (2) or if appropriate precautions are taken in accordance with para. 6 no. 6 and 7.

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

(6) The operator shall appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept. In addition to § 1 (5), 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 (6),
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 5, in particular determination of fixed dates at regular intervals.

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

(7) For facilities of the day structures in the care of the elderly and in the disabled area, paragraphs 3 and 4 (1) no. 1 shall apply.

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

§ 11. (1) Entry into hospitals or health resorts by

1. Visitors and accompanying persons and

2. external service providers with patient and visitor contact

is only permitted in accordance with § 10 (1).

(2) The entry of other places where health services are provided by patients, visitors and accompanying persons is only permitted in accordance with § 10 para. 1 no. 2.

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

(4) The operator of a hospital or health resort must appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept. In addition to § 1 (5), the COVID-19 prevention concept must include:

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

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

Meetings

§ 12. 1. Meetings with more than 100 participants shall be permitted only under the following conditions:

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

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

2. The person responsible for the meeting may only admit the participants if they present proof in accordance with § 1 (2). The participant must keep this proof ready for the duration of the stay.

2. Meetings with more than 500 participants shall be permitted only under the following conditions:

1. The person responsible for the meeting must obtain permission from the locally competent district administrative authority. The information provided in para. 1 no. 1 and the prevention concept in accordance with para. 3 must be submitted. The decision period for approval is two weeks from the date of complete submission of the documents.
2. The person responsible for a meeting may only admit the participants if they present proof in accordance with § 1 (2). The participant must keep this proof ready for the duration of the stay.

(3) In the case of meetings of more than 100 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.

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

5. Paragraphs 1 to 4 shall not apply to:

1. meetings in the private residential area, with the exception of gatherings in places that do not serve to satisfy an immediate housing need, such as in particular in garages, gardens, sheds or barns;
2. Funerals;
3. Versammlungen nach dem Versammlungsgesetz 1953, [BGBl. Nr. 98/1953](#);
4. Zusammenkünfte zu beruflichen Zwecken, wenn diese zur Aufrechterhaltung der beruflichen Tätigkeit erforderlich sind;
5. Zusammenkünfte von Organen politischer Parteien;
6. Zusammenkünfte von Organen juristischer Personen;
7. Zusammenkünfte nach dem Arbeitsverfassungsgesetz – ArbVG, [BGBl. Nr. 22/1974](#);
8. das Befahren von Theatern, Konzertsälen und -arenen, Kinos, Varietees und Kabarett, wenn dies mit mehrspurigen Kraftfahrzeugen erfolgt.

Bei Zusammenkünften gemäß Z 2 bis 7 mit mehr als 100 Personen ist in geschlossenen Räumen eine Maske zu tragen, sofern nicht alle Personen einen Nachweis gemäß § 1 Abs. 2 vorweisen.

(6) Für Zusammenkünfte zu Proben zu beruflichen Zwecken und zur beruflichen künstlerischen Darbietung in fixer Zusammensetzung gilt § 7 Abs. 4 letzter Satz sinngemäß.

(7) § 12 gilt für alle Zusammenkünfte unabhängig vom Ort der Zusammenkunft. Die §§ 4 bis 8 gelangen nicht zur Anwendung, sofern

1. es sich um eine geschlossene Gruppe bzw. Gesellschaft handelt und
2. der Ort der Zusammenkunft ausschließlich von Personen dieser Gruppe bzw. Gesellschaft und von Personen, die zur Durchführung der Zusammenkunft erforderlich sind, betreten wird oder durch geeignete Maßnahmen, wie etwa durch räumliche oder bauliche Trennung, eine Durchmischung der Personen dieser Gruppe bzw. Gesellschaft mit sonstigen dort aufhältigen Personen ausgeschlossen wird.

Außerschulische Jugendberziehung und Jugendarbeit, betreute Ferienlager

§ 13. Für Zusammenkünfte von Personen im Rahmen der außerschulischen Jugendberziehung und Jugendarbeit oder im Rahmen von betreuten Ferienlagern gilt § 12 Abs. 1 bis 4 und 7 sinngemäß.

Zusammenkünfte im Spitzensport

§ 14. (1) Bei Zusammenkünften, bei denen ausschließlich Spitzensportler gemäß § 3 Z 6 BSFG 2017 Sport ausüben, hat der für die Zusammenkunft Verantwortliche für diese Personen, sowie für Trainer, Betreuer und sonstige Personen, die für die Durchführung der Zusammenkunft erforderlich sind, einen COVID-19-Beauftragten zu bestellen und ein COVID-19-Präventionskonzept auszuarbeiten und umzusetzen. Für Mannschaftssportarten oder bei Sportarten, bei deren sportartspezifischer Ausübung es zu Körperkontakt kommt, gilt § 7 Abs. 4 und 5. Für Individualsportarten hat das COVID-19-Präventionskonzept zusätzlich zu § 1 Abs. 5 insbesondere zu enthalten:

1. Vorgaben zur Schulung von Sportlern, Betreuern und Trainern in Hygiene sowie zur Verpflichtung zum Führen von Aufzeichnungen zum Gesundheitszustand,
2. Verhaltensregeln für Sportler, Betreuer und Trainer außerhalb der Trainings- und Wettkampfzeiten,
3. Vorgaben zu Gesundheitschecks vor jedem Training und Wettkampf,
4. Regelungen zur Steuerung der Ströme der teilnehmenden Sportler, Betreuer und Trainer,
5. Hygiene- und Reinigungsplan für Infrastruktur und Material,

6. Vorgaben zur Nachvollziehbarkeit von Kontakten im Rahmen von Trainings und Wettkämpfen,

(2) Durch ärztliche Betreuung und durch COVID-19-Testungen der Sportler, Betreuer und Trainer ist darauf hinzuwirken, dass das Infektionsrisiko minimiert wird. Für Betreuer, Trainer und sonstige Personen, die zur Durchführung der Zusammenkunft erforderlich sind, gilt zudem § 9, für die Sportler § 7 sinngemäß.

Fach- und Publikumsmessen

§ 15. Für Fach- und Publikumsmessen gelten § 12 Abs. 1 bis 4 sinngemäß.

Gelegenheitsmärkte

§ 16. (1) Für Gelegenheitsmärkte gelten § 12 Abs. 1 bis 4 sinngemäß.

(2) Gelegenheitsmärkte im Sinne dieser Verordnung sind Verkaufsveranstaltungen, zu denen saisonal oder nicht regelmäßig an einem bestimmten Platz Erzeuger, Händler, Betreiber von Gastgewerben oder Schaustellerbetrieben zusammenkommen, um Waren, Speisen oder Getränke zu verkaufen oder Dienstleistungen anzubieten.

(3) Nicht regelmäßig stattfindende Märkte sind solche, die in größeren Abständen als einmal monatlich und nicht länger als zehn Wochen stattfinden.

(4) Für Gelegenheitsmärkte, an denen lediglich Waren, Speisen oder Getränke zum Verkauf angeboten werden, gilt § 12 Abs. 3. Kunden haben in geschlossenen Räumen eine Maske zu tragen.

Erhebung von Kontaktdaten

§ 17. (1) Der Betreiber einer Betriebsstätte gemäß den §§ 5 und 6, einer nicht öffentlichen Sportstätte gemäß § 7, einer nicht öffentlichen Freizeiteinrichtung gemäß § 8 und der für eine Zusammenkunft, eine Fach- und Publikumsmesse oder einen Gelegenheitsmarkt Verantwortliche gemäß den §§ 12 bis 16 ist verpflichtet, von Personen, die sich voraussichtlich länger als 15 Minuten am betreffenden Ort aufhalten, zum Zweck der Kontaktpersonennachverfolgung den

1. Vor- und Familiennamen und
2. die Telefonnummer und wenn vorhanden die E-Mail-Adresse

zu erheben. Im Falle von Besuchergruppen, die ausschließlich aus im gemeinsamen Haushalt lebenden Personen bestehen, ist die Bekanntgabe der Daten von nur einer dieser Besuchergruppe angehörigen volljährigen Person ausreichend.

(2) Der nach Abs. 1 Verpflichtete hat die zuvor genannten Daten mit Datum und Uhrzeit des Betretens der jeweiligen Betriebsstätte oder des bestimmten Ortes zu versehen.

(3) Der nach Abs. 1 Verpflichtete hat der Bezirksverwaltungsbehörde gemäß § 5 Abs. 3 EpiG auf Verlangen die Daten zur Verfügung zu stellen.

(4) Der nach Abs. 1 Verpflichtete darf die Daten ausschließlich zum Zweck der Kontaktpersonennachverfolgung verarbeiten und der Bezirksverwaltungsbehörde im Umfang ihres Verlangens übermitteln; eine Verarbeitung der Daten zu anderen Zwecken ist unzulässig.

(5) Der nach Abs. 1 Verpflichtete hat im Rahmen der Verarbeitung und Übermittlung dieser Daten geeignete Datensicherheitsmaßnahmen zu treffen und insbesondere sicherzustellen, dass die Daten nicht durch Dritte einsehbar sind.

(6) Der nach Abs. 1 Verpflichtete hat die Daten für die Dauer von 28 Tagen vom Zeitpunkt ihrer Erhebung und bei Zusammenkünften ab dem Zeitpunkt der Zusammenkunft aufzubewahren und danach unverzüglich zu löschen bzw. zu vernichten.

(7) Können Kontaktdaten auf Grund schutzwürdiger Geheimhaltungsinteressen in der Form des Abs. 1 nicht erhoben werden, sind geeignete Alternativmaßnahmen zu setzen.

(8) Abs. 1 gilt nicht für

1. Betriebsstätten und bestimmte Orte, an denen es zu einem Aufenthalt überwiegend im Freien kommt mit Ausnahme von Betriebsstätten gemäß § 5 und von Zusammenkünften gemäß § 12 Abs. 1 und 2;
2. Zusammenkünfte gemäß § 12 Abs. 5 Z 3 und Z 5;

3. Zusammenkünfte im privaten Wohnbereich;
4. Gelegenheitsmärkte, an denen lediglich Waren, Speisen oder Getränke zum Verkauf angeboten werden.

Betreten

§ 18. Als Betreten im Sinne dieser Verordnung gilt auch das Verweilen (§ 1 Abs. 2 COVID-19-MG).

Ausnahmen

§ 19. (1) Diese Verordnung gilt nicht

1. für – mit Ausnahme von § 9, § 17 sowie §§ 19 bis 23 – elementare Bildungseinrichtungen, Schulen gemäß dem Schulorganisationsgesetz, [BGBl. Nr. 242/1962](#), Art. V Z 2 der 5. SchOG-Novelle, [BGBl. Nr. 323/1975](#), und dem Privatschulgesetz, [BGBl. Nr. 244/1962](#), land- und forstwirtschaftliche Schulen, die regelmäßige Nutzung von Sportstätten im Rahmen des Regelunterrichts und Einrichtungen zur außerschulischen Kinderbetreuung,
2. für Universitäten gemäß dem Universitätsgesetz 2002, [BGBl. I Nr. 120/2002](#), Privathochschulen gemäß dem Privathochschulgesetz, [BGBl. I Nr. 77/2020](#), Fachhochschulen gemäß dem Fachhochschulgesetz, [BGBl. Nr. 340/1993](#), und Pädagogische Hochschulen gemäß dem Hochschulgesetz 2005, [BGBl. I Nr. 30/2006](#), einschließlich der Bibliotheken dieser Einrichtungen,
3. für Tätigkeiten im Wirkungsbereich der Organe der Gesetzgebung und Vollziehung mit Ausnahme des Parteienverkehrs in Verwaltungsbehörden und Verwaltungsgerichten, sofern keine anderslautenden Regelungen im Bereich der Hausordnung bestehen,
4. für Zusammenkünfte zur Religionsausübung.

(2) Bedingungen und Auflagen nach dieser Verordnung gelten nicht

1. zur Abwendung einer unmittelbaren Gefahr für Leib, Leben und Eigentum oder
2. zur Wahrnehmung der Aufsicht über minderjährige Kinder.

(3) Die Pflicht zum Tragen einer Maske gilt nicht

1. während der Konsumation von Speisen und Getränken;
2. für gehörlose und schwer hörbehinderte Personen sowie deren Kommunikationspartner während der Kommunikation;
3. wenn dies aus therapeutisch-pädagogischen Gründen notwendig ist;
4. für Personen, die Gesundheitsdienstleistungen der Logopädie erbringen oder in Anspruch nehmen, für die Dauer der Erbringung bzw. Inanspruchnahme der logopädischen Dienstleistung;
5. wenn dies zur Erbringung einer körpernahen Dienstleistung notwendig ist;
6. während der Sportausübung. § 9 bleibt unberührt;
7. für Kinder bis zum vollendeten sechsten Lebensjahr;
8. für Personen, denen dies aus gesundheitlichen Gründen nicht zugemutet werden kann. In diesem Fall darf eine sonstige nicht eng anliegende, aber den Mund- und Nasenbereich vollständig abdeckende mechanische Schutzvorrichtung getragen werden. Eine vollständige Abdeckung liegt vor, wenn die nicht eng anliegende Schutzvorrichtung bis zu den Ohren und deutlich unter das Kinn reicht. Sofern den Personen auch dies aus gesundheitlichen Gründen nicht zugemutet werden kann, gilt die Pflicht zum Tragen einer den Mund- und Nasenbereich abdeckenden mechanischen Schutzvorrichtung nicht.

(4) Die Pflicht zum Tragen einer Atemschutzmaske der Schutzklasse FFP2 (FFP2-Maske) ohne Ausatemventil oder einer Maske mit mindestens gleichwertig genormtem Standard gilt nicht für

1. Schwangere und
2. Personen, denen dies aus gesundheitlichen Gründen nicht zugemutet werden kann,

wobei diese stattdessen eine Maske zu tragen haben.

(5) Die Verpflichtung zur Vorlage eines Nachweises gemäß § 1 Abs. 2 gilt nicht für Kinder bis zum vollendeten zwölften Lebensjahr.

(6) Die Verpflichtung zur Vorlage eines negativen Testergebnisses gilt nicht für Personen, denen eine Testung aus gesundheitlichen oder behinderungsspezifischen Gründen, insbesondere wegen dementieller Beeinträchtigung, nicht zugemutet werden kann. Sofern diese Personen über einen anderen Nachweis gemäß § 1 Abs. 2 verfügen, bleibt deren Vorlagepflicht unberührt.

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

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, a respirator of protection class FFP2 (FFP2 mask) without exhalation valve or a mask with at least equivalent standard cannot be expected,
2. the performance of a test provided for in Paragraph 1(2) cannot be reasonably expected,

as well as the existence of a pregnancy must be proven by a certificate issued by a doctor entitled to practise his profession independently in Austria or the EEA.

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

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

§ 21. 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

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

Entry into force and transitional right

§ 23. 1. This Regulation shall enter into force on 1 July 2021 and shall expire on 31 August 2021. Sections 12 to 16 shall cease to apply at the end of 28 July 2021.

(2) Even before the entry into force of the COVID-19 Opening Ordinance, [Federal Law Gazette II No. 214/2021](#), medical confirmations issued about an infection that has occurred in the last six months and currently expired and evidence of neutralizing antibodies remain valid for the respective duration.

3. Meetings to be held within the temporal scope of this Regulation in accordance with paragraph 1 may be notified, requested and authorised as soon as the Regulation is promulgated.

Meetings for which a permit has been granted from 19 May 2021 in the implementation of the COVID-19 Opening Ordinance – COVID-19 Public Transport, [Federal Law Gazette II No. 214/2021](#), do not require a permit in accordance with § 12 para. 2 no. 1.

(4) The deadline pursuant to § 12 (1) no. 1 does not apply to meetings that take place until 8 July 2021.

(4) § 4, § 5 sec. 1 and 4 and § 9 sec. 2 in the version of Art. 2 of regulation [BGBl. II No. 278/2021](#) enter into force on 22 July 2021; at the same time § 8 sec. 5 second sentence and § 17 including title expire.