

Federal law consolidated: Entire legislation for the 2nd COVID-19 Basic Measures Ordinance, version of 01.08.2022

Long title

Ordinance of the Federal Minister of Social Affairs, Health, Care and Consumer Protection concerning basic measures taken to prevent the spread of COVID-19 (2nd COVID-19 Basic Measures Ordinance – 2nd COVID-19 BMV)
StF: [Federal Law Gazette II No. 156/2022](#)

Alteration

[Federal Law Gazette II No. 201/2022](#)

[Federal Law Gazette II No. 295/2022](#)

Preamble/promulgation clause

On the basis of §§ 3 Paragraph 1, 4(1), 4a(1) and 5(1) of the COVID-19 Measures Act, [Federal Law Gazette I No. 12/2020](#), as last amended by federal law [gazette I no. 6/2022](#), is prescribed:

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Text

Scope

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

General provisions and definitions

§ 2. (1) For the purposes of this Regulation, a mask of protection class FFP2 (FFP2 mask) without exhalation valve or a mask with at least equivalent standard is considered to be 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 centrally approved vaccine against COVID-19
 - a) secondary vaccination, which must not be longer than 180 days and not more than 210 days in the case of persons up to the age of 18, or
 - b) further vaccination, which must not have been more than 365 days ago;
2. proof of recovery from an infection with SARS-CoV-2 survived in the last 180 days or a medical confirmation of an infection with SARS-CoV-2 survived in the last 180 days that has been confirmed by molecular biology;
3. segregation notice if it has been issued to a person demonstrably infected with SARS-CoV-2 in the last 180 days prior to the intended testing;
4. evidence by an authorised body of a negative result of a molecular biological test for SARS-CoV-2, the acceptance of which must not have taken more than 72 hours ago;
5. evidence by an authorised body of a negative result of an antigen test for SARS-CoV-2, the acceptance of which must not have taken more than 24 hours ago;
6. Evidence of a negative result of a SARS-CoV-2 antigen test for self-testing, which is recorded in a government data processing system and whose acceptance must not be more than 24 hours ago.

(3) Evidence referred to in paragraph 2 are written in Latin in German or English or in the form of a certificate in accordance with § 4b Paragraph 1 of the Epidemic Act 1950 (EpiG), [Federal Law Gazette No. 186/1950](#) Submit.

(4) Where evidence provided in this Regulation in accordance with paragraph 2 is provided for, it must be kept available for the duration of the stay. The owner of a permanent establishment, the person responsible for a specific place or the person responsible for a meeting is authorised to identify the following personal data of the data subject:

1. Name
2. Date of birth
3. validity or period of validity of the proof and
4. Barcode or QR code.

In addition, he is entitled to determine data for the purpose of establishing identity. 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 according to § 4b Paragraph 1 EpiG.

§ 3. (1) The operators or owners of

1. old people's and nursing homes as well as inpatient residential facilities for the disabled,
2. hospitals or health resorts and
3. permanent establishments and other places where health and care services are provided,

have to appoint a COVID-19 representative and develop and implement a COVID-19 prevention concept.

(2) 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.

(3) The COVID-19 prevention concept is a state of the art concept for minimizing the risk of infection with SARS-CoV-2. 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, rules on the consumption of food and drink;
5. Regulations for the control of the number of persons;
6. Guidelines for the training of employees with regard to hygiene measures.

(4) The COVID-19 prevention concept for old people's homes and nursing homes, inpatient residential facilities for the disabled as well as hospitals and health resorts has, in addition to paragraph 3 to be included:

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 duration of visits and places of visit, mandatory advance notification and health checks before each entry into the facility, whereby deviating, specific and situation-adapted requirements can be made for relatives and persons who perform regular support and care tasks;
4. Requirements for the handling of screening programs according to § 5a EpiG;
5. Regulations on organisational, spatial and personnel precautions with regard to traffic restrictions in accordance with § 7b EpiG, in particular those to prevent contact between staff, patients, residents and visitors for whom there is a positive test result for SARS-CoV-2 and those for whom this is not the case.

(5) The COVID-19 prevention concept for old people's homes and nursing homes as well as inpatient residential facilities for the disabled has, in addition to paragraph 3 and 4 to include:

1. specific regulations for residents who, in accordance with § 9 Paragraph 6 Z 2 compliance with the requirements cannot be reasonably expected;
2. regulations on the admission and readmission of residents who have tested positive for SARS-CoV-2;
3. Time and organizational requirements regarding the testing of residents according to § 4 Paragraph 5, in particular the setting of fixed dates at regular intervals.

(6) COVID-19 prevention concepts according to paragraph 4 and 5 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.

Retirement and nursing homes

§ 4. (1) The following applies to the entry of old people's and nursing homes by visitors and accompanying persons:

1. The operator may only admit visitors and accompanying persons if they provide proof in accordance with § 2 Paragraph 2 show. This does not apply to persons accompanying or visiting underage residents, visits as part of palliative and hospice care, pastoral care and accompaniment during critical life events.
2. A mask must be worn in enclosed spaces.

(2) The following applies to residents entering old people's homes and nursing homes:

1. The operator of old people's homes and nursing homes may only admit residents for new admission if they provide proof in accordance with § 2 Paragraph 2 or take appropriate precautions in accordance with § 3 Paragraph 4 Z 5 and paragraph 5 Z 2 be taken.
2. Residents must wear a mask in closed places that are generally accessible and do not belong to the living area.

(3) The following applies to employees entering old people's homes and nursing homes:

1. The operator may only admit employees if they provide proof in accordance with § 2 Paragraph 2 show. If a positive test result is available, admission may be permitted under the conditions of the COVID-19 Traffic Restriction Ordinance (COVID-19-VbV), [Federal Law Gazette II No. 295/2022](#) follow.
2. Employees must wear a mask in the event of direct contact with residents, unless the risk of infection can be minimized by technical protective measures such as the installation of partitions or plexiglass walls.

This also applies mutatis mutandis to the operator.

(4) Paragraph 3 Z 1 first movement and Z 2 in the case of direct resident contact, it also applies mutatis mutandis to entry by

1. external service providers,
2. Residents' representatives according to the Heimaufenthaltsgesetz (HeimAufG), [Federal Law Gazette I No. 11/2004](#),
3. Patient, disability and nursing lawyers,
4. Bodies of nursing supervision for the performance of the tasks provided for by state law and
5. Members of established commissions for the protection and promotion of human rights (Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [Federal Law Gazette III No. 190/2012](#), as well as Convention on the Rights of Persons with Disabilities, [Federal Law Gazette III No. 155/2008](#)).

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

(6) Paragraph 1 applies to facilities of day structures in the care of the elderly. bis 4.

(7) The measures provided for in old people's homes and nursing homes, as well as in facilities of the day structures in the care of the elderly, must not be disproportionate or lead to unreasonable cases of hardship.

Inpatient residential facilities of the handicapped assistance

§ 5. (1) § 4 applies to entering inpatient residential facilities of the disabled assistance and facilities of the day care facilities in the disabled area. Paragraph 1 Z 1, paragraph 2 Z 1 and paragraph 3 Z 1 Receive.

(2) § 4 Paragraph 3 Z 1 In the case of direct contact with residents, the first sentence also applies mutatis mutandis to entry by

1. external service providers,
2. Residents' representatives according to the HeimAufG,
3. Patient, disability and nursing lawyers,
4. Bodies of nursing supervision for the performance of the tasks provided for by state law and

5. Members of established commissions for the protection and promotion of human rights (Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [Federal Law Gazette III No. 190/2012](#), as well as Convention on the Rights of Persons with Disabilities, [Federal Law Gazette III No. 155/2008](#)).

(3) § 4 Paragraph 7 applies mutatis mutandis.

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

§ 6. (1) The following applies to the entry of hospitals and health resorts by visitors and accompanying persons:

1. The operator of a hospital or health resort may only admit visitors and accompanying persons if they provide proof in accordance with § 2 Paragraph 2 show. This does not apply to
 - a) accompanying persons in the event of childbirth,
 - b) persons accompanying or visiting minor patients, and
 - c) Visits as part of palliative and hospice care, pastoral care and support during critical life events.
2. Visitors and accompanying persons must wear a mask in enclosed spaces.

(2) For the entry of hospitals and health resorts by employees and the operator § 4 applies Paragraph 3 Receive. 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.

(3) § 4 Paragraph 3 Z 1 first movement and Z 2 in the case of direct patient contact, this also applies mutatis mutandis to entry by

1. external service providers,
2. Patient lawyers according to the Accommodation Act (UbG), [Federal Law Gazette No. 155/1990](#),
3. Residents' representatives according to the HeimAufG,
4. Patient, disability and nursing lawyers and
5. Members of established commissions for the protection and promotion of human rights (Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [Federal Law Gazette III No. 190/2012](#), as well as Convention on the Rights of Persons with Disabilities, [Federal Law Gazette III No. 155/2008](#)).

(4) In business premises and other places where health and care services are provided, patients, visitors, accompanying persons and in the case of direct patient contact, operators, employees and service providers must wear a mask, unless the risk of infection can be minimized by technical protective measures such as the installation of partition walls or plexiglass walls.

(5) Providers of mobile care and support services may only enter external workplaces if they

1. proof in accordance with § 2 Paragraph 2 and
2. wear a mask when in direct contact with customers or patients, unless the risk of infection can be minimized by technical protective measures such as the installation of partitions or plexiglass walls.

Z 2 does not apply to direct customer contact within the framework of disability assistance. Z 1 does not apply in the event of a positive test result, provided that the requirements of the COVID-19-VbV are met.

(6) § 4 Paragraph 7 applies mutatis mutandis.

Meetings

§ 7. (1) In the case of meetings of more than 500 people, the person responsible for a meeting must 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.

(2) Paragraph 1 does not apply to:

1. funerals;
2. Assemblies according to the Assembly Act 1953, [Federal Law Gazette No. 98/1953](#);
3. meetings for professional purposes, if they are necessary for the maintenance of professional activity;
4. meetings of organs of political parties;
5. meetings of organs of legal persons;
6. Meetings according to the Labour Constitution Act (ArbVG), [Federal Law Gazette No. 22/1974](#);
7. driving in theatres, concert halls and arenas, cinemas, variety shows and cabarets, if this is done with multi-lane motor vehicles;
8. Meetings in the private living area.

Enter

§ 8. Entering within the meaning of this ordinance also includes staying (§ 1 Paragraph 2 COVID-19 MG).

Exceptions

§ 9. (1) This Regulation shall not apply to:

1. elementary educational institutions, childminders or fathers, schools according to the School Organization Act, [Federal Law Gazette No. 242/1962](#), Art. V Z 2 der 5. SchOG-Novelle, [BGBl. Nr. 323/1975](#), and the Private School Act, [Federal Law Gazette No. 244/1962](#), agricultural and forestry schools, the regular use of sports facilities as part of regular lessons and facilities for extracurricular childcare,
2. Universities according to 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](#), Fachhochschulen gemäß dem Fachhochschulgesetz, [BGBl. Nr. 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 those institutions,
3. activities within the scope of the legislative bodies, unless otherwise stipulated in the area of house rules,
4. Activities within the sphere of activity of the general representative bodies, unless they are already covered by Z 3 are covered and there are no other regulations in the area of the house rules,
5. activities within the sphere of jurisdiction with the exception of party relations in administrative courts, unless otherwise stipulated in the area of house rules,
6. – with the exception of paragraph 2 up to 5 of this paragraph as well as §§ 10 to 12 and § 13 Paragraph 4 – other activities within the sphere of activity of the enforcement bodies, unless otherwise stipulated in the area of house rules,
7. Meetings on the practice of religion.

(2) Conditions and obligations under this Regulation shall not apply

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

(3) The obligation to wear a mask does not apply

1. during the consumption of food and drinks;
2. for deaf and severely hearing impaired persons and their communication partners during communication;

3. if this is necessary for therapeutic-pedagogical reasons;
4. for persons providing or using speech therapy health services, for the duration of the provision or use of the speech therapy service;
5. if this is necessary for the provision of a service or if this makes the provision of a service impossible;
6. during the practice of sports;
7. in damp rooms, such as showers and swimming pools;
8. for persons who cannot be expected to do so for health or disability-specific reasons. In this case, another close-fitting mechanical protective device covering the mouth and nose area may also be worn. If this cannot be expected of the persons for health reasons, another mechanical protective device that is not tightly fitting but completely covers the mouth and nose area may also be worn. A complete cover is present if the non-tight-fitting protective device reaches up to the ears and well under the chin. If this cannot be expected of the persons for health reasons, the obligation to wear a mechanical protective device covering the mouth and nose area does not apply.

(4) The obligation to wear a mask or a close-fitting mechanical protective device covering the mouth and nose area does not apply to children up to the age of six; Children from the age of six to 14 may also wear a close-fitting mechanical protective device covering the mouth and nose area.

(5) The obligation to wear a mask does not apply to pregnant women, who instead have to wear another mechanical protective device covering the mouth and nose area and close to them.

(6) The obligation to provide proof in accordance with § 2 Paragraph 2 does not apply to

1. children up to the age of twelve;
2. Persons
 - a) who are pregnant,
 - b) who cannot be vaccinated with a centrally approved vaccine against COVID-19 without a concrete and serious risk to life or health,
 - c) for whom an immune response to vaccination against COVID-19 is not to be expected for medical reasons, or
 - d) who have not developed an immune response to vaccination after repeated vaccination against COVID-19 and who cannot be expected to undergo testing for health or disability-specific reasons, in particular due to dementia impairment.

(7) The exceptions under this Regulation do not apply to the extent that the COVID-19-VbV provides for stricter regulations.

Credibility

§ 10. (1) The existence of the requirements according to § 9 is on request to

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

to make it credible.

(2) The exceptional ground, according to which 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 for health reasons, must be proven by a confirmation issued by a doctor entitled to practise the profession independently in Austria or the EEA. The exceptional reasons according to § 9 Paragraph 6 Z 2 are

1. a certificate issued by a doctor authorised to practise his profession in Austria or the EEA, or
2. by means of a medical certificate issued in accordance with § 3 Paragraph 1 of the COVID-19 Compulsory Vaccination Ordinance (COVID-19-IV), [Federal Law Gazette II No. 52/2022](#), has been issued,

Prove.

(3) If the existence of a ground for exception was that set out in paragraph 1 Z 3 The owner of the permanent establishment or place of work as well as the operator of a means of transport is obliged to comply with § 8 Paragraph 4 of COVID-19 MG.

Principles of participation according to § 10 COVID-19-MG and § 28a EpiG

§ 11. In the context of participation according to § 10 COVID-19-MG and § 28a EpiG, the organs of the public security service shall refrain from taking measures against persons who violate an obligation to behave or refrain from doing so under this Ordinance if the lawful state can be restored by more lenient means or if these measures would not be proportionate. The decision as to whether to benefit from a measure pursuant to § 10 COVID-19-MG and § 28a EpiG is to be taken on the basis of the epidemiological hazard situation related to COVID-19, in particular on the basis of information provided by the local competent health authorities.

Employee protection, federal employee protection and maternity protection

§ 12. This ordinance establishes the Employee Protection Act (ASchG), [Federal Law Gazette No. 450/1994](#), the Federal Employee Protection Act (B-BSG), [Federal Law Gazette I No. 70/1999](#), and the Maternity Protection Act 1979 (MSchG), [Federal Law Gazette No. 221/1979](#), not touched.

Entry into force, expiry and transitional right

§ 13. (1) This Regulation shall enter into force on 16 April 2022 and expire on 23 October 2022.

(2) With the entry into force of this ordinance, the COVID-19 Basic Measures Ordinance (COVID-19-BMV), [Federal Law Gazette II No. 86/2022](#), out of force.

(3) Medical confirmations issued before the entry into force of this Regulation concerning an infection with SARS-CoV-2 that has been confirmed by molecular biology in the last 180 days shall remain valid for the respective period.

(4) In justified cases, stricter rules may be provided for at the place of professional activity in order to prevent the spread of COVID-19 beyond this Regulation.

(5) The table of contents, § 2 Paragraph 2 Z 1, §§ 3 to 5, § 6 Paragraph 2, 3 and 6, § 9 Paragraph 1 Z 6 and paragraph 6 Z 2, § 10 Paragraph 2 as well as § 13 Paragraph 1 and 6 as amended by Regulation [BGBl. II No. 201/2022](#) enter into force on 1 June 2022.

(6) For the purposes of this Regulation, evidence of a low epidemiological risk within the meaning of this Regulation shall also apply until the end of 11 September 2022:

1. evidence of vaccination with a centrally authorised vaccine against COVID-19, provided that there was a positive molecular biological test for SARS-CoV-2 at least 21 days before vaccination or evidence of neutralising antibodies prior to vaccination, provided that vaccination was not more than 180 days ago, or
2. proof of further vaccination after vaccination in accordance with Z 1, which must not have been more than 365 days ago.

(7) § 3 Paragraph 4 and 5, § 4 Paragraph 1 to 4, § 5 Paragraph 1 and 2, § 6 Paragraph 3 and 5, § 9 Paragraph 7, § 10 Paragraph 2 Z 2 as well as § 13 Paragraph 1 and 6 as amended by Regulation [BGBl. II No. 295/2022](#) will enter into force on 1 August 2022.