

# **Ordinance of the State Government on Infection Protection Measures against the Spread of the SARS-CoV-2 Virus (Corona Ordinance – “CoronaVO”)<sup>1</sup>**

of 27 March 2021

(in the version valid from 24 April 2021)

On the basis of Art. 32 in conjunction with Arts. 28 to 31 and 36 Paragraph 6 of the [German] Infection Protection Act (“IfSG”) of 20 July 2000 (Federal Law Gazette I, p. 1045), last amended by Article 4a of the Act of 21 December 2020 (Federal Law Gazette I, p. 3136, 3137), it is decreed:

## *Part 1 – General Regulations*

### *Section 1: Objectives and General Requirements*

#### *Art. 1*

##### *Objectives*

(1) This Ordinance is intended to combat the pandemic of the SARS-CoV-2 virus (Corona virus) in order to protect the health of citizens. To this end, the risks of infection are to be reduced in an effective and targeted manner, infection routes are to be made traceable and the maintenance of medical care capacities guaranteed.

(2) In order to pursue these objectives, this Ordinance establishes rules and prohibitions that restrict the freedoms of individuals and significantly reduce the number of physical contacts in the population. On the one hand, the implementation of these regulations is the personal responsibility of the citizens and on the other

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<sup>1</sup> Non-official consolidated version after the entry into force of the Ordinance of the State Government amending the Corona Ordinance of 23 April 2021 (emergency promulgation pursuant to Article 4 of the Promulgation Act and retrievable at <http://www.baden-wuerttemberg.de/corona-verordnung>).

hand, it is the sovereign action of the competent authorities.

## *Art. 2*

### *General Distance Rule*

(1) If no suitable physical infection protection devices are available, it is recommended that a minimum distance of 1.5 metres to other persons be maintained.

(2) In public areas, a minimum distance of 1.5 metres from other persons must be maintained, unless compliance with the minimum distance is unreasonable in individual cases, is necessary for special reasons, in particular to maintain the work, service or business operations, or adequate protection against infection is ensured by protective measures. Likewise excluded are gatherings permitted under Art. 9 Paragraph 1.

(3) The distance rule does not apply to the establishments referred to in Art. 16 Paragraph 1 Numeral 1, with the exception of schools.

## *Art. 3*

### *Mouth and Nose Protection*

(1) A medical mask that meets the requirements of DIN EN 14683:2019-10 or a comparable standard, or a respirator that meets the requirements of FFP2 (DIN EN 149:2001), KN95, N95 or a comparable standard must be worn

1. When using public transport, particularly in trains, trams, buses, taxis, passenger planes, ferries, passenger ships and cable cars, on train and bus platforms, in the waiting area of passenger ship landing stages and in railway and airport buildings,
2. In motor vehicles if persons from more than one household are present in

them; Art. 9 Paragraph 1 Sentence 2 applies accordingly,

3. In establishments within the meaning of Art. 14 Paragraph 1 Numeral 6,
4. In doctors' practices, dentists' practices, practices of other human medical health care professions and of alternative practitioners and in public health care facilities,
5. In and in waiting and access areas of shopping centres, wholesale and retail shops, as well as on markets in the sense of Arts. 66 to 68 GewO, as well as in parking areas spatially assigned to them,
6. During theoretical and practical driving, boat and flight school lessons and during theoretical and practical examinations, as well as in the case of further offers of the driving schools that result directly from the Driving Licence Ordinance or the Road Traffic Act,
7. Within pedestrian areas within the meaning of Art. 3 Paragraph 2 Numeral 4 Letter c of the Road Act,
8. In work and business premises as well as deployment sites,
9. In the case of vocational training offers in the field of trade and industry,
10. At events as defined in Art. 12 Paragraphs 1 and 2,
11. In schools that are publicly and privately funded, as well as the childcare services of the reliable primary school, flexible afternoon care as well as after-school care at the school; the regulations of the Corona Ordinance School for schools within the meaning of Art. 16 Paragraph 1 Numeral 1 remain unaffected'
12. In day-care centres, day nurseries, primary school support classes, after-school care centres and school kindergartens that are subject to

authorisation according to Art. 43 Paragraph 1 of Book Eight of the Social Code – Child and Youth Welfare (SGB VIII),

13. In case of offers of private tutoring, and
14. In other enclosed spaces not referred to in the preceding points that are intended for the public or for the public's use.

(2) There is no obligation to wear a mouth and nose protection

1. For children up to the age of six,
2. For persons who can credibly demonstrate that they cannot or cannot reasonably be expected to wear a mouth and nose protection for health or other compelling reasons, whereby the credibility of health reasons must generally be substantiated by a medical attestation,
3. In work and business premises at the place of work or when performing the activity, provided that a distance of 1.5 metres to other persons can be safely maintained; this does not apply if there is public traffic at the same time or in cases under Paragraph 1 Numeral 9,
4. In practices, institutions, and areas within the meaning of Paragraph 1, Numerals 3, 4, 8, 9 and 14, if the treatment, service, therapy or other activities require it,
5. When consuming food,
6. If another protection of at least an equivalent level is available for other persons,
7. During sports activities in the areas referred to in Paragraph 1 Numerals 7 and 14 as well as in sports grounds and sports facilities of institutions referred to in Paragraph 1 Numeral 11 and of institutions of higher

education,

8. In facilities within the meaning of Paragraph 1 Numerals 8 and 14 for events within the meaning of Art. 10 Paragraph 5, insofar as they are not visitors; Art. 176 of the Courts Constitution Act remains unaffected,
9. In facilities and areas within the meaning of Paragraph 1 Numerals 7 and 14, provided that a distance of 1.5 meters to other persons can be safely maintained,
10. In after-school care centres, insofar as they are not exclusively for school-age children, in day-care centres as well as school kindergartens for the children attending these institutions, as well as for pedagogical staff and additional personnel while they are exclusively in contact with the children,
11. In the case of musical or performing recitals in the field of conservatoires, colleges of education and academies under the Academies Act, or
12. During musical practice as part of the study programme.

## *Section 2: Special Requirements*

### *Art. 4*

#### *Hygiene Requirements*

(1) Insofar as hygiene requirements are to be complied with by regulations of this Ordinance or on the basis of this Ordinance over and above the general obligations pursuant to Arts. 2 and 3, the persons responsible shall at least fulfil the following obligations:

1. The limitation of the number of persons on the basis of spatial capacities

and the regulation of flows of persons and queues in order to enable the implementation of the distance rule according to Art. 2,

2. The regular and adequate ventilation of indoor spaces used for the stay of persons as well as the regular maintenance of ventilation systems,
3. The regular cleaning of surfaces and objects that are frequently touched by people,
4. The cleaning or disinfection of objects that are intended to be placed in the mouth after they have been used by a person,
5. The regular cleaning of barefoot and sanitary areas,
6. The provision of hand washing detergent in sufficient quantity as well as non-reusable paper towels or other equivalent hygienic hand-drying devices or hand disinfectant,
7. The exchange of issued textiles after they were used by a person,
8. Timely and comprehensible information about access and participation bans, the obligation to wear a mouth and nose protection, distance regulations and hygiene requirements, possibilities for the cleaning of hands, an existing opportunity of cashless payment as well as a notice regarding the duty of thorough hand washing in sanitary facilities.

(2) The obligation under Paragraph 1 shall not apply if and to the extent that, based to the specific circumstances of the individual case, particularly any local conditions or the nature of the offering, compliance with hygiene requirements is not necessary or is unreasonable.

*Art. 4a*

*Rapid Tests, Vaccinated and Recovered Persons*

(1) Where a daily negative rapid COVID-19 test is required by or under the provisions of this Ordinance, a test for the Corona virus within the meaning of Art. 28b Paragraph 9 Sentence 1 of the Infection Protection Act ("IfSG") shall be carried out in which

1. A trained third party collects and evaluates the sample, or
2. The sample collection is carried out by the test person himself/herself under guidance or supervision and subsequent evaluation of the results by a trained third party.

(2) Vaccinated persons within the meaning of this Ordinance or of regulations issued on the basis of this Ordinance are all persons who can show that they have been vaccinated for at least 14 days by means of vaccination documentation within the meaning of Art. 22 Paragraph 1 of the IfSG. For the purposes of this Ordinance or any rules adopted pursuant to this Ordinance, a completed vaccination shall be any vaccination against COVID-19 disease carried out with a vaccine authorised in the European Union in accordance with the recommended vaccination series. For vaccines requiring more than one vaccine dose, vaccination is considered complete for persons vaccinated with at least one vaccine dose, provided that these persons have previously tested positive themselves and they have evidence of infection with Corona virus confirmed by PCR testing; in addition, a vaccination is considered to have been completed in accordance with the recommended vaccination series if a deviation is recognised by the Standing Commission on Vaccination of the Robert Koch Institute.

(3) For the purposes of this Ordinance or of regulations issued pursuant to this Ordinance, recovered persons are all persons who have already tested positive themselves, provided that they have evidence of infection with the Corona virus confirmed by PCR test and are no longer subject to a segregation obligation based thereon. The proven infection must have occurred no more than six months ago.

*Art. 5*  
*Hygiene Concepts*

(1) Insofar as a hygiene concept is to be established by means of regulations of this Ordinance or on the basis of this Ordinance, the persons responsible shall take into account the requirements of infection protection in accordance with the specific circumstances of the individual case. In particular, the hygiene concept shall describe how the hygiene requirements pursuant to Art. 4 are to be implemented.

(2) At the request of the competent authority, those responsible shall submit the hygiene concept and provide information on its implementation. Any further obligations to set up hygiene plans in accordance with the IfSG shall remain unaffected.

*Art. 6*  
*Data Processing*

(1) Insofar as data are to be processed with reference to this provision as a result of regulations of this Ordinance or on the basis of this Ordinance, the first name and surname, address, date and period of attendance and, if available, the telephone number may be collected and stored by those obliged to process data from those present, in particular visitors, users or participants, solely for the purpose of providing information to the Health Department or the local police authority in accordance with Arts. 16, 25 IfSG. A new survey is not required if the data are already available. Art. 28a Paragraph 4 Sentences 2 to 7 IfSG shall remain unaffected.

(2) Those obliged to process data must exclude persons who refuse, in whole or in part, the collection of their contact data in accordance with Paragraph 1 Sentence 1 from visiting or using the facility or from participating in the event.

(3) Where attendees provide contact details pursuant to Paragraph 1, Sentence 1, to those obliged to process the data, they must provide accurate information.



(4) The collection and storage may also be carried out in an end-to-end encrypted form that is not readable for the data controller in accordance with the state of the art, as long as it is ensured that the competent health authority receives the data by means of a secure transmission in a form that is readable for the health authority in the event of a release by the data controller. The end-to-end encrypted form must allow the transmission of the data to the health authority for a period of four weeks. Where data processing is carried out in this way, Paragraph 2 shall apply, provided that the data controller need only ensure that the presence of each person is recorded and stored by the digital application where the digital application requires the input of the types of data referred to in Paragraph 1. If data processing pursuant to Sentence 1 is provided for, an analogous collection of contact data of the data subject shall alternatively be made possible.

#### *Art. 7*

#### *Prohibition of Access and Participation*

(1) Insofar as regulations of this Ordinance or on the basis of this Ordinance prohibit access to certain locations or participation in certain activities, this covers persons,

1. Who are or have been in contact with a person infected with the Corona virus, if 14 days have not yet passed since the last contact,
2. Who show typical symptoms of infection with the Corona virus, namely fever, a dry cough, a disturbance of the sense of taste or smell,
3. Who, contrary to Art. 3 Paragraph 1, do not wear a mouth and nose protection, or
4. Who, contrary to Art. 10 Paragraph 2 Sentence 2 Numeral 9, Art. 14, Paragraph 1, Numeral 6, Art. 20 Paragraph 5 Sentence 2 Numeral 1 in conjunction with Art. 28b Paragraph 1 Sentence 1 Numeral 8 IfSG, Art. 20 Paragraph 5 Sentence 2 Numeral 4 in conjunction with Art. 28b Paragraph 1 Sentence 1 Numeral 5 IfSG or Art. 20 Paragraph 5 Sentence 2 Numeral 5 in

conjunction with Art. 28b Paragraph 1 Sentence 1 Numeral 4 Half-Sentence 2 Letter b IfSG, do not submit either proof of a daily negative COVID-19 rapid test, vaccination documentation or proof of a confirmed infection as defined in Art. 4a.

(2) The prohibition under Paragraph 1 shall not apply if compliance with it is unreasonable in individual cases or access or participation is necessary for special reasons and the risk of infection for third parties is minimised as far as possible by protective measures.

*Art. 8*  
*Industrial Safety*

(1) Insofar as occupational health and safety requirements must be complied with by regulations of this Ordinance or on the basis of this Ordinance over and above the general obligations under Art. 2 and 3, the employer shall at least fulfil the following obligations:

1. The risk of infection for employees must be minimised, taking into account the conditions at the workplace,
2. Employees must be comprehensively informed and instructed, in particular with regard to the changes in work processes and specifications caused by the Corona pandemic,
3. The personal hygiene of employees must be ensured by the possibility of hand disinfection or hand washing at the workplace; utensils used must be disinfected regularly,
4. A sufficient number of mouth and nose protections must be provided to employees,
5. Employees for whom, on the basis of a medical certificate, the treatment of

an illness with COVID-19 is not possible or only possible to a limited extent due to personal conditions or who are at increased risk of developing a serious course of an illness with COVID-19, may not be used for activities with increased personal contact and not for activities in which the distance of 1.5 metres to other persons cannot be maintained.

(2) The employer may collect, store and use information pursuant to Paragraph 1 Numeral 5 only for the purpose of deciding on the specific work assignment of employees if they notify the employer that they belong to the group referred to therein; employees are not obliged to make such notification. The employer shall delete this information as soon as it is no longer required for this purpose, but no later than one week after this Ordinance ceases to apply.

### *Section 3: Gatherings, Events and Meetings*

#### *Art. 9*

#### *Gatherings, Private Get-Togethers and Private Events*

(1) Gatherings, private get-togethers and private events are only permitted

1. With members of one's own household,
2. Of members of one's own and another household, with a total of no more than five persons; children of the respective households up to the age of 14 do not count here.

Should a household already consist of five or more persons at least 14 years old, that household may meet with one additional person not belonging to the household.

Couples who do not live together are considered one household.

(2) Paragraph 1 shall not apply to gatherings that serve the maintenance of work, service or business operations, public safety and order, or social welfare.

*Art. 10*

*Other Events*

(1) Anyone who holds an event shall comply with the hygiene requirements pursuant to Art. 4, establish a hygiene concept in accordance with Art. 5 beforehand and carry out data processing pursuant to Art. 6. There shall be a ban on access and participation in accordance with Art. 7. When holding the event, the occupational health and safety requirements according to Art. 8 must be observed.

(2) The holding of events is prohibited. Excluded from this are:

1. Necessary committee meetings of legal persons under private and public law, companies and communities with legal capacity and partial legal capacity, works meetings and events of the collective bargaining partners, insofar as not already covered by Paragraph 5,
2. Civil marriages with the participation of no more than ten persons; children of the spouses are not counted for this purpose,
3. Vocational training under the Vocational Training Act or the Crafts Code as well as examinations and examination preparations, unless otherwise provided for in Art. 14b,
4. Events of the study programme within the meaning of Art. 13 Paragraph 3,
5. Events in the area of child and youth welfare that are carried out within the framework of services or measures according to Arts. 11, 13, 14, 27 to 35a, 41 to 42e with the exception of Art. 42a Paragraph 3a SGB VIII,
6. Events that are absolutely necessary and cannot be postponed, which serve

the maintenance of the work, service or business operations or social welfare,

7. The implementation of labour market policy measures and other vocational training as well as language and integration courses; this applies only to the extent that these cannot be carried out within the framework of an online offer,
8. The implementation of practical and theoretical driving, boating and flight school training and the practical and theoretical examination as well as the implementation of advanced seminars according to Art. 2b Road Traffic Act and driving aptitude seminars according to Art. 4a Road Traffic Act; the theoretical driving, boating and flight training may only be carried out within the framework of an online offer,
9. The provision of first aid courses if a test concept is available for the trainers; for participation, proof of a daily negative COVID-19 rapid test, a vaccination record or proof of confirmed infection as defined in Art. 4a of the participants is required, and
10. Tutoring for groups of up to five students.

Insofar as no other limitation of the number of participants is regulated in Sentence 2, a maximum of 100 participants shall be permitted. When calculating the number of attendees, employees and other participants in the event are not taken into account.

(3) The following are permitted without any limitation on the number of participants:

1. Nomination and election campaign events within the meaning of Art. 11 and the collection of support signatures required for parliamentary and municipal elections for election proposals of parties, electoral associations and individual candidates as well as for petitions for referendums, petitions for motions, citizens' petitions, residents' petitions and residents' meetings,

2. Subject-specific aptitude tests within the framework of admission procedures as well as other state examinations; the organiser may make participation in attendance conditional, in particular, upon proof of a daily negative COVID-19 rapid test, vaccination documentation or proof of a confirmed infection within the meaning of Art. 4a, and
3. Top-level or professional sporting events, insofar as these take place without spectators.

(4) Paragraphs 1 and 2 shall not apply to events the holding of which is already permitted under Art. 9 Paragraph 1.

(5) Paragraphs 1 to 2 shall not apply to events intended to serve the maintenance of public safety and order, the administration of justice or the provision of services of general interest, as well as to events and meetings of organs, parts of organs and other bodies of the legislative, judicial and executive branches of government as well as institutions of self-government, including discussion meetings and oral hearings in the course of planning approval procedures.

(6) An event within the meaning of this provision is a temporary and localised and planned event with a defined objective or intention under the responsibility of an organiser, a person, organisation or institution in which a group of people specifically participates.

#### *Art. 10a*

#### *Elections and Voting*

(1) Paragraphs 2 to 7 shall apply to the election proceedings and the determination and ascertainment of the election result in the case of the state parliamentary election, mayoral elections and citizens' referendums as well as other meetings of the municipal election committee. The polling station within the meaning of this regulation shall include, in addition to the election rooms and meeting rooms of the election committees and election boards, all other rooms in the building that are

accessible to the public during the election period and the determination and ascertainment of the election result as well as other meetings of the municipal election committee.

(2) As a minimum, the mayor shall ensure the hygiene requirements according to Art. 4 Paragraph 1 Numerals 1 to 3, 6 and 8. For the members of the election committees and election boards and the assistants, the occupational health and safety requirements according to Art. 8 shall be observed.

(3) A medical mask meeting the requirements of DIN EN 14683:2019-10 or a comparable standard must be worn in the polling station. This obligation does not apply to

1. Children up to and including the age of six years, and
2. Persons who prove by medical certificate that wearing a mask according to Sentence 1 is not possible for them due to health reasons, or that wearing it is not possible or reasonable for other compelling reasons. A minimum distance of 1.5 metres must be kept from other persons. Before entering the voting room, each person must disinfect their hands.

(4) For persons present in the polling station on the basis of the principle of public access, the following applies:

1. They are obliged to provide their contact details according to Art. 6 Paragraph 1 Sentence 1, the election committee is entitled to collect this data, the election chairman shall hand over the collected data to the mayor in a sealed envelope; the mayor shall be obliged to process data in accordance with Art. 6 Paragraph 1 Sentence 1.
2. In the case of Paragraph 3, Sentence 2, Numeral 2, these persons may be present in polling rooms between 8 a.m. and 1 p.m. and between 1 p.m. and 6 p.m. and after 6 p.m. for a maximum of 15 minutes each time, and in postal voting rooms for a maximum of 15 minutes each time; a minimum

distance of two metres must be maintained from the members of the election committee and the assistants.

(5) Entry to the polling station is prohibited for persons who

1. Are or have been in contact with a person infected with the Corona virus if 14 days have not elapsed since the last contact,
2. Show typical symptoms of an infection with the Corona virus, namely fever, dry cough, disturbance of the sense of taste or smell,
3. Do not wear a mask in contravention of Paragraph 3, Sentence 1, without an exemption according to Paragraph 3, Sentence 2 being granted, or
4. Are not willing to provide their contact details in whole or in part contrary to Paragraph 4 Numeral 1.

(6) In the case of transporting election objects to another electoral district under Art. 41 Paragraph 3a of the State Election Code or to another electoral district or a meeting room of a postal voting committee under Art. 37a of the Municipal Election Code because fewer than 50 votes were cast in the electoral district, several persons from different households may travel in one vehicle. The persons shall wear respiratory protection that meets the requirements of the standards FFP2 (DIN EN 149:2001), KN95, N95 or a comparable standard. Art. 3 Paragraph 2 Numeral 2 shall remain unaffected.

(7) To participate in the election or vote, voters are exempt from curfew restrictions under the IfSG. The same shall apply to the members of the election committees and election boards and the auxiliary staff to assist in the election or vote as well as to persons wishing to be present in the election building or at public meetings of the election committees on the basis of the principle of public accessibility.



*Art. 11*

*Meetings under Article 8 of the Basic Law*

(1) Notwithstanding Arts. 9 and 10, meetings intended to serve the exercise of the fundamental right of freedom of assembly under Article 8 of the Basic Law shall be permissible.

(2) The chairman of the meeting must work towards compliance with the distance rule in accordance with Art. 2. The competent authorities may impose further conditions, for example, for compliance with the hygiene requirements under Art. 4.

(3) Assemblies may be prohibited if protection against infection cannot be achieved by other means, in particular by imposing conditions.

*Art. 12*

*Events Organised by Religious, Faith and Non-Confessional Organisations  
as well as Events in the Case of Death*

(1) Notwithstanding Art. 9 and 10, events organised by churches as well as religious and faith communities for the practice of religion are permissible. Anyone holding a religious event shall comply with the hygiene requirements pursuant to Art. 4, establish a hygiene concept in advance according to Art. 5 and perform data processing in accordance with Art. 6. There is a ban on access and participation pursuant to Art. 7. Participation in such events is only permitted after prior registration with the organisers, provided that the expected number of visitors will result in the utilisation of the spatial capacities. Events within the meaning of Sentence 1 with more than ten expected participants must be notified to the competent authority no later than two working days in advance, unless general arrangements have been made with the authority. Sentences 1 to 5 shall apply accordingly to events of non-confessional organisations.

(2) Notwithstanding Arts. 9 and 10, burials, urn burials and prayers for the dead are permissible. Anyone holding such an event shall comply with the hygiene

requirements pursuant to Art. 4. There is a ban on access and participation pursuant to Art. 7.

(3) During events within the meaning of Paragraphs 1 and 2, congregational singing in enclosed spaces is prohibited.

#### *Section 4: Prohibitions and Infection Control Requirements for Certain Institutions and Businesses*

##### *Art. 13*

##### *Operating Bans and Restrictions of Services and Facilities*

(1) With the exception of online offers, the operation of the following facilities is prohibited for the public:

1. Places of entertainment, including gaming halls, casinos and bookmakers, with the exception of betting shops, provided that they are operated in accordance with Art. 13a Paragraph 3 Sentence 4
2. Art and cultural institutions, especially theatres, opera and concert halls, museums, galleries and memorial sites, as well as cinemas, with the exception of drive-in cinemas, drive-in concerts and drive-in theatres; the operation of museums, galleries and memorials in accordance with Art. 13a Paragraph 1 is permitted,
3. Archives and libraries; operation in accordance with Art. 13a Paragraph 1 is permitted; libraries may deviate from this with regard to the pick-up of ordered media and the return of media within the framework of the respective hygiene concept,
4. Music, art and youth art schools, insofar as the respective instruction does

not take place in accordance with Art. 9 Paragraph 1,

5. Tourist coaches, lodging establishments and other establishments offering overnight accommodation against payment, with the exception of necessary overnight stays for business or official purposes, or in cases of particular hardship,
6. Trade fairs and exhibitions,
7. Theme parks, zoos, botanical gardens and other recreational facilities, including those outside closed areas, including excursion boat tours, museum railways as well as tourist cable cars; the operation of zoological and botanical gardens in accordance with Art. 13a Paragraph 1 is permitted.
8. Public and private sports facilities and sports grounds, as well as football grounds, with the exception of uses for official purposes, for rehabilitation sports, school sports, study sports, top or professional sports and for low-contact recreational and amateur sports in accordance with Art. 9 Paragraph 1; outdoors, groups of up to 20 children up to the age of 14 may practise recreational and amateur sports; on extensive outdoor facilities, several groups may practise sports in accordance with Art. 9 Paragraph 1, if contact between the respective groups is excluded; the use of changing rooms, showers, lounges or communal facilities for recreational and amateur sports is prohibited.
- 8a. Fitness studios, yoga studios and comparable facilities, with the exception of use for official purposes, for rehabilitation sport, school sport, study, top-level or professional sport and for low-contact recreational and amateur sport in accordance with Art. 9 Paragraph 1,
9. Swimming pools, indoor pools, thermal pools, fun pools and other pools as well as bathing lakes with controlled access, with the exception of use for official purposes, for rehabilitation sports, school sports, studies, top-level or professional sports,

10. Saunas and similar establishments,
11. The hospitality industry, in particular public houses and restaurants, including shisha and smoking bars and catering establishments within the meaning of Art. 25 Paragraph 2 Restaurant Act (“GastG”), with the exception off-premises sales as well as pick-up and delivery services; areas for on-site consumption are to be closed; likewise excluded is catering in connection with permitted overnight accommodation within the meaning of Numeral 5 and in dining rooms in medical or nursing facilities,
12. Refectories and cafeterias at universities and academies in accordance with the Academies Act, with the exception of the serving of drinks and food exclusively for take-away and off-premises sales; areas for consumption on site are to be closed; Art. 16 Paragraph 2 Sentence 2 applies accordingly,
13. Pet salons, pet groomers and comparable animal care establishments, with the exception of boarding kennels; the operation according to Art. 13a Paragraph 3 Sentence 4 is permitted,
14. Dance schools, ballet schools and comparable institutions irrespective of the organisational form or recognition as an art school, unless the use is low-contact and conducted in accordance with Art. 9 Paragraph 1,
15. Clubs and discotheques, and
16. Prostitution facilities, brothels and similar establishments and any other exercise of the prostitution trade within the meaning of Art. 2 Paragraph 3 of the German Protection of Prostitutes Act.

(2) Company canteens within the meaning of Art. 25 Paragraph 1 GastG shall be closed for the consumption of food and beverages on site. The serving of take-away food and beverages is permissible, provided that the consumption takes place on the premises in suitable rooms. Sentence 1 does not apply if weighty reasons prevent consumption outside the company canteen; in such cases, operators must ensure, in

particular, as part of their hygiene concepts, that the minimum distance of 1.5 metres is maintained between all visitors at all times and that a minimum area of ten square metres per visitor is available in the guest room.

(3) Classroom-based studies at universities and academies are suspended in accordance with the Academies Act; digital formats and other distance learning formats are permitted. Notwithstanding Sentence 1, the rectorate and the academy management may admit courses in attendance form, provided that these are absolutely necessary and cannot be replaced by the use of electronic information and communication technologies or other distance learning formats, in particular for events for students in their first semester. The rectorate or the academy management may make participation in attendance dependent in particular on proof of a daily negative COVID-19 rapid test, vaccination documentation or proof of a confirmed infection within the meaning of Art. 4a. Art. 16, Paragraph 2, Sentences 2 and 3, apply accordingly.

#### *Art. 13a*

##### *Retail Shops, Stores and Markets as well as Handicraft and Service Businesses*

(1) The operation of retail shops, stores and markets, with the exception of pick-up offers and delivery services, including those of online commerce, is only permitted after prior agreement of individual appointments, whereby one customer is permitted per 40 square metres or part thereof of sales area. In the case of individual appointments, fixed time periods are to be specified per client and there is a duty to process data in accordance with Art. 6.

(2) Exempted from Paragraph 1 are:

1. The retail trade for food and beverages, including direct marketers, butchers, bakeries and confectioners,
2. Weekly markets within the meaning of Art. 67 Trade and Industry Regulation Act ("GewO"),

3. Places of issue of food banks,
4. Pharmacies, health food shops, drugstores, medical supply stores, orthopaedic shoe technicians, hearing care professionals, opticians, baby markets,
5. Petrol stations,
6. Post offices and parcel services, banks and savings banks as well as travel and customer centres for the sale of tickets for public passenger transport,
7. Dry cleaners and launderettes,
8. The bookselling trade, sale of magazines and newspapers,
9. Sales outlets for animal supplies and feed markets,
10. The wholesale trade, and
11. Nurseries, flower shops, tree nurseries, garden, building and Raiffeisen markets.

In the cases of Sentence 1, the number of customers present at the same time in enclosed spaces shall be limited depending on the size of the sales areas as follows:

1. For sales areas smaller than ten square metres, to a maximum of one customer,
2. For sales areas of up to 800 square metres in total and in food retailing to a maximum of one customer per ten square metres of sales area,
3. For non-food retail sales areas of more than 800 square metres, a maximum of one customer per ten square metres of sales area in a total area of 800 square metres and a maximum of one customer per 20 square metres

of sales area in the area exceeding 800 square metres.

For shopping centres the respective total sales area is to be applied.

(3) Where mixed assortments are offered, parts of assortments whose sale is not permitted under Paragraph 2 may be sold if the permitted part of the assortment amounts to at least 60 percent. These outlets may then sell all assortments that they normally sell as well. In all other cases, only the permitted part of the assortment may continue to be sold, if a spatial separation from the prohibited part of the assortment ensures that it is not sold; Paragraph 1 remains unaffected. When setting up pick-up services, operators must organise in particular the distribution of goods in a low-contact manner and within fixed time windows as part of their hygiene concepts.

(4) Retail establishments and markets are prohibited from carrying out special sales promotions that are expected to attract an increased influx of people

(5) The operation of establishments of the craft and service trades, including motor vehicle, agricultural machinery and bicycle repair shops as well as corresponding spare parts sales outlets, remains permitted insofar as it is not prohibited under other provisions in or on the basis of this Ordinance. In the business premises of craftsmen and service providers, the sale of goods not related to craftsmen's services is prohibited; necessary accessories are excluded. In business premises of telephone service providers, only the acceptance and removal of breakdowns and the repair or replacement of defective equipment are permitted; the sale of goods, including in conjunction with the mediation of service contracts, is prohibited.

In the cases of Sentences 2 and 3, Paragraph 2 Sentence 2 shall apply accordingly; the admissibility of the sale of goods according to Paragraphs 1 and 2 shall remain unaffected.

*Art. 14*

*Validity of the General Infection Control Requirements for Certain Institutions and Businesses*

(1) Anyone operating or offering the institutions, offers and activities listed below shall comply with the hygiene requirements pursuant to Art. 4, establish in advance a hygiene concept in accordance with Art. 5 and conduct data processing pursuant to Art. 6:

1. Universities, academies in accordance with the Academies Act, libraries, archives and student unions,
2. Music, art and youth art schools,
3. Schools of nursing, schools for health care professionals, schools for social work, schools for rescue service activities and training and further education centres for nursing and health care professionals under the responsibility of the Ministry of Social Affairs,
4. Driving, boat and flight schools including the conduct of theoretical and practical tests,
5. Other educational institutions and offerings of any kind, including the holding of examinations, unless listed in Art. 16 Paragraph 1 Numeral 1,
6. Businesses providing body-related services such as hairdressers, barbershops, cosmetic, nail, massage, tattoo and piercing studios, as well as physiotherapy, occupational therapy, speech therapy, podiatry and chiropody; to the extent that the service, offer or activity does not or cannot permanently involve the wearing of a mouth and nose protection, a testing concept for the staff and proof of a daily negative rapid COVID-19 test, a vaccination record or proof of confirmed infection as defined in Art. 4a from the client is required in order to use the service; this does not apply to physiotherapy and occupational therapy, speech therapy and podiatry as



well as medical foot care,

7. Public and private sports facilities and sports grounds, including gyms and yoga studios, as well as dance schools and similar establishments,
8. Retail establishments and markets within the meaning of Arts. 66 to 68 GewO, with the exception of the requirements of Art. 6, insofar as this is not prescribed pursuant to Art. 13a Paragraph 1,
9. The hospitality industry, including catering facilities and services within the meaning of Art. 25 GastG; for hospitality establishments and services within the meaning of Art. 25 Paragraph 1 Sentence 1 GastG, the data processing pursuant to Art. 6 must only be carried out for outside guests,
10. Accommodation establishments,
11. Conventions,
12. Betting shops,
13. Art and cultural institutions including museums, galleries, cinemas, drive-in cinemas, drive-in theatres and drive-in concerts as well as zoological and botanical gardens and memorials, and
14. Tanning studios.

(2) When operating or offering the establishments, offers and activities under Paragraph 1, a ban on access and participation according to Art. 7 shall apply. In addition, the occupational health and safety requirements pursuant to Art. 8 shall be complied with; this shall not apply in the case of Paragraph 1 Numerals 2 and 5. Paragraph 1 as well as sentences 1 and 2 shall also apply if an event permitted in accordance with Art. 10 is held as part of the facility, offer or activity. A ban on access and participation pursuant to Art. 7 shall also apply to the means of transport, areas and facilities mentioned in Art. 3 Paragraph 1 Numerals 1 and 5.

(3) Establishments pursuant to Paragraph 1 Numeral 6 and 14 shall only be permitted to provide the service after prior booking of an appointment.

*Art. 14a*

*Special Infection Control Requirements for Slaughterhouses and the use of seasonal workers in agriculture*

(1) The employees of

1. Slaughterhouses, cutting plants, meat processing plants, game processing plants and other businesses producing and handling foodstuffs made from unprocessed meat with more than 30 employees, insofar as they are employed in the slaughtering and cutting sector, and
2. Agricultural businesses, including special crop businesses, with more than 10 seasonal workers, in the period of the employment of seasonal workers

must undergo a rapid COVID-19 test with regard to Corona virus infection in terms of Art. 4a Paragraph 1 before they begin work for the first time. In the cases referred to in Numeral 1, employees of establishments with more than 100 employees in the slaughtering and cutting area shall be subject to an additional weekly test obligation with a rapid COVID-19 test in terms of Art. 4a Paragraph 1. Vaccinated and recovered persons within the meaning of Art. 4a Paragraphs 2 and 3 are exempt from the testing obligation of Sentences 1 and 2. The results of the tests, the vaccination documentation or proof of confirmed infection shall be submitted to the operator upon request. The organisation and financing of the testing is the responsibility of the operator, unless otherwise guaranteed.

(2) Operators of the establishments referred to in Paragraph 1 shall comply with the hygiene requirements pursuant to Art. 4 and shall draw up a hygiene concept in accordance with Art. 5. In establishments referred to in Paragraph 1 Numeral 2, the obligation to wear a mouth and nose protection outside enclosed spaces does not

apply. By way of derogation from Art. 5 Paragraph 2, operators of the establishments referred to in Paragraph 1 are obliged to submit the hygiene concept to the locally competent health authority. Insofar as these deficiencies are identified, the hygiene concept is to be adjusted immediately based on the specifications of the health authority.

(3) At the request of the operator, the locally responsible health authority may permit exemptions from the testing obligations under Paragraph 1 for employees of a work area if the operator presents reasons within the framework of a specific hygiene concept that make a deviation appear justifiable.

(4) The operator shall carry out a processing of the data of employees and visitors to the premises in accordance with Art. 6. In the case of Paragraph 1 Numeral 2, only the data of employees shall be processed. There is a ban on admission and participation in accordance with Art. 7, as well as on persons who have neither undergone the tests prescribed in accordance with Paragraph 1, nor present the vaccination documentation or proof of confirmed infection.

(5) The occupational health and safety requirements according to Art. 8 shall be observed. In addition, the operator of the establishments referred to in Paragraph 1 shall fulfil the following obligations:

1. Employees shall be fully briefed in a language they understand, in particular on the changes in work procedures and specifications due to the Corona pandemic, as well as the typical symptoms of an infection with the Corona virus, namely fever, dry cough, disturbance of the sense of taste or smell.
2. Information transfer and instructions pursuant to Sentence 2 Numeral 1 must take place and be documented in writing and orally prior to the first start of work, thereafter at least quarterly and in the case of new developments immediately,
3. Provision of personal protective equipment to all employees and instruction on its correct use.

*Art. 14b*

*Operation of Schools, Child Day-Care Facilities and Child Day-Care*

(1) Classes at public schools, primary school remedial classes, school kindergartens and the corresponding independent institutions as well as the operation of childcare services of the reliable primary school, the flexible afternoon care and the after-school care at the school shall take place in accordance with the provisions of Paragraphs 2 to 14. The organisation of extracurricular and other school events at public schools and corresponding independent institutions is prohibited. The activity of external partners in the school is only permissible to the extent that the activity is part of the permissible school operation.

(2) Practical physical education in attendance shall be prohibited, even to the extent that instruction is permissible under Paragraphs 3 to 14. By way of derogation from this, subject-specific practical physical education in attendance is permissible

1. For the preparation of examinations, including the subject-specific practical performance assessments, for pupils who have chosen physical education as an examination subject,
2. In the basic sports courses of grades 1 and 2 of the general Gymnasium and the Gemeinschaftsschule as well as the subject sports of grades 1 and 2 of the vocational Gymnasium.

Teaching is permissible provided that a minimum distance of 1.5 metres is maintained at all times. Activities for which the minimum distance cannot be maintained are prohibited. It is permitted to provide safety or assistance with a mouth and nose protection according to Art. 3 Paragraph 1.

(3) Instruction shall take place in alternation between face-to-face and distance learning, taking into account the available test offerings, if and to the extent necessary to maintain the minimum distance. This does not apply to

1. The schools at boarding homes for minors recognised under Art. 28 of the

Child and Youth Welfare Act for Baden-Württemberg, insofar as the pupils attend the boarding home throughout the year, and to special education and counselling centres with boarding facilities that are open throughout the year,

2. The special education and counselling centres with the special emphases of mental development, physical and motor development as well as special education and counselling centres with other special emphases with these educational programmes,
3. School kindergartens with the special needs areas of mental development and physical and motor development,
4. Institutions pursuant to Art. 14 Paragraph 1 Numeral 3 and corresponding study programmes at vocational schools under the departmental responsibility of the Ministry of Education and Cultural Affairs; this shall only apply to classes that are not graduating classes insofar as teaching operations cannot be carried out within the framework of alternating lessons and cannot be postponed.

The operation at the institutions in Numerals 1 to 4 may also take place continuously in the presence; Art. 2 Paragraph 2 shall not apply. The school management shall decide on the extent and duration of the attendance phases of the alternating lessons. In the last two weeks prior to the intermediate and final examinations, the lessons may, in deviation from Sentences 1 to 3, also be conducted continuously as distance learning at the discretion of the school management.

(4) Insofar as pupils are taught in attendance, the following are permitted for them:

1. The operation of childcare services of the reliable primary school, the flexible afternoon care, the after-school care centres at the school and the all-day operation, as well as
2. Walks and excursions into nature in the class unit.

(5) For pupils

1. Who are not covered by distance learning or
2. For whom there is a special need for other reasons based on the assessment of the class conference and the approval of the school management

face-to-face learning opportunities shall be set up beyond the requirements of Paragraph 3 within the framework of the available resources. This shall apply mutatis mutandis to subject-specific practical teaching contents at vocational schools that cannot be taught by distance learning.

(6) If and insofar as face-to-face teaching takes place, the legal guardians or the pupils of full age shall declare to the school whether they wish to fulfil compulsory schooling by distance learning instead of face-to-face teaching. The obligation to take part in written performance assessments in attendance may also be determined by the teaching staff in the event of a decision not to teach in attendance. If no decision is made to participate in distance learning instead of face-to-face teaching, the obligation to participate in face-to-face teaching is determined by the rules of the School Attendance Ordinance. The decision may be changed with effect for the future at the end of the school half-year or school year as well as in the event of a significant change in circumstances, for example pandemic events.

(7) Insofar as no face-to-face teaching takes place, distance learning shall take its place.

(8) For the eligible pupils of the primary schools, the primary school remedial classes, the grades 5 to 7 of schools building on the primary school, the school kindergartens as well as all grades of the special education and guidance centres, emergency care will be provided if and to the extent that they are not yet able to return to attendance. Participation is open to pupils,

1. Whose participation in emergency care is necessary to ensure the best

interests of the child,

2. Whose legal guardians are both indispensable in their professional activity or are studying or attending school and are thus prevented from looking after them, or
3. Who are dependent on emergency care for other serious reasons.

Sentence 2 Numeral 2 also applies if a person is a single parent and he or she fulfils the requirements of Sentence 2 Numeral 2. Single parents are treated the same as legal guardians if the other legal guardian is prevented from providing care for compelling reasons, for example due to serious illness. As a rule, emergency care extends to the period of operation of the facilities it replaces. It takes place in the respective facility that the pupil has attended so far, by its staff and in groups that are as small and constant as possible. Exceptions to this are only permitted in cases requiring special justification.

(9) The operation of school canteens and the joint consumption of food by pupils and staff working at the school are permissible within the framework of classroom operations in attendance and emergency care in groups that are as constant as possible, while maintaining the distance requirement of at least 1.5 metres between people. The tables must always be cleaned between shifts.

(10) For the facilities under Paragraph 1, including the emergency care set up there in accordance with Paragraph 8, there shall be a prohibition of access and participation for pupils, for children, teachers and other persons,

1. Who are or have been in contact with a person infected with the Corona virus, if 14 days have not elapsed since the last contact, unless otherwise ordered by the competent authority,
2. Who, within the previous ten days, have stayed in an area that was designated as a risk area by the Robert Koch Institute at the time of the stay; this also applies if the area is reclassified as a risk area within 10 days

of return, or

3. Who have to undergo a PCR test after a positive self-test according to Art. 4a Paragraph 3 Corona Ordinance Segregation, or
4. Who show typical symptoms of an infection with the Corona virus, namely fever, dry cough, disturbance of the sense of taste or smell.

A ban on admission and participation pursuant to Sentence 1 does not exist if, according to the provisions of the Corona Ordinance Segregation or the Corona Ordinance Entry Quarantine, there is no or no longer a duty to segregate.

(11) The public schools, the primary school remedial classes, the school kindergartens as well as the corresponding independent institutions shall offer pupils included in the attendance classes as well as the staff working at the institutions in the attendance classes two COVID-19 rapid tests for the Corona virus within the meaning of Art. 4a Paragraph 1 in each school week; this does not apply to vaccinated and recovered persons within the meaning of Art. 4a Paragraphs 2 and 3. The time and organisation of the test shall be determined by the school management.

(12) Persons who do not provide proof of a negative test for the Corona virus, nor present vaccination documentation or proof of confirmed infection within the meaning of Art. 4a, shall be banned from admission to and participation in the facilities referred to in Paragraph 1, including the emergency care set up there in accordance with Paragraph 8. In such cases, distance learning shall be provided. Evidence of testing may be provided through

1. Participation in testing in accordance with Paragraph 11; this also applies if the testing at the school is not carried out prior to or immediately after entering the school premises, but at a later point in the school day, or
2. Proof of testing with a negative result, which may be provided through



- a) The certification of a COVID-19 rapid test within the meaning of Art. 4a Paragraph 1, or
- b) The self-certification of the legal guardians after a duly conducted COVID-19 rapid test on the template form provided by the Ministry of Education and Cultural Affairs for pupils of primary schools, the basic levels of the special education and guidance centres, the special needs education and counselling centres with the special focuses of mental development, physical and motor development, special needs education and counselling centres with other special focuses with these educational programmes, as well as children of primary school remedial classes and school kindergartens,

the submission of which by the pupils occurs no later than the day of a test offered in accordance with Paragraph 11, and by teachers and others at a time to be determined by the school administration, and the underlying test of which may not have been taken more than 48 hours previously.

The possibility of self-certification under Sentence 3 Numeral 2 Letter b shall apply *mutatis mutandis* to staff working at the institutions under Paragraphs 11 and 15 as well as to pupils of full age of the institutions referred to in Sentence 3 Numeral 2 Letter b.

(13) The prohibition of admission and participation pursuant to Paragraph 12 shall not exist

1. For the participation in

- a) Intermediate and final examinations, or
- b) School performance assessments required for the award of grades, insofar as these are mandatory for the fulfilment of the minimum number of performance assessments,

if a minimum distance of 1.5 metres is maintained at all times and if there is spatial separation from fellow pupils who have provided the proof pursuant to Paragraph 12, Sentence 3,

2. For pupils on whom a COVID-19 rapid test for the Corona virus within the meaning of Art. 4a Paragraph 1 cannot be carried out due to a disability, provided that the existing disability and the impracticability are substantiated by a medical certificate,
3. For vaccinated persons within the meaning of Art. 4a Paragraph 2,
4. For recuperated persons within the meaning of Art. 4a Paragraph 3,
5. For entering the school premises for a short period of time, insofar as this is absolutely necessary for the exercise of the right of custody or for participation in distance learning,
6. For short-term access required for the operation of the school, for example by service providers, or insofar as access takes place outside operating hours, for example by cleaning staff.

(14) The competent public health authority shall notify the Ministry of Social Affairs of the notice customary in the locality on the day from which the measures pursuant to Art. 28b Paragraph 3 IfSG cease to apply. In the event that the measures pursuant to Art. 28b Paragraph 3 IfSG apply, face-to-face teaching shall be prohibited, with the exception of teaching at the institutions specified in Paragraph 3 Sentence 2 and face-to-face learning opportunities pursuant to Paragraph 5. The prohibition shall not apply to

1. The classroom teaching of pupils in grades 9 and 10 of the Hauptschule, Werkrealschule, Realschule and Gemeinschaftsschule who will take the final examination in the school year 2020/21,
2. The classroom teaching of pupils in years 1 and 2 of the general

Gymnasium, the vocational Gymnasium and the Gemeinschaftsschule,

3. The classroom teaching of pupils of the special education and guidance centres attending one of the courses of education mentioned under Numerals 1 and 2 in the corresponding grades,
4. The classroom teaching of pupils in grade 9 of the special education and guidance centres for learning, the special education and guidance centres for other special needs with the educational course Learning as well as in grades 9 and 10 in target-differentiated inclusive educational programmes that prepare for a seamless subsequent educational programme,
5. The classroom teaching of pupils of vocational schools who take a final examination leading to a vocational qualification or a general qualification in the school year 2020/21,
6. The performance of written and practical performance assessments, insofar as these are mandatory for the fulfilment of the minimum number of performance assessments,
7. The conduct of interim and final examinations.

Paragraph 8 shall apply mutatis mutandis.

(15) Paragraph 14 shall apply mutatis mutandis, with the exception of Sentences 3 and 4, to day-care facilities for children, day-care for children requiring a permit, primary school remedial classes, school kindergartens as well as childcare services of the reliable primary school, flexible afternoon care as well as after-school care and after-school care at school. Emergency care shall be provided in accordance with Paragraph 8.

*Art. 14c*

*Restrictions for Hospitals, Facilities for People with Care and Support Needs and  
Outpatient Care Services*

(1) Visitors may only enter hospitals if they have passed a negative rapid COVID-19 test within the meaning of Art. 4a Paragraph 1 no more than 48 hours beforehand and are wearing respiratory protection that meets the requirements of standard FFP2 (DIN EN 149:2001), KN95, N95 or a comparable standard. Hospitals shall offer visitors the opportunity to take a test. Other external persons may only enter hospitals if they have passed a negative rapid COVID-19 test within the meaning of Art. 4a Paragraph 1 no more than 48 hours beforehand and are wearing respiratory protection that meets the requirements of standard FFP2 (DIN EN 149:2001), KN95, N95 or a comparable standard. Art. 3 Paragraph 2 Numeral 1 applies mutatis mutandis; for children from six years of age up to the completion of the 14<sup>th</sup> year of age, a medical mask that meets the requirements of DIN EN 14683:2019-10 or a comparable standard is sufficient. External persons whose access to the facility is absolutely necessary for the maintenance of the facility's operation or for the psycho-social or physical health of the patients shall be exempted from the performance of a prior rapid COVID-19 test within the meaning of Art. 4a Paragraph 1, provided that a rapid COVID-19 test performed no more than 48 hours previously cannot be performed for reasons that cannot be postponed. Fire brigade, rescue service, police and disaster control forces whose access is necessary for the fulfilment of a mission are also exempt from carrying out a rapid COVID-19 test within the meaning of Art. 4a Paragraph 1.

(2) The entry of visitors and external persons to inpatient facilities for people with care and support needs is only permitted with a negative rapid COVID-19 test within the meaning of Art. 4a Paragraph 1 carried out no more than 48 hours beforehand and with respiratory protection. The respiratory protection must meet the requirements of the standards FFP2 (DIN EN 149:2001), KN95, N95 or a comparable standard. Paragraph 1 Sentence 4 shall apply accordingly. The facilities shall offer visitors and external persons the opportunity to take a test. Paragraph 1 Sentences 5 and 6 shall apply accordingly.

(3) Within the framework of the provisions of occupational health and safety law, the staff of hospitals and inpatient facilities for people with care and support needs as well as of outpatient care services must wear respiratory protection that meets the requirements of the standards FFP2 (DIN EN 149:2001), KN95, N95 or a comparable standard if there is contact with residents or patients.

(4) The staff of inpatient facilities for people with care and support needs shall undergo a rapid COVID-19 test within the meaning of Art. 4a Paragraph 1 with regard to infection with the Corona virus three times a week; for vaccinated and recovered persons within the meaning of Art. 4a Paragraphs 2 and 3, the frequency of testing may be reduced to once a week. The staff of out-patient care services shall undergo a rapid COVID-19 test within the meaning of Art. 4a Paragraph 1 with regard to infection with the Corona virus twice a week; Sentence 1, Half-Sentence 2 shall apply mutatis mutandis. Upon request, the test result, the vaccination documentation or proof of confirmed infection shall be presented to the management of the facility; the facilities or the out-patient care services shall organise the required tests. In justified cases, the locally competent health authority may permit exceptions.

## *Part 2 - Special Regulations*

### *Art. 15*

#### *Principle*

The statutory orders issued on the basis of Arts. 16 to 18 shall take precedence over all provisions of Part 1, insofar as deviating provisions are made there. Deviations from Arts. 3, 9, Art. 10 Paragraph 2, Art. 13 Paragraphs 1 and 2, Arts. 14b and 14c are only permissible insofar as they provide for more far-reaching measures to protect against infections.

*Art. 16*

*Statutory Order Authorisations*

(1) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Education and Cultural Affairs is authorised to stipulate through statutory order for

1. The operation of schools within its departmental responsibility, childcare services of the reliable primary school and flexible afternoon care, after-school care facilities and after-school care centres, day-care facilities for children, primary school support classes, school kindergartens and day-care centres for children and
2. Events in accordance with Art. 12,

conditions, requirements and other implementing rules to protect against infection with the Corona virus, in particular hygiene requirements, upper limits on the number of persons, prohibitions on operation, modalities of emergency care and requirements for the resumption of operation.

(2) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Science, in agreement with the Ministry of Social Affairs, is authorised, through statutory orders for the operation of

1. Universities, academies according to the Academies Act, libraries and archives,
2. Student services, and
3. Art and cultural institutions, other than those referred to in Numeral 1 and Paragraph 5, as well as cinemas

to stipulate the conditions and requirements, in particular hygiene requirements, for protection against any infection with the Corona virus. Sentence 1 Numeral 1 shall not apply to the Baden-Württemberg Police University, including the Executive Board for Education of the Baden-Württemberg Police University and the Schwetzingen

School of Law. For the Baden-Württemberg Police University including the Executive Board for Education of the Baden-Württemberg Police University, the Ministry of the Interior, and for the Schwetzingen School of Law the Ministry of Justice may approve exemptions from the restrictions of this Ordinance necessary for the training, study and further education and the preparation and holding of examinations as well as for the recruitment procedure.

(3) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Social Affairs is authorised, through statutory orders for the operation of

1. Hospitals, preventive and rehabilitation facilities, dialysis facilities and day clinics,
2. Facilities for people with care and support needs or with disabilities,
3. Facilities for the homeless,
4. Outpatient assisted living projects of the homeless assistance as well as outpatient assisted living communities for which a provider is responsible in accordance with the Residence, Participation and Care Act,
5. Care and support services in and around the care sector,
6. Offerings in child and youth work as well as in youth social work in accordance with Arts. 11 and 13 of Book VIII of the Social Code, the promotion of education in the family in accordance with Art. 16 of Book VIII of the Social Code, and the Frühe Hilfen,
7. Nursing schools, schools for health care professions and technical schools for social services within its departmental responsibility,
8. Further education and training centres for the nursing and health care professions, as well as

9. Schools for rescue service work

to stipulate the conditions and requirements, in particular hygiene requirements, for the protection against any infection with Corona virus.

(4) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of the Interior is authorised, through statutory orders for the protection against any infection with the Corona virus, to stipulate

1. For the operation of state facilities for initial admission, conditions and requirements, in particular hygiene requirements, and
2. The separation of persons who are newly admitted to a state facility for initial admission or who are admitted after a longer period of absence.

(5) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Education and Cultural Affairs and the Ministry of Social Affairs are authorised, through joint statutory orders for the operation of

1. Public and private sports facilities and sports grounds, including gyms and yoga studios and the organisation of sports competitions, as well as dance schools and similar establishments,
2. Bathing facilities including saunas and bathing lakes with controlled access, as well as
3. Music schools, art schools and youth art schools, as well as to stipulate for corresponding offers in the meaning of Art. 14 Paragraph 1 Numeral 5, within the departmental responsibility of the Ministry of Education and Cultural Affairs,

to stipulate conditions and requirements, in particular hygiene requirements, for the protection against any infection with the Corona virus.



(6) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Transport and the Ministry of Social Affairs are authorised, through joint statutory orders for

1. Public and tourist passenger transport within the meaning of Art. 3 Paragraph 1 Numeral 1, including restaurant services within the meaning of Art. 25 Paragraph 1 Sentence 2 GastG, and
2. Theoretical and practical driving, boat and flight training, theoretical and practical examinations as well as the practical training contents of the initial and further training of officially recognised experts and examiners for motor vehicle, boat and air traffic, as well as other offers of driving schools that result directly from the Driving Licence Ordinance or the Road Traffic Act,

to stipulate conditions and requirements, in particular hygiene requirements, for the protection against any infection with Corona virus.

(7) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Economics and the Ministry of Social Affairs are authorised, through joint statutory orders for

1. The retail trade,
2. The accommodation sector,
3. The hotel and restaurant industry, including catering establishments within the meaning of Art. 25 Paragraph 1 Sentence 1 and Paragraph 2 GastG,
4. Trade fairs, exhibitions as well as conventions,
5. Industrial art,
6. Hairdressing, massage, cosmetic, tanning, nail, tattoo and piercing studios, medical and non-medical foot care establishments,
7. Places of entertainment,

8. Theme parks, including those that are operated as an itinerant trade within the meaning of Art. 55 Paragraph 1 GewO, and
9. Markets within the meaning of Arts. 66 to 68 GewO.

to stipulate conditions and requirements, in particular hygiene requirements, for the protection against any infection with Corona virus.

(8) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Social Affairs is authorised to stipulate through statutory order conditions and requirements, in particular hygiene requirements, in agreement with the respective competent ministry for other institutions, establishments, offerings and activities not regulated separately in this Ordinance for the protection against any infection with the Corona virus.

#### *Art. 17*

#### *Ordinance Authorisations on Separation Obligations*

Pursuant to Art. 32 Sentence 2 and Art. 36 Paragraph 6 Sentence 5 IfSG, the Ministry of Social Affairs is authorised to issue by statutory order regulations on separation obligations and related additional obligations and measures in order to combat the Corona virus, in particular

1. The separation of persons entering the country from a state outside the Federal Republic of Germany, in an appropriate manner in accordance with Art. 30 Paragraph 1 Sentence 2 IfSG,
2. The separation of sick persons, persons suspected of being sick, persons suspected of being infected and carriers, in a suitable manner in accordance with Art. 30 Paragraph 1 Sentence 2 IfSG,
3. The obligation of persons according to Numeral 1 pursuant to Art. 28 Paragraph 1 Sentence 1 IfSG to report to the authorities responsible for them and to indicate that the prerequisites for separation are fulfilled,

4. The obligation of household members of contact persons of persons tested positive for the Corona virus as well as of persons tested positive by means of a self-test to undergo a PCR or rapid test, according to Art. 28 Paragraph 1 Sentence 1 IfSG,
5. The observation of persons according to Numeral 1 pursuant to Art. 29 IfSG,
6. Prohibitions of occupational activity for persons according to Numeral 1 pursuant to Art. 31 IfSG, including those directed against persons who reside outside of Baden-Württemberg,
7. The obligation to present a medical certificate after entry according to Art. 36 Paragraph 6 IfSG,

as well as to prescribe exceptions to this and conditions including further orders to this effect.

### *Part 3 - Data Processing, Administrative Offences*

#### *Art. 18*

#### *Processing of Personal Data*

Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Social Affairs and the Ministry of the Interior are authorised to regulate by means of a joint statutory order further details on the processing of personal data between health authorities, local police authorities and the police enforcement service, insofar as this is necessary to protect against infection

1. For the protection of law enforcement officers as well as the staff of local police forces against infection during operations,

2. For the ordering, implementation, monitoring and execution of measures in accordance with the IfSG,
3. For the prosecution of criminal offences and administrative offences according to the IfSG and on the basis of statutory orders issued on the basis thereof, and
4. To examine the capacity for detention or placement and the need for isolated placement in detention centres and prisons.

#### *Art. 19*

#### *Regulatory Offences*

Within the meaning of Art. 73 Paragraph 1a Numeral 24 IfSG, a regulatory offence is committed by anyone who deliberately or negligently

1. Does not maintain a minimum distance of 1.5 metres to other persons, except in institutions within the meaning of Art. 16 Paragraph 1 Numeral 1, contrary to Art. 2 Paragraph 2,
2. Contrary to Art. 3, Paragraph 1, Art. 10a, Paragraph 3, Sentence 1 or Art. 10a, Paragraph 6, Sentence 2, does not wear a mouth and nose protection or wears a mouth and nose protection that does not comply with their requirements,
3. Submits, as an attendee, incorrect information regarding first name, surname, address, date of attendance or telephone number contrary to Art. 6 Paragraph 3,
4. Takes part in a gathering, private meeting or private event in contravention of Art. 9 Paragraph 1, also in conjunction with Art. 20 Paragraph 3 Sentence 2 Numeral 3 or Art. 20 Paragraph 4 Sentence 2,

5. Holds an event in contravention of Art. 10 Paragraph 1 Sentence 1, Art. 12 Paragraph 1 Sentence 2 or Art. 12 Paragraph 2 Sentence 2,
6. Contravenes a prohibition on access or participation in accordance with Art. 10 Paragraph 1 Sentence 2, Art. 10a Paragraph 5, Art. 12 Paragraph 1 Sentence 3, Art. 12 Paragraph 2 Sentence 3 or Art. 14 Paragraph 2 Sentences 1 or 4 or Art. 14a Paragraph 4 Sentence 3,
7. Fails to comply with occupational health and safety requirements contrary to Art. 10 Paragraph 1 Sentence 3, Art. 14 Paragraph 2 Sentence 2 or Art. 14a Paragraph 5 Sentence 1,
8. Holds an event in contravention of Art. 10 Paragraph 2 Sentences 1 or 3, or Art. 10 Paragraph 3 Numeral 3,
9. Does not work towards compliance with the distance rule under Art. 2, contrary to Art. 11, Paragraph 2, Sentence 1,
10. Fails to comply with an obligation to process data in contravention of Art. 13a Paragraph 1 Sentence 2 or Art. 14a Paragraph 4 Sentence 1,
11. Operates an establishment or offers a service in contravention of Art. 13 Paragraphs 1 or 2 or Art. 13a Paragraphs 1 to 3 and Paragraph 5, also in conjunction with Art. 20 Paragraph 3 Sentence 2 or Art. 20 Paragraph 5 Sentence 2,
12. Holds special sales promotions in retail establishments and markets contrary to Art. 13a Paragraph 4,
13. Operates or offers establishments, offerings or activities contrary to Art. 14 Paragraph 1 and 3,
14. Contrary to Art. 14a Paragraph 1 Sentence 5 does not finance or organise tests,

15. Fails to submit a hygiene concept in contravention of Art. 14a Paragraph 2 Sentence 3,
16. Enters a facility without a negative rapid COVID-19 test within the meaning of Art. 4a Paragraph 1 or respiratory protection, contrary to Art. 14c Paragraph 1 Sentence 1 or Paragraph 2,
17. Enters a facility without a negative rapid COVID-19 test within the meaning of Art. 4a Paragraph 1 and respiratory protection, contrary to Art. 14c Paragraph 1 Sentence 3,
18. (abolished)
19. Serves or consumes alcohol in public places in contravention of Art. 20 Paragraph 9.

#### *Part 4 - Final Provisions*

##### *Art. 20*

##### *Further Measures, Departures*

(1) This Ordinance and statutory regulations issued on the basis of this Ordinance shall be without prejudice to the right of the competent authorities to adopt more far-reaching measures to protect against infections.

(2) The competent authorities may, on a case-by-case basis, grant departures from the requirements stipulated in this Ordinance or pursuant to this Ordinance for important reasons.

(3) If, in the course of a regular inspection, the competent health authority in a rural or urban district establishes a seven-day incidence of less than 50 new infections

with the Corona virus per 100,000 inhabitants for five consecutive days, it shall immediately publish the finding of the undercut as well as the date of entry into force of the amended regulations in the customary manner in the locality and report it to the Ministry of Social Affairs. As from the entry into force in accordance with Paragraph 8, Numerals 1 to 3 shall take precedence over the corresponding provisions of this Ordinance:

1. The operation of the retail trade, stores and markets within the meaning of Arts. 66 to 68 GewO shall be generally permitted; Art. 13a Paragraphs 1, 3 and Paragraph 5 Sentences 2 and 3 shall not apply; Art. 13a Paragraph 2 Sentences 2 and 3 and Paragraph 4 shall remain unaffected,
2. The operation of libraries, archives, museums, galleries, zoological and botanical gardens as well as memorial sites shall be generally permitted in derogation of Art. 13 Paragraph 1 Numerals 2, 3 and 7; by analogy, Art. 13a Paragraph 1 shall not apply.
3. The operation of outdoor sports facilities and sports grounds as well as physical exercise shall also be permitted for groups of up to 10 persons, in departure from Art. 13 Paragraph 1 Numeral 8, Art. 9 Paragraph 1, provided that the sport is practised in a low-contact manner.

Sentence 2 shall no longer apply from the date of entry into force pursuant to Paragraph 8 if the competent public health authority in a rural or urban district establishes a seven-day incidence of more than 50 new infections with the Corona virus per 100,000 inhabitants, which has existed for three days in succession within the framework of an inspection to be carried out at regular intervals; the determination of the exceeding as well as the date of entry into force of the amended regulations according to Paragraph 8 shall be announced by the public health authority without delay in accordance with local custom and shall be reported to the Ministry of Social Affairs.

(4) If, in the course of a regular inspection, the competent health authority in a rural or urban district establishes a seven-day incidence of less than 35 new infections

with the Corona virus per 100,000 inhabitants for five days in succession, it shall immediately publish the finding of the undercut as well as the date of entry into force of the amended regulations in the customary manner in the locality and report it to the Ministry of Social Affairs. From the date of entry into force in accordance with Paragraph 8, a limit of a maximum of ten persons from three households shall apply in addition to Paragraph 3, Sentence 2, in derogation of Art. 9 Paragraph 1, Sentence 1 for gatherings, private gatherings and events; Children of the respective households up to the completion of the 14<sup>th</sup> year of age shall not be counted. From the date of entry into force according to Paragraph 8, Sentence 2 shall no longer apply if the competent public health authority in a rural or urban district establishes a seven-day incidence of more than 35 new infections with the Corona virus per 100,000 inhabitants, which has existed for three days in succession, within the framework of a regularly conducted inspection; The determination of the exceeding as well as the date of entry into force of the amended regulations shall be announced immediately by the public health authority in accordance with local practice and reported to the Ministry of Social Affairs.

(5) The relevant public health authority shall notify the Ministry of Social Affairs of the customary announcement of the date from which the measures pursuant to Art. 28b Paragraphs 1 and 3 IfSG apply or cease to apply.

In the event of their application, in addition to Art. 28b Paragraphs 1 and 3, it shall apply that

1. For the use of the service of a hairdressing establishment or chiropody according to Art. 28b Paragraph 1 Sentence 1 Numeral 8 IfSG, as an alternative to the proof of a daily negative COVID-19 rapid test, a vaccination documentation or proof of a confirmed infection in the sense of Art. 4a may also be presented,
2. By way of derogation from Art. 13 Paragraph 1 Numeral 4, the operation of music, art and youth art schools shall only be permissible within the framework of online instruction,



3. The provision of vocational training programmes under the Vocational Training Act or the Crafts Code for final-year classes is exempt from the prohibition under Art. 28b Paragraph 3 Sentence 3 IfSG,
4. Visitors to zoological and botanical gardens as defined in Art. 28b Paragraph 1 Sentence 1 Numeral 5 IfSG may also present vaccination documentation or proof of a confirmed infection as defined in Art. 4a as an alternative to proof of a daily negative COVID-19 rapid test,
5. Customers within the meaning of Art. 28b Paragraph 1 Sentence 1 Numeral 4 Half-Sentence 2 Letter b IfSG may also present vaccination documentation or proof of a confirmed infection within the meaning of Art. 4a as an alternative to proof of a daily negative COVID-19 rapid test, and
6. Guidance counsellors within the meaning of Art. 28b Paragraph 1 Sentence 1 Numeral 6 may also present vaccination documentation or proof of confirmed infection within the meaning of Art. 4a as an alternative to proof of a daily negative COVID-19 rapid test.

Further provisions of this Ordinance as well as those based on this Ordinance shall remain unaffected by Art. 28b Paragraphs 1 and 3 IfSG.

(6) (abolished)

(7) (abolished)

(8) In the cases referred to in Paragraphs 3 and 4, the legal effects of falling below or exceeding the seven-day incidence shall take effect on the day after the next after the local announcement.

(9) The serving and consumption of alcohol is prohibited in public places or establishments open to the public as determined by the competent authorities.

(10) The Ministry of Social Affairs may issue further instructions to the competent

authorities within the framework of service and technical supervision for supplementary regional measures in the event of exceptionally high levels of infection (hotspot strategy).

*Art. 21*

*Entry into Force, Expiry*

(1) This Ordinance shall come into force on 12 April 2021. The statutory regulations issued on the basis of the Corona Ordinance of 23 June 2020 (Federal Law Gazette, p. 483), as last amended by Article 1 of the Ordinance of 17 November 2020 (Federal Law Gazette, p. 1052), or the statutory regulations issued on the basis of the Corona Ordinance of 30 November 2020 (Federal Law Gazette, p. 1067), as last amended by Article 1 of the Ordinance of 26 February 2021 (Federal Law Gazette, p. 249), or the statutory regulations issued on the basis of the Corona Ordinance of 7 March 2021 (Federal Law Gazette, p. 273), as last amended by Article 1 of the Ordinance of 19 March 2021 (Federal Law Gazette, p. 298), shall continue to apply until their expiry pursuant to Paragraph 2 Sentence 2.

(2) This Ordinance shall cease to have effect at the end of 22 May 2021. At the same time, all ordinances issued pursuant to this Ordinance, the Ordinance of 23 June 2020, of 30 November 2020 or of 7 March 2021 shall cease to have effect unless previously repealed.

Stuttgart, 27 March 2021

The Government of the State of Baden-Württemberg:

Kretschmann

Strobl

Sitzmann

Dr. Eisenmann

Bauer

Untersteller

Dr. Hoffmeister-Kraut

Lucha

Hauk

Wolf

Hermann

Erlar