

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

of 15 September 2021

(in the version valid from 28 October 2021)

On the basis of Art. 32 in conjunction with Arts. 28 to 31 of the [German] Infection Protection Act (“IfSG”) of 20 July 2000 (Federal Law Gazette I, p. 1045), last amended by Article 12 of the Act of 10 September 2021 (Federal Law Gazette I, p. 4147, 4152), it is decreed:

Part 1 – General Regulations

Art. 1

Objective, Levels, Procedure

(1) The regulation serves to combat the pandemic of the SARS-CoV-2 virus to protect the health of citizens and to avoid overloading the health system.

(2) The following levels shall apply:

1. The Basic Level exists if the figures of Numerals 2 and 3 are not reached or exceeded statewide;
2. The Warning Level is present if the statewide number of new inpatient admissions with COVID-19 patients per 100 000 inhabitants within seven days (seven-day hospitalisation incidence) reaches or exceeds the number of 8, or if the statewide utilisation of intensive care beds (“AIB”) with COVID-

¹ Non-official consolidated version after entry into force of the Ordinance of the State Government amending the Corona Ordinance of 20 October 2021 (Federal Law Gazette I, p. 929).

19 patients reaches or exceeds the absolute number of 250;

3. The Alert Level is present when statewide the seven-day hospitalisation incidence reaches or exceeds the figure of 12 or when statewide the intensive care bed (AIB) occupancy rate with COVID-19 patients reaches or exceeds the absolute figure of 390.

(3) The State Health Office shall announce the occurrence of the respective level by publication on the Internet (www.gesundheitsamt-bw.de/lga/de/fachinformationen/infodienste-newsletter/infektnews/seiten/lagebericht-covid-19); the figures published by the State Health Office shall be authoritative for this purpose. For the respective level to apply, the relevant number of hospitalisation incidences for five consecutive working days or the utilisation of intensive care beds for two consecutive working days must have been reached or exceeded. The next lower level shall apply if the number of working days falls below the relevant figure for a level for five consecutive working days. Saturdays, Sundays and public holidays shall not suspend the counting of the relevant working days. The measures of the respective level set out in the Ordinance shall apply from the day following the date of publication.

Art. 2

General Distance and Hygiene Rules

Maintaining a minimum distance of 1.5 meters from other people, adequate hygiene and regular ventilation of enclosed spaces is generally recommended.

Art. 3

Mask Obligation

(1) The obligation to wear a medical mask applies.

(2) An exception to the mask obligation under Paragraph 1 applies:

1. In private areas,
2. Outdoors, unless it can be assumed that a minimum distance of 1.5 meters from other persons cannot be reliably maintained,
3. For children up to the age of six,
4. For persons who can credibly demonstrate that they cannot or cannot reasonably be expected to wear a medical mask for health reasons, whereby the credibility of health reasons must generally be substantiated by a medical attestation,
5. At the basic level in the facilities and offers mentioned in Part 2, if access is only permitted to immunised visitors, participants or customers ("2G" option model); this also applies to employees with contact to external persons, if they are immunised and voluntarily present their proof of vaccination or recovery to the employer; Art. 5 Paragraph 1 Sentence 3 and Paragraph 3 shall remain unaffected,
6. If the wearing of a mask is unreasonable or impossible for similarly weighty and unjustifiable reasons in the individual case, or if another protection of at least an equivalent level is available for other persons, or
7. provided that at least equivalent protection is otherwise available for other persons.

(3) The SARS-CoV-2 Occupational Health and Safety Ordinance of 25 June 2021 (BAntz AT 28 June 2021 V1), as amended from time to time, which was amended by Article 1 of the Ordinance of 6 September 2021 (BAntz AT 9 September 2021 V1), shall remain unaffected in workplaces and operating sites.

Art. 4
Immunised Persons

(1) Immunised persons are persons vaccinated against or recovered from COVID-19. Immunised persons shall always be permitted access to the facilities or services referred to in Part 2 within the limits of available and permitted capacity, provided they are asymptomatic and present a proof of vaccination or recovery, insofar as there is also an obligation to present antigen or PCR test evidence for non-immunised persons. For immunised persons who are asymptomatic, there is an obligation to present proof of vaccination or convalescence, even if entry or participation is only permitted for immunised persons.

(2) For the purposes of Paragraph 1,

1. A vaccinated person is a person who is in possession of a vaccination certificate issued to him or her within the meaning of Art. 2 Numeral 3 of the COVID-19 Protective Measures Exemption Ordinance of 8 May 2021 ("SchAusnahmV" - BAnz AT 8 May 2021 V1),
2. A recovered person is a person who is in possession of a recovery certificate issued to him or her within the meaning of Art. 2 Numeral 5 SchAusnahmV, and
3. An asymptomatic person is a person who currently has no typical symptom or other evidence of infection with the SARS-CoV-2 Corona virus; typical symptoms of an infection with the SARS-CoV-2 Corona virus are shortness of breath, new-onset cough, fever and loss of smell or taste.

Art. 5
Non-Immunised Persons

(1) A non-immunised person is a person who has neither been vaccinated against nor recovered from COVID-19 within the meaning of Art. 4 Paragraph 2. Non-

immunised persons shall only be admitted to establishments or services referred to in Part 2, within the limits of available and permitted capacity, in accordance with Part 2, if they are asymptomatic and present a negative antigen or PCR test certificate issued in their name. For asymptomatic persons who have not yet reached the age of 18 or who cannot be vaccinated for medical reasons or for whom there is no vaccination recommendation by the Standing Commission on Vaccination, a negative antigen test detection is sufficient instead of a PCR test detection; this shall apply analogously if access or participation is only permitted for immunised persons. As a rule, the prima facie case of medical reasons must be made by means of a medical certificate.

(2) Persons who have not yet reached the age of six or have not yet started school shall always be allowed access to the establishments or services referred to in Part 2, within the limits of the available and permitted capacities, provided that they are asymptomatic.

(3) Persons participating as pupils in the regular testing in school attendance shall always be allowed access to establishments or services referred to in Part 2 within the available and permissible capacities, provided that they are asymptomatic. This shall apply analogously if access or participation is only permitted for immunised persons. As a rule, credible proof of pupil status shall be provided by means of an appropriate identification document.

(4) A test certificate is a proof within the meaning of Art. 2 Numeral 7 SchAusnahmV regarding a test that

1. Takes place on site under the supervision of the provider who must verify the presence of a test certificate; the test certificate issued by this provider may not be used for admission to other facilities or events,
2. Is carried out within the framework of in-company testing within the meaning of occupational health and safety by personnel who have the necessary training or knowledge and experience to do so, or

3. Was performed or supervised by a service provider in accordance with Art. 6 Paragraph 1 of the Corona Virus Test Ordinance of 21 September 2021 (BAnz AT 21 September 2021 V1).

Testing by laboratory diagnostics using nucleic acid detection (PCR, PoC-PCR or other methods of nucleic acid amplification technology) shall also be permissible. In the case of a rapid antigen test, the underlying test must not be more than 24 hours old, in case of a PCR test, the underlying test must not be more than 48 hours old.

(5) The provisions on access restrictions under Part 2 shall not apply to employed persons within the meaning of Art. 2 Paragraph 2 of the Occupational Health and Safety Act of 7 August 1996 (Federal Law Gazette I p. 1246), as last amended by Article 1 of the Act of 22 December 2020 (Federal Law Gazette I p. 3334), unless otherwise provided for in this Ordinance.

Art. 6 *Verification of Proof*

Providers, organisers or operators shall be obliged to verify the proof of testing, vaccination or recovery to be presented

Art. 7 *Hygiene Concept*

(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. The hygiene concept shall describe how the hygiene requirements are to be implemented, in particular

1. The implementation of the distance recommendation, primarily with the presentation of other protective measures if a distance is not observed and

- the regulation of flows of people,
2. The regular and sufficient ventilation of indoor spaces,
 3. The regular cleaning of surfaces and objects,
 4. Timely and comprehensible information about the applicable hygiene requirements, and
 5. The posting of a clearly visible notice prior to entry if the “2G” option model is used.

(2) At the request of the competent authority, those responsible shall submit the hygiene concept and provide information on its implementation.

Art. 8 *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. 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.

Part 2 – Special Regulations

Art. 9

Private Gatherings and Private Events

(1) Private gatherings and private events shall be permissible

1. Without any restrictions at the Basic Level,
2. Only with members of a household and five other persons at the Warning Level,
3. Only with members of one household and one other person at the Alert Level.

(2) Couples who do not live together are considered one household.

(3) Immunised persons as well as persons who have not yet reached the age of 18 or who cannot be vaccinated for medical reasons or for whom there is no vaccination recommendation by the Standing Commission on Vaccination shall not be taken into account when determining the number of persons and the household.

(4) In cases of social hardship or meetings or events for similarly weighty and unavoidable purposes, the restrictions referred to in Paragraph 1 shall not apply.

Art. 10
Events

(1) Events such as theatre, opera and concert performances, film screenings, city and folk festivals, city tours, information events, company and club celebrations as well as sport events shall be permissible

1. At the Basic Level, whereby non-immunised visitors are only permitted to enter enclosed areas upon presentation of proof of antigen or PCR testing; this also applies to outdoor events with 5,000 or more visitors or to events where a minimum distance of 1.5 metres cannot be reliably maintained,
2. At the Warning Level, with non-immunised visitors only permitted to enter enclosed areas upon presentation of proof of PCR testing; at outdoor events, non-immunised persons are only allowed entry upon presentation of an antigen or PCR test certificate,
3. At the Alert Level, whereby non-immunised visitors are not permitted entry.

(2) Events with up to 25,000 visitors shall be permissible up to and including 5,000 visitors at 100 % of the capacity and for the part exceeding 5,000 visitors at a maximum of 50 % of the further capacity. The upper limit of persons and the capacity restriction in accordance with Sentence 1 do not apply if only immunised visitors are permitted access.

(3) By way of derogation from Art. 7 Paragraph 2, for events exceeding 5,000 visitors, the hygiene concept must be submitted to the locally competent public health authority. Insofar as the health authority identifies deficiencies, the hygiene concept shall be adapted immediately in accordance with the requirements of the health authority.

(4) Exempt from the obligation to present proof of testing and the access ban according to Paragraph 1 Numeral 3 shall be participants in

1. Committee meetings of legal entities, companies and comparable associations,
2. Events that serve the maintenance of work, service or business operations, public safety and order or social welfare,
3. Events in the area of child and youth welfare services that are carried out within the framework of services or measures according to Arts. 14, 27 to 35a, 41 to 42e with the exception of Art. 42a Paragraph 3a SGB VIII, and
4. Events for similarly weighty and irrefutable reasons.

(5) Anyone holding an event must prepare a hygiene concept and carry out data processing. An organiser shall assume overall responsibility for the organisation. Implementation is only permitted with controlled access for visitors. Employees and other contributors as well as athletes shall not be taken into account when determining number of visitors.

(6) In case of events and meetings of the organs, parts of organs and other bodies of the legislative, judicial and executive branches as well as of self-government, as well as nomination and election campaign events and the collection of support signatures required for municipal elections, petitions for referendums, petitions for motions, citizens' petitions, residents' petitions and residents' meetings, the submission of a test certificate by participants, the preparation of a hygiene concept and the implementation of data processing shall not be required; non-immunised persons shall be exempt from the access ban in accordance with Paragraph 1 Numeral 3 The obligation to wear a medical mask shall only apply to visitors of these events.

(7) 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. 11

Christmas Markets

(1) In the context of Christmas markets, the sale of food and beverages for immediate consumption and other offers that invite people to linger are

1. Permissible at the Basic and Warning Levels, with non-immunised visitors required to present an antigen or PCR test certificate,
2. At the alert level, only permitted for immunised visitors.

Proof of vaccination, recovery or testing shall not be required to visit the merchandise sales stands. This also applies to the sale of food that is not intended for immediate consumption. In the case of a mixed sale of food, beverages and other goods, Sentence 1 shall apply.

(2) The organiser shall assume overall responsibility for the organisation. In the case of Paragraph 1 Sentence 1, a hygiene concept shall be drawn up and data processing shall be carried out.

Art. 12

Meetings under Article 8 of the Basic Law

(1) Gatherings intended to serve the exercise of the fundamental right of freedom of assembly under Article 8 of the Basic Law shall be permissible. The competent authorities may impose conditions, for example on compliance with hygiene requirements.

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

Art. 13

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

(1) Events organised by churches as well as religious and faith communities for the practice of religion and corresponding events of non-confessional organisations shall be permissible.

(2) Burials, urn burials and prayers for the dead are permissible.

(3) Anyone holding an event under Paragraphs 1 or 2 shall establish a hygiene concept in accordance with Art. 7 and perform data processing in accordance with Art. 8.

Art. 14

Cultural, Recreational and Other Establishments, and Transportation

(1) The operation of cultural institutions such as galleries, museums, memorials, archives, libraries and similar institutions, trade fairs, exhibitions and conventions, sports facilities, baths and bathing lakes with controlled access, saunas and similar establishments, river and lake navigation in excursion traffic, tourist bus, rail and cableway transport and similar establishments, amusement parks, zoological and botanical gardens, high ropes courses and similar establishments, shall be permissible to the public

1. At the Basic Level, whereby non-immunised visitors are only allowed access to enclosed areas upon presentation of proof of antigen or PCR testing,
2. At the Warning Level, with non-immunised visitors only permitted to enter enclosed areas upon presentation of proof of PCR testing; outdoors, non-immunised visitors are only allowed entry after presenting proof of antigen or PCR testing,

3. At the Alert Level, whereby non-immunised visitors are not permitted entry.

For the collection and return of media in libraries and archives, the presentation of a test certificate shall not be required and non-immunised visitors are exempt from the access ban according to Sentence 1 Numeral 3; this shall also apply to the practice of sport for official purposes, rehabilitation sport and top-level or professional sport. Notwithstanding Sentence 1, access to the state libraries and archives is permitted to non-immunised visitors at the Alert Level upon presentation of a PCR test certificate.

(2) In saunas, regular exchange of the room air must be ensured. It is prohibited to disperse air in the course of infusions. Access to facilities with aerosol formation, in particular steam baths, steam saunas and warm air rooms, is only permitted to immunised visitors; the exemptions of Art. 5 Paragraph 1 Sentence 3 and Paragraph 3 do not apply.

(3) The operation of prostitution establishments, brothels and similar establishments as well as any other exercise of the prostitution trade within the meaning of Art. 2 Paragraph 3 of the Prostitution Protection Act of 21 October 2016 (Federal Law Gazette I, p. 2372), as last amended by Art. 5 Paragraph 1 of the Act of 9 March 2021 (Federal Law Gazette I, p. 327), shall be permitted for the general public

1. At the Basic Level, whereby non-immunised visitors are only allowed entry upon presentation of proof of antigen or PCR testing,
2. At the Warning Level, whereby non-immunised visitors are only allowed entry upon presentation of proof of PCR testing,
3. At the Alert Level, whereby non-immunised visitors are not permitted entry.

(4) The operation of discotheques, clubs and similar establishments shall be permitted for the general public

1. At the Basic Level, whereby non-immunised visitors are only allowed access to enclosed areas upon presentation of proof of PCR testing,
2. At the Warning and Alert Levels, whereby non-immunised visitors are not permitted entry.

The exemptions of Art. 5 Paragraph 1 Sentence 3 and Paragraph 3 shall not apply.

(5) Any person operating an establishment under Paragraphs 1 to 4 shall draw up a hygiene concept and carry out data processing; data processing is not required in libraries and archives when collecting and returning media.

Art. 15

Extracurricular and Vocational Education

(1) Extracurricular and adult education offerings such as adult education courses, offers by music, art and youth art schools and similar offers shall be permissible

1. At the Basic Level, whereby non-immunised visitors are only allowed access to enclosed areas upon presentation of proof of antigen or PCR testing,
2. At the Warning Level, with non-immunised visitors only permitted to enter enclosed areas upon presentation of proof of PCR testing; outdoors, non-immunised visitors are only allowed entry after presenting proof of antigen or PCR testing,
3. At the Alert Level, whereby non-immunised visitors are not permitted entry.

(2) Events of vocational training pursuant to the Vocational Training Act or the Handicrafts Code as well as examinations and examination preparations, the implementation of labour market policy measures and other further and continuing vocational training, of language and integration courses, the conduct of practical and theoretical driving, boating and flying school training and of practical and theoretical

examinations, as well as the conduct of postgraduate seminars pursuant to Art. 2b of the Road Traffic Act (“StVG”) and driving aptitude seminars pursuant to Art. 4a of the StVG and comparable offers shall be permissible at the Basic Level without the restrictions of Paragraph 1. At the Warning and Alert Levels, visitors shall only be allowed access to enclosed areas upon presentation of proof of antigen or PCR testing; for events lasting several days, a current antigen or PCR test certificate shall be submitted every three days; Art. 10 Paragraph 6 shall remain unaffected. For examinations, proof of testing according to Sentence 2 is not required if a minimum distance of 1.5 metres is maintained at all times and if there is spatial separation from other participants who have provided proof of testing, vaccination or recovery.

The obligation to wear a medical mask does not apply when implementing the “2G” option model or if a minimum distance of 1.5 metres from other persons may be reliably maintained or access to an exam is only permitted after presentation of proof of testing, vaccination or recovery.

(3) Nursing schools, schools for health care professions and specialised schools for social work under the departmental responsibility of the Ministry of Social Affairs, further education and training institutions for nursing and health care professions, the State Fire Brigade School, as well as schools for activities in the emergency services and schools under the departmental responsibility of the Ministry of Rural Areas as well as the Ministry of Finances shall offer two antigen tests each school week to the pupils involved in classroom teaching and to the staff working at the institutions in classroom teaching; this shall not apply to immunised persons. The time and organisation of tests to be carried out shall be determined by the school administration. Admission for non-immunised persons shall only be permitted upon presentation of proof of testing. Proof of testing shall be deemed to have been provided if the person concerned has taken part in the testing and has tested negative; this shall also apply if, at the school, the testing is not carried out before or immediately after entering the school premises but at a later point in the school day. The proof must not be provided

1. For participation in intermediate and final examinations or in performance assessments required for the award of grades,

2. For entering the school premises for a short period of time, insofar as this is absolutely necessary for participation in the distance learning course, or
3. For entry by service providers that is required at short notice for the operation of the school or takes place outside operating hours.

For intermediate and final examinations, the school administration shall take appropriate measures to separate persons without a certificate from the other examination candidates.

(4) Anyone who provides extracurricular and vocational education and training shall draw up a hygiene concept and carry out data processing.

Art. 16

Gastronomy, Accommodation and Entertainment Venues

(1) The operation of gastronomy, entertainment venues and similar establishments shall be permissible

1. At the Basic Level, whereby non-immunised visitors are only allowed access to enclosed areas upon presentation of proof of antigen or PCR testing,
2. At the Warning Level, with non-immunised visitors only permitted to enter enclosed areas upon presentation of proof of PCR testing and outdoors, non-immunised visitors are only allowed entry after presenting proof of antigen or PCR testing,
3. At the Alert Level, with non-immunised persons not permitted to enter enclosed spaces and only permitted outdoors upon presentation of proof of PCR testing.

Over-the-counter sales and the collection of drinks and food exclusively for take-away are possible without restriction.

(2) The operation of canteens, cafeterias at universities and academies under the Academies Act as well as company canteens within the meaning of Art. 25 Paragraph 1 of the Restaurants Act (“GastG”) in the version published on 20 November 1998 (Federal Law Gazette I, p. 3418), as last amended by Article 14 of the Act of 10 March 2017 (Federal Law Gazette I, p. 420), shall be permissible for use by members of the respective institution as well as for external immunised persons; for non-immunised external persons

1. Access to enclosed areas shall only be permitted, at the Basic Level, upon presentation of proof of antigen or PCR testing,
2. Access to enclosed areas shall only be permitted, at the Warning Level, upon presentation of proof of PCR testing and outdoors, only after presenting proof of antigen or PCR testing,
3. At the Alert Level, access to closed rooms is not allowed and only permitted outdoors upon presentation of proof of PCR testing.

Over-the-counter sales and the collection of drinks and food exclusively for take-away are possible without restriction.

(3) The operation of accommodation businesses and similar establishments shall be permissible

1. At the Basic and Warning Levels, whereby non-immunised visitors are only permitted entry upon presentation of proof of antigen or PCR testing,
2. At the Alert Level, whereby non-immunised visitors are only permitted entry upon presentation of proof of PCR testing.

An up-to-date antigen or PCR test certificate must be submitted again every three days; only a PCR test certificate is permitted at the Alert Level. The use of recreational facilities by accommodation guests shall be governed by Art. 14 Paragraphs 1 to 4. Non-immunised accommodation guests are only permitted to use

gastronomic facilities of accommodation establishments in the Basic and Alert Levels upon presentation of an antigen or PCR test certificate and in the Alert Level not indoors and outdoors only upon presentation of a PCR test certificate; Sentence 2 shall apply accordingly to the use of gastronomic facilities.

(4) Anyone operating an establishment in accordance with Paragraphs 1 to 3 shall draw up a hygiene concept; in the case of over-the-counter sales and the serving of drinks and food exclusively for take-away, data processing is not required.

Art. 17

Trade and Service Companies

(1) The operation of retail trade, shops and markets that serve exclusively the sale of goods to end consumers shall be permissible

1. At the Basic and Warning Levels,
2. At the Alert Level, whereby non-immunised visitors are only permitted entry upon presentation of proof of antigen or PCR testing.

Exempted from the restrictions of Sentence 1 Numeral 2 shall be shops that serve the basic supply as well as markets outside enclosed spaces. Pick-up offers and delivery services including those of the online trade shall be permitted without restriction.

(2) The provision of services close to the body shall be permissible

1. At the Basic and Warning Levels, whereby non-immunised visitors are only permitted entry upon presentation of proof of antigen or PCR testing,
2. At the Alert Level, whereby non-immunised visitors are only permitted entry upon presentation of proof of PCR testing.

The evidence requirements shall not apply to physiotherapy and occupational therapy, obstetrics, speech therapy and podiatry as well as medical chiropody and similar health-related services.

(3) Anyone operating a retail establishment, a shop, a market in the sense of Paragraph 1, a commercial or service business with customer traffic or a similar establishment shall draw up a hygiene concept. Businesses for the provision of services close to the body shall perform data processing and draw up a hygiene concept.

Art. 18

General In-House Testing

(1) Employees with direct contact with external persons are obliged to accept the tests offered in accordance with Art. 4 Paragraph 1 of the SARS-CoV-2 Occupational Health and Safety Ordinance or to carry out or have carried out other rapid antigen tests twice a week. Evidence of the tests shall be kept for a period of four weeks and presented to the competent authority upon request.

(2) Self-employed persons with direct contact with external persons are obliged to perform or have performed a rapid antigen test twice a week. Evidence of the tests shall be kept for a period of four weeks and presented to the competent authority upon request.

(3) Immunised persons are exempt from compulsory testing.

Art. 19

Slaughterhouses and the Use of Seasonal Workers in Agriculture

(1) The non-immunised 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 ten seasonal workers, in the period of the employment of seasonal workers

shall, before they begin work for the first time, present a proof of antigen or PCR testing. In the cases referred to in Sentence 1 Numeral 1, non-immunised employees of establishments with more than 100 employees in the slaughtering and cutting area shall be subject to an additional weekly test obligation. The test proofs shall be submitted to the operator upon request. At the Warning Level, non-immunised employees of establishments within the meaning of Paragraph 1 Sentence 1 Numeral 2 shall be subject to weekly testing; at the Alert Level, they shall be subject to daily testing. The organisation and financing of the testing is the responsibility of the operator, unless otherwise guaranteed. On agricultural operations, the obligation to wear a medical mask does not apply outside enclosed spaces.

(2) Anyone operating establishments referred to in Paragraph 1 Sentence 1 shall draw up a hygiene concept. Notwithstanding Art. 7 Paragraph 2, the hygiene concept shall be submitted 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 data processing of the data of employees and visitors to the premises. In the case of Paragraph 1 Sentence 1 Numeral 2, only the data of employees shall be processed.

Part 3 - Final Regulations

Art. 20

Further Measures, Individual Case Decisions, Model Projects

(1) In individual cases, the responsible authorities may allow deviations from the requirements set out by or on the basis of this Ordinance for an important reason. This Ordinance and Ordinances adopted pursuant to this Ordinance shall be without prejudice to the right of the competent authorities to adopt further-reaching measures to protect against infection.

(2) The Ministry of Social Affairs may issue instructions to the competent authorities within the framework of official and technical supervision for supplementary regional measures in the event of an exceptionally high incidence of infection (hot-spot strategy).

(3) In agreement with the Ministry of Social Affairs, the responsible authorities may approve model projects. Insofar as model projects have proven successful in the assessment of the Ministry of Social Affairs, it may approve further comparable projects upon application.

Art. 21

Statutory Order Authorisations for Institutions, Companies, Offers and Activities

(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 of religious, faith and ideological communities as well as events in the event of deaths,

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, testing and masking obligations, access and participation prohibitions, 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, testing and masking obligations and access prohibitions 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 and the Education Centre Correctional Services Baden-Württemberg. For the Baden-Württemberg Police University including the duties of an Executive Board for Education of the Baden-Württemberg Police University, the Ministry of the Interior, and for the Schwetzingen School of Law as well as the Education Centre Correctional Services Baden-Württemberg, the Ministry of Justice may specify 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 and conditions and requirements, in particular hygiene

requirements, testing and masking obligations and access prohibitions for protection against infection with the Corona virus.

(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, testing and masking obligations and access prohibitions for the protection against

any infection with Corona virus.

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

1. For the operation of correctional facilities, the conditions and requirements, in particular hygiene requirements, testing and masking obligations and access prohibitions,
2. For the operation of state facilities for initial admission, conditions and requirements, in particular hygiene requirements, testing and masking obligations and access prohibitions and
3. 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

1. For the operation of public and private sports facilities and sports grounds, gyms and yoga studios and for the organisation of sports competitions, as well as for the operation of dance and ballet schools and similar establishments,
2. For the operation of bathing facilities including saunas and bathing lakes with controlled access, as well as
3. For the operation of music schools, art schools and youth art schools and similar institutions

to stipulate conditions and requirements, in particular hygiene requirements, testing and masking obligations and access prohibitions 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, 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, testing and masking obligations and access prohibitions 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 of the Industrial Code (“GewO”), and
9. Markets within the meaning of Arts. 66 to 68 GewO

to stipulate conditions and requirements, in particular hygiene requirements, testing and masking obligations and access prohibitions 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, testing and masking obligations and access prohibitions 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. 22

Ordinance Authorisations on Separation Obligations

Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Social Affairs shall be 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 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,
2. 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 an antigen or PCR test, according to Art. 28 Paragraph 1 Sentence 1 IfSG,

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

Art. 23

Ordinance Authorisations on the 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 [German] Infection Protection Act,
3. For the prosecution of criminal offences and administrative offences according to the [German] Infection Protection Act 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. 24

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. Contrary to Art. 3, Paragraph 1 does not wear a medical mask,

2. Contrary to Art. 4 Paragraph 1 Sentence 2, participates in an event without presenting proof of vaccination or recovery issued in his or her name or enters a facility without presenting proof of vaccination or recovery issued in his or her name,
3. Contrary to Art. 6 in conjunction with Art. 4 Paragraph 1 Sentence 2 or Art. 5 Paragraph 1 Sentence 2, each in conjunction with Art. 10 Paragraph 1 or Paragraph 2 Numeral 2, Art. 11 Paragraph 1 Sentences 1 or 4, Art. 14 Paragraph 1 Sentence 1, Art. 14 Paragraph 2 Sentence 3, Art. 14 Paragraph 3, Art. 14 Paragraph 4 Sentence 1, Art. 15 Paragraph 1, Art. 15 Paragraph 2 Sentence 2, Art. 16 Paragraph 1 Sentence 1, Art. 16 Paragraph 2 Sentence 1 Half-Sentence 2, Art. 16 Paragraph 3 Sentence 1, Art. 17 Paragraph 1 Sentence 1 Numeral 2 or Art. 17 Paragraph 2 Sentence 1 fails to comply with an obligation to verify the test, vaccination or recovery certificate,
4. Contrary to Art. 7 Paragraph 2, fails to submit a hygiene concept at the request of the competent authority or fails to provide information on its implementation,
5. Contrary to Art. 8 Paragraph 2, does not exclude persons refusing the collection of their contact details in whole or in part from visiting or using the facility or from participating in an event,
6. Contrary to Art. 8 Paragraph 3 submits, as an attendee, incorrect information regarding contact information,
7. Contrary to Art. 9 Paragraph 1 Numerals 2 or 3 holds a private event,
8. Contrary to Art. 10 Paragraph 2 Sentence 1, holds an event in excess of the permissible number of participants or capacity,
9. Contrary to Art. 10 Paragraph 1, Art. 11 Paragraph 1 Sentences 1 or 4, Art. 14 Paragraph 1 Sentence 1, Art. 14 Paragraph 3, Art. 14 Paragraph 4

Sentence 1, Art. 15 Paragraph 1, Art. 15 Paragraph 2 Sentence 2, Art. 16 Paragraph 1 Sentence 1, Art. 16 Paragraph 2 Sentence 1 Half-Sentence 2, Art. 17 Paragraph 1 Sentence 1 Numeral 2 or Art. 17 Paragraph 2 Sentence 1, participates in an event without presenting proof of testing issued in his or her name or enters a facility without presenting proof of testing issued in his or her name,

10. Contrary to Art. 10 Paragraph 3 Sentence 1 or Sentence 2, does not submit the hygiene concept or does not promptly adapt it
11. Contrary to Art. 10 Paragraph 5 Sentence 1, Art. 11 Paragraph 2 Sentence 2 or Art. 13 Paragraph 3, conducts an event or holds a Christmas market without drawing up a hygiene concept or carrying out data processing,
12. Contrary to Art. 14 Paragraph 2 Sentences 1 and 2, operates a sauna,
13. (Abolished)
14. Contrary to Art. 14 Paragraph 5, operates a cultural, leisure or other facility or a transport establishment without drawing up a hygiene concept or carrying out data processing,
15. Contrary to Art. 16 Paragraph 4, operates a restaurant, a place of entertainment, a refectory, a cafeteria, a company canteen, an accommodation establishment or a similar establishment without drawing up a hygiene concept or carrying out data processing,
16. Contrary to Art. 17 Paragraph 3 Sentence 1 or Sentence 2, operates a retail establishment, a shop, a market, a commercial or service establishment with customer traffic or a similar establishment without drawing up a hygiene concept or operates an establishment for the provision of body-related services without carrying out data processing,

17. Contrary to Art. 18 Paragraph 1, as an employee does not accept an offer of testing and does not carry out testing or have testing carried out or does not keep evidence of testing or does not make it accessible,
18. Contrary to Art. 18 Paragraph 2, as a self-employed person, does not carry out a test or have a test carried out or does not keep evidence of tests or does not make such evidence available,
19. Contrary to Art. 19 Paragraph 1 Sentence 5, does not finance or organise testing as an operator,
20. Contrary to Art. 19 Paragraph 2, fails to draw up a hygiene concept, fails to submit it or fails to adapt it promptly or fails to carry out data processing,
21. Contrary to Art. 19 Paragraph 4, fails to carry out data processing.

Art. 25

Entry into Force, Expiry

(1) This Ordinance comes into force on 16 September 2021, notwithstanding the foregoing, Article 21 shall enter into force on the day of promulgation. At the same time, the Corona Ordinance of 14 August 2021 (Federal Law Gazette, p. 714), which was amended by Article 1 of the Ordinance of 11 September 2021 (emergency promulgated pursuant to Article 4 of the Promulgation Act and available on the Internet at <https://www.baden-wuerttemberg.de/de/service/aktuelle-infos-zu-corona/aktuelle-corona-verordnung-des-landes-baden-wuerttemberg/>) shall expire. The statutory regulations issued on the basis of the Corona Ordinance of 23 June 2020 (Federal Law Gazette, p. 483), last amended by 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), last amended by 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, corr. p. 339), amended by

the Ordinance of 19 March 2021 (Federal Law Gazette, p. 298) or the statutory regulations issued on the basis of the Corona Ordinance of 27 March 2021 (Federal Law Gazette, p. 343), last amended by the Ordinance of 1 May 2021 (Federal Law Gazette, p. 417), or the statutory regulations issued on the basis of the Corona Ordinance of 13 May 2021 (Federal Law Gazette, p. 431), last amended by the Ordinance of 18 June 2021 (Federal Law Gazette, p. 501), or the statutory regulations issued on the basis of the Corona Ordinance of 25 June 2021 (Federal Law Gazette, p. 550), amended by the Ordinance of 23 July 2021 (Federal Law Gazette, p. 665) or that have been amended on the basis of the Ordinance of 14 August 2021 (Federal Law Gazette, p. 714), as amended by Article 1 of the Ordinance of 11 September 2021 (not promulgated pursuant to section 4 of the Promulgation Act and available on the Internet at <https://www.baden-wuerttemberg.de/de/service/aktuelle-infos-zu-corona/aktuelle-corona-verordnung-des-landes-baden-wuerttemberg/>) shall continue to apply until their expiry pursuant to Paragraph 2 Sentence 2.

(2) This Ordinance shall expire at the end of 24 November 2021. At the same time, all ordinances issued pursuant to this Ordinance or the ordinances referred to in Paragraph 1 Sentence 2 shall expire unless previously repealed.

Stuttgart, 15 September 2021

The Government of the State of Baden-Württemberg:

Kretschmann

Strobl	Dr. Bayaz
Schopper	Bauer
Walker	Dr. Hoffmeister-Kraut
Lucha	Gentges
Hermann	Hauk
Razavi	Hoogvliet

Bosch