

## Federal law consolidated: Entire legislation for the 2nd COVID-19 Emergency Measures Ordinance, version of 15.01.2021

### Long title

Ordinance of the Federal Minister of Social Affairs, Health, Care and Consumer Protection, with which special protective measures are taken to prevent an emergency situation due to COVID-19 (2nd COVID-19 Emergency Measures Ordinance – 2nd COVID-19 Emergency MV), StF: [Federal Law Gazette II No. 598/2020](#)

### Alteration

[Federal Law Gazette II No. 2/2021](#)

[Federal Law Gazette II No. 17/2021](#)

### Preamble/promulgation clause

On the basis of §§ 3 Paragraph 1, 4(1) and 5(1) of the COVID-19 Measures Act, [Federal Law Gazette I No. 12/2020](#), as last amended by Federal Law [Gazette I No. 104/2020](#), as well as § 15 of the Epidemic Act 1950, [Federal Law Gazette No. 186/1950](#), as last amended by federal law [gazette I no. 136/2020](#), is decreed in agreement with the Main Committee of the National Council:

### Text

#### Initial control

**§ 1.** (1) In order to prevent the spread of COVID-19 and to prevent a breakdown of medical care, leaving one's own private living area and staying outside one's own private living area are only permitted for the following purposes:

1. averting an immediate danger to life, limb and property,
  2. Care of and assistance for persons in need of support as well as exercise of family rights and fulfilment of family obligations,
  3. Covering the necessary basic needs of daily life, such as in particular
    - a) the contact with
      - aa) the life partner not living in the same household,
      - bb) individual closest relatives (parents, children and siblings),
      - cc) individual important caregivers with whom physical contact or non-physical contact is usually maintained several times a week,
    - b) the supply of basic goods of daily life,
    - c) the use of health services or testing for SARS-CoV-2 as part of screening programmes;
    - d) the coverage of a housing need,
    - e) the satisfaction of basic religious needs, such as visits to cemeteries and individual visits to places of religious practice, and
    - f) the care of animals,
  4. professional and training purposes, where necessary,
  5. Staying outdoors alone, with persons from the common household or persons according to Z 3 lit. a for physical and mental recovery,
  6. the exercise of administrative or judicial channels which cannot be postponed, including participation in public meetings of the general representative bodies and in oral proceedings of the courts and administrative authorities in order to respect the principle of publicity;
  7. to participate in elections provided for by law and to use instruments of direct democracy provided for by law,
  8. for the purpose of permitted entry into customer areas of permanent establishments or the permissible purchase of pre-ordered goods in accordance with §§ 5, 7 and 8, certain places according to §§ 9, 10 and 11 as well as facilities according to § 15 Paragraph 1 Z 1 and 2, and
  9. to participate in events in accordance with §§ 12 and 13.
- (2) Its own private living area also includes residential units in accommodation facilities as well as in homes for the elderly, nursing and disabled.
- (3) Contacts within the meaning of paragraph 1 Z 3 lit. a and 5 may only take place if
1. on the one hand, persons from no more than one household are involved at the same time, and
  2. on the other hand, only one person is involved.

#### Public Places

**§ 2.** (1) When entering public outdoor places, a distance of at least one meter must be maintained from people who do not live in the same household.

(2) When entering public places in enclosed spaces, a distance of at least one metre must be maintained from persons who do not live in the same household and a close-fitting mechanical protective device covering the mouth and nose area must be worn.

#### Means of mass transport

**§ 3.** In means of mass transport and the associated metro stations, platforms, stops, stations and airports plus their connecting structures, a distance of at least one metre must be maintained from persons who do not live in the same household and a mechanical protective device covering the mouth and nose and closely fitting. If, due to the number of passengers and when boarding and disembarking, it is not possible to maintain a distance of at least one metre, this may exceptionally be deviated from.

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

**§ 4.** (1) The joint use of motor vehicles by persons who do not live in the same household is only permitted if only two persons are transported in each row of seats, including the driver. The same applies to taxis and taxi-like companies as well as on board aircraft that are not considered a means of mass transport. In addition, a close-fitting mechanical protective device covering the mouth and nose area must be worn.

(2) In the case of the transport of persons with disabilities, pupils and kindergarten children, taxis, taxi-like companies and school transport within the meaning of §§ 30a ff of the Family Burden Equalisation Act 1967, [Federal Law Gazette No. 376/1967](#), from paragraph 1 sentence 1 if this is necessary due to the number of passengers.

(3) The following applies to the use of cable cars and rack railways:

1. § 3 applies mutatis mutandis, whereby in closed or coverable means of travel (gondolas, cabins, coverable armchairs) and in closed access areas of cable cars and rack railways from the age of 14, a respirator of protection class FFP2 (FFP2 mask) without exhalation valve or an equivalent or higher standard mask must be worn.
  2. In enclosed or coverable means of travel, a maximum of so many persons may be transported at the same time that half of the transport capacity of the means of travel is not exceeded. This does not apply if only persons from the same household are transported.
- (4) Based on a risk analysis, the operator of cable cars and rack railways has to develop and implement a state-of-the-art COVID-19 prevention concept to minimize the risk of infection. The COVID-19 prevention concept must include in particular:
1. specific hygiene requirements,
  2. regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
  3. Risk analysis
  4. regulations concerning the use of sanitary facilities,
  5. regulations concerning the consumption of food and beverages,
  6. Regulations for the control of customer flows and regulation of the number of customers,
  7. equalisation measures, such as barriers and floor markings,
  8. Guidelines for the training of employees with regard to hygiene measures.
- The operator must ensure compliance with these provisions by taking appropriate measures.

### **Customer Areas**

**§ 5.** (1) Entering and driving through the customer area of

1. permanent establishments of trade for the purpose of acquiring goods,
2. Service companies for the use of body-related services,
3. leisure facilities for the use of services of leisure facilities, or
4. Cultural institutions for the use of services of cultural institutions

is prohibited. Z 1 and 2 shall not apply for the purpose of at least two-sided business-related transactions. Z 1 does not apply to the collection of pre-ordered goods, whereby closed rooms of the permanent establishment may not be entered and a distance of at least one meter must be maintained from persons who do not live in the same household.

(2) As a body-related service in accordance with paragraph 1 Z 2 in particular, services of hairdressers and wig makers (stylists), beauticians (beauticians), in particular piercing and tattooing, as well as masseurs and podiatrists apply.

(3) As leisure facilities according to paragraph 1 Z 3 establishments and establishments for entertainment, amusement or recreation shall apply, such as, in particular:

1. fairground establishments, leisure and amusement parks,
2. Baths and facilities according to § 1 Paragraph 1 Z 1 bis 7 of the Bath Hygiene Act (BHygG), [Federal Law Gazette No. 254/1976](#); in relation to bathrooms according to § 1 Paragraph 1 Z 6 BHygG (baths on surface waters) the prohibition according to para. 1 applies not if bathing does not take place in these baths,
3. Dancing schools
4. betting shops, slot machines, gambling halls and casinos,
5. show mines,
6. institutions for the practice of prostitution,
7. Indoor playgrounds,
8. paintball facilities,
9. museum railways,
10. Animal parks, zoos and botanical gardens.

(4) As cultural institutions according to paragraph 1 Z 4 institutions that serve cultural edification and participation in cultural life apply, such as in particular:

1. Theatre
2. concert halls and arenas,
3. Cinemas
4. Variety teas,
5. Cabarets
6. Museums, cultural exhibition halls and art galleries,
7. Libraries, libraries and archives.

(5) Paragraph 1 the first sentence shall not apply to:

1. public pharmacies,
2. food retailers (including outlets of food producers) and farmers' direct marketers,
3. drugstores and drugstores,
4. Sale of medical devices and sanitary articles, medical aids and aids,
5. health and care services,
6. Services for people with disabilities provided by the Länder within the framework of the disability assistance, social assistance, participation or equal opportunities laws,
7. veterinary services,
8. sale of animal feed,
9. Sale and maintenance of safety and emergency products, i.e. in particular fire extinguishers, protective equipment, lamps, fuels, fuses, salt spreaders, but not weapons and weapon accessories, unless their acquisition is absolutely necessary for professional purposes for legal reasons,
10. Agricultural trade, including animal auctions, as well as horticultural and national product trade in seeds, fodder and fertilizers,
11. petrol stations and charging stations as well as car washes,
12. Postal service providers including their postal partners, insofar as these postal partners are subject to the exceptions of § 5 Paragraph 5 as well as postal offices within the meaning of § 3 Z 7 PMG, which are operated by a municipality or are located in municipalities in which the supply by no other under § 5 Paragraph 5 the postal office may be carried out, but exclusively for the provision of postal services and the postal services referred to in § 5 Paragraph 5 permitted activities, and providers of telecommunications,
13. Tobacco shops and newsstands and
14. Car and bicycle workshops.

(6) Entering the customer area of permanent establishments is permitted under the following conditions and conditions:

1. The customer area of the permanent establishments in accordance with paragraph 5 Z 2 to 4, 8 to 10 and 12 to 14 may only be entered in the period between 06.00 and 19.00 o'clock. This does not apply to the delivery of goods from vending machines. More

restrictive opening time rules due to other legal provisions remain unaffected.

2. Only goods may be offered that are in line with the typical product range of the goods referred to in paragraph 5 the trade establishments mentioned.
  3. A distance of at least one metre must be maintained with regard to persons who do not live in the same household.
  4. Customers must wear a close-fitting mechanical protective device covering the mouth and nose area.
  5. The operator must ensure that he and his employees wear a close-fitting mechanical protective device covering the mouth and nose area when in contact with the customer, unless there is any other suitable protective device for spatial separation between the persons that ensures the same level of protection.
  6. The operator must take appropriate measures to ensure that a maximum of so many customers are in the customer area at the same time that 10 m<sup>2</sup> are available per customer; if the customer area is less than 10 m<sup>2</sup>, only one customer may enter the customer area of the permanent establishment at a time. In the case of permanent establishments without staff, this condition must be indicated in an appropriate manner.
  7. For structurally connected premises (e.g. shopping centres, market halls), Z 6 applies with the proviso that the areas of the customer areas of the production sites and the connecting structure are to be added together and that a maximum of so many customers may be present at the same time both on the area determined in this way and in the customer area of the respective production sites that 10 m<sup>2</sup> of the area or customer area of the permanent establishment determined in this way are available per customer.
  8. Entering the connecting structures, including corridors, elevators, staircases and other generally accessible areas, is permitted for customers exclusively for the purpose of passing through to the customer areas of the production facilities.
  9. Services for education and training purposes may only be provided to one person or persons from the same household at a time. § 12 applies to services for absolutely necessary vocational education and training purposes. Paragraph 1 Z 9.
- (7) Can be due to the nature of the service
1. the minimum distance of one meter between the customer and the service provider and/or
  2. the customer does not comply with the wearing of a close-fitting mechanical protective device covering the mouth and nose area,
- this is only permissible if the risk of infection can be minimized by other appropriate protective measures.
- (8) All permitted services must be offered electronically as far as possible.
- (9) Paragraph 6 Z 1 and 3 to 5 applies mutatis mutandis to
1. Outdoor markets and
  2. Administrative authorities and administrative courts in the case of party relations.
- (10) Paragraph 6 Z 3 bis 5 applies mutatis mutandis to closed rooms of institutions for the exercise of religion.

#### **Place of professional activity**

**§ 6.** (1) When entering places of work, care must be taken to ensure that the professional activity should preferably take place outside the workplace, provided that this is possible and employers and employees reach an agreement on the work carried out outside the workplace.

(2) When entering places of work,

1. maintain a distance of at least one metre between persons who do not live in the same household, and
2. to wear a close-fitting mechanical protective device covering the mouth and nose area in enclosed spaces,

unless physical contact with persons who do not live in the same household is excluded or the risk of infection can be minimized by other appropriate protective measures. Other appropriate protective measures are in particular technical protective measures such as the installation of partitions or plexiglass walls and, if technical protective measures would make the work impossible, organizational protective measures such as the formation of fixed teams.

(3) In addition, stricter agreements can be made between employer and employee for the wearing of a close-fitting mechanical protective device covering the mouth and nose area.

(4) Entering places of work for the purpose of providing body-related services is prohibited. This does not apply to body-related services according to § 5 Paragraph 1 second sentence and § 5 Par. 5.

(5) Paragraph 2 bis 4 also applies to external jobs in accordance with § 2 Paragraph 3 last sentence of the Employee Protection Act (ASchG), [Federal Law Gazette No. 450/1994](#).

(6) Paragraph 2 and 3 shall apply mutatis mutandis to the employer's vehicles if they are used for professional purposes.

#### **Hospitality**

**§ 7.** (1) It is prohibited to enter and drive through permanent establishments of all types of establishments in the hospitality industry for the purpose of purchasing goods or using services of the hospitality industry.

(2) Paragraph 1 does not apply to hotels and restaurants operated within the following establishments:

1. hospitals and health resorts,
2. homes for the elderly, nursing homes and the disabled,
3. institutions for the care and accommodation of children and young people, including schools and kindergartens,
4. Operated

if these are used exclusively by the persons cared for, accommodated or not staying there for mere visits or by employees.

(3) Paragraph 1 does not apply to accommodation establishments if food and drinks are administered or served exclusively to accommodation guests at the premises. The administration and consumption must take place as far as possible in the residential unit.

(4) Paragraph 1 does not apply to public transport if food and drinks are administered or served there exclusively to users of public transport.

(5) With regard to the exceptions provided for in paragraph 2 up to 4 applies:

1. With regard to persons who do not live in the same household, a distance of at least one metre must be maintained and – except during the stay at the place of administration – a mechanical protective device covering the mouth and nose area and closely fitting must be worn.
2. The operator must ensure that the consumption of food and beverages does not take place in the immediate vicinity of the dispensary.
3. Food and drinks may only be consumed in the premises while sitting at administration stations. The operator shall set up the administration sites in such a way that there is a distance of at least one metre between the groups of persons. This does not apply if the risk of infection can be minimized by appropriate protective measures for spatial separation.
4. When in contact with the customer, the operator and his employees must wear a close-fitting mechanical protective device covering the mouth and nose area, unless there is another suitable protective device for spatial separation between the persons that ensures the same level of protection.
5. Self-service is permitted provided that the risk of infection can be minimized by special hygienic precautions.

(6) With regard to the exceptions provided for in paragraph 2 up to 4, the operator may only allow entry and driving into the permanent establishment in the period between 06.00 and 19.00 o'clock. In companies, entry by employees in shifts is permitted throughout. More restrictive curfews and opening hours due to other legal provisions remain unaffected.

(7) By way of derogation from paragraph 1 the collection of food and non-alcoholic beverages as well as alcoholic beverages filled in commercially sealed containers is permitted between 06.00 and 19.00 o'clock. The food and drinks may not be consumed within a radius of 50 meters around the premises. When picking up, a distance of at least one metre must be maintained from persons who do not live in the same household and a close-fitting mechanical protective device covering the mouth and nose area must be worn.

(8) Paragraph 1 does not apply to delivery services.

#### **Tourist accommodation establishments**

**§ 8.** (1) Entering accommodation establishments for the purpose of using the services of accommodation establishments is prohibited.

(2) Accommodation establishments are accommodation establishments which are under the direction or supervision of the accommodation provider or a person authorised by the accommodation provider and which are intended for the temporary accommodation of guests, whether in return for payment or free of charge. Supervised campsites or caravan sites, unless they are permanent pitches, as well as refuges are considered accommodation establishments.

(3) Paragraph 1 does not apply to entering an accommodation establishment

1. by persons who are already in accommodation at the time of entry into force of this provision, for the duration of accommodation agreed in advance with the accommodation provider,
2. for the purpose of caring for and providing assistance to persons in need of support,
3. for professional reasons that cannot be postponed,
4. for training purposes of legally recognised institutions,
5. to satisfy an urgent need for housing,
6. by spa guests and accompanying persons in a health resort who, in accordance with § 42a of the Krankenanstalten- und Kuranstaltengesetz (KAKuG), [Federal Law Gazette No. 1/1957](#), as an accommodation establishment with an attached outpatient clinic in accordance with § 2 Paragraph 1 Z 5 KAKuG is organized,
7. by patients and accompanying persons in a rehabilitation facility, which acts as an accommodation establishment with an attached outpatient clinic in accordance with § 2 Paragraph 1 Z 5 KAKuG is organized,
8. by pupils for the purpose of school attendance and students for study purposes (boarding schools, apprentice dormitories and student dormitories).

(4) In generally accessible areas, the guest must keep a distance of at least one meter from other persons who do not live in the common household or do not belong to the guest group in the common accommodation unit. This does not apply if the risk of infection can be minimized by appropriate protective measures for spatial separation.

(5) When entering publicly accessible areas in enclosed spaces, a close-fitting mechanical protective device covering the mouth and nose area must be worn. When in contact with the customer, the operator and his employees must wear a close-fitting mechanical protective device covering the mouth and nose area, unless there is another suitable protective device for spatial separation between the persons that ensures the same level of protection.

(6) Overnight stays in a dormitory or in shared dormitories are only permitted if a distance of at least 1.5 meters is maintained compared to persons who do not live in the same household or if the risk of infection can be minimized by appropriate protective measures for spatial separation.

#### **Sports facilities**

**§ 9.** (1) Entering sports facilities in accordance with § 3 Z 11 of the Federal Sports Promotion Act 2017 (BSFG 2017), [Federal Law Gazette I No. 100/2017](#), for the purpose of practicing sports is prohibited.

(2) Exempt from the prohibition laid down in paragraph 1 are entrances to sports facilities

1. by top athletes according to § 3 Z 6 BSFG 2017, also from the field of disabled sports, or athletes who carry out their sporting activity professionally and earn income from it or already participate in international competitions in accordance with § 3 Z 5 BSFG 2017, their supervisors and trainers as well as representatives of the media. The athletes must keep a distance of at least one meter from supervisors and coaches as well as representatives of the media; § 6 applies to supervisors, trainers and representatives of the media Receive.
2. outdoors by not from Z 1 recorded persons. In this case, the sports facilities may only be entered for the purpose of practicing sport, the sport-specific practice of which does not involve physical contact. Closed premises of the sports facility may only be entered if this is necessary for the practice of sports in the open-air area. Staying in the sports facility is limited with the duration of the sports practice. § 2 and § 5 Paragraph 6 Z 6 apply mutatis mutandis.

(3) In the exercise of team sports or sports whose sport-specific practice involves physical contact, by athletes in accordance with paragraph 2 Z 1 the responsible physician must develop a state-of-the-art COVID-19 prevention concept to minimize the risk of infection and continuously monitor its compliance. Before starting training and competition for the first time, a molecular biological test or an antigen test must be used to prove that the athletes are SARS-CoV-2 negative. In the event of a positive test result, it is nevertheless permissible to enter sports facilities if:

1. in any case, there are at least 48 hours without symptoms after expired infection and
2. on the basis of the medical laboratory findings, in particular due to the CT value >30, it can be assumed that there is no longer a risk of infection.

If a SARS-CoV-2 infection becomes known in an athlete, caregiver or trainer, all athletes, caregivers and coaches must be subjected to molecular biological testing or an antigen test for the presence of SARS-CoV-2 before each competition in the following ten days after the infection becomes known.

(4) The COVID-19 prevention concept according to paragraph 3 shall include at least the following:

1. training of athletes and caregivers in hygiene, obligation to keep records of the state of health,
2. Rules of conduct of athletes, supervisors and coaches outside of training and competition times,
3. Health checks before every training session and every competition,
4. Specifications for training and competition infrastructure,
5. Hygiene and cleaning plan for infrastructure and materials,
6. Traceability of contacts in the context of training sessions and competitions,
7. regulations on behaviour in the event of the onset of COVID-19 symptoms,
8. in the case of away competitions, inform the responsible district administrative authority that a case of COVID-19 has occurred in an athlete, coach or coach.

#### **Homes for the elderly, nursing and disabled**

**§ 10.** (1) Entering homes for the elderly, nursing and disabled is prohibited.

(2) Paragraph 1 does not apply to

1. Inhabitant
2. persons necessary for the care of the residents or for the operation of the facility, including the staff of the auxiliary and administrative

area,

3. Visits in the context of palliative and hospice care, pastoral care as well as for accompaniment in critical life events,
4. one visitor per inhabitant per week,
5. in addition, a maximum of two persons per resident in need of support per day, if they perform regular support and care tasks,
6. in addition, a maximum of two persons per day to accompany underage residents of homes for the disabled,
7. Residents' representatives in accordance with the Heimaufenthaltsgesetz (HeimAufG), [Federal Law Gazette I No. 11/2004](#), patient and nursing lawyers as well as organs of nursing supervision for the performance of the tasks provided for by state law as well as established commissions for the protection and promotion of human rights (Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [Federal Law Gazette III No. 190/2012](#)).

(3) When entering homes for the elderly, nursing and disabled, § 2 applies to residents in generally accessible places that do not belong to the living area as well as to visitors, accompanying persons and employees. Receive.

(4) The operator of old people's homes and nursing homes may only admit employees if they continuously wear a close-fitting mechanical protective device covering the mouth and nose area and, in the event of contact with residents, a respirator of protection class FFP2 (FFP2 mask) without exhalation valve or an equivalent or higher standard mask. Furthermore, the operator of old people's homes and nursing homes may only admit employees if an antigen test for SARS-CoV-2 or a molecular biological test for SARS-CoV-2 is carried out twice a week and the result of which is negative. In the event of a positive test result, admission may nevertheless take place if:

1. in any case, there are at least 48 hours without symptoms after expired infection and
2. on the basis of the medical laboratory findings, in particular due to the CT value >30, it can be assumed that there is no longer a risk of infection.

If tests are not available in sufficient numbers, priority must be given to testing employees with resident contact.

(5) The operator of old people's homes and nursing homes may only admit residents for re-admission if they have a negative result of an antigen test for SARS-CoV-2, the acceptance of which must not be more than 24 hours ago, or a molecular biological test for SARS-CoV-2, the acceptance of which must not be more than 48 hours ago, or if appropriate precautions in accordance with paragraph 10 Z 9 and 10.

(6) The operator of old people's and nursing homes must offer residents antigen tests for SARS-CoV-2 or molecular biological tests for SARS-CoV-2 twice a week once a week, provided that they have left the old people's and nursing home within this period.

(7) The operator of old people's homes and nursing homes may only admit visitors and accompanying persons if they show a negative result of an antigen test for SARS-CoV-2, the acceptance of which must not have been more than 24 hours ago, or a molecular biological test for SARS-CoV-2, the acceptance of which must not have been more than 48 hours ago. In addition, the operator may only admit visitors and accompanying persons if they wear a respiratory mask of protection class FFP2 (FFP2 mask) without exhalation valve or an equivalent or higher standard mask throughout the visit or stay, provided that there is no other suitable protective device for spatial separation between residents and visitors or accompanying persons that ensures the same level of protection. These requirements also apply to the admission of non-medical external service providers, residents' representatives under the HeimAufG, patient and nursing lawyers as well as organs of nursing supervision to carry out the tasks provided for by state law and members of established commissions for the protection and promotion of human rights (Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Strafe, [BGBl. III No. 190/2012](#)).

(8) For persons who regularly inform residents in accordance with paragraph 2 Z 3 and for persons who, in accordance with paragraph 2 Z 5 provide regular support and care tasks, paragraph 4 applies Receive.

(9) The measures provided for in homes for the elderly, care and the disabled must not be disproportionate or lead to unreasonable cases of hardship.

(10) Based on a risk analysis, the operator of homes for the elderly, nursing and disabled has to develop and implement a state-of-the-art COVID-19 prevention concept to minimize the risk of infection. The COVID-19 prevention concept must include in particular:

1. specific hygiene requirements,
2. regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
3. regulations concerning the administration of food and beverages,
4. Requirements for the training of employees with regard to hygiene measures as well as with regard to professional and private risk behaviour, mandatory documentation of the training,
5. Requirements for access by external service providers, whereby the operator may only admit non-medical external service providers into the facility if these are absolutely necessary for the maintenance of operation,
6. Specific regulations for residents who, in accordance with § 15 Paragraph 6 compliance with the requirements cannot be expected,
7. Regulations on a mandatory information meeting for residents after an exit of more than two hours,
8. Regulations for the control of the visits, in particular requirements for the duration of the visits and places of visit, mandatory advance notification and health checks before each entry into the facility. For relatives and persons who provide regular support and care tasks, deviating, specific and situation-adapted requirements can be made,
9. Requirements for the handling of screening programs according to § 5a of the Epidemic Act 1950 (EpiG), [Federal Law Gazette No. 186/1950](#),
10. regulations on the admission and readmission of residents who have tested positive for SARS-CoV-2,
11. regulations on organisational, spatial and personnel arrangements for the implementation of quarantine measures for residents,
12. Time and organizational requirements regarding the testing of residents in accordance with paragraph 6, in particular the setting of fixed dates at regular intervals.

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

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

**§ 11.** (1) Entering hospitals and health resorts is prohibited.

(2) Paragraph 1 does not apply to

1. Patients
2. persons necessary for the care of patients or for the operation of the facility, including the staff of the auxiliary and administrative area,
3. one visitor per patient per week, if the patient is admitted to the hospital or spa for more than one week,
4. in addition, a maximum of two persons per day to accompany or visit underage patients,
5. in addition, a maximum of two persons per day to accompany patients in need of support,
6. a maximum of one person to accompany him during examinations during pregnancy, as well as before and during delivery and for visits after delivery,
7. Visits in the context of palliative and hospice care, pastoral care as well as for accompaniment in critical life events,
8. Patient lawyers according to the Accommodation Act (UbG), [Federal Law Gazette No. 155/1990](#), residents' representatives in accordance with HeimAufG, patient and nursing lawyers to carry out the tasks provided for by state law as well as established commissions for the protection and promotion of human rights.

(3) When entering hospitals and health resorts and other places where health services are provided, § 5 applies to visitors and accompanying persons Paragraph 6 Z 3 up to 6 mutatis mutandis and for health and care service providers and their employees as well as non-medical external service providers in each case of patient and visitor contact § 5 Paragraph 6 Z 3 up to 6 and § 5 Paragraph 7 Receive. In

addition, the operator or service provider must minimise the risk of infection by taking into account the specific circumstances by means of appropriate protective measures, insofar as this is technically possible and reasonable.

(4) The operator of a bed-holding hospital and a bed-holding health resort may only admit employees if a molecular biological test for SARS-CoV-2 or an antigen test for SARS-CoV-2 is carried out for them once a week and the result is negative. In the event of a positive test result, admission may nevertheless take place if:

1. in any case, there are at least 48 hours without symptoms after expired infection and
2. on the basis of the medical laboratory findings, in particular due to the CT value >30, it can be assumed that there is no longer a risk of infection.

If tests are not available in sufficient numbers, priority must be given to testing employees with patient contact.

(5) Are tests in accordance with paragraph 4 not available in sufficient numbers, the operator of a bed-holding hospital and a bed-holding health resort may only admit employees if the employees wear a Corona SARS-CoV-2 pandemic respirator (CPA), a respirator of protection class FFP2 (FFP2 mask) without exhalation valve or an equivalent or higher standard mask on contact with patients.

(6) Paragraph 4 and 5 applies mutatis mutandis to patient lawyers according to UbG, residents' representatives according to HeimAufG, patient and nursing lawyers and members of established commissions for the protection and promotion of human rights (Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [Federal Law Gazette III No. 190/2012](#)).

(7) Based on a risk analysis, the operator of a bed-holding hospital and a bed-holding health resort has to develop and implement a state-of-the-art COVID-19 prevention concept to minimize the risk of infection. The COVID-19 prevention concept must include in particular:

1. specific hygiene requirements,
2. regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
3. regulations concerning the administration of food and beverages,
4. Requirements for the training of employees with regard to hygiene measures as well as with regard to professional and private risk behaviour, mandatory documentation of the training,
5. Requirements for access by external service providers,
6. Regulations for the management of visits, in particular requirements for the maximum number, frequency and duration of visits as well as places of visit and health checks before each entry into the facility. For relatives and persons who perform regular support and care tasks, specific requirements adapted to the situation must be made,
7. Requirements for participation in screening programs according to § 5a Epig.

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

## Events

**§ 12.** (1) Leaving one's own private living area and staying outside one's own private living area for the purpose of attending events is only permitted for the following events:

1. professional meetings that cannot be postponed if they are necessary for the maintenance of professional activities and cannot be held in digital form,
2. Assemblies according to the Assembly Act 1953, [Federal Law Gazette No. 98/1953](#),
3. Events in top-class sport according to § 13,
4. meetings of organs of political parties that cannot be postponed, provided that it is not possible to hold them in digital form,
5. meetings of statutory bodies of legal persons that cannot be postponed, provided that it is not possible to hold them in digital form,
6. meetings that cannot be postponed in accordance with the Labour Constitution Act, [Federal Law Gazette No. 22/1974](#), if it is not possible to hold it in digital form,
7. funerals with a maximum of 50 people, *(Note. 1)*
8. rehearsals and artistic performances without an audience, which are carried out for professional purposes,
9. Meetings for absolutely necessary vocational education and training purposes, for the fulfilment of necessary integration measures in accordance with the Integration Act, [Federal Law Gazette I No. 68/2017](#), and to final professional examinations, if it is not possible to hold them in digital form.

(2) When entering places for the purpose of participating in events in accordance with paragraph 1 Z 1, 2 and 4 to 9, a distance of at least one metre must be maintained from persons who do not live in the same household. In addition, for events in accordance with paragraph 1: Z 1, 2, 4 to 7 and 9, a close-fitting mechanical protective device covering the mouth and nose area shall be worn.

(3) For meetings for training purposes and for meetings referred to in paragraph 1 Z 1 § 5 applies in the customer area of permanent establishments Paragraph 6 Z 6 not.

(4) For rehearsals and artistic performances in accordance with paragraph 1 Z 8 § 6 apply and § 9 Paragraph 3 last sentence analogously. Based on a risk analysis, a state-of-the-art COVID-19 prevention concept to minimize the risk of infection must be developed and implemented. In addition, a COVID-19 representative must be appointed. The COVID-19 prevention concept must include in particular:

1. specific hygiene requirements,
2. regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection,
3. regulations concerning the use of sanitary facilities,
4. Regulations for the control of the number of participants,
5. Guidelines for the training of participants with regard to hygiene measures.

The COVID-19 prevention concept may also include a privacy-compliant contact traceability system, such as a system for recording attendance on a voluntary basis of participants in rehearsals or artistic performances.

(5) May, at meetings referred to in paragraph 1: Z 9 due to the nature of the training or further education or the integration measure

1. the minimum distance of one metre between persons and/or
2. persons do not comply with the wearing of a close-fitting mechanical protective device covering the mouth and nose area,

the risk of infection must be minimised by other appropriate protective measures.

(\_\_\_\_\_)

*Note. 1: By judgment of 24 June 2021, V 2/2021-12, the Verfassungsgerichtshof (Constitutional Court) served on the Federal Minister for Social Affairs, Health, Care and Consumer Protection on 20 July 2021, rightly held:*

*I. The phrase "with a maximum of 50 persons" in § 12 Paragraph 1 Z 7 the Ordinance of the Federal Minister of Social Affairs, Health, Care and Consumer Protection, with which special protective measures are taken to prevent an emergency situation due to COVID-19 (2nd COVID-19 Emergency Measures Ordinance – 2nd COVID-19-NotMV), [Federal Law Gazette II No. 598/2020](#), was illegal.*

*II. The repealed provision shall cease to apply. '==References== [Federal Law Gazette II No. 361/2021](#))*

## Sporting events in top-class sport

**§ 13.** (1) Events where only top athletes in accordance with § 3 Z 6 BSVG 2017 sports are permitted in closed rooms with up to 100 and in the open-air area with up to 200 athletes plus the coaches, supervisors and other persons necessary for the execution of the event. Based on a

risk analysis, the organizer must develop and implement a state-of-the-art COVID-19 prevention concept for these persons to minimize the risk of infection.

(2) The COVID-19 prevention concept according to paragraph 1 in the case of team sports or sports whose sport-specific practice involves physical contact, § 9 Paragraph 4 to comply. For individual sports, the COVID-19 prevention concept must include in particular:

1. Requirements for the training of participating athletes, supervisors and trainers in hygiene, obligation to keep records of the state of health,
2. Rules of conduct of athletes, supervisors and coaches outside of training and competition times,
3. Health checks before every training session and every competition,
4. Regulations for controlling the flows of participating athletes, coaches and coaches,
5. regulations concerning the use of sanitary facilities,
6. Hygiene and cleaning plan for infrastructure and materials,
7. Traceability of contacts in the context of training sessions and competitions,
8. Regulations on behaviour in the event of the occurrence of SARS-CoV-2 infection.

(3) Medical care and COVID-19 testing of athletes, caregivers and coaches must help minimize the risk of infection. For supervisors, trainers and other persons who are necessary for the implementation of the event, § 6 also applies. analogously, for the athletes § 9 Receive.

#### Enter

**§ 14.** Entering within the meaning of this ordinance also includes staying (§ 1 Paragraph 2 of the COVID-19 Measures Act [COVID-19-MG], [Federal Law Gazette I No. 12/2020](#)).

#### Exceptions

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

1. Elementary educational institutions, schools according to the School Organization Act, [Federal Law Gazette No. 242/1962](#), Art. V Z 2 der 5. SchOG-Novelle, [BGBl. Nr. 323/1975](#), and the Private School Act, [Federal Law Gazette No. 244/1962](#), agricultural and forestry schools, the regular use of sports facilities as part of regular lessons and facilities for extracurricular childcare,
2. Universities according to the Universities Act 2002, [Federal Law Gazette I No. 120/2002](#), and the Private Universities Act, [Federal Law Gazette I No. 74/2011](#), Fachhochschulen gemäß dem Fachhochschul-Studiengesetz, [BGBl. Nr. 340/1993](#), and Universities of Teacher Education in accordance with the Higher Education Act 2005, [Federal Law Gazette I No. 30/2006](#), including the libraries of those institutions,
3. activities within the sphere of activity of the legislative and enforcement bodies, with the exception of party relations in administrative authorities and administrative courts, unless otherwise stipulated in the area of house rules,
4. Events for the practice of religion.

(2) Restrictions according to § 1, prohibitions of entry and conditions and obligations under this Regulation shall not apply

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

(3) The obligation to wear a close-fitting mechanical protective device covering the mouth and nose area and the obligation to wear a FFP2 respirator (FFP2 mask), a Corona SARS-CoV-2 pandemic respirator (CPA) or an equivalent or higher standard mask do not apply

1. for children up to the age of six,
2. for persons who cannot be expected to do so for health reasons. In this case, a mechanical protective device that does not fit tightly but completely covers the mouth and nose area may also be worn. A complete cover is present if the non-tight-fitting protective device reaches up to the ears and well under the chin. If this cannot be expected of the persons for health reasons, the obligation to wear a mechanical protective device covering the mouth and nose area does not apply,
3. during the consumption of food and drinks, and
4. for deaf and severely hearing impaired persons as well as their communication partners during communication.

(4) The obligation to observe the minimum distance laid down in this Regulation shall not apply:

1. provided that suitable protective devices for spatial separation are in place between the persons,
2. within the closed class or group association of institutions referred to in paragraph 1 Z 1,
3. between persons with disabilities and their accompanying persons who provide personal assistance or care services,
4. if this requires the performance of religious acts,
5. in aircraft which are considered to be means of mass transport,
6. underwater
7. in the exercise of sport for necessary security and assistance,
8. between persons who temporarily live together in a household, and
9. for the care and assistance of persons in need of support.

(5) The obligation to maintain the distance according to § 5 Paragraph 9 Z 2 shall not apply if this is necessary for the exercise of the administrative activity in the exercise of party relations.

(6) § 10 Paragraph 3 does not apply to residents who cannot be expected to comply with the requirements for health or disability-specific reasons, in particular due to dementia impairment.

(7) Evidence of infection with COVID-19 in the last three months prior to the intended testing and having expired at that time shall be equivalent to a negative test result.

(8) The operator's obligation to carry out tests in accordance with § 10 Paragraph 4 and § 11 Paragraph 4 or the obligation of the operator to test according to § 10 Paragraph 6 does not apply if tests are not available in sufficient numbers.

#### Credibility

**§ 16.** (1) The existence of the requirements according to § 1, § 12 and § 15 is on request to

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

to make it credible.

(2) The reason for exception of § 15 Paragraph 3, according to which the wearing of a mechanical protective device covering the mouth and nose area cannot be expected for health reasons, proof must be provided by a certificate issued by a doctor entitled to practise the profession independently in Austria.

(3) If the existence of a ground for exception pursuant to paragraph 1 Z 3 credibly demonstrated, the owner of the permanent establishment or place of work as well as the operator of a means of transport is obliged to comply with § 8 Paragraph 4 of COVID-19 MG.

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

**§ 17.** As part of the cooperation according to § 6 COVID-19-MG and § 28a EpiG, the organs of the public security service shall refrain from taking measures against persons who violate an obligation to behave or refrain from doing so under this Ordinance if the lawful state can be restored by more lenient means or if these measures would not be proportionate. The decision whether to refrain from taking a measure in accordance with the first sentence shall be taken on the basis of the epidemiological risk situation related to COVID-19, in particular on the basis of information provided by the local competent health authorities.

**Employee Protection and Federal Employee Protection**

**§ 18.** This ordinance establishes the Employee Protection Act, [Federal Law Gazette No. 450/1994](#), and the Federal Employee Protection Act, [Federal Law Gazette I No. 70/1999](#), not touched.

**Coming into force**

**§ 19.** This Regulation shall enter into force on 5 January 2021 and shall cease to apply at the end of 24 January 2021.