

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

of 27 September 2022

(in the version valid from 30 November 2022)

On the basis of Art. 32 in conjunction with Arts. 28 to 31 and Art. 54 of the [German] Infection Protection Act (“IfSG”) of 20 July 2000 (Federal Law Gazette I, p. 1045), last amended by Article 1a of the Act of 16 September 2022 (Federal Law Gazette I, p. 1454, 1462), it is decreed:

*Art. 1*

*Objective, Review of the Protective Measures*

(1) The Ordinance is intended to prevent the spread of Corona Virus Disease-2019 (COVID-19), in particular to protect life and health by preventing a large number of severe courses of the disease, to protect vulnerable groups of people and to ensure the functioning of the health system as well as other critical infrastructure. The decision on protective measures is made on the basis of an overall view of the infection situation, which takes into account the dynamics of the infection incidence, the infection incidence in respiratory diseases, the utilisation of the health care system and the functioning of the critical infrastructure. The main benchmarks are the indicators specified in Art. 28b Paragraph 7 Sentence 2 IfSG.

(2) The state government shall continuously review the measures taken with this Ordinance. In the event of a significant change in the infection situation, it reserves the right to take additional measures on the basis of Art. 28b IfSG or to cancel measures.

*Art. 2*

*Distance, Mask and Hygiene Recommendation*

Maintaining a minimum distance of 1.5 metres from other persons, adequate hygiene, wearing a medical mask or a respirator (FFP2 or comparable) in indoor spaces accessible to the public and regular ventilation of indoor spaces are generally recommended.

*Art. 3*

*Mask Obligation*

(1) It is compulsory to wear a medical mask

1. In closed vehicle areas of means of public transport for passengers as well as for control and service personnel and driving and control personnel, insofar as physical contact with other persons exists for them due to the nature of their work,
2. For personnel in
  - a) Medical practices, dental practices psychotherapeutic practices,
  - b) Practices of other human medical professions,
  - c) Facilities for outpatient surgery,
  - d) Dialysis facilities,
  - e) Day clinics,
  - f) Treatment or care facilities comparable to any of the facilities referred to in letters a) to e),

g) Public health service facilities where medical examinations, preventive measures or outpatient treatments are carried out,

h) Rescue services,

insofar as physical contact with other persons exists for this due to the nature of the activity.

3. In facilities for the homeless.

(2) An exception to the mask obligation applies:

1. For children who have not yet reached the age of six years,
2. 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,
3. For deaf and hard of hearing people and people who communicate with them, as well as their accompanying persons,
4. If the wearing of a medical 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
5. provided that at least equivalent protection is otherwise available for other persons.

#### *Art. 4*

#### *Exemptions from Testing Obligations*

(1) Emergency personnel of the fire brigade, rescue service, police and disaster

control are always permitted access to facilities that are subject to an access regulation according to this Ordinance or ordinances issued on the basis of this Ordinance by presentation of a test certificate, insofar as this is necessary for the fulfilment of an operational task. This shall also apply to the test verification requirement of Art. 28b, Paragraph 1, Sentence 1, Numeral 3 IfSG.

(2) For visitors, accompanying persons or other persons who enter

1. Hospitals or rehabilitation facilities where medical care comparable to hospitals is provided, or
2. Fully or partially inpatient facilities for the care and accommodation of elderly, disabled people or people in need of care, or comparable facilities,

in the course of an emergency mission, ambulance transport or for end-of-life care, the test verification requirement of Art. 28b Paragraph 1 Sentence 1 Numeral 3 IfSG does not apply. This shall apply mutatis mutandis to persons who enter the said facilities only for an insignificant period of time without contact with the persons treated, cared for or nursed in the facility, as well as to children up to the age of one year.

#### *Art. 5*

##### *General Ordinance Authorisations on Testing and Masking Obligations*

(1) The following are authorised to establish obligations to wear a respirator or a medical mask by ordinance in accordance with Art. 32 Sentence 2 IfSG:

1. The Ministry of Social Affairs for child and youth work and youth social work pursuant to Arts. 11 and 13 of Social Code Book VIII, the promotion of education in the family pursuant to Art. 16 of Social Code Book VIII and early support services,
2. The Ministry of Justice for the operation of facilities pursuant to Art. 36

Paragraph 1 Numeral 4 IfSG,

to the extent necessary to prevent the spread of COVID-19 and to ensure the functioning of the health system or other critical infrastructure.

(2) The following are authorised to determine obligations to wear a medical mask by ordinance pursuant to Art. 32 Sentence 2 IfSG:

1. The Ministry of Social Affairs for the operation of nursing schools, schools for health care professions, schools for activities in the emergency services and technical schools for social work in its departmental responsibility as well as further education and training centres for nursing and health care professions,
2. The Ministry of Education and Cultural Affairs for children and pupils from the fifth school year onwards as well as employees in schools, day-care facilities, day-care for children requiring a permit, day nurseries or in other educational institutions under its departmental responsibility,

to the extent necessary to prevent the spread of COVID-19 and to maintain orderly face-to-face teaching operations.

(3) The following are authorised to determine the obligation to test for the presence of an infection with the Corona virus by ordinance in accordance with Art. 32 Sentence 2 IfSG:

1. The Ministry of Social Affairs for the operation of
  - a) Facilities for the homeless,
  - b) Institutions for the enforcement of measures as well as other departments or institutions, if and insofar as there are permanent deprivations of liberty, in particular psychiatric hospitals, homes for youth welfare and for the elderly,

2. The Ministry of Education and Cultural Affairs for the operation of schools under its departmental responsibility, care services of the reliable primary school and flexible afternoon care, after-school care as well as after-school care at school, day-care centres, primary school remedial classes, school kindergartens and day-care centres for children, and
3. The Ministry of Justice for facilities pursuant to Art. 36 Paragraph 1 Numeral 4 IfSG as well as for correctional facilities and detention facilities for deportees,

to the extent necessary to prevent the spread of COVID-19 and to ensure the functioning of the health system or other critical infrastructure.

#### *Art. 6*

#### *Ordinance Authorisations on Separation Obligations*

Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Social Affairs shall be authorised to issue by ordinance 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 complete or partial prohibition of the exercise of certain occupational activities of sick persons, suspected sick persons, suspected infected persons and excretors in accordance with Art. 31 Sentence 1 IfSG,

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

*Art. 7*

*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 ordinance 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 ordinances 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. 8*

*Responsibilities of the Police Enforcement Service*

The police enforcement service, in addition to the authorities responsible under the Ordinance of the Ministry of Social Affairs on Responsibilities under the Infection Protection Act (Infection Protection Authorities), is responsible for monitoring the obligations arising from this Ordinance

1. For wearing a medical mask or a respirator,
2. For the presentation of proof of vaccination, recovery or testing in catering

establishments, discotheques, clubs as well as other establishments and events that are operated in a club-like manner, and

3. For the verification of evidence according to Numeral 2 by the operators of gastronomy, discotheques, clubs as well as other establishments and events that are operated in a club-like manner.

Insofar as the storage of data is required within the scope of the monitoring pursuant to Sentence 1, these data shall be separated from other data files. In this context, the processing of personal data contained in the evidence to be verified may only take place locally in the terminal device used by the person performing the verification and only to the extent and for the duration necessary to perform a visual check of the verification result displayed by the application. The police enforcement service may process the data collected by it pursuant to Sentence 1 only for the purpose of monitoring and enforcing the obligations arising from this Ordinance. Sentences 2 and 4 shall not apply insofar as the data collected by the police enforcement service under Sentence 1 could also have been collected for another purpose or circumstances subsequently arise according to which collection for another purpose would be permissible. In this case, the regulations which are decisive for the processing for the other purpose shall apply to the further processing of the data collected in accordance with Sentence 1.

## *Art. 9*

### *Individual Case Decisions and Further Measures*

(1) The competent infection control authorities may, for good cause in individual cases, permit deviations from the requirements established by or on the basis of this Ordinance. The right of the competent infection control authorities to adopt more extensive measures to protect against infections shall remain unaffected by this Ordinance and ordinances issued on the basis of this Ordinance.

(2) The Ministry of Social Affairs may issue instructions to the competent infection control authorities within the framework of official and technical supervision for



supplementary regional measures in the event of an exceptionally high incidence of infection.

*Art. 10*  
*Regulatory Offences*

Within the meaning of Art. 73 Paragraph 1a Numeral 24 IfSG, a regulatory offence is committed by anyone who, contrary to Art. 3 Paragraph 1, deliberately or negligently does not wear a medical mask.

*Art. 11*  
*Entry into Force, Expiry*

(1) This Ordinance shall enter into force on 1 October 2022. At the same time, the Corona Ordinance of 21 June 2021 (Federal Law Gazette p. 293), which was last amended by the Ordinance of 22 September 2022 (Federal Law Gazette p. 487), shall expire. The ordinances issued on the basis of

1. 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
2. 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
3. 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
4. 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

5. 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
6. 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
7. The Corona Ordinance of 14 August 2021 (Federal Law Gazette, p. 714), amended by the Ordinance of 11 September 2021 (Federal Law Gazette, p. 794), or
8. The Corona Ordinance of 15 September 2021 (Federal Law Gazette, p. 794), last amended by the Ordinance of 18 March 2022 (Federal Law Gazette, p. 193),
9. The Corona Ordinance of 1 April 2022 (Federal Law Gazette, p. 221), last amended by the Ordinance of 17 May 2022 (Federal Law Gazette, p. 276), or
10. The Corona Ordinance of 21 June 2022 (Federal Law Gazette, p. 293), last amended by the Ordinance of 22 September 2022 (Federal Law Gazette, p. 487),

shall continue to apply until their expiry pursuant to Paragraph 2 Sentence 2, insofar as the measures based on Article 28a IfSG in the respective ordinance could also be necessary protective measures within the meaning of Article 28 Paragraph 1 Sentences 1 and 2 IfSG pursuant to Article 28b Paragraph 2 or Paragraph 3 IfSG.

(2) This Ordinance shall expire at the end of 31 January 2023. At the same time, all ordinances issued pursuant to this Ordinance or the ordinances referred to in Paragraph 1 Sentence 3 shall expire unless previously repealed.

Stuttgart, 27 September 2022