

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

of 13 May 2021

(in the version valid from 7 June 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 6 of the Act of 7 May 2021 (Federal Law Gazette I, p. 850, 856), it is decreed:

Part 1 – General Regulations

Section 1: Objectives and General Requirements

Art. 1

Objectives

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

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

¹ Non-official consolidated version after the entry into force of the Ordinance of the State Government amending the Corona Ordinance of 3 June 2021 (emergency promulgation pursuant to Article 4 of the Promulgation Act and retrievable at <http://www.baden-wuerttemberg.de/corona-verordnung>).

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

Art. 2

General Distance Rule

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

(2) In public areas, a minimum distance of 1.5 metres from other persons must be maintained, unless compliance with the minimum distance is unreasonable in individual cases, is necessary for special reasons, in particular to maintain the work, service or business operations, or adequate protection against infection is ensured by protective measures. Likewise excluded are gatherings permitted under Art. 10 Paragraph 1.

(3) The distance rule does not apply to the establishments referred to in Art. 24 Paragraph 1 Numeral 1.

Art. 3

Medical Masks and Respirators

(1) Where the wearing of a medical mask is required by or under the provisions of this Ordinance, it shall meet the requirements of standard DIN EN 14683:2019-10 or a comparable standard; where respiratory protection is required to be worn, it shall meet the requirements of standard FFP2 in accordance with standard DIN EN 149:2001 or standards KN95, N95, KF 94, KF 99 or any other comparable standard.

(2) A medical mask or respirator must be worn

1. When using public transport, particularly in trains, trams, buses, taxis, passenger planes, ferries, passenger ships and cable cars, on train and bus

platforms, in the waiting area of passenger ship landing stages and in railway and airport buildings,

2. In motor vehicles if persons from more than one household are present in them; Art. 10 Paragraph 1 Sentences 2 and 3 apply accordingly,
3. During events within the meaning of Art. 11 Paragraphs 2 and 3,
4. In establishments and facilities for the provision of body-related services within the meaning of Art. 17 Paragraph 1 Numeral 7,
5. In doctors' practices, dentists' practices, practices of other human medical health care professions and of alternative practitioners and in public health care facilities,
6. In and in waiting and access areas of shopping centres, wholesale and retail shops, as well as on markets in the sense of Arts. 66 to 68 GewO, as well as in parking areas spatially assigned to them,
7. In establishments within the meaning of Art. 17 Paragraph 1 Numeral 2, in amusement parks as well as other recreational facilities within the meaning of Art. 17 Paragraph 1 Numeral 18,
8. In hospitality establishments within the meaning of Art. 17 Paragraph 1 Numeral 10 and in places of entertainment within the meaning of Art. 17 Paragraph 1 Numeral 13 when serving guests, picking up food and beverages or as a guest until taking a seat,
9. In accommodation establishments and other facilities within the meaning of Art. 17 Paragraph 1 Numeral 11 when serving guests, picking up food and beverages or as a guest until entering the assigned accommodation,
10. In baths and at bathing lakes within the meaning of Art. 17 Paragraph 1 Numeral 17 in accordance with the Corona Ordinance on Baths and Saunas

of 21 May 2021 (Federal Law Gazette, p. 467),

11. During theoretical and practical driving, boat and flight school lessons and during theoretical and practical examinations, as well as in the case of further offers of the driving schools that result directly from the Driving Licence Ordinance or the Road Traffic Act,
12. Within pedestrian areas within the meaning of Art. 3 Paragraph 2 Numeral 4 Letter c of the Road Act,
13. In work and business premises as well as deployment sites,
14. In the case of vocational training offers in the field of trade and industry,
15. At events as defined in Art. 14 Paragraphs 1 and 2,
16. In schools that are publicly and privately funded, as well as the childcare services of the reliable primary school, flexible afternoon care as well as after-school care at the school; the regulations of the Corona Ordinance School for schools within the meaning of Art. 24 Paragraph 1 Numeral 1 remain unaffected'
17. In day-care centres, day nurseries, primary school support classes, after-school care centres and school kindergartens that are subject to authorisation according to Art. 43 Paragraph 1 of Book Eight of the Social Code – Child and Youth Welfare (SGB VIII),
18. In case of offers of private tutoring,
19. In polling stations during elections and voting within the scope of Art. 12, and
20. In other enclosed spaces not referred to in the preceding points that are intended for the public or for the public's use.

(3) There is no obligation to wear a medical mask or a respirator

1. For children up to the age of six,
2. For persons who can credibly demonstrate that they cannot or cannot reasonably be expected to wear a medical mask or a respirator for health or other compelling reasons, whereby the credibility of health reasons must generally be substantiated by a medical attestation,
3. In work and business premises at the place of work or when performing the activity, provided that a distance of 1.5 metres to other persons can be safely maintained; this does not apply if there is public traffic at the same time or in cases under Paragraph 2 Numeral 14,
4. In practices, institutions, and areas within the meaning of Paragraph 2, Numerals 4, 5, 13, 14 and 20, if the treatment, service, therapy or other activities require it,
5. When consuming food,
6. If another protection of at least an equivalent level is available for other persons,
7. During sports activities in the areas referred to in Paragraph 2 Numerals 12 and 20 as well as in sports grounds and sports facilities of institutions referred to in Paragraph 2 Numeral 16 and of institutions of higher education,
8. In facilities within the meaning of Paragraph 2 Numerals 13 and 20 for events within the meaning of Art. 11 Paragraph 5, insofar as they are not visitors; Art. 176 of the Courts Constitution Act remains unaffected,
9. During events and in facilities and areas within the meaning of Paragraph 2 Numerals 3, 7 and 12 when staying outside, provided that a distance of 1.5

meters to other persons can be safely maintained,

10. In after-school care centres, insofar as they are not exclusively for school-age children, in day-care centres as well as school kindergartens for the children attending these institutions, as well as for pedagogical staff and additional personnel while they are exclusively in contact with the children,
11. In the case of musical or performing recitals in the field of conservatoires, colleges of education and academies under the Academies Act; this also applies in the area of cultural institutions and events, or
12. During musical practice as part of the study programme.

Section 2: Special Requirements

Art. 4

Hygiene Requirements

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

1. The limitation of the number of persons on the basis of spatial capacities and the regulation of flows of persons and queues in order to enable the implementation of the distance rule according to Art. 2,
2. The regular and adequate ventilation of indoor spaces used for the stay of persons as well as the regular maintenance of ventilation systems,
3. The regular cleaning of surfaces and objects that are frequently touched by

people,

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

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

Art. 5

Rapid Tests, Vaccinated and Recovered Persons

(1) Where a daily negative rapid COVID-19 test is required by or under the provisions of this Ordinance, a test for the Corona virus within the meaning of Art. 28b Paragraph 9 Sentence 1 of the Infection Protection Act ("IfSG") shall be carried out and a test certificate within the meaning of Art. 2 Numeral 7 of the Ordinance on the Regulation of Relief and Exemptions from Protective Measures to Prevent the Spread of COVID-19 (COVID-19 Protective Measures Exemption

Ordinance – “SchAusnahmV” of 8 May 2021 – BAnz AT 08.05.2021 V1) shall be submitted; this does not apply in the cases of Art. 2 Numeral 6 Letter a SchAusnahmV. The requirements of Sentence 1 are also fulfilled by test evidence from tests by means of laboratory diagnostics using nucleic acid detection (PCR, PoC-PCR or other methods of nucleic acid amplification technology), provided that the time of the finding was not longer than 24 hours ago and the other requirements of Art. 2 Numeral 7 SchAusnahmV are fulfilled. In the cases of Art. 2 Numeral 7 Letter a SchAusnahmV, the supervision and certification of the test may be transferred to a suitable third party.

(2) Vaccinated persons within the meaning of this Ordinance or of regulations issued on the basis of this Ordinance are all asymptomatic persons within the meaning of Art. 2 Numeral 1 SchAusnahmV who can produce proof of vaccination within the meaning of Art. 2 Numeral 3 SchAusnahmV.

(3) For the purposes of this Ordinance or of regulations made pursuant to this Ordinance, recovered persons shall mean all asymptomatic persons within the meaning of Art. 2 Numeral 1 SchAusnahmV who have proof of recovery within the meaning of Art. 2 Numeral 5 SchAusnahmV.

Art. 6

Hygiene Concepts

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

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

Art. 7

Data Processing

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

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

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

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

Art. 8

Prohibition of Access and Participation

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

1. Who are subject to a segregation obligation in connection with the Corona virus,
2. Who show typical symptoms of an infection with the Corona virus, namely shortness of breath, newly occurring cough, fever, loss of smell or taste,
3. Who, contrary to Art. 3 Paragraph 2 or Art. 28b Paragraph 1 Sentence 1 Numeral 4 Half-Sentence 2 Letter c, Numeral 8 or 9 IfSG, do not wear either a medical mask or respiratory protection, or
4. Who, contrary to Art. 11, Paragraph 2, Sentence 2, Numeral 9, Art. 17, Paragraph 1, Numeral 7, Art. 19, Paragraph 2, Art. 21, Paragraph 8, Art. 28b, Paragraph 1, Sentence 1, Numeral 4, Half-Sentence 3, Letter b IfSG in conjunction with Art. 3, Paragraph 1 SchAusnahmV, Art. 28b, Paragraph 1, Sentence 1, Numeral 5 IfSG in conjunction with Art. 3, Paragraph 1 SchAusnahmV or Art. 28b, Paragraph 1, Sentence 1, Numeral 8 IfSG in conjunction with Art. 3, Paragraph 1 SchAusnahmV, do not present either a test certificate, a vaccination certificate or a certificate of recovery as defined in Art. 5.

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

Art. 9
Industrial Safety

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

1. The risk of infection for employees must be minimised, taking into account the conditions at the workplace,
2. Employees must be comprehensively informed and instructed, in particular with regard to the changes in work processes and specifications caused by the Corona pandemic,
3. The personal hygiene of employees must be ensured by the possibility of hand disinfection or hand washing at the workplace; utensils used must be disinfected regularly,
4. Employees for whom, on the basis of a medical certificate, the treatment of an illness with COVID-19 is not possible or only possible to a limited extent due to personal conditions or who are at increased risk of developing a serious course of an illness with COVID-19, may not be used for activities with increased personal contact and not for activities in which the distance of 1.5 metres to other persons cannot be maintained.

(2) The employer may collect, store and use information pursuant to Paragraph 1 Numeral 4 only for the purpose of deciding on the specific work assignment of employees if they notify the employer that they belong to the group referred to therein; employees are not obliged to make such notification. The employer shall delete this information as soon as it is no longer required for this purpose, but no later than one week after this Ordinance ceases to apply.

Section 3: Gatherings, Events and Meetings

Art. 10

Gatherings, Private Get-Togethers and Private Events

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

1. With members of one's own household,
2. Of members of one's own and another household, with a total of no more than five persons; children of the respective households up to the age of 14 do not count here; should a household already consist of five or more persons at least 14 years old, that household may meet with one additional person not belonging to the household.

Couples who do not live together are considered one household. Vaccinated or recovered persons within the meaning of Art. 5 Paragraphs 2 and 3, including their household children up to the age of 14, shall not be counted in the cases of Sentence 1 Numeral 2 and shall not be taken into account as a household.

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

Art. 11

Other Events

(1) Anyone who holds an event shall comply with the hygiene requirements pursuant to Art. 4, establish a hygiene concept in accordance with Art. 6 beforehand and carry out data processing pursuant to Art. 7. There shall be a ban on access and participation in accordance with Art. 8. When holding the event, the occupational health and safety requirements according to Art. 9 must be observed.

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

1. Necessary committee meetings of legal persons under private and public law, companies and communities with legal capacity and partial legal capacity, works meetings and events of the collective bargaining partners, insofar as not already covered by Paragraph 5,
2. Civil marriages with the participation of no more than ten persons; children of the spouses as well as vaccinated or recovered persons within the meaning of Art. 5 Paragraphs 2 and 3 shall not be counted for this purpose,
3. Vocational training under the Vocational Training Act or the Crafts Code as well as examinations and examination preparations, unless otherwise provided for in the Corona Ordinance School,
4. Events of the study programme within the meaning of Art. 15 Paragraph 3,
5. Events in the area of services and measures under Art. 16 of SGB VIII, of Early Help in accordance with the Corona Ordinance Family Education and Early Help, as well as in the area of child and youth welfare services that are carried out within the framework of services or measures according to Arts. 11, 13, 14, 27 to 35a, 41 to 42e with the exception of Art. 42a Paragraph 3a SGB VIII,
6. Events that are absolutely necessary and cannot be postponed, which serve the maintenance of the work, service or business operations or social welfare,
7. The implementation of labour market policy measures and other vocational training as well as language and integration courses,
8. The implementation of practical and theoretical driving, boating and flight school training and the practical and theoretical examination as well as the implementation of advanced seminars according to Art. 2b Road Traffic Act

and driving aptitude seminars according to Art. 4a Road Traffic Act,

9. The provision of first aid courses if a test concept is available for the trainers; for participation, the presentation of a test, vaccination or recovery certificate within the meaning of Art. 5 of the participants is required, and
10. Tutoring for groups of up to five students.

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

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

1. Nomination and election campaign events within the meaning of Art. 13 and the collection of support signatures required for parliamentary and municipal elections for election proposals of parties, electoral associations and individual candidates as well as for petitions for referendums, petitions for motions, citizens' petitions, residents' petitions and residents' meetings,
2. Subject-specific aptitude tests within the framework of admission procedures as well as other state examinations; the organiser may make participation in attendance conditional, in particular, on the presentation of proof of testing, vaccination or convalescence within the meaning of Art. 5, and
3. Top-level or professional sporting events, insofar as these take place without spectators.

(4) Paragraphs 1 and 2 shall not apply to events the holding of which is already permitted under Art. 10 Paragraph 1.

(5) Paragraphs 1 to 2 shall not apply to events intended to serve the maintenance of public safety and order, the administration of justice or the provision of services of

general interest, as well as to events and meetings of organs, parts of organs and other bodies of the legislative, judicial and executive branches of government as well as institutions of self-government, including discussion meetings and oral hearings in the course of planning approval procedures.

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

Art. 12

Elections and Voting

(1) Paragraphs 2 to 6 shall apply to the election proceedings and the determination and ascertainment of the election result in the case of mayoral elections and citizens' referendums as well as other meetings of the municipal election committee. The polling station within the meaning of this regulation shall include, in addition to the election rooms and meeting rooms of the election committees and election boards, all other rooms in the building that are accessible to the public during the election period and the determination and ascertainment of the election result as well as other meetings of the municipal election committee.

(2) As a minimum, the mayor shall ensure the hygiene requirements according to Art. 4 Paragraph 1 Numerals 1 to 3, 6 and 8. For the members of the election committees and election boards and the assistants, the occupational health and safety requirements according to Art. 9 shall be observed. Before entering the voting room, each person must disinfect their hands.

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

1. They are obliged to provide their contact details according to Art. 7 Paragraph 1 Sentence 1, the election committee is entitled to collect this

data, the election chairman shall hand over the collected data to the mayor in a sealed envelope; the mayor shall be obliged to process data in accordance with Art. 7 Paragraph 1 Sentence 1.

2. In the case of Art. 3 Paragraph 3, Numeral 2, these persons may be present in polling rooms between 8 a.m. and 1 p.m. and between 1 p.m. and 6 p.m. and after 6 p.m. for a maximum of 15 minutes each time, and in postal voting rooms for a maximum of 15 minutes each time; a minimum distance of two metres must be maintained from the members of the election committee and the assistants.

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

1. Are subject to a segregation obligation in connection with the Corona virus,
2. Show typical symptoms of an infection with the Corona virus, namely shortness of breath, newly occurring cough, fever, loss of smell or taste,
3. Contrary to Art. 3 Paragraph 2 Numeral 19, do not wear either a medical mask or respiratory protection without an exemption under Art. 3 Paragraph 3 being granted, or
4. Are not willing to provide their contact details in whole or in part contrary to Paragraph 3 Numeral 1.

(5) In the case of transporting election objects to another electoral district or a meeting room of a postal voting committee under Art. 37a of the Municipal Election Code because fewer than 50 votes were cast in the electoral district, several persons from different households may travel in one vehicle. The persons shall wear respiratory protection within the meaning of Art. 3 Paragraph 1. Art. 3 Paragraph 3 Numeral 2 remains unaffected..

(6) To participate in the election or vote, voters are exempt from curfew restrictions under the Infection Protection Act. The same shall apply to the members of the

election committees and election boards and the auxiliary staff to assist in the election or vote as well as to persons wishing to be present in the election building or at public meetings of the election committees on the basis of the principle of public accessibility.

Art. 13

Meetings under Article 8 of the Basic Law

(1) Notwithstanding Arts. 10 and 11, meetings intended to serve the exercise of the fundamental right of freedom of assembly under Article 8 of the Basic Law shall be permissible.

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

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

Art. 14

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

(1) Notwithstanding Art. 10 and 11, events organised by churches as well as religious and faith communities for the practice of religion are permissible. Anyone holding a religious event shall comply with the hygiene requirements pursuant to Art. 4, establish a hygiene concept in advance according to Art. 6 and perform data processing in accordance with Art. 7. There is a ban on access and participation pursuant to Art. 8. Sentences 1 to 3 shall apply accordingly to events of non-confessional organisations.

(2) Notwithstanding Arts. 10 and 11, burials, urn burials and prayers for the dead are

permissible. Anyone holding such an event shall comply with the hygiene requirements pursuant to Art. 4. There is a ban on access and participation pursuant to Art. 8.

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

Art. 15

Operating Bans and Restrictions of Services and Facilities

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

1. Places of entertainment, including gaming halls, casinos and bookmakers, with the exception of betting shops, provided that they are operated in accordance with Art. 16 Paragraph 3 Sentence 4
2. Art and cultural institutions, especially theatres, opera and concert halls, museums, galleries and memorial sites, as well as cinemas, with the exception of drive-in cinemas, drive-in concerts and drive-in theatres; the operation of museums, galleries and memorials in accordance with Art. 16 Paragraph 1 is permitted,
3. Archives and libraries; operation in accordance with Art. 16 Paragraph 1 is permitted; libraries may deviate from this with regard to the pick-up of ordered media and the return of media within the framework of the respective hygiene concept,
4. Music, art and youth art schools; this excludes groups of up to five pupils, whereby singing and wind instrument lessons are not permitted,

5. Tourist coaches, lodging establishments and other establishments offering overnight accommodation against payment, with the exception of necessary overnight stays for business or official purposes, or in cases of particular hardship,
6. Trade fair, exhibition and convention centres,
7. Theme parks, zoos, botanical gardens and other recreational facilities, including those outside closed areas, including excursion boat tours, museum railways as well as tourist cable cars; the operation of zoological and botanical gardens in accordance with Art. 16 Paragraph 1 is permitted.
8. Public and private sports facilities and sports grounds, as well as football grounds, with the exception of uses for official purposes, for rehabilitation sports, school sports, study sports, top or professional sports,
9. Fitness studios, yoga studios and comparable facilities, with the exception of use for official purposes, for rehabilitation sport, school sport, study, top-level or professional sport,
10. Swimming pools, indoor pools, thermal pools, fun pools and other pools as well as bathing lakes with controlled access, with the exception of use for official purposes, for rehabilitation sports, school sports, studies, top-level or professional sports, and for beginners' swimming courses,
11. Saunas and similar establishments,
12. The hospitality industry, in particular public houses and restaurants, including shisha and smoking bars and catering establishments within the meaning of Art. 25 Paragraph 2 German Restaurant Act ("GastG"), with the exception off-premises sales as well as pick-up and delivery services; areas for on-site consumption are to be closed; likewise excluded is catering in connection with permitted overnight accommodation within the meaning of Numeral 5 and in dining rooms in medical or nursing facilities,

13. Refectories and cafeterias at universities and academies in accordance with the Academies Act, with the exception of the serving of drinks and food exclusively for take-away and off-premises sales; areas for consumption on site are to be closed; Art. 24 Paragraph 2 Sentence 2 applies accordingly,
14. Pet salons, pet groomers and comparable animal care establishments, with the exception of boarding kennels; the operation according to Art. 16 Paragraph 3 Sentence 4 is permitted,
15. Dance schools, ballet schools and comparable institutions irrespective of the organisational form or recognition as an art school, unless the use is low-contact and conducted by up to five people from two households,
16. Clubs and discotheques, and
17. Prostitution facilities, brothels and similar establishments and any other exercise of the prostitution trade within the meaning of Art. 2 Paragraph 3 of the German Protection of Prostitutes Act.

(2) Company canteens within the meaning of Art. 25 Paragraph 1 GastG shall be closed for the consumption of food and beverages on site. The serving of take-away food and beverages is permissible, provided that the consumption takes place on the premises in suitable rooms. Sentence 1 does not apply if weighty reasons prevent consumption outside the company canteen; in such cases, operators must ensure, in particular, as part of their hygiene concepts, that the minimum distance of 1.5 metres is maintained between all visitors at all times and that a minimum area of ten square metres per visitor is available in the guest room.

(3) Classroom-based studies at universities and academies are suspended in accordance with the Academies Act; digital formats and other distance learning formats are permitted. Notwithstanding Sentence 1, the rectorate and the academy administration may admit courses in attendance form, provided that these are absolutely necessary and cannot be replaced by the use of electronic information and communication technologies or other distance learning formats, in particular for

events for students in their first semester and for students who are about to graduate or who are about to take partial examinations relevant to their degree. The rectorate or the academy administration may make participation in attendance dependent in particular on the presentation of a test, vaccination or recovery certificate within the meaning of Art. 5. Art. 24, Paragraph 2, Sentences 2 and 3, apply accordingly.

Art. 16

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

(1) The operation of retail shops, stores and markets, with the exception of pick-up offers and delivery services, including those of online commerce, is only permitted after prior agreement of individual appointments, whereby one customer is permitted per 40 square metres or part thereof of sales area; in the case of individual appointments, fixed time periods are to be specified per client and there is a duty to process data in accordance with Art. 7 ("Click and Meet" rule).

(2) Exempted from Paragraph 1 are:

1. The retail trade for food and beverages, including direct marketers, butchers, bakeries and confectioners,
2. Weekly markets within the meaning of Art. 67 Trade and Industry Regulation Act ("GewO"),
3. Places of issue of food banks,
4. Pharmacies, health food shops, drugstores, medical supply stores, orthopaedic shoe technicians, hearing care professionals, opticians, baby markets,
5. Petrol stations,
6. Post offices and parcel services, banks and savings banks as well as travel

and customer centres for the sale of tickets for public passenger transport,

7. Dry cleaners and launderettes,
8. The bookselling trade, sale of magazines and newspapers,
9. Sales outlets for animal supplies and feed markets,
10. The wholesale trade, and
11. Nurseries, flower shops, tree nurseries, garden, building and Raiffeisen markets.

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

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

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

(3) Where mixed assortments are offered, parts of assortments whose sale is not permitted under Paragraph 2 may be sold if the permitted part of the assortment amounts to at least 60 percent. These outlets may then sell all assortments that they normally sell as well. In all other cases, only the permitted part of the assortment may continue to be sold, if a spatial separation from the prohibited part of the

assortment ensures that it is not sold; Paragraph 1 remains unaffected. When setting up pick-up services, operators must organise in particular the distribution of goods in a low-contact manner and within fixed time windows as part of their hygiene concepts.

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

(5) The operation of establishments of the craft and service trades, including motor vehicle, agricultural machinery and bicycle repair shops as well as corresponding spare parts sales outlets, remains permitted insofar as it is not prohibited under other provisions in or on the basis of this Ordinance. In the business premises of craftsmen and service providers, the sale of goods not related to craftsmen's services is prohibited; necessary accessories are excluded. In business premises of telephone service providers, only the acceptance and removal of breakdowns and the repair or replacement of defective equipment are permitted; the sale of goods, including in conjunction with the mediation of service contracts, is prohibited. In the cases of Sentences 2 and 3, Paragraph 2 Sentence 2 shall apply accordingly; the admissibility of the sale of goods according to Paragraphs 1 and 2 shall remain unaffected.

Art. 17

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

(1) Anyone operating or offering the institutions, offers and activities listed below shall comply with the hygiene requirements pursuant to Art. 4, establish in advance a hygiene concept in accordance with Art. 6 and conduct data processing pursuant to Art. 7:

1. Universities, academies in accordance with the Academies Act, libraries, archives and student unions,

2. Art and cultural institutions including museums, galleries, cinemas, drive-in cinemas, drive-in theatres and drive-in concerts as well as zoological and botanical gardens and memorials,
3. Music, art, youth art, dance and ballet schools,
4. Schools of nursing, schools for health care professionals, schools for social work, schools for rescue service activities and training and further education centres for nursing and health care professionals under the responsibility of the Ministry of Social Affairs,
5. Driving, boat and flight schools including the conduct of theoretical and practical tests,
6. Other educational institutions and offerings of any kind, including the holding of examinations, unless listed in Art. 24 Paragraph 1 Numeral 1,
7. Businesses providing body-related services such as hairdressers, barbershops, cosmetic, nail, massage, tattoo and piercing studios, as well as physiotherapy, occupational therapy, speech therapy, podiatry and chiropody; insofar as a medical mask or respirator cannot be worn or cannot be worn permanently during the service, offer or activity, the presentation of proof of testing, vaccination or recovery within the meaning of Art. 5 by the client is required for the use of the service; this does not apply to physiotherapy and occupational therapy, speech therapy and podiatry as well as medical foot care,
8. Public and private sports facilities and sports grounds, gyms and yoga studios, as well as similar establishments,
9. Retail establishments and markets within the meaning of Arts. 66 to 68 GewO, with the exception of the requirements of Art. 7, insofar as this is not prescribed pursuant to Art. 16 Paragraph 1,

10. The hospitality industry, including catering facilities and services within the meaning of Art. 25 GastG; for hospitality establishments and services within the meaning of Art. 25 Paragraph 1 Sentence 1 GastG, the data processing pursuant to Art. 7 must only be carried out for outside guests,
11. Accommodation establishments and other establishments offering overnight accommodation for a fee, as well as touring buses in tourist traffic,
12. Trade fairs, exhibitions and conventions,
13. Places of entertainment, including amusement arcades, casinos, betting agencies and betting shops,
14. Tanning studios,
15. Boarding kennels and, with the exception of the requirements of Art. 7, animal salons, animal hairdressers and comparable animal care facilities,
16. Saunas and similar facilities,
17. Swimming pools, indoor pools, thermal pools, fun pools and other pools and bathing lakes with controlled access, and
18. Amusement parks and other recreational facilities, including outside enclosed areas, including excursion boats, museum railways and tourist cableways.

(2) When operating or offering the establishments, offers and activities under Paragraph 1, a ban on access and participation according to Art. 8 shall apply. In addition, the occupational health and safety requirements pursuant to Art. 9 shall be complied with. Paragraph 1 as well as sentences 1 and 2 shall also apply if an event permitted in accordance with Art. 11 is held as part of the facility, offer or activity. A ban on access and participation pursuant to Art. 8 shall also apply to the means of transport, areas and facilities mentioned in Art. 3 Paragraph 2 Numerals 1 and 5.

(3) Establishments pursuant to Paragraph 1 Numeral 7 and 14 shall only be permitted to provide the service after prior booking of an appointment.

Art. 18

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

(1) The employees of

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

must undergo a rapid COVID-19 test with regard to Corona virus infection in terms of Art. 5 Paragraph 1 before they begin work for the first time. In the cases referred to in Numeral 1, employees of establishments with more than 100 employees in the slaughtering and cutting area shall be subject to an additional weekly test obligation with a rapid COVID-19 test in terms of Art. 5 Paragraph 1. Vaccinated or recovered persons within the meaning of Art. 5 Paragraphs 2 and 3 are exempt from the testing obligation of Sentences 1 and 2. The test, vaccination or recovery proofs shall be submitted to the operator upon request. The organisation and financing of the testing is the responsibility of the operator, unless otherwise guaranteed.

(2) Operators of the establishments referred to in Paragraph 1 shall comply with the hygiene requirements pursuant to Art. 4 and shall draw up a hygiene concept in accordance with Art. 6. In establishments referred to in Paragraph 1 Numeral 2, the obligation to wear a medical mask or a respirator outside enclosed spaces does not apply. By way of derogation from Art. 6 Paragraph 2, operators of the establishments referred to in Paragraph 1 are obliged to submit the hygiene concept to the locally

competent health authority. Insofar as these deficiencies are identified, the hygiene concept is to be adjusted immediately based on the specifications of the health authority.

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

(4) The operator shall carry out a processing of the data of employees and visitors to the premises in accordance with Art. 7. In the case of Paragraph 1 Numeral 2, only the data of employees shall be processed. There is a ban on admission and participation in accordance with Art. 8, as well as on persons who have neither undergone the tests prescribed in accordance with Paragraph 1, nor present the vaccination or recovery proof.

(5) The occupational health and safety requirements according to Art. 9 shall be observed. In addition, the operator of the establishments referred to in Paragraph 1 shall fulfil the following obligations:

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

Art. 19

*Schools within the Area of Responsibility of the Ministry of Social Affairs
and the Ministry of Rural Areas*

(1) Schools within the meaning of Art. 17 Paragraph 1 Numeral 4 as well as schools in the departmental area of the Ministry of Rural Areas shall offer pupils included in the attendance classes as well as the staff working at the institutions in the attendance classes two COVID-19 rapid tests within the meaning of Art. 5 Paragraph 1 in each school week; this does not apply to vaccinated or recovered persons within the meaning of Art. 5 Paragraphs 2 and 3. The time and organisation of the tests to be administered shall be determined by the school administration.

(2) For persons who present neither proof of testing nor proof of vaccination or recovery within the meaning of Art. 5, there is a ban on admission and participation in accordance with Art. 8. This does not exist

1. For the 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 the participation in distance learning, or
3. For access by the service provider required for the operation of the school at short notice or outside operating hours.

In the cases of Sentence 2 Numeral 1, the school administration shall take appropriate measures to separate the persons without evidence within the meaning of Art. 5 from the other examination candidates.

Part 2 - Special Regulations

Section 1: Principle, Opening Levels and Deviations

Art. 20

Principle

The statutory orders issued on the basis of Arts. 24 to 26 shall take precedence over all provisions of this Ordinance, insofar as deviating provisions are made there. Deviations from Arts. 3, 10, Art. 11 Paragraph 2, Art. 15 Paragraphs 1 and 2, Art. 19 and Art. 21 are only permissible insofar as they provide for more far-reaching measures to protect against infections.

Art. 21

Opening Levels, Deviations

(1) On the day on which the measures of Art. 28b Paragraph 1 IfSG expire in accordance with Art. 28b Paragraph 2 Sentence 1 IfSG in a urban or rural district, the following regulations shall take precedence over the corresponding regulations of this Ordinance (Opening Level 1):

1. Notwithstanding Art. 11 Paragraph 2 Sentence 1 and Art. 15 Paragraph 1 Numeral 2, the holding of cultural events, in particular theatre, opera and concert performances as well as film screenings, with up to 100 visitors shall be permitted outdoors,
2. Notwithstanding Art. 11 Paragraph 2 Sentence 1, the holding of outdoor lecture and information events with up to 100 visitors shall be permitted,
3. Notwithstanding Art. 11 Paragraph 2 Sentence 1, the holding of courses for adult education centres and similar educational institutions for groups of up

to ten participants, with the exception of dance and sports courses, is permitted indoors; outdoors, the participation of up to 20 people shall be permitted without any limitation of the course offering,

4. Notwithstanding Art. 11 Paragraph 2 Sentence 1, outdoor museum tours and tourist events, in particular city and nature tours, are permitted in groups of up to 20 people,
5. In addition to Art. 11 Paragraph 2 Sentence 2 Numeral 1, committee meetings of legal persons under private and public law, companies and communities with legal capacity and partial legal capacity, works meetings and events of the collective bargaining partners, insofar as not already covered by Art. 11 Paragraph 5, with up to 100 participants in the open and for groups of up to ten participants in closed rooms are generally permitted,
6. In addition to Art. 11 Paragraph 2 Sentence 2 Number 6, events serving the maintenance of work, service or business operations or social welfare are generally permitted with up to 100 participants outdoors and for groups of up to ten participants indoors,
7. Notwithstanding Art. 11 Paragraph 2 Sentence 2 Numeral 10, private tutoring shall be permitted for groups of up to ten pupils,
8. Notwithstanding Art. 11 Paragraph 2 Sentence 1 and Paragraph 3, competitive events of top-level and professional sport without limitation of participants as well as low-contact amateur sport with up to 20 athletes shall be permitted outdoors with up to 100 spectators,
9. Notwithstanding Art. 15 Paragraph 1 Numeral 2, the operation of galleries, museums and memorial sites shall be generally permitted,
10. Notwithstanding Art. 15 Paragraph 1 Numeral 3, the operation of archives and libraries shall be generally permitted,

11. Notwithstanding Art. 15 Paragraph 1 Numerals 4 and 15, the operation of music, art, dance and youth art schools, in groups of up to ten pupils shall be permitted; singing and wind instrument lessons are permitted in groups of up to five pupils; dance and ballet lessons are permitted in groups of up to ten pupils outdoors only,
12. Notwithstanding Art. 15 Paragraph 1 Numeral 5, the operation of accommodation establishments and the other facilities mentioned therein shall be generally permitted; the operation of touring buses in tourist traffic shall be permitted with the proviso that the starting point and destination of the journey is in an urban or rural district in which the measures of Art. 28b Paragraph 1 IfSG do not apply in accordance with Art. 28b Paragraph 2 Sentence 1 IfSG, and a maximum occupation of the respective touring bus with half of the regularly permissible number of passengers is carried out,
13. Notwithstanding Art. 15 Paragraph 1 Numeral 7, the operation of zoological and botanical gardens shall be generally permitted; the operation of excursion boats as well as museum and tourist cable cars shall be permitted with the proviso that the starting point and destination of the journey is located in an urban or rural district in which the measures of Art. 28b Paragraph 1 IfSG do not apply in accordance with Art. 28b Paragraph 2 Sentence 1 IfSG, and a maximum occupancy of the respective means of transport is half of the regularly permitted number of passengers,
14. Notwithstanding Art. 15 Paragraph 1 Numeral 7, the operation of miniature golf courses, high ropes courses, boat rentals and other outdoor recreational facilities shall be permitted for the use of groups of up to 20 persons at a time; on extensive outdoor recreational facilities, several groups of people separated from each other shall be permitted as well,
15. Notwithstanding Art. 15 Paragraph 1 Numeral 8, the operation of sports facilities and sports grounds as well as comparable facilities for low-contact outdoor recreational and amateur sports shall be permitted in groups of up to 20 persons; this applies to organised club sports as well as general

university sports also outside sports facilities and sports centres; on extensive outdoor sports facilities, several groups of people practising recreational and amateur sports separately from each other shall be permissible as well,

16. Notwithstanding Art. 15 Paragraph 1 Numeral 10, the operation of the outdoor areas of swimming pools, thermal baths and fun pools and other baths as well as bathing lakes with controlled access shall be generally permitted,
17. Notwithstanding Art. 15 Paragraph 1 Numeral 12, the operation of the hospitality industry, in particular of pubs and restaurants, including shisha and smoking bars, and hospitality establishments within the meaning of Art. 25 Paragraph 2 GastG, shall be permitted with a limitation of the number of customers present at any one time to one person per 2.5 square metres or part thereof of restaurant space within enclosed rooms and without limitation of the number of customers in associated outdoor areas; operation shall be permitted between 6 a.m. and 9 p.m. and the seats are to be arranged in such a way that a distance of at least 1.5 metres between persons sitting at different tables is ensured; smoking is only permitted outdoors,
18. Notwithstanding Art. 15 Paragraph 1 Numeral 14, the operation of animal salons, animal hairdressers and comparable animal care establishments shall be generally permitted,
19. Notwithstanding Art. 15 Paragraph 1 Numeral 13 and Art. 15 Paragraph 2, the operation of refectories, cafeterias at universities and academies under the Academies Act as well as company canteens within the meaning of Art. 25 Paragraph 1 GastG shall be generally permitted; operators shall implement a limitation of persons within the framework of their hygiene concepts in such a way that the minimum distance of 1.5 metres can be maintained between all visitors at all times, and

20. In addition to Art. 15 Paragraph 3 Sentence 2, the rectorate and the academy administration may authorise outdoor classroom-based events with up to 100 participants and, subject to advance registration and a minimum distance of 1.5 metres between students, access to learning spaces, including study groups of up to ten persons; otherwise, the regulations for libraries shall remain unaffected; the academy may exempt access to learning places of the libraries from pre-registration in accordance with Half-Sentence 1.

Insofar as no area or person limitation is stipulated in Sentence 1, the number of visitors, participants or customers present at the same time shall be limited to one person for every 20 square metres or part thereof of the area intended for public use.

(2) If, in an urban or rural district in which the provisions of Paragraph 1 already apply, the seven-day incidence falls below the threshold of 100 for 14 consecutive days and there is a downward trend within the meaning of Paragraph 7, the following provisions shall, in addition to Paragraph 1, take precedence over the corresponding provisions of this Ordinance as from the entry into force pursuant to Paragraph 9 (Opening Level 2):

1. Notwithstanding Art. 11 Paragraph 2 Sentence 1 and Art. 15 Paragraph 1 Numeral 2, the holding of cultural events, in particular theatre, opera and concert performances as well as film screenings, with up to 250 participants outdoors or 100 participants inside closed rooms shall be permitted,
2. Notwithstanding Art. 11 Paragraph 2 Sentence 1, the holding of lectures and information events with up to 250 participants outdoors or 100 participants inside closed rooms shall be permitted,
3. Notwithstanding Art. 11 Paragraph 2 Sentence 1, guided tours of museums and tourist events in closed rooms, in particular guided tours, in groups of up to 20 persons shall be permitted,

4. Notwithstanding Art. 11 Paragraph 2 Sentence 1, the holding of courses for adult education centres and similar educational institutions for groups of up to 20 participants is permitted,
5. In addition to Art. 11 Paragraph 2 Sentence 2 Numeral 1, committee meetings of legal persons under private and public law, companies and communities with legal capacity and partial legal capacity, works meetings and events of the collective bargaining partners, insofar as not already covered by Art. 11 Paragraph 5, with up to 250 participants outdoors and with up to 100 participants in closed rooms shall generally be permitted,
6. In addition to Art. 11 Paragraph 2 Sentence 2 Numeral 6, events serving the maintenance of work, service or business operations or social welfare are generally permitted with up to 250 participants outdoors and with up to 100 participants indoors,
7. Notwithstanding Art. 11 Paragraph 2 Sentence 1 and Paragraph 3 Numeral 3, competitive events of low-contact amateur sport as well as top-level and professional sport are permitted without limitation of participants and with up to 250 spectators outdoors or 100 spectators inside closed rooms,
8. Notwithstanding Art. 15 Paragraph 1 Numeral 1, the operation of amusement arcades, gambling halls, casinos and betting agencies within closed rooms shall be permitted with a limitation of the number of customers present at the same time to one person per 2.5 square metres or part thereof of the area intended for the public; the operation shall be permitted between 6 a.m. and 10 p.m. and the places are to be arranged in such a way that a distance of at least 1.5 metres is ensured between the persons located at different gaming machines or tables, smoking is only permitted outdoors.
9. Notwithstanding Art. 15 Paragraph 1 Numerals 4 and 15, the operation of music schools, art schools, youth art schools, dance and ballet schools and

comparable institutions for groups of 20 pupils shall be permitted,

10. Notwithstanding Art. 15 Paragraph 1 Numeral 6, the operation of trade fair, exhibition and convention centres shall be generally permitted,
11. Notwithstanding Art. 15 Paragraph 1 Numerals 8 and 9, the operation of sports facilities and sports centres as well as fitness and yoga studios and comparable facilities for low-contact recreational and amateur sports shall be generally permitted; this applies to organised club sport as well as to general university sport, even outside sports facilities and sports centres,
12. Notwithstanding Art. 15 Paragraph 1 Numerals 10 and 11, the operation of baths, saunas and comparable facilities in connection with overnight stays permitted under Paragraph 1 Sentence 1 Numeral 12 shall be permitted,
13. Notwithstanding Art. 15 Paragraph 1 Numerals 10 and 11, the operation of saunas and similar facilities for groups of up to 10 persons, as well as of baths in general, shall be permitted,
14. Notwithstanding Art. 15 Paragraph 1 Numeral 12, the operation of the hospitality industry, in particular pubs and restaurants, including shisha and smoking bars, and hospitality establishments within the meaning of Art. 25 Paragraph 2 GastG shall be permitted with a limitation of the number of customers present at any one time to one person per 2.5 square metres or part thereof of restaurant space within enclosed rooms and without limitation of the number of customers in associated outdoor areas; operation shall be permitted between 6 a.m. and 10 p.m. and the seats shall be arranged in such a way that a distance of at least 1.5 metres between persons sitting at different tables is ensured; smoking is only permitted outdoors, and
15. In addition to Art. 15 Paragraph 3 Sentence 2, the rectorate and the academy administration may permit the holding of events in attendance form with up to 100 participants.

Insofar as no limitation of persons is stipulated in Sentence 1, the number of visitors, participants or customers present at the same time shall be limited to one person per 20 square metres or part thereof of the area intended for public use.

(3) If, in an urban or rural district in which the provisions of Paragraph 2 already apply, the seven-day incidence falls below the threshold value of 100 for a further 14 consecutive days and there is a downward trend within the meaning of Paragraph 7, the following provisions shall take precedence over the corresponding provisions of this Ordinance as from the entry into force pursuant to Paragraph 9 in addition to Paragraphs 1 and 2 (Opening Level 3):

1. Notwithstanding Art. 11 Paragraph 2 Sentence 1 and Art. 15 Paragraph 1 Numeral 2, the holding of cultural events, in particular theatre, opera and concert performances as well as film screenings, with up to 500 participants outdoors or 250 participants inside closed rooms shall be permitted,
2. Notwithstanding Art. 11 Paragraph 2 Sentence 1, the holding of lectures and information events with up to 500 participants outdoors or 250 participants inside closed rooms shall be permitted,
3. In addition to Art. 11 Paragraph 2 Sentence 2 Numeral 1, committee meetings of legal persons under private and public law, companies and communities with legal capacity and partial legal capacity, works meetings and events of the collective bargaining partners, insofar as not already covered by Art. 11 Paragraph 5, with up to 500 participants outdoors and with up to 250 participants in closed rooms shall generally be permitted,
4. In addition to Art. 11 Paragraph 2 Sentence 2 Numeral 6, events serving the maintenance of work, service or business operations or social welfare shall generally be permitted with up to 500 participants outdoors and with up to 250 participants indoors,
5. Notwithstanding Art. 11 Paragraph 2 Sentence 1 and Paragraph 3 Numeral 3, competitive events of amateur, professional as well as top-level

sport shall be permitted without limitation of participants and with up to 500 spectators outdoors or 250 spectators inside closed rooms,

6. Notwithstanding Art. 15 Paragraph 1 Numeral 1, the operation of amusement arcades, gambling halls, casinos and betting agencies within closed rooms shall be permitted with a limitation of the number of customers present at the same time to one person per 2.5 square metres or part thereof of the area intended for the public; the operation shall be permitted between 6 a.m. and 1 a.m. and the places are to be arranged in such a way that a distance of at least 1.5 metres is ensured between the persons located at different gaming machines or tables, smoking is only permitted outdoors,
7. Notwithstanding Art. 15 Paragraph 1 Numeral 6, the operation of trade fair, exhibition and convention centres shall be generally permitted,
8. Notwithstanding Art. 15 Paragraph 1 Numeral 7, the operation of amusement parks and other recreational facilities shall be generally permitted,
9. Notwithstanding Art. 15 Paragraph 1 Numerals 8 and 9, the operation of sports facilities and sports centres as well as fitness and yoga studios and comparable facilities for recreational and amateur sports shall be generally permitted; this applies to organised club sport as well as to general university sport, even outside sports facilities and sports centres,
10. Notwithstanding Art. 15 Paragraph 1 Numeral 10, the operation of baths shall be generally permitted,
11. Notwithstanding Art. 15 Paragraph 1 Numeral 11, the operation of saunas and comparable facilities shall be generally permitted,
12. Notwithstanding Art. 15 Paragraph 1 Numeral 12, the operation of the hospitality industry, in particular pubs and restaurants, including shisha and

smoking bars, and hospitality establishments within the meaning of Art. 25 Paragraph 2 GastG shall be permitted with a limitation of the number of customers present at any one time to one person per 2.5 square metres or part thereof of restaurant space within enclosed rooms and without limitation of the number of customers in associated outdoor areas; operation shall be permitted between 6 a.m. and 1 a.m. and the seats shall be arranged in such a way that a distance of at least 1.5 metres between persons sitting at different tables is ensured; smoking is only permitted outdoors, and

13. In addition to Art. 15 Paragraph 3 Sentence 2, the rectorate and the academy's administration may authorise the holding of attendance-based events with up to 250 participants.

Insofar as no limitation of persons is stipulated in Sentence 1, the number of visitors, participants or customers present at the same time shall be limited to one person for every ten square metres or part thereof of the area intended for public use.

(4) In the case of Opening Levels 1 to 3, the following shall apply to retail businesses, shops and markets within the meaning of Arts. 66 and 68 GewO: Within the framework of the "Click and Meet" rule of Art. 16 Paragraph 1, instead of one customer per 40 square metres of sales area or part thereof, two customers each shall be permitted without prior booking of an appointment, provided that they present proof of testing, vaccination or recovery in the meaning of Art. 5.

(5) If, in any urban or rural district, the seven-day incidence falls below the threshold of 50 for five consecutive days, the following shall apply from the entry into force under Paragraph 9:

1. Notwithstanding Art. 10 Paragraph 1 Sentence 1 Numeral 2, a maximum of ten persons from three households shall apply to gatherings, private meetings and private events; children of the respective households up to the age of 14 years shall not be counted for this purpose; in addition, up to five further children up to the age of 14 from any number of households may join,

2. The operation of retail trade, shops and markets within the meaning of Arts. 66 and 68 GewO shall be generally permitted; Art. 16 Paragraphs 1, 3 and Paragraph 5 Sentences 2 and 3 shall not apply; Art. 16 Paragraph 2 Sentences 2 and 3 and Paragraph 4 shall remain unaffected,
3. Notwithstanding Art. 15 Paragraph 1 Numerals 2, 3 and 7, the operation of libraries, archives, museums, galleries, zoological and botanical gardens as well as memorials shall be generally permitted, Art. 16 Paragraph 1 shall not apply mutatis mutandis.

Sentence 1 shall no longer apply after the coming into force of Paragraph 9 if the seven-day incidence in the urban or rural district exceeds the threshold of 50 for three successive days. In the cases of Sentence 1, Opening Level 3 shall apply as of the entry into force pursuant to Paragraph 9, in deviation from the requirements of Paragraphs 2 and 3; in this case, the expiry of Opening Level 3 shall be governed by Paragraphs 6 and 7.

(5a) If, in a urban or rural district, the seven-day incidence falls below the threshold of 35 for five consecutive days, the following shall apply as from the effective date referred to in Paragraph 9:

1. When entering or participating in the events, offers and establishments mentioned in Paragraphs 1 to 3 and in Numerals 3 and 4, there shall be no obligation to present proof of testing, vaccination or convalescence in accordance with Paragraph 8, Sentence 1, insofar as these take place exclusively outdoors,
2. Notwithstanding Art. 11 Paragraph 2 Sentence 1, with the exception of dance events, celebrations in hospitality establishments within the meaning of Art. 15 Paragraph 1 Numeral 12 with up to 50 persons presenting proof of testing, vaccination or convalescence in accordance with Paragraph 8 Sentence 1 shall be permitted,
3. Notwithstanding Art. 15 Paragraph 1 Numeral 6, the operation of trade fair,

exhibition and congress centres is permitted with a space limit of seven square metres per visitor, and

4. Notwithstanding Paragraph 3 Numerals 1 to 5, up to 750 persons of the groups of persons mentioned therein shall be permitted outdoors.

Sentence 1 shall no longer apply after the coming into force of Paragraph 9 if the seven-day incidence in the urban or rural district exceeds the threshold of 35 for three successive days.

(6) If, in the cases of Paragraphs 2 and 3, a rising tendency exists in an urban or rural district, then the regulations of the respective lower Opening Level shall apply after the coming into force of Paragraph 9.

(7) A decreasing tendency in the sense of Paragraphs 2 and 3 exists if, within 14 consecutive days since the first day of the respective Opening Level, the seven-day incidence is on average below the seven-day incidence of the first day of the respective Opening Level; A rising tendency exists if, within 14 consecutive days since the first day of the respective Opening Level, the seven-day incidence is on average above the seven-day incidence of the first day of the respective Opening Level; if the seven-day incidence does not exceed the threshold of 50, the trend is not considered to be increasing. After entering the Opening Levels 2 and 3, the verification of the tendencies shall occur every two weeks.

(8) Access to the institutions, companies and events mentioned in Paragraphs 1 to 3 and Paragraph 5a Numeral 2 or participation in offers or activities according to Paragraphs 1 to 3 shall only be permitted after presentation of a test, vaccination or recovery proof within the meaning of Art. 5; a ban on access and participation according to Art. 8 shall apply. Suppliers and operators shall be obliged to verify the proofs. For pupils, the submission of a negative test certified by their school and dating back no more than 60 hours shall be sufficient. For accommodation establishments and other facilities that offer overnight accommodation for a fee, it shall be sufficient to present the vaccination or recovery proof once or the test proof under Sentence 1 every three days during the duration of the stay; insofar as the

period of six months expires during the stay in the case of a proof of recovery under Art. 2 Numeral 5 SchAusnahmV, Half-Sentence 1 Variant 3 shall apply accordingly.

(9) In the cases of Paragraph 1 Sentence 3 and Paragraphs 2 to 6, the responsible health department shall immediately announce, as is customary in the location, that the requirements of the respective Paragraphs 1 to 6 have been met after it became recognizable on the basis of the seven-day incidence published by the Robert Koch Institute. In these cases, the legal effects shall come into effect on the next day after the customary announcement.

(9a) For the purpose of counting the relevant days pursuant to Paragraph 5 Sentence 3 and Paragraph 5a Sentence 1, the five days prior to 7 June 2021 shall be counted as well; in this case, the responsible authority shall announce on 6 June 2021 that the respective legal effects of the provisions of Paragraph 5 Sentence 3 or Paragraph 5a Sentence 1 shall come into force on 7 June 2021.

(10) 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.

(11) 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.

Section 2: Further Measures, Supplements to Art. 28b IfSG

Art. 22

Further Measures

(1) The right of the responsible authorities to adopt further measures to protect against infection remains unaffected by this Ordinance and statutory orders issued

on the basis of this Ordinance.

(2) The serving and consumption of alcohol is prohibited in public places designated by the responsible authorities.

(3) The Ministry of Social Affairs may issue instructions to the responsible authorities within the framework of service and technical supervision for additional regional measures in the event of exceptionally strong infection rates (hotspot strategy).

Art. 23

Supplements to Art. 28b IfSG

The locally customary public announcement of the day from which the measures pursuant to Art. 28b Paragraphs 1 and 3 IfSG apply or no longer apply, shall be made by the responsible health department. In the case of their application, in addition to Art. 28b Paragraphs 1 and 3 IfSG, it shall apply that

1. Practical training components in vocational education and training courses offered at vocational education and training institutions pursuant to Art. 2 Paragraph 1 Numeral 3 of the Vocational Training Act ("BBiG"), which may only be carried out in specially equipped premises or learning environments with a practical focus, shall be exempt from the restriction on alternating instruction pursuant to Art. 28b Paragraph 3 Sentence 2 IfSG,
2. Practical training components in vocational education and training courses offered at vocational education and training institutions pursuant to Art. 2 Paragraph 1 Numeral 3 BBiG, at extracurricular adult education institutions and similar institutions that may only be conducted in specially equipped premises or learning environments with a practical focus shall be exempt from the prohibition of attendance instruction pursuant to Art. 28b Paragraph 3 Sentence 3 IfSG,
3. The conduct of events for students who are about to graduate or to take

partial exams relevant to their graduation and practical training components at universities shall be excluded from the prohibition under Art. 28b Paragraph 3 Sentence 3 IfSG,

4. At institutions pursuant to Art. 17 Paragraph 1 Numeral 4 and corresponding courses of education at vocational schools under the departmental responsibility of the Ministry of Education and Cultural Affairs and the Ministry of Rural Areas, final-year classes, examination preparations and practical lessons that may only take place in specially equipped premises or learning environments with practical relevance shall be exempt from the restriction on alternating lessons pursuant to Art. 28b Paragraph 3 Sentence 2 IfSG and the prohibition of attendance instruction pursuant to Art. 28b Paragraph 3 Sentence 3 IfSG,
5. The conduct of events for the preparation of examinations in the field of general further education shall be exempt from the prohibition pursuant to Art. 28b Paragraph 3 Sentence 3 IfSG,
6. Congregational singing shall be prohibited in enclosed spaces at events within the meaning of Art. 14 Paragraphs 1 and 2, and
7. In the case of Art. 28b Paragraph 1 Sentence 1 Numeral 6 IfSG, several groups of persons separately practising amateur and recreational sports shall also be permitted on extensive outdoor sports facilities.

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

Section 3: Statutory Order Authorisations

Art. 24

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 in accordance with Art. 14,

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

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

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

to stipulate the conditions and requirements, in particular hygiene requirements, for protection against any infection with the Corona virus. Sentence 1 Numeral 1 shall not apply to the Baden-Württemberg Police University, including the Executive Board for Education of the Baden-Württemberg Police University and the Schwetzingen School of Law. For the Baden-Württemberg Police University including the Executive Board for Education of the Baden-Württemberg Police University, the Ministry of the Interior, and for the Schwetzingen School of Law the Ministry of Justice may approve exemptions from the restrictions of this Ordinance necessary for the training, study and further education and the preparation and holding of examinations as well as for the recruitment procedure.

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

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

8. Further education and training centres for the nursing and health care professions, as well as

9. Schools for rescue service work

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

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

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

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

1. Public and private sports facilities and sports grounds, gyms and yoga studios and the organisation of sports competitions, as well as dance schools and similar establishments,
2. Bathing facilities including saunas and bathing lakes with controlled access, as well as
3. Music schools, art schools and youth art schools, as well as to stipulate for corresponding offers in the meaning of Art. 17 Paragraph 1 Numeral 6, within the departmental responsibility of the Ministry of Education and Cultural Affairs,

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

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

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

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

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

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

medical and non-medical foot care establishments,

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

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

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

Art. 25

Ordinance Authorisations on Separation Obligations

Pursuant to Art. 32 Sentence 2, 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 a PCR or rapid 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. 26

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

Part 3 - Regulatory Offences, Final Provisions

Art. 27

Regulatory Offences

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

1. Does not maintain a minimum distance of 1.5 metres to other persons contrary to Art. 2 Paragraph 2,
2. Contrary to Art. 3, Paragraph 2 or Art. 12 Paragraph 5, Sentence 2 does not wear a medical mask or one that does not meet their requirements and does not wear a respirator or one that does not meet their requirements,
3. Submits, as an attendee, incorrect information regarding first name, surname, address, date of attendance or telephone number contrary to Art. 7 Paragraph 3,
4. Takes part in a gathering, private meeting or private event contrary to Art. 10 Paragraph 1, also in conjunction with Art. 21 Paragraph 5 Sentence 1 Numeral 1,
5. Holds an event contrary to Art. 11 Paragraph 1 Sentence 1, Art. 14 Paragraph 1 Sentence 2 or Art. 14 Paragraph 2 Sentence 2,
6. Contravenes a prohibition on access or participation in accordance with Art. 11 Paragraph 1 Sentence 2, Art. 12 Paragraph 4, Art. 14 Paragraph 1 Sentence 3, Art. 14 Paragraph 2 Sentence 3 or Art. 17 Paragraph 2 Sentences 1 or 4, Art. 18 Paragraph 4 Sentence 3 or Art. 21 Paragraph 8 Sentence 1,
7. Fails to comply with occupational health and safety requirements contrary to

Art. 11 Paragraph 1 Sentence 3, Art. 17 Paragraph 2 Sentence 2 or Art. 18 Paragraph 5 Sentence 1,

8. Holds an event in contravention of Art. 11 Paragraph 2 Sentences 1 to 3, also in conjunction with Art. 21 Paragraph 1 Sentence 1 Numerals 1 to 8, Art. 21 Paragraph 2 Sentence 1 Numerals 1 to 7, Art. 21 Paragraph 3 Sentence 1 Numerals 1 to 5 or Art. 21 Paragraph 5a Sentence 1 Numerals 2 or 4, or contrary to Art. 11 Paragraph 3 Numeral 3, also in conjunction with Art. 21 Paragraph 1 Sentence 1 Numeral 8, Art. 21 Paragraph 2 Sentence 1 Numeral 7, Art. 21 Paragraph 3 Sentence 1 Numeral 5 or Art. 21 Paragraph 5a Sentence 1 Numeral 4,
9. Contrary to Art. 13, Paragraph 2, Sentence 1, does not work towards compliance with the distance rule,
10. Fails to comply with an obligation to process data in contravention of Art. 16 Paragraph 1 Sentence 2 or Art. 18 Paragraph 4 Sentence 1,
11. Operates an establishment or offers a service in contravention of Art. 15 Paragraphs 1 or 2, also in conjunction with Art. 21 Paragraph 1 Sentence 1 Numerals 1 and 9 to 19 and Art. 21 Paragraph 1 Sentence 2, Art. 21 Paragraph 2 Sentence 1 Numerals 1 and 8 to 14 and Art. 21 Paragraph 2 Sentence 2, Art. 21 Paragraph 3 Sentence 1 Numerals 1 and 6 to 12 and Art. 21 Paragraph 3 Sentence 2 or Art. 21 Paragraph 5a Sentence 1 Numeral 3, or Art. 16 Paragraphs 1 to 3 and Paragraph 5, also in conjunction with Art. 21 Paragraph 4,
12. Holds special sales promotions in retail establishments and markets contrary to Art. 16 Paragraph 4,
13. Operates or offers establishments, offerings or activities contrary to Art. 17 Paragraph 1 and 3,
14. Contrary to Art. 18 Paragraph 1 Sentence 5 does not finance or organise

tests,

15. Fails to submit a hygiene concept in contravention of Art. 18 Paragraph 2 Sentence 3,
16. Contrary to Art. 21 Paragraph 8 Sentence 2, fails to comply with an obligation to check the test, vaccination or recovery proof,
17. Serves or consumes alcohol in public places in contravention of Art. 22 Paragraph 2.

Art. 28

Entry into Force, Expiry

(1) This Ordinance comes into force on the day after its promulgation; at the same time, the Corona Ordinance of 27 March 2021 (Federal Law Gazette, p. 343), which was last amended by Article 1 of the Ordinance of 1 May 2021 (Federal Law Gazette, p. 417), shall expire. Notwithstanding Sentence 1, Art. 24 Paragraph 3 comes into force on the day of its promulgation. The statutory regulations issued on the basis of the Corona Ordinance of 23 June 2020 (Federal Law Gazette, p. 483), as last amended by Article 1 of the Ordinance of 17 November 2020 (Federal Law Gazette, p. 1052), or the statutory regulations issued on the basis of the Corona Ordinance of 30 November 2020 (Federal Law Gazette, p. 1067), as last amended by Article 1 of the Ordinance of 26 February 2021 (Federal Law Gazette, p. 249), or the statutory regulations issued on the basis of the Corona Ordinance of 7 March 2021 (Federal Law Gazette, p. 273), as last amended by Article 1 of the Ordinance of 19 March 2021 (Federal Law Gazette, p. 298) or the statutory regulations issued on the basis of the Corona Ordinance of 27 March 2021 shall continue to apply until their expiry pursuant to Paragraph 2 Sentence 2.

(2) This Ordinance shall expire at the end of 30 June 2021. At the same time, all ordinances issued pursuant to this Ordinance, the ordinance of 23 June 2020, the ordinance of 30 November 2020, the ordinance of 7 March 2021 or the ordinance of

27 March 2021 shall expire unless previously repealed.

Stuttgart, 13 May 2021

The Government of the State of Baden-Württemberg:

Kretschmann

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