

Bundesanzeiger [Federal Gazette]

Published by
The *Bundesministerium für Arbeit und Soziales*
[German Federal Ministry of Labor and Social Affairs]
www.bundesanzeiger.de

Promulgation

Issued on Monday, 28 June 2021
BAnz AT 28 June 2021 V1

Page 1 of 3

**Bundesministerium
für Arbeit und Soziales**

[German Federal Ministry of Labor and Social Affairs]

SARS-CoV-2-Arbeitsschutzverordnung

[SARS-CoV-2 Occupational Safety and Health Ordinance]
(Corona-ArbSchV)

Of 25 June 2021

In accordance with section 18 paragraph 3 of the *Arbeitsschutzgesetz* [German Occupational Safety and Health Act], added pursuant to section 1 number 1 letter b of the law of 22 December 2020 (BGBl. I p. 3334 [German Federal Law Gazette]), the *Bundesministerium für Arbeit und Soziales* [German Federal Ministry of Labor and Social Affairs] decrees:

Section 1

Purpose and Scope of Application

(1) The purpose of this ordinance is to minimize the risk of a Coronavirus SARS-CoV-2 infection at the workplace and to safeguard employees' safety and health.

(2) *Arbeitsschutzverordnungen* [occupational safety and health ordinances] in accordance with section 18 par. 1 and par. 2 of the German Occupational Safety and Health Act and deviating provisions by the *Länder* [German federal states] on the prevention and control of infectious diseases, especially pertaining to childcare as well as further provisions by the German federal states and the *SARS-CoV-2-Arbeitsschutzregel* [SARS-CoV-2 occupational safety and health rule] remain in effect.

Section 2

Risk assessment and organizational hygiene concept

(1) In accordance with sections 5 and 6 of the German Occupational Safety and Health Act, the employer shall review and update the *Gefährdungsbeurteilung* [risk assessment] with regard to additional measures required for the organizational prevention and control of infectious diseases, in light of the SARS-CoV-2 occupational safety and health rule. Based on such risk assessment, the employer shall establish a hygiene concept determining and implementing the measures required for organizational prevention and control of infectious diseases. Such measures also apply to break areas and during break periods. Industry-specific guides, notably such as those issued by statutory accident insurance carriers, may be consulted for additional guidance on suitable measures compliant with sentences 1 and 2.

(2) If the risk assessment shows that employee protection by technical and organizational protective measures is not sufficient and it is necessary for employees to wear surgical face masks (mouth-nose-protection) or the respirator masks listed in the appendix, the employer shall provide those masks. Employees must wear the masks that are to be provided by the employer or masks

of at least an equivalent type.

(3) At the workplace, employees shall have suitable access to the operational hygiene concept.

Section 3

Measures for reducing work-related contacts

The employer shall take all suitable technical and organizational measures to reduce work-related personal contacts. Presence of more than one person in a room shall be reduced to the minimum operational need.

Section 4

Coronavirus SARS-CoV-2 tests with direct detection of the pathogen

(1) To reduce the risk of SARS-CoV-2 infections at the workplace, the employer shall offer employees who are not teleworking at home full-time a Coronavirus SARS-CoV-2 test with direct detection of the pathogen at least twice per calendar week free of charge; such tests must be approved by the *Bundesinstitut für Arzneimittel und Medizinprodukte [German Federal Institute for Drugs and Medical Devices]*¹.

(2) Offering tests following paragraph 1 is not necessary if the employer ensures employee's equivalent protection by way of other suitable protective measures or can prove an existing equivalent protection.

(3) The employer shall maintain proof of having acquired tests and agreements for third-party testing of employees, until 10 September 2021. The retention period following sentence 1 also applies to proof for having acquired tests before 30 June 2021 and to agreements for third-party testing of employees concluded before 30 June 2021 pursuant to section 5 paragraph 1 of the SARS-CoV-2 Occupational Safety and Health Ordinance of 21 January 2021 (*BAnz AT 22.01.2021 V1 [German Federal Gazette publication]*), last amended by section 1 of the ordinance of 21 April 2021 (*BAnz AT 22.04.2021 V1*).

Section 5

Entry into force, expiration

This ordinance enters into force on 1 July 2021. It expires on the day it is determined that the status of an epidemic situation of national importance², under section 5 paragraph 1 sentence 2 *Infektionsschutzgesetz [Law on the Prevention and Control of Infectious Diseases]* by the *Deutsche Bundestag [German Parliament]*, is lifted, but no later than 10 September 2021.

Berlin, 25 June 2021

Der Bundesminister
für Arbeit und Soziales
*[The German Federal Minister
For Labor and Social Affairs]*

Hubertus Heil

¹ [*"Bundesinstitut für Arzneimittel und Medizinprodukte": www.bfarm.de/en/*]

² [*"Aufhebung der Feststellung der epidemischen Lage von nationaler Tragweite"*]

Appendix

Suited Respiratory Protection

The following types of masks may be selected and used IAW section 2 paragraph 2:

Type of Mask	Standard (part of the marking/ label)	Further identifiers	Countries of destination
FFP2 or similar¹⁾	Regulation (EU) 2016/425 DIN standard EN 149:2001+A1:2009 or similar	CE label followed by the identification number of the notified body Equipment category (e.g. FFP2) Service life Manufacturer's information EU declaration of conformity Instructions and information	EU
Full-face masks, powered air-purifying respirator masks, Hoods or helmets with replaceable particle filter²⁾	Regulation (EU) 2016/425 Full face masks: EN 12942 or similar; Powered air-purifying respirator hoods: EN 12941 or similar EN 136 or similar Particle filter: EN 143 or similar	CE-label followed by the identification number of the notified body Manufacturer's information EU declaration of conformity Instructions and information	EU
N95¹⁾	NIOSH-42CFR84	Model number Lot number Type of mask Manufacturer's information TC authorization number	U.S.A. and Canada
P2¹⁾	AS/NZS 1716-2012	Identification number or logo of the conformity assessment organizations	Australia and New Zealand
DS2¹⁾	JMHLW-Notification 214, 2018	https://www.baua.de/DE/Themen/Arbeitsgestaltung-im-Betrieb/Coronavirus/pdf/Kennzeichnung-Masken.pdf?_blob=publicationFile&v=10 https://www.jaish.gr.jp/horei/hor1-y/hor1-y-13-11-3_1.pdf https://www.jaish.gr.jp/horei/hor1-y/hor1-y-13-11-3_2.pdf	Japan
CPA¹⁾	Testing principle for Corona SARS-CoV-2 pandemic respirator masks (CPA)	Certificate by the market surveillance authority IAW section 9 paragraph 3 <i>Medizinischer Bedarf Versorgungssicherstellungsverordnung [Ordinance on Securing Medical Supplies]</i> , issued before 1 October 2020.	Germany

1) Without exhalation valve; masks with exhalation valves may only be worn if all persons in contact are also wearing respirator masks. Corona SARS-CoV-2 pandemic respirator masks (*Corona SARS-CoV-2 Atemschutzmasken, CPA*) may be, for example, KN95 masks which have been tested in accordance with the CPA testing principle [issued] by *Zentralstelle der Länder für Sicherheitstechnik [Central Länder authority for safety]*

2) There is no protection for others with these systems. They may, thus, only be applied if all persons in contact are wearing a respirator mask.