

## TRANSLATION

(excerpt)

### **Twenty-eighth Corona Control Ordinance Rhineland-Palatinate (28<sup>th</sup> CoBeLVO) of 23 November 2021**

Based on § 32 sentence 1 in connection with § 28 para. 1 sentence 1 and 2, § 28a para. 1 and § 29, § 30 para. 1 sentence 2 of the Infection Prevention and Control Act of 20 July 2000 (Federal Law Gazette, Part I page 1045) as amended by Article 1 of the Act, dated 22 November 2021 (Federal Law Gazette, Part I page 4906), in conjunction with § 1 No. 1 of the State Ordinance on the Implementation of the Infection Prevention and Control Act of 10 March 2010 (State Law/Regulations Gazette page 55), as amended by § 7 of the Act, dated 15 October 2012 (State Law/Regulations Gazette page 341), BS 2126-10, it is decreed:

#### **Part 1**

#### **Purpose, General Protective Measures**

##### **§ 1**

##### **Purpose**

This Ordinance regulates necessary protective measures to prevent the spread and to contain the Coronavirus SARS-CoV-2, insofar as no deviating regulations have been issued on the basis of § 28 b of the Infection Prevention and Control Act (IfSG) and § 28 c IfSG by the Federal Government. The regulations in this Ordinance are based on the assessment of the current development of the burden and strain on the health care system in Rhineland-Palatinate. The benchmark for this is the statewide seven-day hospitalization incidence pursuant to § 2. The necessity of current and further is reviewed again at least every four weeks.

##### **§ 2**

##### **Statewide seven-day hospitalization incidence rate**

- (1) The statewide seven-day hospitalization incidence is determined by the number of newly admitted hospitalization cases with COVID-19 disease per 100,000 inhabitants within the last seven days in relation to the State of Rhineland-Palatinate. A hospitalization case is any person who is admitted to a hospital for inpatient treatment on account of COVID-19 disease.
- (2) The daily updated value of the statewide seven-day hospitalization incidence is published on the website of the Rhineland-Palatinate State Investigation Office ([www.lua.rlp.de](http://www.lua.rlp.de)).

##### **§ 3**

##### **General Protective Measures, Definitions**

- (1) In the cases specified in this ordinance, where reference is made to this ordinance, a minimum distance of 1.5 meters between persons shall be maintained (**distance requirement**).

(2) A medical face mask (OP surgical mask) or a FFP2 mask or a comparable standard shall be worn in enclosed rooms, which are accessible to the public or in the context of visiting or customer traffic, unless otherwise specified in this Ordinance. Otherwise, a medical face mask (OP surgical mask) or FFP2 mask or a comparable standard shall be worn. FFP2 or a comparable standard has be worn, insofar as this is stipulated in this Ordinance (**mask requirement**).

(3) The distance requirement and the mask requirement do not apply to

1. children up to the age of six are exempt.
2. persons for whom wearing a cover over mouth and nose is impossible or unreasonable due to a disability or for health-related reasons; this has to be verified by a medical certificate.
3. communication with persons with a hearing or visual impairment or for identification purposes or in connection with the performance of judicial tasks as long as it is necessary,
4. employees of the facilities, if other appropriate protective measures are taken or as long as there is no contact to customers or visitors.

The mask requirement may be waived for employees of facilities if they are vaccinated pursuant to § 2 No. 2 of the COVID-19-Exemption from Protective Measures Ordinance (SchAusnahmV) of 8 May 2021 (BAnz AT 08.05.2021 V1) (vaccinated persons) or recovered pursuant to § 2 No. 4 SchAusnahmV (recovered persons). Provisions of occupational health and safety remain unaffected.

(4) The proprietor of the facility or the initiator of an assembly or other gathering in enclosed rooms has to ensure contact traceability, where expressly required in this Ordinance. If contact details are provided to the person obliged to collect data, they must be truthful and allow for contact tracking (**contact recording**). Contact details, ensuring accessibility of the person (name, first name, address, telephone number) as well as the date and time of the person's presence, have to be recorded in compliance with data protection law. The person obliged to collect the data has to verify that the provided contact details are complete and whether they contain obviously incorrect information (**plausibility check**). Persons who refuse to provide their contact details or who provide obviously incorrect or incomplete information shall be excluded from visiting or using the facility or participating in an assembly or get-together by the proprietor of the facility or the initiator of an assembly or other gathering. Those obliged to collect data shall ensure that unauthorized persons do not become aware of the data collected. The data shall not be used for any purpose other than the delivery upon request to the competent health authority and shall be deleted four weeks after collection. Data retention obligations resulting from other laws remain unaffected. The person obliged to conduct the data collection is to offer generally a digital collection of the data referenced in sentence 2; in this case, the obligation to check plausibility pursuant to sentence 3 is waived, provided that the registration system used checks the specified telephone number (*e.g.*, by means of SMS verification). The data protection requirements (especially in the case of the external storage of data) and the complete data protection-compliant deletion of the data after four weeks must be ensured under that person's own responsibility. Additionally, upon request the data shall be made available at any time to the competent health authority free of charge, on request also paperbound, in a format usable by the agency. Persons who do not consent to digital data collection have to be offered in any case a

paper-based data collection. The competent public health authority can demand information about the guests' contact details, insofar as it is necessary to fulfil its duties under the provisions of the Infection Prevention and Control Act (IfSG) and its tasks under this Ordinance; the data has to be released immediately. Data transmitted to the competent public health authority have to be irreversibly deleted by the latter immediately as soon as the data is no longer required for fulfillment of its tasks.

(5) In the cases specified in this Ordinance, in which this provision is referenced, the required test for the presence of the Corona Virus SARS CoV-2 shall be carried out

1. by trained personnel with a PoC antigen test (rapid test) approved by the Federal Institute for Medicinal Products and Medical Devices and listed on the website [https://www.bfarm.de/DE/Medizinprodukte/Antigentests/\\_node.html](https://www.bfarm.de/DE/Medizinprodukte/Antigentests/_node.html), or

2. by laboratory diagnostics by means of nucleic acid detection (PCR, PoC-PCR or other methods of nucleic acid amplification technique) carried out no more than 48 hours ago, or

3. in the case of minors, additionally by a PoC antigen test for self-administration (self-test) carried out on site under supervision, which is approved by the Federal Institute for Drugs and Medical Devices and listed on the website

[https://www.bfarm.de/DE/Medizinprodukte/Antigentests/\\_node.html](https://www.bfarm.de/DE/Medizinprodukte/Antigentests/_node.html) and was carried out no more than 24 hours ago,

**(obligation to test).**

If the operator of a facility offers the possibility, a test pursuant to sentence 1 No. 3 is to be carried out by the visitor before entering the facility in the presence of a person appointed by the operator of the facility. The operator of the facility shall, upon request, confirm the result and time of the test pursuant to sentence 1 No. 3 to the patron.

The operator of a facility shall only grant the patron access to the facility upon presentation of a test result pursuant to sentence 1.

The obligation to test specified in this Ordinance pursuant to sentence 1 shall not apply to vaccinated or recovered persons.

(6) In the cases specified in this Ordinance in which the presentation of a test certificate proving the absence of the SARS-CoV-2 coronavirus is required, the test certificate has to be presented by persons who have reached the age of 16 years, together with a valid official photo ID issued to the person tested. This also applies to the presentation of a vaccination certificate pursuant to § 2 No. 3 SchAusnahmV or a recovered certificate pursuant to § 2 No. 5 SchAusnahmV.

(7) Where this Ordinance refers to **vaccinated or recovered persons**, this condition shall be deemed fulfilled for purposes of this Ordinance in case of

1. children up to three months after the completion of their twelfth year of life and

2. in the case of persons who cannot be vaccinated against the SARS-CoV-2 coronavirus for medical reasons, with the proviso that this has to be substantiated by a medical certificate which must at least clearly show the basis on which the medical diagnosis was made and who have a test certificate pursuant to § 3 para. 5 sentence 1.

(8) For the purposes of this Ordinance, a **non-immunized person** is a person who is neither vaccinated nor recovered and is not treated as such under paragraph (7).

(9) The hygiene concepts published on the website of the State government ([www.corona.rlp.de](http://www.corona.rlp.de)) as amended shall be observed. If no hygiene concepts for individual facilities or measures are published on the website of the State government or the ministries responsible for the subject, the hygiene concepts of comparable facilities or circumstances shall apply accordingly.

(10) Exemptions from the provisions of paragraphs 1 to 5 may be granted in justified individual cases upon application by the competent county administration, in county-free cities by the city administration as county regulatory authority, subject to conditions, insofar as the level of protection is comparable, this is justifiable from an epidemiological point of view, in particular taking into account the current incidence of infection, and the purpose of this Ordinance is not impaired.

(11) To the extent that the protective measures ordered in this Ordinance in § 4 through § 17 do not specifically pertain to outdoors, no restrictions under this Ordinance shall apply to the exterior.

## **Part 2**

### **Assemblies, events and accumulation of persons**

#### § 4

#### Meetings and gatherings of persons.

(1) The competent authority under the Assembly Act can impose conditions on assemblies in accordance with Article 8 of the Basic Law [German Constitution].

(2) At public elections and assemblies intended to serve the preparation and conduct of public elections, in particular constituency conferences and representative assemblies, the distance requirement pursuant to § 3 para. 1 and the mask requirement pursuant to § 3 para. 2 sentence 2 apply. The election committee has the duty to record contacts pursuant to § 3 para. 4 sentence 1 for persons who are in the voting room on the basis of the principle of publicity.

(3) In the case of meetings of municipal bodies, the obligation to test pursuant to § 3 para. 5 sentence 1 and the mask requirement pursuant to § 3 para. 2 sentence 2 shall apply. The mask requirement does not apply if persons take a seat while observing the distance requirement. The chairperson has the duty to record contacts pursuant to § 3 para. 4 sentence 1 for persons who are in the meeting room on the basis of the principle of public access.

(4) In institutions serving the administration of justice (including notary offices and law offices) and at meetings for the administration of justice, a medical face mask (surgical mask) or an FFP2 mask or a mask of a comparable standard should be worn in principle, when encountering other persons. The provisions in § 5 do not apply. Decisions based on courtroom rights or house master's authority remain unaffected.

(5) In the case of assemblies for reasons relevant to examinations as well as for the implementation of selection procedures in degree programs with restricted admissions, the obligation to test pursuant to § 3 para. 5 sentence 1 and the mask requirement pursuant to § 3 para. 2 sentence 2 applies. The mask requirement does not apply if persons occupy a seated or standing place while maintaining the distance requirement. The distance requirement may be complied with by providing a free seat between each occupied seat within a row and in front of and behind each occupied seat.

(6) In the case of gatherings of persons on the occasion of civil marriage ceremonies, the following shall apply:

1. the mask requirement pursuant to § 3 para. 2 sentence 2 for all persons present, with the exception of the spouses, and
2. indoors the obligation to test pursuant to § 3 para. 5 sentence 1.

The respective house master's authority remain unaffected.

(7) Notwithstanding paragraph 1, only the mask requirement pursuant to § 3 para. 2 sentence 2 shall apply in enclosed rooms in the case of gatherings of persons on the occasion of funerals; the mask requirement shall not apply if persons occupy a fixed place while observing the distance requirement.

(8) The mask requirement pursuant to § 3 para. 2 sentence 2 shall apply when blood donation appointments are held.

## § 5 Events

(1) Events in enclosed rooms are only permitted with spectators or participants who are vaccinated, recovered or equivalent persons. Additionally, an unlimited number of minors who are not vaccinated, recovered or equivalent to such persons are also allowed to participate, provided they have a test certificate pursuant to § 3 para. 5 sentence 1. The following apply:

1. the mask requirement pursuant to § 3 para. 2 sentence 2; the mask requirement does not apply if a fixed place is taken or if food and drink are consumed.

The organizer has to provide a hygiene concept that ensures compliance with the requirements in sentence 1 to 3.

(2) If, at outdoor events, spectators or participants take up fixed seats during the event and access is gained on the basis of an admission control or previously purchased tickets, the provisions of paragraph 1 apply.

(3) At outdoor events not covered by paragraph 2, the mask requirement pursuant to § 3 para. 2 sentence 2 shall apply in waiting or loitering situations where the minimum distance of 1.5 meters between persons cannot be reliably maintained. This shall not apply to the consumption of food and drink. The ordering of further protective measures for events in accordance with sentence 1 by the competent county administration, or in county-free cities by the city administration as the county regulatory authority, does not require the agreement in accordance with § 24 para. 1.

(4) The control of the hygiene concepts pursuant to paragraphs 1 and 2 shall be the responsibility of the competent county administration, in county-free cities by the city administration as county regulatory authority.

(5) Exemptions from the provisions of paragraphs 1 and 2 may be granted in individual cases upon application by the competent county administration, in county-free cities by the city administration as county regulatory authority in cooperation with the public health office, subject to conditions, insofar as the level of protection is comparable, this is justifiable from an epidemiological point of view, in particular taking into account the current incidence of infection, and the purpose of this Ordinance is not impaired.

### **Part 3 Worship**

#### **§ 6**

(1) The distance requirement pursuant to § 3 para. 1 and the obligation to test pursuant to § 3 para. 5 apply to events held in enclosed rooms of religious communities or congregations of faith, such as church services or meetings that are required for self-organization or legislation and events or lessons in preparation for communion, confirmation, or similar occasions. The distance requirement can be maintained by a free seat between each seat within a row and in front of and behind each seat.

(2) In the case of events in enclosed rooms pursuant to paragraph 1, participants are subject to the mask requirement pursuant to § 3 para. 2 sentence 2. Excluded are clergypersons as well as lecturers, prayer leaders, cantors, pre-singers, and musicians subject to additional safety measures, specified in the infection protection concepts of the religious or faith communities.

(3) For events in enclosed rooms, the religious communities or congregations of faith ensure that chains of infection can be quickly and completely traced for a period of four weeks. A registration requirement shall be introduced for gatherings where visitor numbers are expected which could lead to reaching full capacity. Religious communities and congregations ensure that gatherings of persons in publicly accessible or reserved areas of the facility, which are used by a

majority of persons, are avoided by controlling access. They are obliged to cooperate with the competent public health authority with regard to contact tracking in the event of infections.

(4) If only recovered, vaccinated, or equivalent persons take part in events in accordance with paragraph 1, compliance with the distance requirement is dispensed. The mask requirement does not apply if a fixed place is occupied. In all other respects, the protective measures set forth above shall remain in force.

(5) The religious communities or congregations of faith or their umbrella organizations create infection protection concepts that ensure compliance with the requirements in paragraphs 1 to 4.

## **Part 4 Economy**

### **§ 7**

#### **Public and commercial facilities**

In public or commercial facilities, the distance requirement pursuant to § 3 para. 1 and the mask requirement pursuant to § 3 para. 2 sentence 2 apply in enclosed rooms.

### **§ 8**

#### **Employment and operating sites, service and craft businesses**

(1) In all workplaces and establishments and learning locations pursuant to § 5 para. 2 No. 6 Vocational Training Act (BBiG) of 4 May 2000 (BGB. I p. 920) as amended or § 26 para. 2 No. 6 Handcrafts Code (HwO) amended on 24 September 1998 (BGBl. I p. 3074; 2006 I p. 2095) as amended, as well as in the case of meetings in enclosed rooms for business, professional or official reasons, the mask requirement pursuant to § 3 para. 2 sentence 2 applies, unless otherwise specified in this ordinance. Sentence 1 does not apply if a fixed seat is taken. The provisions of § 28b para. 1 and 3 IfSG shall apply to entry into the facilities pursuant to sentence 1.

(2) In the context of the activities of service and craft businesses, the distance requirement pursuant to § 3 para. 1 and the mask requirement pursuant to § 3 para. 2 sentence 2 apply in enclosed rooms.

(3) Providing body-related services is only permissible vis-à-vis persons who have been vaccinated, have recovered or are equivalent to such persons, and vis-à-vis minors, even if they are not vaccinated, recovered or equivalent to such persons. The restriction of the group of persons according to sentence 1 does not apply to rehabilitation sport and functional training as well as to services which are provided for medical reasons. The following shall apply:

1. the distance requirement pursuant to § 3 para. 1 between customers,

2. the mask requirement pursuant to § 3 para. 2 sentence 2 with the exception of rehabilitation sports and functional training; the mask requirement does not apply if a mask cannot be worn due to the nature of the service

3. the obligation to record contacts pursuant to § 3 para. 4 sentence 1, and

4. for minors not vaccinated, recovered or equivalent to such persons, the obligation to test pursuant to § 3 para. 5 sentence 1; the obligation to test does not apply in the case of rehabilitation sport and functional training or in the case of services provided for medical reasons.

(4) In health care facilities the mask requirement pursuant to § 3 para. 2 sentence 2 applies in waiting situations together with other persons.

(5) The provision of present sexual services is only permitted to persons vaccinated or recovered and in compliance with the hygiene concept for sexual services published on the website of the state government ([www.corona.rlp.de](http://www.corona.rlp.de)). The following applies:

1. the obligation to record contacts pursuant to § 3 para 4 sentence 1 of all involved by the operator of the prostitution industry or by the prostitutes in other sexual services; the data provided has to be checked by presenting an official photo ID and confirmed by signature,

2. the obligation to test pursuant to § 3 para. 5; this also applies to vaccinated or recovered persons.

3. indoors when not providing sexual services, the mask requirement pursuant to § 3 para. 2 sentence 2; unless the hygiene concept for sexual services specifies otherwise, and

4. the obligation of the operator to draw up and display an individual protection and hygiene concept shall apply, which shall be submitted to the competent authority on request.

## § 9 Catering trade

(1) The operators of catering establishments have to maintain a hygiene concept for the indoor area. In enclosed rooms only persons vaccinated, recovered or equivalent to such persons and minors, even if not vaccinated, recovered or equivalent to such persons, are allowed to be present as guests. Minors not vaccinated, recovered or equivalent to such persons require proof of testing pursuant to § 3 para. 5 sentence 1. It shall apply

1. to guests and staff, the mask requirement pursuant to § 3 para. 2 sentence 2; for guests, the mask is expendable directly at the seat. and

2. the obligation to record contacts pursuant to § 3 para. 4 sentence 1

(2) Notwithstanding paragraph 1 sentence 2 persons employed in or belonging to the establishment may be provided with food in canteens or refectories if they are vaccinated, recovered or equivalent persons or have proof of testing pursuant to § 3 para. 5 sentence 1. In school canteens, proof of testing is not required for students. Paragraph 1 sentence 2 No. 1 applies to the persons named in sentence 1. Paragraph 1 applies to the catering of external guests.

(3) Notwithstanding paragraph 1 sentence 2 professional drivers may be supplied in Autobahn service areas and at car stations if they are vaccinated or recovered or have a test certificate pursuant to § 3 para. 5, sentence 1. Otherwise, paragraph 1, sentence 4 shall apply.

## § 10

### Hotel industry, accommodation establishments

(1) In all publicly accessible areas of accommodation establishments, the distance requirement pursuant to § 3 para. 1 and the mask requirement pursuant to § 3 para. 2 sentence 2 apply in enclosed rooms.

(2) The obligation to record contacts pursuant to § 3 para. 4 sentence 1 applies to the contact details of all guests. The obligation to retain pursuant to § 30 para. 4 of the Federal Registration Act remains unaffected.

(3) In

1. hotels, hotel garni, guesthouses, inns, and similar facilities
2. hostels, recreation, holiday and training homes, holiday centers, and similar facilities

only vaccinated, recovered or equivalent persons and minors, even if they are not vaccinated, recovered or equivalent to such persons are allowed to be present as guests. Minors who are neither vaccinated or recovered or equivalent to such persons, require a test certificate pursuant to § 3 para. 5 sentence 1 upon arrival. If proof of testing is required in accordance with sentence 2, a re-testing shall to be carried out every 72 hours, calculated from the time of the last test, in the case of stays lasting several days.

(4) The provisions in § 9 shall apply to gastronomic offers of the facility mutatis mutandis with the proviso that for guests of establishments referred to in paragraph 3, the obligation to test is determined in accordance with paragraph 3. For offers of sports and leisure activities, the use of a sauna, wellness and cosmetic offers as well as group offers of a recreational nature, the other provisions of this ordinance apply accordingly.

(5) The operator has to maintain a hygiene concept that ensures compliance with the requirements of paragraphs 1 to 4.

## § 11

### Coach and ship travel

Only persons vaccinated, recovered or equivalent to such persons and minors, even if not vaccinated, recovered or equivalent to such persons, are allowed to participate in coach or ship

travel. Minors not vaccinated, recovered or equivalent to such persons require proof of testing pursuant to § 3 para. 5 sentence 1. If proof of testing is required in accordance with sentence 2, in the case of journeys lasting several days, a re-testing has to be carried out every 72 hours, calculated from the time of the last test. The obligation to record contacts pursuant to § 3 para. 4 sentence 1 shall apply. The provisions of § 9 shall apply accordingly to gastronomic offers. The provider have to have a hygiene concept in place that ensures compliance with the requirements of sentences 1 to 4.

## **Part 5 Sports and Leisure Time**

### § 12 Sports

(1) Training and competition in amateur and recreational sports are permitted on all public and private covered sports facilities (indoors) if attended exclusively by vaccinated, recovered or equivalent persons and minors, even if they are not vaccinated, recovered or equivalent to such persons. Minors who are neither vaccinated or recovered or equivalent to such persons, require a test certificate pursuant to § 3 para. 5 sentence 1.

(2) Indoors in swimming and fun pools, thermal baths, and saunas only persons vaccinated, recovered or equivalent persons and minors, even if they are not vaccinated, recovered or equivalent to such persons are allowed to be present as visitors. Minors who are not vaccinated, recovered or equivalent to such persons, require a test certificate pursuant to § 3 para. 5 sentence 1. The obligation to record contacts pursuant to § 3 para. 4 sentence 1 applies. A hygiene concept, which in particular also contains regulations on the use of changing rooms, showers and similar common areas concerning the permissible number of visitors, has to be kept in place. The control of the hygiene concepts is the responsibility of the responsible county administration, in county-free cities by the city administration as a county regulatory authority.

(3) When hosting events in amateur and leisure sports as well as in professional and top-class sports, spectators are permitted in accordance with § 5.

(4) Training and competition of professional and top-level sport is permitted outdoors and in public and private sports facilities, provided that a hygiene concept drawn up by the sports federations or league managers is available and complied with. Top-level and professional sport within the meaning of sentence 1 are practiced by:

1. Federal and State squad athletes in Olympic disciplines (Olympic squads, perspective squads, supplementary squads, junior squad 1, junior squad 2, state squads) as well as federal and State squad athletes in Paralympic disciplines (Paralympic squads, perspective squads, supplementary squads, team squads, junior squad 1, junior squads 2, State squads), Federal squad athletes in deaflympian sports (Deaflympicskader, expansion squad, junior squad) as well as federal and state squad athletes in non-Olympic sports (A-squad, B-squad, C-squad and D/C squad), which are recognized by the relevant federal or state federations.

2. teams of all Olympic and Paralympic sports of the 1st-3rd leagues as well as the regional league in men's football. In addition, professional teams in non-Olympic and non-Paralympic sports. Professional sport is the paid full-time activity of professional athletes in corporations or in the commercial enterprises of clubs.

3. teams of the highest leagues of the youth and junior age group U 17 or older as well as players of the Federal and State squads of the age groups U 15 and U 16, provided that the teams or players train at a young professionals performance center certified by the competent top professional association.

4. economically independent, club unaffiliated or association unaffiliated professional athletes without federal squad status, as well as

5. other athletes who have already qualified for the upcoming European and World Championships or who can qualify in 2020 or 2021.

## § 13

### Leisure Time

(1) In enclosed rooms in amusement parks, outdoor climbing centers, minigolf and similar outdoor facilities only persons vaccinated, recovered or equivalent persons and minors, even if they are not vaccinated, recovered or equivalent to such persons are allowed to be present as visitors. Minors who are neither vaccinated or recovered or equivalent to such persons, require a test certificate pursuant to § 3 para. 5 sentence 1. The following applies:

1. the mask requirement pursuant to § 3 para. 2 sentence 2 as far as the nature of the respective leisure activities allows; the mask requirement does not apply if a fixed place is taken or if food and drink are consumed, or during one's own sporting activity,
2. the obligation to record contacts pursuant to § 3 para. 4 sentence 1,
4. the obligation to test pursuant to § 3 para. 5, and

(2) Only vaccinated, recovered, or equivalent persons are allowed to be present as visitors in gambling hall, casinos, betting agencies and similar facilities. The following applies:

1. the mask requirement pursuant to § 3 para. 2 sentence 2; for guests, the mask is expendable if a fixed place is taken or if food and drink are consumed,
2. the obligation to record contacts pursuant to § 3 para. 4 sentence 1, and

(3) Only vaccinated, recovered, or equivalent persons and minors, even if they are not vaccinated, recovered or equivalent to such persons are allowed to be present as visitors in enclosed rooms at zoological gardens, zoos, botanical gardens and similar facilities. Minors who

are neither vaccinated nor recovered or equivalent to such persons, require a test certificate pursuant to § 3 para. 5 sentence 1. The following applies:

1. the mask requirement pursuant to § 3 para. 2 sentence 2; the mask requirement does not apply if a fixed place is taken or if food and drink are consumed,
2. the obligation to record contacts pursuant to § 3 para. 4 sentence 1.

## **Part 6 Education and Culture**

### § 14

#### Schools and State Study Seminars for Teachers

(1) School activities including school sports, summer schools and language courses during vacations shall take place according to the guidelines of the Ministry of Education in agreement with the ministry responsible for health affairs. The "Hygiene Plan-Corona for Schools in Rhineland-Palatinate", published on the website of the Ministry of Education in its current version, is to be applied; this includes the obligation to wear a mask according to § 3 para. 2 sentence 2 as well as the contact tracing obligation according to § 3 para. 4 sentence 1 in accordance with the "Hygiene Plan Corona for Schools in Rhineland-Palatinate". In-class attendance is permitted only for students who are recovered, or vaccinated, or test to detect SARS-CoV-2 coronavirus infection twice per week at school utilizing an approved testing method or who provide proof of not having SARS-CoV-2 virus infection by the beginning of the school day; the proof provided is to be current to the day or from the day before, and is equivalent to a qualified statement of a negative test by a parent, guardian, or custodian conducted under their supervision at home current to the day or from the day before. §. 3, para. 7 does not apply. All test results are to be anonymously reported to the school supervisory authority in electronic form by the schools on a weekly basis. The provisions of § 28b (1) and (3) of the German Infection Protection Act (IfSG) apply to accessing the school by teachers and other persons employed at the school. For parents, guardians and other individuals accessing the school premises, the testing obligation according to § 3 para. 5 sentence 1 applies. If the regular lessons cannot be provided as an in-school tuition format due to the requirements laid out in sentences 1 and 2, the schools shall fulfill their educational and training mission through an educational program, which can be partaken in from home. Compulsory school attendance remains in force and is also fulfilled by partaking in the educational program which can be completed from home. Students, who do not attend on-site classes due to infection protection reasons, are to be provided with an educational program to be completed from home.

(2) Students in special education schools who cannot wear or tolerate a mask due to their special needs are exempt from the mask requirement pursuant to paragraph 1, sentence 2, 2nd half-sentence without further verification. Exemptions from the obligation to wear a mask can be made for reasons of school organization or personal reasons to the extent necessary and for a limited period of time. This applies in particular during sports lessons and during breaks outdoors, for eating, and during examinations and course work. § 3 (3) Nos. 1 to 3 applies

accordingly, provided that, in case adherence to the mask requirement is impossible or unreasonable, this shall be shown credibly by a medical certificate which must as a minimum clearly state the reasons of the medical diagnosis and the reasons why the wearing of mouth/nose covering constitutes an unreasonable burden in the specific case. The fact that the medical certificate was presented, the doctor who issued it, and the period of validity of the certificate, if any, of the certificate may be documented in the student's file. Copying is not permitted. In the cases of an exemption for personal reasons IAW with sentence 2, a minimum distance of 1.5 meters to other persons must be maintained. Further details are regulated in the "Corona-Hygiene-Plan for Schools in Rhineland-Palatinate".

(3) The regulations for exemption from the obligation to wear masks apply accordingly to any exemption of students from the obligation to participate in on-site lessons.

(4) Deviations from the regulations stated in paragraph 1 are possible for schools in independent sponsorship; they require the approval of the school authority.

(5) If classroom teaching is prohibited by decree of the local public health authority, emergency school care shall be established. Students with special educational needs, or whose home learning circumstances are not sufficiently supportive, as well as students in grades 1 to 7, for whom care at home cannot be provided or can only be provided in part, can make use of the emergency care. Insofar as students make use of the emergency care in schools, an educational program adapted to the circumstances is to be implemented. Students, teachers and other persons in the emergency care are also subject to mask obligation laid out in § 3 Para. 2 Sentence 2.

(6) The conduct of in-class lectures and examinations at the state teacher education seminars for teachers shall comply to the requirements of the ministry responsible for teacher education and teacher training and shall be carried out in compliance with the "Corona-Hygiene-Plan for the teacher training colleges in Rhineland-Palatinate", published on the website of the Ministry of Education in its current version.

(7) Conducting attendance-oriented courses as part of the continuing education and training of teachers by the State Pedagogical Institute is subject to the regulations of the competent ministry as well as the 'COVID 19-related hygiene plans for schools in Rhineland-Palatinate'.

(8) The provisions of paragraphs 1 to 3 shall apply accordingly to schools for healthcare professions under the State Act on Healthcare Professions of July 7, 2009 (GVBl. p. 265, BS 2124-11), as amended, and to nursing schools under section 1(1) nos. 2 and 3 of the State Act on the Implementation of the Nursing Professions Act of June 3, 2020 (GVBl. p. 212, BS 2124-13), as amended. Deviations from the requirements specified in paragraph 1 are possible; they require the approval of the school authority.

## § 15

### Day care and nursery facilities for children

(1) All day care centers are to resume their regular operations without any restrictions in the scope of care. If the regular operation pursuant to sentence 1 deviates from the respective

concept of the facility, such deviation is to be coordinated between the parties involved on site (sponsor, management, parents' committee). General decrees issued in accordance with § 24 and individual decrees ordering the closure of facilities in the counties and independent cities shall remain unaffected by the above.

- (2) If care services are restricted e.g. for the purposes of § 24, emergency care pursuant to sentences 2 through 4 shall be permitted. Emergency care is primarily available to the following:
1. Children in day care facilities offering therapeutic education, provided that their operation is indispensable for the care and support of children and adolescents with significant impairments;
  2. Children whose parents cannot provide care in any other way, in particular if both parents have to work, study or train, and for children of working single parents;
  3. Children in families receiving family social education assistance pursuant to Art. 31 of Book Eight of the Social Code or day-care assistance pursuant to Art. 32 of Book Eight of the Social Code;
  4. Those children, where the facility management comes to the conclusion that care is necessary in the best interests of the child; their legal guardians should be encouraged to make use of the emergency care.
  5. Children in their last kindergarten year (preschool children).

The need for emergency care shall be credibly demonstrated by the parents and other custodians. Written verification is not required. Notwithstanding the above, in these cases parents are urged to care for their children at home whenever possible.

(3) The testing obligation pursuant to § 3 Para. 5 Sentence 1 applies to parents, legal guardians and other persons who remain within the facility premises apart from bringing or collecting the child. Teenagers and adults accessing the facility to pick up or drop off children are subject to the mask requirement pursuant to § 3 Para. 2 Sent 2 inside the facility and where a minimum distance of 1.5 meters to others cannot be consistently maintained. Interaction as part of teaching is exempt from the obligation to wear a mask. A mask exemption also applies if organizational or personal reasons require it, as far as these reasons are not permanent, and are limited in time to the extent necessary. This applies in particular to food intake. All children, regardless of age, are exempt from the mask requirement at their daycare facility. The mask obligation as per sentence 3 applies to caregivers during the familiarization process, as long as there is no direct interaction with the child who is to be familiarized.

(4) As per § 4 para. 3 of the State Ordinance on Parental Participation in Day Care Facilities for Children of March 17, 2021 (GVBl. p. 169, BS 216-7-3), as amended, the parents' meeting shall decide whether to hold a postal vote of the parents' committee. The parents' meeting is subject to contact tracing IAW § 3 Para. 4 Sentence 1; and the mask requirement IAW § 3 Para. 2 Sentence 2; § 5 does not apply. Sentences 1 and 2 shall apply accordingly to the elections of delegates and substitute delegates for the district and city parent committees as well as the state parent committee. If an election date for the Parents' Committee has already been set as a postal vote by September 12, the parents have been informed in good time about the postal vote and the organizational measures for a proper postal vote have been taken, the election may be held as a postal vote and will be valid, provided that the postal vote has been held properly. Elections of

the Parents' Committee that have already taken place as a proper postal vote at the time of the entry into force of this Ordinance are valid.

(5) Paragraph 2, with the exception of sentence 2 no. 1, and paragraph 3 shall apply accordingly to day care for children.

## § 16

### Universities, extracurricular education, training and further education

(1) Participation in enclosed classroom teaching at universities requires proof of testing for students and teachers pursuant to § 3 para. 5 sentence 1 for those not within the scope of § 28b para. 1 IfSG. The obligation to test pursuant to sentence 1 does not apply to vaccinated or recovered persons. Proof of testing has to be submitted upon request. Moreover, in the courses applies either

1. the distance requirement pursuant to § 3 para. 1 sentence 1; the distance requirement can be maintained by a free seat between each occupied seat within a row and in front of and behind each occupied seat, or

2. the mask requirement pursuant to § 3 para. 2 sentence 2.

Moreover, the obligation to record contacts pursuant to § 3 para. 4 sentence 1 applies to all courses. In the case of research activities in enclosed rooms at universities and publicly funded non-university research institutions, the mask requirement pursuant to § 3 para. 2 sentence 2; the mask requirement is dispensed at the seat. Provisions of occupational health and safety remain unaffected, as far as relevant. The distance requirement pursuant to § 3 para. 1 as well as the mask requirement pursuant to § 3 para. 2 sentence 2 can be deviated from if the research or teaching activity makes this necessary, especially if the subject field contains practical elements for which compliance with the distance requirement is not possible. Furthermore, the universities have to draw up hygiene concepts for their institutions, in which in particular any personal limitations and concrete protective measures are also defined outside the teaching or research activities.

(2) The following applies to educational programs offered in enclosed rooms in public or private institutions:

1. the mask requirement pursuant to § 3 para. 2 sentence 2; the mask requirement does not apply at the place if the distance requirement pursuant to § 3 para. 1 is complied with,

2. the obligation to test pursuant to § 3 para. 5 for all participants and teachers, and

3. the obligation to record contacts pursuant to § 3 para. 4 sentence 1.

The distance requirement in accordance with sentence 1 No. 1 can be maintained by a free seat between each seat within a row and in front of and behind each seat. § 12 shall apply mutatis mutandis to sports and exercise programs offered in public and private facilities outside of

general education and vocational schools. The operator of the facility has to maintain a hygiene concept that ensures compliance with the requirements set forth in sentences 1 to 3.

(3) Paragraph 2 also apply to appropriate educational opportunities for individuals in enclosed rooms and to measures taken by service providers to provide employment integration benefits in accordance with Title Two of the Social Code or measures of active employment promotion according to Title Three of the Social Code, in addition to labor market policy projects, supported by national funds or funds of European Social Fund.

(4) Offers of child and youth work, youth social work, and cultural pedagogic are permitted in compliance with the hygiene concept for facilities and services for child and youth work, youth social work, and cultural pedagogic, which is published on the website of the state government ([www.corona.rlp.de](http://www.corona.rlp.de)). Indoors the mask requirement pursuant to § 3 para. 2 sentence 2 applies in general as well as the obligation to record contacts pursuant to § 3 para. 4 sentence 1. For offers lasting several days with and without overnight stays, the obligation to test applies in accordance with the hygiene concept mentioned in sentence 1.

(5) Extracurricular music and art lessons are permitted indoors if attended exclusively by vaccinated, recovered or equivalent persons and minors, even if they are not vaccinated or recovered or equivalent to such persons. Minors who are not vaccinated, recovered or equivalent persons require proof of testing pursuant to § 3 para. 5 sentence 1. The mask requirement pursuant to § 3 para. 2 sentence 2 applies; the mask requirement does not apply if a fixed place is occupied.

## § 17 Culture

(1) § 5 applies to the operation of public and commercial cultural institutions, in particular

1. cinemas, theaters, concert halls, cabarets, and similar facilities
2. circuses and similar facilities.

(2) The rehearsal and performance of grassroots and amateur culture is permitted indoors if attended exclusively by vaccinated, recovered or equivalent persons and minors, even if they are neither vaccinated nor recovered. Minors who are not vaccinated, recovered or equivalent persons require proof of testing pursuant to § 3 para. 5 sentence 1. The mask requirement pursuant to § 3 para. 2 sentence 2 applies insofar as the nature of the activity permits; the mask requirement does not apply if a fixed place is occupied.

(3) At performances of the grassroots and amateur culture spectators are permitted in compliance with § 5

(4) In enclosed rooms like museums, exhibitions, memorials and similar facilities only vaccinated, recovered or equivalent persons and minors, even if they are neither vaccinated nor recovered are allowed to be present as visitors. Minors who are neither vaccinated nor recovered or persons who have the same status as such, require a test certificate pursuant to § 3 para. 5 sentence 1. The following applies:

1. the mask requirement pursuant to § 3 para. 2 sentence 2; the mask requirement does not apply if a fixed place is taken or if food and drink are consumed,

2. the obligation to record contacts pursuant to § 3 para. 4 sentence 1.

## **Part 7 Hospitals and similar Institutions**

### § 18

#### Visiting and access arrangements for special institutions

(1) The provisions of § 28b (2) and (3) of the German Infection Protection Act (IfSG) shall apply to access to facilities in accordance with § 23 (3) sentence 1 IfSG.

(2) The following persons are banned from accessing the facility as defined in para. 1:

1. Close contacts I as defined by the Robert Koch Institute,

2. Show symptoms of a respiratory tract infection,

3. Have entered the Federal Republic of Germany from a risk area within the meaning of § 2 No. 17 of the German Infection Prevention Act (IfSG), where there is an increased risk of infection with the coronavirus SARS CoV-2, provided that a quarantine requirement is in place; the potential exemptions of § 20 from the quarantine requirement under federal or state law do not apply, or,

4. Are subject to mandatory testing pursuant to § 3 para. 3 sentence 1 of the Isolation Ordinance (AbsonderungsVO) of September 17, 2021 (Federal Law Gazette (GVBl.) p. 524, BS 2126-17), as amended.

(3) The facilities shall, in individual cases and subject to conditions, permit exceptions to the restriction under paragraph 2 if a special legitimate purpose justifies this. A special legitimate interest exists in particular when accompanying the seriously ill or dying or accompanying births. The facilities must take the necessary hygienic protective measures and monitor compliance with them.

(4) Employees of a facility referred to in paragraph 1 who,

1. Have been in isolation in accordance with the Isolation Ordinance, or

2. are close contacts according to the respective applicable criteria of the Robert Koch Institute or members of the household of a person who has tested positive, but are not included in the scope of No. 1 due to § 6 SchAusnahmV, may only enter the facility if their isolation period has ended and they have been tested for SARS-CoV-2 coronavirus by means of a molecular biology polymerase chain reaction (PCR test) or a PoC antigen test by trained personnel with a negative result IAW sent. 2 - 5. The proof according to sentence 1 must be provided on paper or in an

electronic document, in German, English or French. If sent. 1 no. 1 applies, the smear used as a basis for the test result as per sentence 1 must be taken as follows:

1. if a PCR test was taken, on the first symptom-free day, but no earlier than on the fifth day of isolation,
2. if a PoC antigen test was taken by trained personnel, on the first symptom-free day, but not earlier than the seventh day of isolation.

Close contacts as defined in sentence 1 no. 2 must be tested using a PCR test immediately after being informed by the competent health authority about their classification as per § 1 no. 5 of the Isolation Ordinance or after becoming aware of this in any other way. In the case of household members as per sentence 1 no. 2, a PCR test must be carried out immediately after becoming aware of the first positive test result of a household member who has tested positive, and at least one PoC antigen test or PCR test must be carried out per week for the following two weeks.

(5) Employees of a facility referred to in Paragraph 1 who are subject to the testing obligation pursuant to § 3 Paragraph 3 Sentence 1 of the Isolation Ordinance (AbsonderungsVO) may not enter the facility for the period of time during which they are subject to the testing obligation. This also applies to the purpose of carrying out the occupation.

(6) If entry to a facility referred to in paragraph 1 is permitted, appropriate measures must be taken to ensure that employees and other persons in the respective facilities are not endangered. This includes, in particular, complying with the mask requirement as per § 3 para. 2 sent. 2 as well as ensuring the contact recording of visitors in accordance with § 3 (6) sentence 1.

## § 19 Hospitals

(1) Hospitals included in the Hospital Plan of the State of Rhineland-Palatinate 2019 to 2025, the University Medical School of Johannes Gutenberg University Mainz and hospitals with a care contract pursuant to Section 109 of Book 5 of the Social Security Law (Sozialgesetzbuch), which were equipped with intensive care beds with ventilation capability as of April 29, 2020, and which are registered and listed in the register of the German Interdisciplinary Association for Intensive Care and Emergency Medicine (DIVI Register), design individual organizational concepts that allow for a dynamic adjustment of capacities to the infection occurrence and communicate them to the Ministry of Science and Health.

(2) If required by an increase in the reproductive rate of infections with the coronavirus SARSCoV-2 according to the determination of the Ministry of Science and Health, the hospitals referred to in paragraph 1 shall, within 72 hours after this determination, organize and maintain additional intensive care beds with ventilation facilities, as well as capacities for standard care in isolation units, including the personnel to the extent necessary respectively, to care and treat patients with a COVID-19 disease, and reduce non-medically necessary scheduled services as directed by the Ministry.

(3) The coordination in the five supply areas according to the Hospital Plan of the State of Rhineland-Palatinate 2019 to 2025, a continuous monitoring of the occurrence of infections, in particular of the current development of the infection rates, the reproduction rate and the

information of the DIVI Registry, as well as the continuous exchange of information with the cooperating hospitals of maximum and priority care in the five supply areas shall be carried out in close coordination with the Ministry of Science and Health, by the hospitals to which this has been delegated by the Ministry of Science and Health in its decision of 30 March 2020 as a special task.

## § 20

### Registration of treatment capacities

(1) For the central state-wide information of the state government and for the coordination of the treatment capacities, all institutions active in the inpatient care of patients with a COVID-19 disease have to record continuously, at least once a day, the COVID-19 case numbers, the occupied and available intensive care beds, the occupied and available ventilation beds, as well as the number of ICU and ventilation beds occupied by patients with COVID-19 disease, and report these data daily in an electronic format to the information system "Central Statewide Treatment Capacities (ZLB)" of the states of Rhineland-Palatinate and Saarland and to the COVID-19 Register Rhineland-Palatinate.

(2) The management of facilities in accordance with paragraph 3 which have equipment suitable for the invasive or non-invasive ventilation of humans (ventilators) are obliged to report the following to the health authority responsible for their facility without delay

1. The name and address of the institution
2. The number of their ventilators,
3. The manufacturer and the type designation of their ventilators,
4. Information on the functionality of your ventilators,
5. Contact persons and contact details, so that the equipment is ensured, and
6. Any change with regard to the reported data on numbers 1 to 5. The facilities referred to in paragraph 3 Nos. 4 and 5 shall be exempt from the reporting obligation pursuant to sentence 1 provided that they have already submitted this information in another appropriate form to the Ministry of Science and Health.

(3) Facilities within the meaning of paragraph 2 sentence 1 are in particular:

1. Facilities for outpatient surgery,
2. Inpatient and outpatient preventive or rehabilitation facilities,
3. Dialysis facilities,
4. Authorized hospitals according to § 108 of the Fifth Book of the Social Security Code,

5. Private hospitals in accordance with § 30 para. 1 sentence 1 of the German Trade, Commerce and Industry Regulation Act (Gewerbeordnung), unless they are at the same time an approved hospital in accordance with § 108 of Book 5 of the Social Security Code,
  6. Treatment or supply facilities which are connected to any of the establishments listed in points 1 to 5 or comparable with hospitals,
  7. Facilities for outpatient deliveries according to § 24 f of the Fifth Book of the Social Security Law,
  8. Medical and dental practices,
  9. Practices of other human medical health care professions,
  10. Veterinary hospitals and similar institutions,
  11. Medical supply stores and
  12. Health and nursing care insurance companies.
- (4) The public health authorities are obliged to forward issue notifications according to paragraph 2 sentence 1 No. 6 immediately to the Ministry of Science and Health.

## **Part 8**

### **Reception centers for asylum seekers, exemptions from the obligation to isolate and group-related measures**

#### § 21

State reception centers for asylum seekers

[not translated]

#### § 22

Exceptions from the obligation to isolate entry-ins  
and from the obligation to provide proof.

(1) Requests for exemption from the obligation to isolate pursuant to § 6 para. 2 sentence 1 No. 2 of the Corona Entry Ordinance are deemed to have been submitted and approved

1. for persons who have been in a risk area for less than 72 hours,
2. for persons who live in a common household with the persons designated in § 6 para. 1 sentence 1 Nos. 3, 4, 7, 10 and 11 of the Corona Entry Ordinance and who enter together with them

3. for persons who are not cross-border commuters pursuant to § 2 No. 11 lit. a Corona Entry Ordinance only because they do not return to their place of residence at least once a week, but otherwise meet the conditions specified therein and transport persons, goods or merchandise by land, water, or air across borders for professional reasons.

Applications for exemption from the obligation under § 4 para. 2 sentence 3 half-sentence 1 Corona Entry Ordinance, according to which in the case of the transmission of a test proof the underlying test has to have taken place at the earliest five days after entry, are deemed submitted and approved for persons who live in a common household with the persons named in § 6 para. 2 sentence 1 No. 1 lit. a to c Corona Entry Ordinance and enter together with them.

(2) Applications for exemption from the obligation to provide proof pursuant to § 6 para. 3 No. 1 letter b Corona Entry Ordinance shall be deemed to have been submitted and approved for persons who have been for less than 72 hours in an area outside the Federal Republic of Germany.

(3) Paragraphs 1 and 2 do not apply to persons who have been in an area classified as a virus variant area pursuant to § 2 No. 3a of the Corona Entry Ordinance at any time in the 10 days prior to entry.

## § 23

### Group-related Measures

In the case of special group-related work and accommodation situations, in particular seasonal workers who work and live in groups or who travel for the purpose of taking up an activity in a group, the employer has to notify the competent authority before work commences. The employer shall take and document special occupational hygiene measures and arrangements for contact avoidance outside the working group based on the relevant technical standards, in particular in accordance with the competent professional association. The competent authority shall verify compliance. Rooms shall only be occupied with a maximum of half the usual occupancy capacity; this restriction does not apply to families and vaccinated, recovered or equivalent persons.

## **Part 9**

### **General Decrees**

## § 24

### General Decrees

(1) General Orders of the county administrations, in district-free cities of the city administration as county regulatory authorities for the control of the Coronavirus SARS-CoV2 in accordance with the Infection Prevention and Control Act are to be issued in agreement with the competent Ministry dealing with health matters. If the general decrees pursuant to sentence 1 also contain provisions concerning schools or day-care centers, these shall be agreed in advance with the competent supervisory authorities.

(2) Paragraph 1 does not apply to general orders which regulate the local and temporal scope of a mask requirement pursuant to § 1 para. 3 sentence 3.

**Part 10**  
**Administrative Fines, Entering into Force, Expiration**

§ 25  
Administrative offences

An administrative offence within the meaning of § 73 para. 1 (a) No. 24 of the Infection Prevention and Control Act (IfSG) is committed by anyone who intentionally or negligently

[No. 1 to 95. - not translated]

§ 74 IfSG [Infection Prevention and Control Act] remains unaffected.

§ 26  
Entry into force, expiration

(1) This Ordinance shall enter into force on 24 November 2021 shall expire at the end of 15 December 2021.

(2) The Twenty-seventh Corona Control Ordinance Rhineland-Palatinate of 4 November 2021 (State Law/Regulations Gazette page 578, BS 2126-13) shall expire at the end of 23 November 2021.

Done at Mainz on 23 November 2021

Clemens Hoch  
The Minister for Science and Health