

TRANSLATION

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German Federal Ministry of Justice and Consumer Protection

German Federal Ministry of Health

Ordinance

**regulating relief and exemptions from protective measures
to prevent the spread of COVID-19**

COVID-19 Exemption from Protective Measures Ordinance (CoSchAusnahmVO)

As of 8 May 2021

Based on § 28c of the Infection Prevention and Control Act as amended by Article 6 No. 1 of the Act, dated 7 May 2021 (Federal Law Gazette, Part I page 850), the Federal Government taking into account the decision of the Bundestag, dated 6 May 2021 decrees:

Chapter 1 General Provisions

§ 1

Purpose of the Ordinance

(1) The purpose of this ordinance is to regulate relief and exceptions from requirements and prohibitions under the fifth chapter of the Infection Prevention and Control Act or from requirements and prohibitions imposed pursuant to provisions under the fifth chapter of the Infection Prevention and Control Act on persons

1. with a presumed immunization against the coronavirus SARS-CoV-2, or
2. who can present a negative test result for an infection with the coronavirus SARS-CoV-2.

(2) Unless otherwise provided for in this Ordinance, this Ordinance shall not affect any requirements and prohibitions that exist under the fifth chapter of the Infection Prevention and Control Act or that have been or will be enacted based on the provisions in the fifth chapter of the Infection Prevention and Control Act, such as in particular

1. a requirement to wear a mouth-nose covering, mouth-nose protection or a respiratory mask,
2. a distance requirement in public spaces and
3. specifications in hygiene and protection concepts.

(3) Relief and exemptions provided for in this Ordinance do not apply to persons,

1. who show typical symptoms of an infection with the SARS-CoV-2 coronavirus, or
2. who have been confirmed to be currently infected with the SARS-CoV-2 coronavirus.

§ 2 Definitions

For the purposes of this Ordinance

1. an asymptomatic person is a person who currently has no typical symptom or other evidence of a SARS-CoV-2 coronavirus infection; typical symptoms of a SARS-CoV-2 coronavirus infection include dyspnea, new-onset cough, fever, and loss of smell or taste,
2. a vaccinated person is an asymptomatic person who is in possession of a vaccination certificate issued to him/her,
3. proof of vaccination is a proof regarding the existence of a complete protective vaccination against the coronavirus SARS-CoV-2 in German, English, French, Italian or Spanish language in embodied or digital form, if the underlying protective vaccination has taken place with one or more vaccines listed by the Paul-Ehrlich-Institute on the internet at the address www.pei.de/impfstoffe/covid-19, and
 - a) either consists of a number of vaccine doses published by the Paul Ehrlich Institute on the Internet at www.pei.de/impfstoffe/covid-19 that is required for a complete protective vaccination and at least 14 days have elapsed since the last required individual vaccination; or
 - b) in the case of a recovered person, consists of an administered dose of vaccine,
4. a recovered person is an asymptomatic person who is in possession of a certificate of recovery issued to him/her,
5. a certificate of recovery is a proof regarding the presence of a previous infection with the coronavirus SARS-CoV-2 in German, English, French, Italian or Spanish language in embodied or digital form, if the underlying testing was done by laboratory diagnostics by means of nucleic acid detection (PCR, PoC-PCR or other methods of nucleic acid amplification technique) and at least 28 days and maximum six months ago,
6. a tested person is an asymptomatic person who
 - a) has not yet reached the age of six, or
 - b) is in possession of a test certificate issued to him/her,

7. a test certificate is a proof regarding the absence of an infection with the coronavirus SARS-CoV-2 in German, English, French, Italian or Spanish language in embodied or digital form, if the underlying test has been carried out by in vitro diagnostics intended for direct detection of the coronavirus SARS-CoV-2 and which are marketable based on their CE marking or based on a special approval issued pursuant to § 11 para. 1 of the Medical Devices Act, the underlying test happened no more than 24 hours ago, and

- a) takes place on site under the supervision of the person subject to the protective measure in question,
- b) is carried out as part of an operational test in the meaning of occupational health and safety by personnel who have the necessary training or knowledge and experience for this purpose, or
- c) was performed or supervised by a health care provider pursuant to § 6 para. 1 of the Coronavirus Testing Ordinance,

8. state law enacted based on the provisions of the fifth chapter of the Infection Prevention and Control Act, an ordinance or a general decree issued by a state or an agency responsible under state law based on the provisions of the fifth chapter of the Infection Prevention and Control Act to prevent the spread of coronavirus disease-2019 (COVID-19).

Chapter 2

Relief and exceptions from restrictions and prohibitions pursuant to § 28b of the Infection Prevention and Control Act

§ 3

Equality of vaccinated persons and recovered persons with tested persons

(1) The exemptions from prohibitions and restrictions provided for in § 28b, paragraph 1, sentence 1, number 4, sub-sentence 3, letter b, number 5, sub-sentence 3, number 6, sub-sentence 3, and number 8, sub-sentence 2 of the Infection Prevention and Control Act for persons who present a negative test result for an infection with the SARS-CoV-2 coronavirus carried out by means of a recognized test shall also apply to vaccinated persons and recovered persons.

(2) Notwithstanding § 28b para. 3 of the Infection Prevention and Control Act, persons who have been vaccinated or have recovered shall be treated in the same way as persons who have been tested for the purpose of participating in classroom instruction.

§ 4

Exceptions to the restriction on private gatherings pursuant to § 28b para. 1 sentence 1 number 1 of the Infection Prevention and Control Act

(1) The restriction on private gatherings pursuant to § 28b para. sentence 1 number 1 of the Infection Prevention and Control Act does not apply to a private gathering attended exclusively by vaccinated persons or recovered persons.

(2) In the case of a private meeting within the meaning of § 28b para. 1, sentence 1, number 1 of the Infection Prevention and Control Act, in which persons other than vaccinated or convalescent persons participate, vaccinated persons and convalescent persons shall not be considered as additional persons.

(3) This shall be without prejudice to the ordering of protective measures necessary to avert danger to persons who are at increased risk of serious or fatal disease because of their age or state of health.

§ 5

Exceptions to the restriction of stays outside a dwelling or accommodation pursuant to § 28b para. 1 sentence 1 number 2 of the Infection Prevention and Control Act

The restriction on staying outside a dwelling or accommodation and the associated enclosed property pursuant to § 28b para. 1 sentence 1 number 2 of the Infection Prevention and Control Act does not apply to vaccinated persons and convalescent persons.

§ 6

Exceptions to the restriction on the practice of sport pursuant to § 28b para. 1 sentence 1 No. 6 of the Infection Prevention and Control Act

The restriction pursuant to § 28b para. 1 sentence 1 number 6 half-sentence 1 of the Infection Prevention and Control Act, that non-contact individual sports may only be practiced alone, in pairs or with members of one's own household, and § 28b para. 1, sentence 1, number 6, half-sentence 2 of the Infection Prevention and Control Act, that for children up to the age of 14 the practice of sports in the form of non-contact outdoor exercise is only permitted in groups of no more than five children, does not apply to vaccinated persons and convalescent persons.

Chapter 3

Relief and exceptions for State law enacted based on the provisions of the fifth chapter of the Infection Prevention and Control Act

§ 7

Equality of vaccinated persons and recovered persons with tested persons

(1) If state law enacted based on the provisions of the fifth chapter of the Infection Prevention and Control Act provides for or enacts an exemption from requirements or prohibitions for persons who have tested negative for infection with the SARS-CoV-2 coronavirus, such exemption also applies to vaccinated persons and recovered persons.

(2) If state law enacted pursuant to the provisions of the fifth chapter of the Infectious Prevention and Control Act specifies or requires that a person test negative for SARS-CoV-2 coronavirus infection, such specification or requirement shall be deemed to be met in the case of vaccinated persons and recovered persons.

§ 8

Exceptions to the restriction of meetings

- (1) If the number of persons is limited pursuant to the provisions of the fifth chapter of the Infection Prevention and Control Act, this limitation does not apply to private gatherings and similar social contacts if the gathering is attended exclusively by vaccinated persons or recovered persons.
- (2) If state law enacted based on the provisions of the fifth chapter of the Infection Prevention and Control Act limits the number of participants at a private gathering or similar social contact, vaccinated persons and convalescent persons shall not be taken into account when determining the number of participants.
- (3) This shall be without prejudice to the ordering of protective measures necessary to avert a danger to persons who, because of their age or state of health, are at increased risk of serious or fatal disease.

§ 9

Exceptions to the restriction to stay outside a dwelling or accommodation

If state law enacted based on the provisions of the fifth chapter of the Infection Prevention and Control Act restricts the stay outside a dwelling or accommodation and the respective associated enclosed property, such restriction does not apply to vaccinated persons and convalescent persons.

§ 10

Exceptions from the obligation to isolate

- (1) If state law enacted based on the provisions of the fifth chapter of the Infection Prevention and Control Act provides for an obligation to isolate, this obligation does not apply to vaccinated persons and convalescent persons.
- (2) Paragraph 1 shall not apply if the obligation to isolate exists because of
 1. contact with a person infected with a virus variant of the SARS-CoV-2 coronavirus with characteristics of concern defined by the Robert Koch Institute that is not yet widespread in Germany, or
 2. entry from a virus variant area within the meaning of § 3 para. 2 sentence 1 number 2 of the Coronavirus Entry Ordinance.

§ 11

Authorization of State governments to grant relief and exemptions

The State governments are authorized to regulate relief and exceptions from the requirements or prohibitions under state law issued based on the provisions in the fifth chapter of the Infection

Prevention and Control Act for vaccinated persons, recovered persons, and tested persons, unless otherwise stipulated by this ordinance. This applies in regards to protective measures pursuant to § 28b of the Infection Prevention and Control Act, only for more extensive protective measures of the States pursuant to § 28b para. 5 of the Infection Prevention and Control Act.

Chapter 4
Entry into Force

§ 12
Entry into force

This Ordinance shall enter into force on the day following its promulgation.

The Federal Council has given its consent.

Berlin, 8 May 2021

Chancellor
Dr. Angela Merkel

Federal Ministry of
Justice and Consumer Protection
Christine Lambrecht

Federal Minister for Health
Jens Spahn