

## 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  
that are aimed at preventing the spread of COVID-19**

**Exemption from COVID-19 Protective Measures Ordinance (CoSchAusnahmVO) of May 8, 2021 (Federal Gazette Release 08 May 2021 V1), as amended by Article 20a of the Act of November 22, 2021 (Federal Law Gazette I p. 4906)**

*Note: Amended by Art. 20a Act of 22 November 2021 I 4906 (No. 79) substantiated by text, not yet finalized in terms of documentation.*

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](http://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](http://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 for State law enacted based on the provisions of the fifth chapter of the Infection Prevention and Control Act**

#### **§ 3**

##### **Assuming equal status of vaccinated and recovered individuals with tested individuals**

(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. State law passed under the provisions of the fifth section of the Infection Protection Act, can provide that relief and exemptions from protective measures for vaccinated and recovered individuals exist only if they show a negative result of a test for infection with the coronavirus SARS-CoV-2

#### **§ 4**

##### **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. Protective measures within the meaning of the first sentence can also include the obligation of vaccinated and recovered individuals to present a negative result of a test for infection with the SARS-CoV-2 coronavirus

#### **§ 5**

##### **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.

#### **§ 6**

##### **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) does not apply if the isolation requirement applies as a result of
  1. contact with a person infected with a virus variant of the SARS-CoV-2 coronavirus, where relevant indications, or uncertainty as regards specific vaccines approved in the European Union, or prior infection with the SARS-CoV-2 coronavirus, imply, that no or only limited protection against this virus variant is provided; or
  2. arrival from a virus variant area as defined in the Coronavirus Entry Regulation.

#### **§ 7**

##### **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. § 3 paragraph 2 sentence 2 shall apply accordingly.

**Chapter 3**  
**Entry into Force**

**§ 8**  
**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

*Note: Amended by Art. 20a Act of 22 November 2021 I 4906 (No. 79) substantiated by text, not yet finalized in terms of documentation.*

Chancellor  
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