

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

of 1 April 2022yy

(in the version valid from 31 May 2022)

On the basis of Art. 32 in conjunction with Arts. 28 to 31 and Art. 54 of the [German] Infection Protection Act (“IfSG”) of 20 July 2000 (Federal Law Gazette I, p. 1045), last amended by Article 4 of the Act of 18 March 2022 (Federal Law Gazette I, p. 473), it is decreed:

Art. 1

Objective

The Ordinance is intended to prevent the spread of the Corona Virus Disease-2019 (COVID-19), in particular to protect life and health and the functioning of the health system. In particular, the key measure of protective action is the number of COVID-19-related hospital admissions per 100,000 inhabitants over a seven-day period. Other indicators such as the number of new infections with the SARS-CoV-2 (Corona virus) per 100,000 inhabitants within seven days, differentiated according to infection epidemiological aspects, the available intensive medical treatment capacities and the number of persons vaccinated against COVID-19 are taken into account in the evaluation of the infection incidence. In the event of a significant worsening of the epidemic situation, the state government reserves the right to take additional measures on the basis of Art. 28a Paragraph 8 IfSG, as amended, following a resolution by the state parliament to that effect.

¹ Non-official consolidated version after entry into force of the Ordinance of the State Government amending the Corona Ordinance of 17 May 2022 (promulgation pursuant to Article 2 of the Promulgation Act).

Art. 2

Distance, Mask and Hygiene Recommendation

Maintaining a minimum distance of 1.5 metres from other persons, adequate hygiene, wearing a medical mask or a respirator (FFP2 or comparable) in enclosed indoor spaces accessible to the public and regular ventilation of enclosed spaces are generally recommended.

Art. 3

Mask Obligation

(1) It is compulsory to wear a respirator or a medical mask in

1. Closed vehicle areas of means of public transport for passengers as well as for control and service personnel and driving and control personnel, insofar as physical contact with other persons exists for them due to the nature of their work,
2. Medical practices,
3. Facilities and vehicles as well as at emergency service locations, and
4. Facilities for the homeless.

(2) An exception to the mask obligation applies:

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 respiratory protection mask for health reasons, whereby the credibility of health reasons must generally be substantiated by a medical attestation,

3. If the wearing of a medical mask or a respiratory protection mask is unreasonable or impossible for similarly weighty and unjustifiable reasons in the individual case, or if another protection of at least an equivalent level is available for other persons, or
4. provided that at least equivalent protection is otherwise available for other persons.

Art. 4

Access Regulation for Emergency Personnel

Emergency personnel of the fire brigade, rescue service, police and disaster control are always permitted access to facilities that are subject to an access regulation according to this Ordinance or ordinances issued on the basis of this Ordinance by presentation of a test, vaccination or recovery certificate, insofar as this is necessary for the fulfilment of an operational task.

Art. 5

General Ordinance Authorisations on Testing and Masking Obligations

(1) The following are authorised to establish obligations to wear a respirator or a medical mask to protect against infection with the Corona virus by ordinance in accordance with Art. 32 Sentence 2 IfSG:

1. The Ministry of Social Affairs for the operation of facilities and enterprises in accordance with Art. 23 Paragraph 3, Sentence 1, Numerals 1 to 5 and 11 IfSG and Art. 36 Paragraph 1, Sentence 1, Numerals 2 and 7 IfSG for the necessary prevention of a danger to persons who, due to their age or state of health, have an increased risk of a severe or fatal course of Corona Virus Disease-2019 (COVID-19),

2. The Ministry of Social Affairs for the operation of facilities and enterprises pursuant to Art. 36 Paragraph 1 Numeral 3 IfSG,
3. The Ministry of Justice for the operation of facilities pursuant to Art. 36 Paragraph 1 Numeral 4 IfSG.

(2) The following are authorised to determine the obligation to test for the presence of an infection with the Corona virus by ordinance in accordance with Art. 32 Sentence 2 IfSG:

1. The Ministry of Social Affairs for the operation of
 - a) Institutions and enterprises pursuant to Art. 23 Paragraph 3 Sentence 1 Numerals 1 and 11 IfSG and Art. 36 Paragraph 1 Numerals 2 and 7 IfSG,
 - b) Nursing schools, schools for health care professions, schools for activities in the emergency services and technical schools for social work in its departmental responsibility as well as further education and training centres for nursing and health care professions,
 - c) Institutions for the enforcement of measures as well as other departments or institutions, if and insofar as there are permanent deprivations of liberty, in particular psychiatric hospitals, homes for youth welfare and for the elderly.
2. The Ministry of Education and Cultural Affairs for the operation of schools under its departmental responsibility, care services of the reliable primary school and flexible afternoon care, after-school care as well as after-school care at school, day-care centres, primary school remedial classes, school kindergartens and day-care centres for children, and
3. The Ministry of Justice for facilities pursuant to Art. 36 Paragraph 1 Numeral 4 as well as for correctional facilities and detention facilities for

deportees.

Art. 6

Special Ordinance Authorisations on Testing, Masking and Hygiene Obligations

(1) Insofar as the State Parliament determines pursuant to Art. 28a Paragraph 8 Sentence 1 IfSG that there is a concrete danger of a dynamically spreading infection situation nationwide due to an epidemic spread of the Corona Virus Disease 2019 (COVID-19), the ordinance authorisations specified in the following paragraphs shall additionally apply.

(2) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Education and Cultural Affairs is authorised to issue ordinances for

1. The operation of schools under its departmental responsibility, care services of the reliable primary school and flexible afternoon care, after-school care as well as after-school care at school, day-care facilities, primary school remedial classes, and school kindergartens including emergency care, and
2. Events of religious, faith and secular communities as well as events in case of death

by stipulating mask obligations, the ordering of a distance requirement with a distance of 1.5 metres, testing obligations and related restrictions on access as well as the obligation to draw up and apply hygiene concepts in order to combat the dynamically spreading infection situation, in each case in accordance with the provisions of Art. 28a Paragraph 8 Sentence 1 Numerals 1 to 4 IfSG.

(3) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Science, in agreement with the Ministry of Social Affairs, is authorised to issue ordinances 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, as well as cinemas,

by stipulating mask obligations, the ordering of a distance requirement with a distance of 1.5 metres, testing obligations and related restrictions on access as well as the obligation to draw up and apply hygiene concepts in order to combat the dynamically spreading infection situation, in each case in accordance with the provisions of Art. 28a Paragraph 8 Sentence 1 Numerals 1 to 4 of the IfSG. 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 and the Education Centre Correctional Services Baden-Württemberg. For the Baden-Württemberg Police University, including the tasks of the Presidium Education of the Baden-Württemberg Police University, the Ministry of the Interior, and for the Schwetzingen University of Law Administration and for the Baden-Württemberg Prison Education Centre, the Ministry of Justice may grant exceptions from the restrictions set out in this Ordinance which are necessary for training, studies and further education and for the preparation of examinations as well as for the recruitment procedure, and may stipulate mask obligations, the ordering of a distance requirement with a distance of 1.5 metres, testing obligations and related restrictions on access as well as the obligation to prepare and apply hygiene concepts in order to combat the dynamically spreading infection situation, in each case in accordance with Art. 28a, Paragraph 8, Sentence 1, Numerals 1 to 4 IfSG.

(4) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Social Affairs is authorised to issue ordinances for the operation of

1. Institutions and enterprises pursuant to Art. 23 Paragraph 3 Sentence 1 and Art. 36 Paragraph 1 Numerals 2, 3 and 7 IfSG, exceeding Art. 5,
2. 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,

3. Nursing schools, schools for health care professions and technical schools for social services within its departmental responsibility,
4. Further education and training centres for the nursing and health care professions, as well as
5. Schools for rescue service work

by stipulating mask obligations, the ordering of a distance requirement with a distance of 1.5 metres, testing obligations and related restrictions on access as well as the obligation to draw up and apply hygiene concepts in order to combat the dynamically spreading infection situation, in each case in accordance with the provisions of Art. 28a Paragraph 8 Sentence 1 Numerals 1 to 4 IfSG.

(5) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Justice is authorised by ordinance, in order to combat the dynamically spreading infection situation, to stipulate

1. In addition to Art. 5 Paragraph 2, for the operation of correctional facilities, the obligation to wear masks, the requirement of a distance of 1.5 metres and the obligation to draw up and apply hygiene concepts, in each case in accordance with Art. 28a Paragraph 8 Sentence 1 Numerals 1, 2 and 4 IfSG,
2. In addition to Art. 5, for the operation of state initial reception facilities, the requirement of a distance of 1.5 metres and the obligation to draw up and apply hygiene concepts, in each case in accordance with Art. 28a Paragraph 8 Sentence 1 Numerals 2 and 4 IfSG,
3. The separation of persons who are newly admitted to a state facility for initial

reception or who are admitted after a longer period of absence.

(6) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Education and Cultural Affairs and the Ministry of Social Affairs are authorised, through joint ordinance

1. For the operation of public and private sports facilities and sports grounds, gyms and yoga studios and for the organisation of sports competitions, as well as for the operation of dance and ballet schools and similar establishments,
2. For the operation of bathing facilities including saunas and bathing lakes with controlled access, as well as
3. For the operation of music schools, art schools and youth art schools and similar institutions

to stipulate mask obligations, the ordering of a distance requirement with a distance of 1.5 metres, testing obligations and related restrictions on access as well as the obligation to draw up and apply hygiene concepts in order to combat the dynamically spreading infection situation, in each case in accordance with the provisions of Art. 28a Paragraph 8 Sentence 1 Numerals 1 to 4 IfSG.

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

1. Tourist passenger transport including catering services within the meaning of Art. 25 Paragraph 1 Sentence 2 of the German Catering Act (GastG) in the version promulgated on 20 November 1998 (BGBl. I p. 3418), as last amended by Article 14 of the Act of 10 March 2017 (BGBl. I p. 420), 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 test engineers, the 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 mask obligations, the ordering of a distance requirement with a distance of 1.5 metres, testing obligations and related restrictions on access as well as the obligation to draw up and apply hygiene concepts in order to combat the dynamically spreading infection situation, in each case in accordance with the provisions of Art. 28a Paragraph 8 Sentence 1 Numerals 1 to 4 IfSG.

(8) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Economics and the Ministry of Social Affairs are authorised, through joint ordinance 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. Amusement parks, including those operated as itinerant businesses within the meaning of Art. 55 Paragraph 1 of the Trade, Commerce and Industry Regulation Act (GewO) in the version promulgated on 22 February 1999 (BGBl. I p. 202), as last amended by Article 2 of the Act of 10 August 2021 (BGBl. I p. 3504), and

9. Markets within the meaning of Arts. 66 to 68 GewO

to stipulate mask obligations, the ordering of a distance requirement with a distance of 1.5 metres, testing obligations and related restrictions on access as well as the obligation to draw up and apply hygiene concepts in order to combat the dynamically spreading infection situation, in each case in accordance with the provisions of Art. 28a Paragraph 8 Sentence 1 Numerals 1 to 4 IfSG.

(9) Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Social Affairs is authorised, in agreement with the respective competent ministry, to establish by ordinance for other facilities, establishments, offers and activities not separately regulated in this provision, in order to combat the dynamically spreading infection situation, mask obligations, the ordering of a distance requirement with a distance of 1.5 metres, testing obligations and related restrictions on access as well as the obligation to draw up and apply hygiene concepts, in each case in accordance with the provisions of Art. 28a Paragraph 8 Sentence 1 Numerals 1 to 4 IfSG.

Art. 7

Special Powers to Issue Ordinances on Local Protective Measures

The respective city and rural districts are authorised to order the measures specified in Art. 28a Paragraph 8 Sentence 1 Numerals 1 to 4 IfSG by ordinance, insofar as the state parliament determines in accordance with Art. 28a Paragraph 8 Sentence 1 IfSG that there is a concrete danger of a dynamically spreading infection situation in the corresponding city or rural districts. Sentence 1 shall not apply insofar as the state parliament pursuant to Art. 28a Paragraph 8 Sentence 1 IfSG determines the existence of a concrete danger of a dynamically spreading infection situation throughout the state and an ordinance is issued by the state government on the basis of Art. 32 Sentence 1 IfSG or the supreme state authorities authorised pursuant to Art. 6. In this respect, regulations issued by the municipalities and districts on the basis of Sentence 1 shall be repealed.

Art. 8

Ordinance Authorisations on Separation Obligations

Pursuant to Art. 32 Sentence 2 IfSG, the Ministry of Social Affairs shall be authorised to issue by ordinance 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 complete or partial prohibition of the exercise of certain occupational activities of sick persons, suspected sick persons, suspected infected persons and excretors in accordance with Art. 31 Sentence 1 IfSG,
3. 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 an antigen or PCR 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. 9

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 ordinance 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 [German] Infection Protection Act,
 3. For the prosecution of criminal offences and administrative offences according to the [German] Infection Protection Act and on the basis of ordinances 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.

Art. 10

Responsibilities of the Police Enforcement Service

The police enforcement service, in addition to the authorities responsible under the Ordinance of the Ministry of Social Affairs on Responsibilities under the Infection Protection Act (Infection Protection Authorities), is responsible for monitoring the obligations arising from this Ordinance

1. For wearing a medical mask or a respirator,
2. For the presentation of proof of vaccination, recovery or testing in catering establishments, discotheques, clubs as well as other establishments and events that are operated in a club-like manner, and
3. For the verification of evidence according to Numeral 2 by the operators of gastronomy, discotheques, clubs as well as other establishments and events that are operated in a club-like manner.

Sentence 1 shall apply mutatis mutandis in the event of a determination by the state parliament pursuant to Art. 28a Paragraph 8 Sentence 1 IfSG for the monitoring of the obligations arising from the ordinances issued on the basis of this Ordinance.

Insofar as the storage of data is required within the scope of the monitoring pursuant to Sentence 1, these data shall be separated from other data files. In this context, the processing of personal data contained in the evidence to be verified may only take place locally in the terminal device used by the person performing the verification and only to the extent and for the duration necessary to perform a visual check of the verification result displayed by the application. The police enforcement service may process the data collected by it pursuant to Sentence 1 only for the purpose of monitoring and enforcing the obligations arising from this Ordinance. Sentences 3 and 5 shall not apply insofar as the data collected by the police enforcement service under Sentence 1 could also have been collected for another purpose or circumstances subsequently arise according to which collection for another purpose would be permissible. In this case, the regulations which are decisive for the processing for the other purpose shall apply to the further processing of the data collected in accordance with Sentence 1.

Art. 11

Individual Case Decisions and Further Measures

(1) The competent infection control authorities may, for good cause in individual cases, permit deviations from the requirements established by or on the basis of this Ordinance. The right of the competent infection control authorities to adopt more extensive measures to protect against infections shall remain unaffected by this Ordinance and ordinances issued on the basis of this Ordinance.

(2) The Ministry of Social Affairs may issue instructions to the competent infection control authorities within the framework of official and technical supervision for supplementary regional measures in the event of an exceptionally high incidence of infection.

Art. 12
Regulatory Offences

Within the meaning of Art. 73 Paragraph 1a Numeral 24 IfSG, a regulatory offence is committed by anyone who, contrary to Art. 3 Paragraph 1, deliberately or negligently does not wear a medical mask or a respirator,

Art. 13
Entry into Force, Expiry

(1) This Ordinance shall enter into force on 3 April 2022; in derogation thereof, Sentences 3 and 4 as well as Art. 5 shall enter into force on the day after promulgation. At the same time, the Corona Ordinance of 15 September 2021 (Federal Law Gazette p. 794), which was last amended by the Ordinance of 18 March 2022 (Federal Law Gazette p. 193), shall expire. Notwithstanding Sentence 2, Art. 25 Paragraph 2 Sentence 2 of the Corona Ordinance of 15 September 2021 shall cease to have effect on the day after the promulgation of this Ordinance. The ordinances issued on the basis of

1. The Corona Ordinance of 23 June 2020 (Federal Law Gazette, p. 483), last amended by the Ordinance of 17 November 2020 (Federal Law Gazette, p. 1052), or
2. The Corona Ordinance of 30 November 2020 (Federal Law Gazette, p. 1067), last amended by the Ordinance of 26 February 2021 (Federal Law Gazette, p. 249), or
3. The Corona Ordinance of 7 March 2021 (Federal Law Gazette, p. 273, corr. p. 339), amended by the Ordinance of 19 March 2021 (Federal Law Gazette, p. 298), or
4. The Corona Ordinance of 27 March 2021 (Federal Law Gazette, p. 343), last amended by the Ordinance of 1 May 2021 (Federal Law Gazette, p. 417), or

5. The Corona Ordinance of 13 May 2021 (Federal Law Gazette, p. 431), last amended by the Ordinance of 18 June 2021 (Federal Law Gazette, p. 501), or
6. The Corona Ordinance of 25 June 2021 (Federal Law Gazette, p. 550), amended by the Ordinance of 23 July 2021 (Federal Law Gazette, p. 665), or
7. The Corona Ordinance of 14 August 2021 (Federal Law Gazette, p. 714), amended by the Ordinance of 11 September 2021 (Federal Law Gazette, p. 794), or
8. The Corona Ordinance of 15 September 2021 (Federal Law Gazette, p. 794), amended by the Ordinance of 18 March 2022 (Federal Law Gazette, p. 193),

shall continue to apply until their expiry pursuant to Paragraph 2 Sentence 2, insofar as the measures based on Article 28a IfSG in the respective ordinance could also be necessary protective measures within the meaning of Article 28 Paragraph 1 Sentences 1 and 2 IfSG pursuant to Article 28a Paragraph 7 Sentence 1 IfSG.

(2) This Ordinance shall expire at the end of 28 June 2022. At the same time, all ordinances issued pursuant to this Ordinance or the ordinances referred to in Paragraph 1 Sentence 4 shall expire unless previously repealed.

Stuttgart, 1 April 2022

The Government of the State of Baden-Württemberg:

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Schopper	Bauer
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