

Seventh Ordinance amending the SARS-CoV-2 Infection Protection Ordinance

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From 6 October 2020

On the basis of § 32 sentence 1 of the Protection against Infection Act (Infektionsschutzgesetz) of July 20, 2000 (Federal Law Gazette (BGBl.) I, p. 1045), last amended by Article 5 of the Act of June 19, 2020 (BGBl. I, p. 1385), the Senate hereby enacts the following:

Article 1 - Amending the SARS-CoV-2 Infection Protection Ordinance

The SARS-CoV-2 Infection Protection Ordinance of June 23, 2020 (GVBl. p. 562), which was amended by the Ordinance from September 29, 2020 (GVBl. p. 746), is amended as follows:

Part 1 - Basic Obligations, Protection and Hygiene Regulations

h3. § 1 Basic Obligations

(1) Each person is required to reduce physical social contact with other people to a minimum.

(2) A minimum distance of 1.5 metres must be maintained when having contact with other persons, including all private gatherings and events.

Sentence 1 shall not apply if physical proximity less than 1.5 metres cannot be avoided under the circumstances, in particular

1. in the provision of health care and nursing activities, including the supply of therapeutic, assistance, and nursing aids
2. in childcare for children within the meaning of § 22 of Book Eight of the Social Code (Sozialgesetzbuch) – Child and Youth Services – in the version published on September 11, 2012 (Federal Law Gazette I p. 2022), last amended by Article 16a of the Act of 28 April 2020 (Federal Law Gazette I p. 960), in schools including institutions of the second educational pathway within the meaning of the Schools Act (Schulgesetz) of January 26, 2004 (GVBl. p. 26), last amended by Article 1 of the Act of June 11, 2020 (GVBl. p. 538), and in vocational training,
3. in the provision of close-contact services,
4. in small structural spaces that must be used by several people at the same time, for example in public transport or motor vehicles, or
5. if a general hygiene policy pursuant to § 2(3) as an exception permits less than the minimum distance of 1.5 metres and other measures are in place to ensure protection against infection.

(3) Subsections 1 and 2 do not apply to spouses, life partners, members of a person's own household, to persons for whom custody and access rights exist, or to the critically ill or dying.

§ 2 Protection and Hygiene Plan

(1) Those responsible for events in companies and other establishments, in particular businesses, restaurants, hotels, sales outlets, places of entertainment, cultural and educational establishments, foundations, information and advice centres, educational offers, integration measures under the Social Code, publicly funded establishments, projects and measures, as well as for clubs, sports facilities, hospitals, doctors' practices, care facilities including outpatient care services and offers financed by fees and grants shall draw up an individual protection and hygiene plan in accordance with the specific requirements of the service, program or event and submit it to the competent authority on request. Notwithstanding sentence 1, the obligation to create an individual protection and hygiene concept and to present it on request applies to private events and gatherings with more than 20 persons present at the same time.

(2) When creating the protection and hygiene plan, the Robert Koch Institute's relevant recommendations for infection protection in their respective version and the specifications of the respective occupational health and safety authorities must be taken into account. The main objectives of the protective measures to be taken are reducing contacts, complying with the minimum distance of 1.5 metres and the maximum number of persons permitted for the respective area, controlling access and avoiding queues as well as ensuring sufficient ventilation in enclosed spaces. Another essential objective of the protective measures is to ensure contact tracing is possible using appropriate measures. Notices regarding the rules of distance and hygiene must be posted in a clearly visible place.

(3) More detailed information on the requirements of the protection and hygiene plan, including regulations on the maximum number of persons or access and visiting regulations, can be determined by the respective competent Senate department in agreement with the Senate Department responsible for health in a sector-specific general hygiene concept.

(4) Subsections 1 to 3 shall not apply to events pursuant to § 6(3) numbers 2 and 3.

§ 3 Documentation of Attendance

(1) Beyond § 2, the persons responsible for

1. events and gatherings

2. restaurants,
3. hotels,
4. amusement arcades, casinos, betting shops and similar establishments,
5. cinemas, theatres, concert and opera houses,
6. companies offering close-contact services,
7. the practice of sport in covered sports facilities including indoor swimming pools, fitness and dance studios and similar sports facilities, and for sports-related and similar leisure activities as well as sport outdoors according to § 5(7) sentence 1 letters b) to g) and
8. state, private and denominational universities for event rooms in which on-site courses are held
must document attendance in closed rooms and if, in the case of number 2, it is not only to pick up food or beverages. For private events and gatherings, the obligation to document attendance applies if more than ten persons are present at the same time who do not belong to the household. Those responsible for events must also document attendance if the event takes place wholly or partly outdoors. Those responsible for restaurant establishments must also keep documentation of attendance where food or drink is served outdoors or is served for consumption by self-service in the approved outdoor dining area.

(2) The attendance documentation may only be used to execute infection control laws, especially for contact tracing, and must contain the following information:

1. Name and surname,
2. Phone number,
3. District or municipality of the place of residence or permanent residence,
4. Full address or email address,
5. Time the person was present and
6. Seat or table number, if applicable.

The attendance list pursuant to sentence 1 is to be stored or saved in a place not accessible to third parties for a period of four weeks after the end of the event or service and handed over to the competent authority on request if it is established that one of the participants was ill, suspected of being infected, infectious or a virus-shedder within the meaning of the Infection Protection Act at the time of the event, visit or service. After the retention period has expired, this attendance list must be deleted or destroyed.

The attendance list pursuant to sentence 1 is to be stored or saved in a place not accessible to third parties for a period of four weeks after the end of the event or service. The competent authorities must be given access to the attendance list on request to control the obligations according to subsections 1, 3 and 4. It must also be handed over or otherwise made available in an appropriate manner to the competent authority on request if it is established that one of the participants was ill, suspected of being infected, infectious or a virus-shedder within the meaning of the Infection Protection Act at the time of the event, visit or service. After the retention period has expired, this attendance list must be deleted or destroyed.

(3) Persons present, such as participants, guests, visitors, customers or users are obligated to provide the information in accordance with subsection 2 sentence 1 completely and truthfully.

(4) The persons responsible referred to in subsection 1 must deny access or permission to remain to any person present who provides incomplete or manifestly false information.

(5) Subsections 1 to 4 shall not apply to events pursuant to § 6(3) numbers 2 and 3.

§ 4 Mouth and Nose Covering (Community Mask)

(1) A covering for the mouth and nose (community mask) must be worn:

1. by passengers and non-driving staff when using public transport, including stations, airports and ferry terminals, and other vehicles with changing passengers,
2. by customers in retail shops of all kinds as well as in handicraft, service and other commercial enterprises open to the public, in service and handicraft enterprises in the field of close-contact services such as in particular hairdressing businesses, cosmetic studios, massage practices, tattoo studios and similar businesses, also by personnel who work in close contact with customers,
3. in restaurants by staff with guest contact and guests when they are not in their seat; this also applies to private gatherings in restaurants or other premises rented for festivities,
4. by visitors in cinemas, theatres, concert halls and opera houses, libraries, archives, amusement arcades, casinos, betting shops and similar establishments, as long as they are not seated at their seats, in museums, memorials and similar cultural and educational establishments,
5. by patients and those accompanying them in doctors' practices and other health care institutions, provided that the medical treatment in question does not prevent this,
6. in hospitals and nursing homes by visitors and patients or residents if they are outside their room or are receiving visitors,
7. in covered sports facilities, including indoor swimming pools, fitness and dance studios, and similar premises used for the practicing sport, except while practicing sport and
8. in vocational education and training, where the minimum distance of 1.5 metres cannot be observed, with the exception of vocational schools and
9. in schools pursuant to § 1(2) sentence 2 number 2, with the exception of instruction and extra-curricular as well as supplementary support and supervision; the requirement can be expanded according to § 2(3) in the general hygiene concept for schools to also include areas outside of closed rooms,
10. by employees and visitors in office and administrative buildings unless they stay in a specific seat or can maintain a minimum distance of 1.5 metres and
11. in elevators.

(2) A mouth-and-nose covering must be worn by participants in open-air assemblies in accordance with Article 8 of the Basic Law and Article 26 of the Berlin Constitution. Notwithstanding subsection 4, the obligation to wear a mouth-and-nose covering as described in sentence 1 shall not apply to participants

1. at assemblies with no more than 100 participants in total, provided that they refrain from chanting and singing, or
2. at assemblies that are carried out as marches but only use vehicles.

The assembly authority may also order mouth-and-nose coverings be worn in the cases referred to in numbers 1 and 2 if the measures provided for in the protection and hygiene concept pursuant to § 5(2) sentence 1 are not sufficient to prevent infections according to the circumstances discernible at the time the order is issued. The assembly authority can obtain an evaluation of whether the concept is in line with infection protection legislation from the competent health authority to assess this question. § 17a(2) of the Assembly Act (Versammlungsgesetz) in the version published on November 15, 1978 (Federal Law Gazette I p. 1789), last amended by Article 150 of the Act of June 19, 2020 (Federal Law Gazette I p. 1328), does not preclude the wearing of a mouth-and-nose covering to protect against infection.

(3) A mouth-and-nose covering is a textile barrier made of commercially available substances, tightly fitting at the sides and covering the mouth and nose, which by its nature is suitable to reduce the spread of potentially infectious droplet particles and aerosols produced by breathing, coughing, sneezing and speaking, irrespective of a label or certified category of protection. The mouth-and-nose covering shall be worn so that the mouth and nose are covered in such a way as to reduce the spread of potentially infectious droplets and aerosols through breathing, coughing, sneezing or speaking.

(4) The obligation to wear a mouth-and-nose covering shall not apply to

1. children up to the age of six,
2. persons who cannot wear a mouth-and-nose covering due to a health impairment, chronic illness or disability,
3. persons whose use another device to reduce the spread of droplet particles that at least fulfil the requirements set down in subsection 3 such that the spread of potentially infectious droplets and aerosols is reduced or

4. deaf persons and the hard of hearing as well as people who communicate with them, as well as persons accompanying them.

(5) Exceptions in addition to those listed in subsection 4 may be determined in a sector-specific general hygiene policy in accordance with § 2(3).

§ 5 Further Hygiene and Protection Rules for Particular Sectors

(1) Singing together in closed rooms shall only be permitted if the hygiene and infection protection standards laid down in the Hygiene Guidelines of the Senate Department responsible for culture in accordance with § 2(3) are observed. Sentence 1 shall not apply to persons listed in § 1(3).

(2) For assemblies according to Article 8 of the Basic Law (Grundgesetz) and Article 26 of the Berlin Constitution, the person organising the assembly must draw up an individual protection and hygiene plan, which must specify the measures to be taken to ensure the minimum distance and the hygiene rules are observed, such as the requirement to wear a mouth-and-nose covering, if applicable, or the prohibition of participants chanting together during the assembly, and to ensure the number of participants permitted according to the usable area of the place of assembly when the meeting is held is not exceeded. The assembly authority may demand the presentation of this protection and hygiene plan from the person organising the assembly and obtain an evaluation of the concept in terms of infection protection from the competent health authority. When carrying out the assembly, the organiser must ensure that the protection and hygiene plan is followed.

(3) Authorised hospitals may carry out planned admissions, operations and treatments provided that reservation and availability requirements are met and that the return to a crisis mode can be implemented at short notice at any time if the pandemic situation intensifies. Further details on this and on visiting regulations shall be determined by the Senate Department responsible for health in legal ordinances.

(4) Access to department stores and shopping centres (malls) shall be regulated separately by the operator. Incentives for staying in the department stores and shopping centres (malls) are not permitted.

(5) At events, the seating and arrangement of tables shall be such that a minimum distance of 1.5 metres is maintained between persons not covered by the exception in § 1(3) or such that adequate protection against infection can be ensured by other protective measures or protective devices to reduce the spread of potentially infectious droplet particles. By derogation from sentence 1 and § 1(2) sentence 1, groups of up to six persons with a distance of less than 1.5 metres between them may be placed at a table. At outdoor events, the minimum distance according to sentence 1 may be reduced provided that protection against droplet infections and aerosols is ensured.

(6) In restaurants and pubs, food and beverages may only be consumed at tables. The seating and tables must be arranged such that a minimum distance of 1.5 metres is maintained between people who do not fall under the exception in § 1(3); no persons may be present within this distance. By derogation from sentence 2 and § 1(2) sentence 1, groups of up to six persons with a distance of less than 1.5 metres between them may sit at a table. Outdoors, the minimum distance according to sentence 2 may be reduced provided that protection against droplet infections and aerosols is ensured. No persons are allowed to stay within the minimum distance area. An enhanced cleaning and disinfection schedule must be ensured. Sentences 1 to 6 also apply to private gatherings in restaurants or other premises rented for festivities.

(7) Subject to sentence 2, sport may only take place without contact and in compliance with the distance regulations according to § 1(2). Insofar as it is absolutely necessary for practicing the sport, the restriction in sentence 1 shall not apply:

a) for the group of persons referred to in § 1(3),

b) for cadre athletes, Bundesliga teams and professional athletes,

c) for team and group sports in fixed training groups of no more than 30 persons, including the trainers and other support staff,

d) for martial arts in fixed training groups of a maximum of 4 persons in addition to the trainers and other support staff, whereby the total number of training groups allowed depends on the specifications for the sports facility used,

(e) for set dance and other sports couples,

(f) for the sporting use of sailing boats, rowing boats and canoes, with the exception of dragon boats,

g) for trainers and athletes, insofar as they provide assistance necessary for practicing the sport.

Before the start of the sport, the responsible persons must point out the necessity of complying with the protection and hygiene concept according to § 2(1) and to ensure its implementation. Regulations governing sport at public schools and independent schools, at vocational training institutions and as a study-related subject taught at universities shall take precedence over this subsection.

(8) Sport competitions are permitted, provided that they take place within the framework of a usage and hygiene concept made by the respective sports association. Spectators shall be permitted, subject to the upper limits for persons laid down in § 6, whereby the persons required for the operation of the game must be included when calculating the maximum number of persons. Fan singing and chanting is not allowed.

(9) Swimming pools, open-air and beach pools may only be opened with the permission of the local public health office.

(10) In the area of childcare, the Senate Department responsible for youth and family affairs may, in cases where the use of qualified personnel in the facilities is restricted due to the infection situation, make further regulations in order to be able to fulfil the scope of care while observing the hygiene requirements in accordance with the Child Day Care Support Act of June 23, 2005 (GVBl. p. 322), which was last amended by Article 1 of the Act of June 11, 2020 (GVBl. p. 535).

(11) 12) Provision of sexual services for remuneration is permitted; practices carried out close to the face are not permitted. Prostitution facilities within the meaning of the Prostitute Protection Act (Prostituiertenschutzgesetz) of October 21, 2016 (BGBl. I, p. 2372), last amended by Article 182 of the Ordinance from June 19, 2020 (BGBl. I, p. 1328), are permitted as long as they only offer services permitted in sentence 1. The provision of sexual services in prostitution vehicles as described in the Prostitute Protection Act is prohibited. Organisation or holding prostitution events as defined by the Prostitute Protection Act is prohibited. The person offering the services in accordance with sentences 1 and the operator of a prostitution business within the meaning of the Prostitute Protection Act must draw up an individual protection and hygiene concept in accordance with § 2(1) sentence 1 and § 2(2) and submit it to the competent authority on request. The offer of services pursuant to sentences 1 is only permitted by appointment and exclusively to individual persons. § 3(1) sentence 1 number 6 and § 3(2) to §3(4) as well as § 4(1) number 2 and § 3(2) numbers 2 to 4 apply mutatis mutandis.

(12) In the winter semester 2020/2021, state, private and confessional universities shall, wherever possible, conduct their teaching activities as a hybrid model with a mixture of digital teaching and classroom instruction. Classroom teaching, practical formats and examinations can be carried out in compliance with the basic obligations and the protection and hygiene rules according to Part 1 and the particular regulations valid at the respective universities.

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Part 2 - Maximum Number of Persons and Bans

§ 6 Maximum Number of Persons for Events

(1) Outdoor events with more than 5,000 persons present at the same time are prohibited up to and including December 31, 2020.

(2) Events in closed rooms with more than 1,000 persons present at the same time are prohibited up to and including December 31, 2020.

(3) Subsections 1 and 2 shall not apply to

1. religious and cultic events according to Article 4 of the Basic Law and Article 29(1) of the Berlin Constitution (worship services),

2. assemblies according to Article 8 of the Basic Law and Article 29(1) of the Berlin Constitution,

3. events, including meetings, of the European Parliament and its groups and committees, the German Bundestag and its groups and committees, the Bundesrat and its committees, the House of Representatives and its groups and committees, the European Council, the Council of the European Union, the European

Commission, the Federal Government, the Senate of Berlin, the Council of Mayors and its committees, the Berlin Constitutional Court, the borough assemblies and their groups and committees or those of foreign diplomatic missions, the judicial organs, the organs, bodies and authorities of the European Union, of international organisations, of the Federal Government and the Länder, and of other such bodies and institutions who carry out public legal tasks, and

4. political party meetings and meetings of electoral communities, if they are required by the Political Parties Act (Parteiengesetz) or are carried out to prepare for participation in general elections.
- (4) By way of derogation from subsections 1 and 2, private events and private gatherings outdoors with more than 50 persons present at the same time are prohibited. Private events and private gatherings in closed rooms with more than 10 persons present at the same time are prohibited.

§ 7 Prohibitions

- (1) Dance clubs and similar businesses within the meaning of the Trade Regulation Act (Gewerbeordnung) in the version published on February 22, 1999 (BGBl. I, p. 202), last amended by Article 5 of the Act from June 19, 2020 (BGBl. I, p. 1403), are prohibited from being open to the public in enclosed rooms.
- (2) Restaurants which are registered as discotheques and similar businesses within the meaning of the Restaurant Act (Gaststättengesetz, GastG) in the version published on November 20, 1998 (BGBl. I, p. 3418), last amended by Article 14 of the Act from March 10, 2017 (BGBl. I, p. 420), are prohibited from opening to the public in enclosed rooms. They may offer food and beverages on-site, for pick-up or delivery. Dance events are also not permitted in other restaurants.
- (3) Saunas, steam baths and similar facilities must remain closed. These types of areas in hotels, fitness studios and similar facilities must also be kept closed. Sentence 1 shall not apply to dry saunas; using water in dry saunas is prohibited.
- (4) Restaurants within the meaning of the Restaurant Act (Gaststättengesetz, GastG) in the version published on November 20, 1998 (BGBl. I, p. 3418), last amended by Article 14 of the Act from March 10, 2017 (BGBl. I, p. 420), are to be closed between 11 p.m. and 6 a.m. of the following day.
- (5) Retail shops within the meaning of the Berlin Shop Opening Act (Berliner Ladenöffnungsgesetz) of November 14, 2006 (Law and Ordinance Gazette (GVBl.), p. 1045), last amended by the Act from October 13, 2010 (GVBl., p. 467), are to be closed between 11 p.m. and 6 a.m. of the following day. During this time, petrol stations may offer replacement parts for vehicles if these are necessary to maintain or restore the vehicle's drivability and may also offer vehicle operating fluids. Pharmacies may sell medications and goods typical for pharmacies during this time.
- (6) Serving, distributing, and selling alcoholic beverages shall be prohibited between 11 p.m. and 6 a.m. of the the following day.
- (7) Staying in outdoor public spaces, especially on streets, paths, squares and in green areas is only permitted in the time from 11 p.m. to 6 a.m. of the following day alone, in the circle of the persons mentioned in § 1(3), or for up to five persons from several households or members of two households. § 5(7) and § 6 remain unaffected.
- (8) Subsection 7 shall not apply
1. for stays in public places for the purpose of reporting by representatives of the press, radio, film or other media,
 2. for the exercise of professional, mandate-related or volunteer activities, including the seasonal cultivation of agricultural, horticultural and forestry land,
 3. for the use of local public transport, trains, plans, passenger ferries and motor vehicles used for transporting passengers for a fee or for business purposes or which have to be shared by employees for professional and official purposes,

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Part 3 - Quarantine Measures

§ 8 Domestic Quarantine for Incoming and Returning Travelers from Abroad; Observation

- (1) Persons who enter the state of Berlin by land, sea, or air from another country and who were in a risk area listed in subsection 4 at any time within the 14 days before entering the state of Berlin shall be obliged to go directly to their own home or other suitable accommodation immediately after entry and to remain there without interruption for a period of 14 days after entry; this shall also apply to persons who first entered another state of the Federal Republic of Germany. During this period, the persons referred to in the first sentence of sentence 1 shall not be permitted to receive visits from persons not belonging to their household.
- (2) The persons included in subsection 1 sentence 1 are obligated to contact the health office responsible for them without delay and to report that they are subject to domestic quarantine according to the conditions described in subsection 1. The persons covered by subsection 1 sentence 1 are also obligated to inform the responsible authority immediately if symptoms of illness occur that suggest they might have COVID-19 according to the criteria of the Robert Koch Institute currently valid at the time.
- (3) During the period of isolation, the persons covered by subsection 1 sentence 1 shall be subject to observation by the responsible public health office.
- (4) Risk area within the meaning of subsection 1 sentence 1 is a state or region outside the Federal Republic of Germany for which there is an increased risk of infection with the coronavirus SARS-CoV-2 at the time of entry into the Federal Republic of Germany. Classification as a risk area is carried out by the Federal Ministry of Health, the Federal Foreign Office and the Federal Ministry of the Interior, Building and Community and is published by the Robert Koch Institute.

§ 9 Exceptions to Domestic Quarantine

- (1) Furthermore, § 8(1) sentence 1 shall not apply to persons who enter the Federal Republic of Germany or the state of Berlin only for the purpose of transit; such persons shall immediately leave the territory of the state of Berlin by direct route. The necessary transit through the territory of the state of Berlin is permitted.
- (2) The following persons are excluded from § 19(1) sentence 1:
1. those who, for professional reasons, transport other persons, goods and merchandise across borders by road, rail, sea or air, and have stayed in a state as described in § 8(4) for less than 72 hours or who will stay in the State of Berlin for less than 48 hours for this purpose,
 2. those whose activities are absolutely necessary for the maintenance of
 - a) maintaining diplomatic and consular relations,
 - b) the functioning of the representation of the people, the government and administration of the Federation, the Länder and the municipalities, or
 - c) the functioning of the institutions of the European Union and international organisations;
 the absolute necessity must be determined by the employer and certified in writing or
 3. who, in the course of their work as employees of air, ship, rail or bus transport companies or as crew of aircraft, ships, trains or buses, have stayed in a state as described in § 8(4) for less than 72 hours or who will stay in the State of Berlin for less than 48 hours for this purpose,
- (3) Not covered by § 8(1) sentence 1 are persons who have a medical certificate together with current laboratory findings in German or English confirming that there are no indications of infection with the coronavirus SARS-CoV-2 and who present this certificate to the competent authority without delay on request. The medical certificate in accordance with the first sentence above must be based on a molecular biological test for the presence of infection with the coronavirus SARS-CoV-2 carried out in a member state of the European Union or another state published by the Robert Koch Institute and carried out no more than 48 hours before entry into the Federal Republic of Germany. The medical certificate in accordance with sentence 1 shall be retained for at least 14 days after entry.

(4) Besides the exemptions covered in subsections 1 to 3, exemptions from § 8(1) may also be granted in duly justified cases, provided that this is justified in the light of all interests involved and epidemiological considerations. In particularly urgent individual cases, the Senate Department responsible for health may grant an exemption pursuant to sentence 1; the responsible health office shall be informed of the exemption.

(5) §§ 1 to 4 shall only apply if the persons named therein do not exhibit any symptoms that indicate an infection with COVID-19 according to the currently valid criteria of the Robert Koch Institute. Persons to whom §§ 2 to 4 apply must immediately inform the responsible public health office if, within 14 days of entering the state of Berlin, they exhibit any symptoms that indicate an infection with COVID-19 according to the currently valid criteria of the Robert Koch Institute.

(6) § 8(2) shall not apply to persons who, after entering the State of Berlin, are immediately in state accommodation if the obligations according to § 8(2) are fulfilled by another agency. Accommodation in official care must be provided in compliance with the specifications of the Senate Department responsible for health and the respective responsible health office.

§ 10 Central Bus Station Berlin (ZOB)

Long-distance coaches that provide regular and occasional services in Berlin may only stop at the Central Bus Station Berlin (ZOB) at Masurenallee 4-6, 14057 Berlin, if they come from a risk area pursuant to § 8(4). The operator of the Central Bus Station Berlin (ZOB) must be informed of any deviation from the timetable and of the number of passengers by the long-distance bus transport company.

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Part 4 - Final Provisions

§ 11 Restriction of Fundamental Rights

This regulation restricts the fundamental rights of the freedom of the person (Article 2(2) sentence 2 of the Basic Law), the freedom of assembly (Article 8(1) of the Basic Law), the freedom of movement (Article 11(1) of the Basic Law) and the inviolability of the home (Article 13 of the Basic Law).

§ 12 Administrative Offences

(1) The prosecution of administrative offences shall be governed by § 73(1a) number 24 and subsection 2 of the Protection against Infection Act and the Act on Administrative Offences (Gesetz über Ordnungswidrigkeiten) in the version promulgated on February 19, 1987 (Federal Law Gazette I p. 602), last amended by Article 185 of the Ordinance from June 19, 2020 (Federal Law Gazette p. 1328), in the respectively valid version.

(2) Administrative offences may be punished by a fine of up to EUR 25,000 pursuant to the second half-sentence of § 73(2) of the Protection against Infection Act.

(3) It is an administrative offence within the meaning of § 73(1a) number 24 of the Protection against Infection Act to deliberately or negligently,

1. in violation of § 1(2) sentence 1, not observe the minimum distance of 1.5 metres to persons other than those mentioned in § 1(3) and there is no exception under § 1(2) sentence 2, § 5(5) sentence 2, § 5(7) sentence 3, § 5(8) sentence 2 or § 5(9),
2. in violation of § 2(1), as the person responsible, does not submit a hygiene plan on request, unless an exception under § 2(4) exists,
3. in violation of § 2(2) sentence 4, as the person responsible or in charge, does not submit a hygiene plan on request, unless an exception under § 2(4) applies,
4. in violation of § 3(1, 2 or 4), not keep attendance documentation as the person responsible, not keep it for a period of four weeks, not hand it over, make it accessible, or otherwise provide it in a suitable manner at the request of the competent authority, not delete or destroy it after the retention period is over or not deny access or permission to remain to persons who have given incomplete or manifestly incorrect information according to § 3(2) sentence 1, unless an exception under § 3(5) applies,
5. in violation of § 3(3), give incomplete or inaccurate information according to § 3(2) sentence 1, unless an exception under § 3(5) applies,
6. in violation of § 4(1) numbers 1 to 8, first part of number 9 and numbers 10 and 11 not wear a mouth-and-nose covering and there is no exception under § 4(4) and (5),
7. in violation of § 4(2) sentence 1 or 3, not wear a mouth-and-nose covering and there is no exception under § 4(2) sentence 2 or § 4(4),
8. in violation of § 5(1) sentence 1, sing together in closed rooms without complying with the standards of hygiene and protection against infection laid down in the Hygiene Guidelines of the Senate Department responsible for culture, and there is no exception under § 5(1) sentence 2,
9. in violation of § 5(2), as the person organising the assembly, not draw up a protection and hygiene plan or not submit this to the assembly authority at the latter's request,
10. in violation of § 5(2), as the person organizing the assembly, not ensure compliance with the protection and hygiene plan when holding the assembly,
11. in violation of § 5(5), as the responsible organiser of an event, not ensure compliance with the rules on hygiene and spacing,
12. in violation of § 5(6), as the responsible operator of a restaurant or bar, not ensure compliance with the rules on hygiene and spacing,
13. in violation of § 5(7) sentence 1, not keep sports contactless and there is no exception under § 5(7) sentence 2 letters a) to g),
14. in violation of § 5(8) sentence 1, conduct a competition without a usage and hygiene concept from the respective sports federation approved by the Senate Department responsible for sports or does not observe these regulations,
15. in violation of § 5(9), as the responsible operator of a swimming pool, open-air or beach pool, open the facility without the approval of the competent public health office,
16. in violation of § 5(11) sentence 1, use sexual services carried out close to the face,
17. in violation of § 5(11) sentence 3, operate prostitution vehicles,
18. in violation of § 5(11) sentence 4, organise or carry out prostitution events,
19. in violation of § 5(11) sentence 2, operate, organise or carry out a prostitution business within the meaning of the Prostitute Protection Act in which sexual services without sexual intercourse that are carried out close to the face are offered, organised or carried out,
20. in violation of § 5(11) sentence 5, as a person offering the services pursuant to § 5(11) sentence 1, or as an operator of a prostitution business within the meaning of the Prostitute Protection Act, not submit a hygiene concept on request,
21. in violation of § 5(11) sentence 6, as an operator of a prostitution business according to § 5(11) sentence 1, offer services without appointments or not offer services exclusively to individual persons,
22. in violation of § 6(1), as the person responsible for an outdoor event, not guarantee compliance with the number of participants permitted and no exception under § 6(3) applies,
23. in violation of § 6(2), as the person responsible for an event in an enclosed room, not guarantee compliance with the number of participants permitted and no exception under § 6(3) applies,
24. in violation of § 6(4) sentence 1, as the person responsible for a private event or gathering outdoors, not guarantee compliance with the number of participants permitted,
25. in violation of § 6(4) sentence 2, as the person responsible for a private event or gathering in closed rooms, not guarantee compliance with the number of participants permitted,
26. in violation of § 7(1), as the responsible operator, open a dance performance or a similar undertaking in enclosed spaces to the public,
27. in violation of § 7(2) sentence 1, as the responsible operator, open a restaurant registered as a discotheque and similar establishments, which does not exclusively offer food and drink for consumption on the premises, for pick-up or delivery, to the public in enclosed rooms,
28. in violation of § 7(2) sentence 3, as the responsible operator of a restaurant, carry out a dance event or a similar undertaking in an enclosed room,
29. in violation of § 7(3), as the responsible operator, open a sauna, steam bath or a similar facility and no exception according to § 7(3) sentence 3 applies,
30. in violation of § 7(3), as the responsible operator, use water in dry saunas,

31. in violation of § 7(4), as the responsible operator of a restaurant, not close the establishment between 11 p.m. and 6 a.m. of the following day,
32. in violation of § 7(5), as the responsible operator of a retail store, not close the establishment between 11 p.m. and 6 a.m. of the following day or offer goods other than those permitted,
33. in violation of § 7(6), serve, distribute or sell alcoholic beverages between 11 p.m. and 6 a.m. of the following day,
34. in violation of § 7(7), be in public space together with persons other than those named in § 7(7) and no exception under § 7(8), § 5(7) or § 6 exists,
35. in violation of § 8(1) sentence 1, not immediately after entry, as a traveller entering or returning from a risk area pursuant to § 8(4), take the direct route to his or her own home or other suitable accommodation, unless an exception pursuant to § 9(1) to (4) applies,
36. in violation of § 8(1) sentence 1, not self-isolate as a traveller entering or returning from a risk area pursuant to § 8(4) for a period of 14 days after entry, unless an exception pursuant to § 9(1) to (4) applies,
37. in violation of § 8(1) sentence 2, as a traveller entering or returning from a risk area pursuant to § 8(4), receive visits from persons who do not belong to his or her own household during the period of self-isolation,
38. in violation of § 8(1) sentence 2, visit a person who is subject to the obligation of self-isolation under § 8(1) sentence 1,
39. in violation of § 8(2) sentence 1, as a person entering or returning from a risk area in accordance with § 8(4), fail to contact the competent public health office immediately and draw attention to the obligation to self-isolate in accordance with § 8(1), unless an exception under § 9(6) applies,
40. in violation of § 8(2) sentence 2, as a traveller entering or returning from a risk area pursuant to § 8(4), not immediately inform the competent public health office if symptoms of illness indicating an illness with COVID-19 as described in the currently valid criteria of the Robert Koch Institute arise, unless an exception under § 9(6) applies,
41. in violation of § 9(5) sentence 2, in the event of the occurrence of symptoms of illness within 14 days of entry which indicate an illness with COVID-19 as described in the currently valid criteria of the Robert Koch Institute, immediately inform the competent public health office.
42. in violation of § 10 sentence 1, as the operator of a long-distance coach company or the driver of a long-distance coach with Berlin as a stop, not exclusively stop at the Central Bus Station Berlin (ZOB) at Masurenallee 4-6, 14057 Berlin, if the coach is coming from a risk area pursuant to § 8(4),
43. in violation of § 10 sentence 2, as the operator of a long-distance coach company or the driver of a long-distance coach, transport passengers from a risk area in accordance with § 8(4) to Berlin and not inform the operator of the Central Bus Station Berlin (ZOB) of a deviation from the timetable or of the number of passengers.

§ 13 Entry into Force, Abrogation

(1) This Ordinance shall enter into force on the day following its promulgation in the Berlin Law and Ordinance Gazette; it shall expire at the end of December 31, 2020. § 7(4) to (6) shall expire at the end of October 31, 2020.

(2) When this Ordinance enters into force, the SARS-CoV-2 Containment Ordinance of March 22, 2020, promulgated on March 22, 2020, in accordance with § 2(1) of the Promulgation of Acts and Ordinances Act of January 29, 1953 (GVBl. p. 106), last amended by Article V of the Act of November 9, 1995 (GVBl. p. 794), and subsequently published in the Berlin Law and Ordinance Gazette (GVBl. p. 220), last amended by Ordinance of June 16, 2020, also promulgated in accordance with Section 2(1) of the Promulgation of Laws and Ordinances Act on June 16, 2020, and subsequently published in the Berlin Law and Ordinance Gazette (GVBl. p. 557), shall cease to apply; for administrative offence proceedings already initiated up to this point in time on the basis of the SARS-CoV-2 Containment Ordinance, the SARS-CoV-2 Containment Ordinance in the version applicable at the time of the offence shall continue to apply.

(3) When this Ordinance enters into force, the Prohibition of Large Events Ordinance of April 21, 2020, which was promulgated on April 21, 2020, in accordance with § 2(1) of the Promulgation of Acts and Ordinances Act and subsequently published in the Berlin Official Gazette (GVBl. p. 269), as last amended by the Ordinance of May 28, 2020, which was also promulgated on May 29, 2020, in accordance with § 2(1) of the Promulgation of Acts and Ordinances Act and subsequently published in the Berlin Official Gazette (GVBl. p. 518), shall cease to apply.

Article 2 - Entry into Force

This Ordinance shall enter into force on the day following its promulgation in the Berlin Law and Ordinance Gazette.

Berlin, 6 October 2020

The Senate of Berlin

Michael Müller
Governing Mayor

Dilek Kalayci
Senator for Health, Care and Equality

Hotline

Suspect you have symptoms? Call:

030 90 28 28 28

Chatbot on the coronavirus



Image: TU Berlin

Starting today, the Berlin chatbot Bobbi will answer your questions about SARS-CoV-2 and COVID-19.

- [To the chatbot](#)